



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Natural Gas Employees' Association (Organization)
<b>Decision number (file number)</b>	P2021-ND-061 (File #015173)
<b>Date notice received by OIPC</b>	July 24, 2019
<b>Date Organization last provided information</b>	May 14, 2020
<b>Date of decision</b>	March 9, 2021
<b>Summary of decision</b>	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those individuals pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA "organization"</b>	<p>The Organization is a union and reported that it is incorporated under the <i>Societies Act</i>.</p> <p>As the Organization is incorporated under the <i>Societies Act</i>, it qualifies as a "non-profit organization" as defined in section 56(1)(b)(i) of PIPA.</p> <p>Pursuant to sections 56(2) and (3), PIPA only applies to personal information that is collected, used or disclosed by non-profit organizations in connection with a commercial activity. A commercial activity is any transaction, act, conduct or regular course of conduct that is of a commercial character (section 56(1)(a)). To the extent the information at issue in this matter was collected in connection with a commercial activity, PIPA applies.</p>
<b>Section 1(1)(k) of PIPA "personal information"</b>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• employee number, and</li><li>• pay range.</li></ul> <p>This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA.</p>

<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"> <li>• In January 2019, documents including the information at issue were circulated to the Organization’s members through email and posted on its secure website.</li> <li>• The incident was discovered on July 24, 2019 when one of the individuals notified the Organization that the information had been included in the documents.</li> <li>• The Organization removed the information from the website and confirmed the emails that included the information at issue were deleted.</li> </ul>
<b>Affected individuals</b>	The incident affected 2 individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Removed the information from website.</li> <li>• Deleted the emails that contained the information.</li> <li>• Will review documents before posting.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified on July 24, 2019 and again on May 14, 2020.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<b>Harm</b> Some damage or detriment or injury that could be caused to affected individuals as a result of the incident. The harm must also be “significant.” It must be important, meaningful, and with non-trivial consequences or effects.	<p>The Organization reported that “Others will know their employee number and pay range”. The Organization also said “Employee number is used to logon to internal company resources but an individual’s password is also needed and that informatin [sic] was not shared or known.”</p> <p>In my view, a reasonable person would consider that salary information (pay range) could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms. I accept the Organization’s assessment that employee number without password cannot be used to cause significant harm.</p>
<b>Real Risk</b> The likelihood that the significant harm will result must be more than mere speculation or conjecture. There must be a cause and effect relationship between the incident and the possible harm.	<p>The Organization reported that “The pay range could be determined by knowing where that job would fit in the job schedules. Employee number is used to log on to internal company resources but an individual password is also needed and that informatin [sic] was not shared or known.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, it is unclear whether the Organization requested unintended recipients delete and not copy</p>

	<p>or forward the information at issue to other parties. The existence of personal/professional relationships also increases the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></p>	
<p>Based on the information provided by the Organization and given the circumstances of the incident, I have decided that there is a real risk of significant harm to the affected individuals.</p> <p>A reasonable person would consider that salary information (pay range) could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms. I accept the Organization’s assessment that employee number without password cannot be used to cause significant harm.</p> <p>The likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, it is unclear whether the Organization requested unintended recipients delete and not copy or forward the information at issue to other parties. The existence of personal/professional relationships also increases the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified affected individuals in an email on May 14, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton  
Information and Privacy Commissioner