



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Inter Pipeline Ltd. (Organization)
Decision number (file number)	P2021-ND-081 (File #016445)
Date notice received by OIPC	September 26, 2019
Date Organization last provided information	February 24, 2021
Date of decision	March 16, 2021
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	The Organization operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The incident involved all or some of the following information: <ul style="list-style-type: none">• first name, and• scheduled date of termination. <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</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">• On August 28, 2019, a human resource employee inadvertently copied a distribution group of 134 employees on an email to a manager with respect to a termination that was scheduled to occur the following day.• The breach was discovered by the intended recipient on the same day.

Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Expedited employee’s termination to reduce potential for embarrassment, hurt or humiliation. • Removed the email from email accounts. • Sent email to the unintended recipients, apologizing and reminding employees of their duty to maintain the confidentiality of such information and not discuss the contents of the email internally or externally of the Organization. • Confirmed the deletion of the email from the vast majority of the employees’ accounts.
Steps taken to notify individuals of the incident	The affected individual was notified in person and by email on August 28, 2019.
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.	The Organization reported “The disclosure had the potential to result in embarrassment, hurt or humiliation.” I agree with the Organization’s assessment. A reasonable person would consider that the employment information at issue could be used to cause the significant harms of embarrassment, hurt or humiliation, particularly if there are personal/professional relationships between the affected individuals and the unintended recipients.
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.	The Organization reported it “... <i>... is of the view that there is a low risk of harm however is reporting this incident out of an abundance of caution [The Organization] is of the mind that the risk is low because:</i> <i>(i) the employee's termination was expedited... from the workplace and reduce potential for embarrassment, hurt or humiliation;</i> <i>(ii) the vast majority of individuals notified of the affected employee's scheduled termination would have been aware of (the) departure following...termination;</i> <i>(iii) the email was promptly removed from ... email accounts by [the Organization's] IT department and employees were instructed to maintain strict confidentiality and delete any copies and were reminded of disciplinary consequences for non-compliance, as applicable.</i>

	<p>In my view, a reasonable person would consider that although the incident resulted from human error and not malicious intent, the likelihood of harm resulting is increased as the Organization reported the email was deleted from “the vast majority” of accounts, but not all. Further, the harm has potentially already occurred due to the personal and professional relationships between the affected individual and the unintended recipients.</p>
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DECISION UNDER SECTION 37.1(1) OF PIPA

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.

A reasonable person would consider that the employment information at issue could be used to cause the significant harms of embarrassment, hurt or humiliation, particularly if there are personal/professional relationships between the affected individuals and the unintended recipients.

Although the incident resulted from human error and not malicious intent, the likelihood of harm resulting is increased as the Organization reported the email was deleted from “the vast majority” of accounts, but not all. Further, the harm has potentially already occurred due to the personal and professional relationships between the affected individual and the unintended recipients.

I require the Organization to notify the affected individual in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified the affected individual in person and by email on August 28, 2019 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner