



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Edon Properties Inc. (Organization)
Decision number (file number)	P2021-ND-142 (File #017181)
Date notice received by OIPC	August 26, 2020
Date Organization last provided information	August 26, 2020
Date of decision	May 25, 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 all or some of the following information:</p> <ul style="list-style-type: none">• full name,• date and place of birth,• telephone number,• work email address,• gender,• social insurance number,• electronic signature (typed, not a photo), and• response to question of whether ever convicted of a criminal offence for which a pardon has not been granted. <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 26, 2020, an employee’s criminal record check application form was mistakenly attached to an email that was distributed as part of a conditional offer of employment sent to seven (7) prospective employees. The form had been saved in the wrong place and had a similar name to the template version of the form. One of the recipients of the email discovered the error and informed the hiring manager, who then informed Human Resources of the breach.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Asked unintended recipients of the email to permanently delete the file from their records to prevent further use or distribution of the file and information contained within. Engaged external legal counsel. Provided resources to the individual regarding monitoring financial activity on their accounts. Deleted the file containing the personal information of the individual from the incorrect file storage location to prevent further spread/release of the document. Reviewing all documentation prior to sending via email.
Steps taken to notify individuals of the incident	The affected individual was notified by telephone on August 28, 2020.

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:</p> <p><i>Possible harms that may occur as a result of the breach include the possibility of fraudulent behavior including identity theft, and/or financial risks to the individual if their information is used to open credit cards, falsify income, etc. This risk is mitigated by the steps taken ... to contain the breach and prevent further dissemination and by the fact the information was disclosed to a very small number of people, all of whom are known to the organization (new hires). We have also provided resources to the affected individual regarding monitoring financial activity on their accounts.</i></p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the significant harms of identity theft and fraud. Email address could be used for phishing, increasing vulnerability to identity theft and fraud. Criminal records history could be used to cause hurt, humiliation and embarrassment, particularly if the affected</p>
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	individual and recipients are known to each other. These are all significant harms.
<p>Real Risk</p> <p>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>	<p>The Organization reported:</p> <p><i>The personal information at issue, though of a sensitive nature, was disclosed to a very small number of people, all of whom are known to the organization, and the organization has taken measures to contain the breach and prevent further dissemination. In light of that, the risk of significant harm is low; however, the organization thinks it prudent to alert the Commissioner out of an abundance of caution and in keeping with the spirit and intent of the legislation.</i></p> <p>In my view, a reasonable person would consider the likelihood of significant harm resulting from this incident is decreased as the incident did not result from malicious intent, but rather a human error. An unintended recipient reported the error to the Organization, and the Organization requested that all unintended recipients delete the information sent to them in error. Nonetheless, the likelihood of personal/professional relationships between the affected individual and the unintended recipients increases the likelihood of hurt, humiliation and embarrassment resulting from this incident.</p>

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 contact and identity information at issue could be used to cause the significant harms of identity theft and fraud. Email address could be used for phishing, increasing vulnerability to identity theft and fraud. Criminal records history could be used to cause hurt, humiliation and embarrassment, particularly if the affected individual and recipients are known to each other. These are all significant harms.

The likelihood of significant harm resulting from this incident is decreased as the incident did not result from malicious intent, but rather a human error. An unintended recipient reported the error to the Organization, and the Organization requested that all unintended recipients delete the information sent to them in error. Nonetheless, the likelihood of personal/professional relationships between the affected individual and the unintended recipients increases the likelihood of hurt, humiliation and embarrassment resulting from this incident.

The Organization is required to notify the affected individual pursuant to section 37.1 of PIPA.

I understand the Organization notified the affected individual by telephone on August 28, 2020. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner