



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Alberta School Employee Benefit Plan (Organization)
Decision number (file number)	P2021-ND-101 (File # 009625)
Date notice received by OIPC	September 4, 2018
Date Organization last provided information	September 12, 2018
Date of decision	March 31, 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 is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name,• date of service,• description of product or service provided, and• amount claimed. <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">• The Organization uses a third party provider to adjudicate and pay claims submitted by members under the Organization’s Extended Health Care Plan.• In this case, an individual who was covered under their spouse’s plan submitted a receipt for psychological treatment. The receipt was forwarded to the third party for adjudication.

	<ul style="list-style-type: none"> • When the claim was processed, a statement was mailed to the affected individual indicating there was no coverage for the service. However, the claim was also processed under another family member’s coverage, which resulted in a second statement being mailed to the other family member indicating there was no coverage for the service. • The breach occurred on August 13, 2018 and was discovered on August 15, 2018, when the unintended recipient of the statement reported the error. • The unintended recipient reported that the statement was disposed of in the garbage.
Affected individuals	The incident affected one (1) Alberta resident.
Steps taken to reduce risk of harm to individuals	Reviewed Organization’s internal process for retrieving documents sent in error and reminded Benefits team to assist with mitigation should this occur again.
Steps taken to notify individuals of the incident	The affected individual was notified by telephone on August 28, 2018.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<p>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>	<p>The Organization reported “As the information disclosed included that the affected individual had submitted a claim for psychological treatment this incident may result in some discomfort in the affected individual’s relationship with her [family member] and possibly humiliation and/or embarrassment to the affected individual.” The Organization also reported that ““Psychological treatment” may be considered medical in nature and is highly sensitive even though a diagnosis was not disclosed.”</p> <p>The Organization also reported “Review of past decisions by the Alberta OIPC (P2017-ND-151, P2017-ND-135, P2017-ND-120 and P2012-ND-32) indicate that the Privacy Commissioner views the harm of embarrassment, hurt, humiliation, damage to reputation and damage to relationships as being significant. We agree with these assessments.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the medical information at issue could be used to cause the harms of hurt, humiliation, embarrassment and damage to relationships, particularly if the unintended recipient and affected individual are known to one another.</p>
<p>Real Risk The likelihood that the significant harm will result must</p>	The Organization reported that “Notwithstanding that the disclosure was unintentional and that the recipient notified [the Organization] of same, there is an increased likelihood of harm

<p>be more than mere speculation or conjecture. There must be a cause and effect relationship between the incident and the possible harm.</p>	<p>given the relationship between the affected individual and the recipient ... In decision P2017-ND-135 the Privacy Commissioner stated that there is an increased likelihood of embarrassment, hurt, humiliation and damage could result where there is a personal/professional relationship between the affected individual and the unauthorized recipient.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider the likelihood of harm resulting from this incident is decreased because the breach did not result from malicious intent. However, the statement was not recovered by the Organization, may not have been disposed of securely, and the unintended recipient and affected individual are known to each other.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</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 individual.</p> <p>A reasonable person would consider that the medical information at issue could be used to cause the harms of hurt, humiliation, embarrassment and damage to relationships, particularly if the unintended recipient and affected individual are known to one another.</p> <p>The likelihood of harm resulting from this incident is decreased because the breach did not result from malicious intent. However, the statement was not recovered by the Organization, may not have been disposed of securely, and the unintended recipient and affected individual are known to each other.</p> <p>I require the Organization to notify the affected individual in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified the affected individual by telephone on August 28, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individual again.</p>	

Jill Clayton
Information and Privacy Commissioner