



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Sun Life Financial (Organization)
Decision number (file number)	P2021-ND-068 (File #17455)
Date notice received by OIPC	April 14, 2020
Date Organization last provided information	April 14, 2020
Date of decision	March 9, 2021
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those individuals whose personal information was collected in Alberta pursuant to section 37.1 of <i>the Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	The Organization is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• name,• address,• policy number,• certificate number,• claim control number, and• long-term disability agreement letter. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• The Organization inadvertently mailed a client’s Disability Agreement letter to the wrong client.

	<ul style="list-style-type: none"> The breach was discovered on February 13, 2020 when the unintended recipient reported it to the Organization.
Affected individuals	The incident affected one resident of Alberta.
Steps taken to reduce risk of harm to individuals	Requested the unintended recipient return the information or confirm that they destroyed it and did not keep or share any copy of it. To date, the recipient has not confirmed they will contain the breach.
Steps taken to notify individuals of the incident	The affected individual was notified by telephone on February 14, 2020.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm 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 the type of harm that might result from this incident is “Humiliation”.</p> <p>I agree with the Organization’s assessment. A reasonable person would consider the contact and insurance information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment, particularly if the unintended recipient and the affected individual are known to each other.</p>
Real Risk 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</p> <p style="text-align: center;"><i>While this information is not highly sensitive, it remains in the Recipient’s possession who stated that they will keep this information to use it against [the Organization]. The likelihood that harm could result appears low; however, the potential for harm exists unless the breach is contained.</i></p> <p>In my view, the likelihood of harm resulting from this incident is decreased because the incident did not result from malicious intent, and it is unlikely the unintended recipient and the affected individual are known to each other. However, there is a real risk of harm given the information “...remains in the Recipient’s possession who stated that they will keep this information to use it against [the Organization]”.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 individual.</p> <p>A reasonable person would consider the contact and insurance information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment, particularly if the unintended recipient and the affected individual are known to each other. The likelihood of harm resulting from</p>	

this incident is decreased because the incident did not result from malicious intent, and it is unlikely the unintended recipient and the affected individual are known to each other. However, there is a real risk of harm given the information "...remains in the Recipient's possession who stated that they will keep this information to use it against [the Organization]".

I require the Organization to notify the affected individual whose personal information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation*.

I understand the Organization notified the affected individual by telephone on February 14, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner