



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Empire Life Insurance Company (Organization)
<b>Decision number (file number)</b>	P2021-ND-143 (File #017514)
<b>Date notice received by OIPC</b>	April 27, 2020
<b>Date Organization last provided information</b>	April 27, 2020
<b>Date of decision</b>	June 2, 2021
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved some or all of the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• policy number,</li><li>• date of birth,</li><li>• beneficiary, and</li><li>• social insurance number.</li></ul> <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent this information was collected in Alberta, PIPA applies.</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>• On February 25, 2020, when setting up a policy for a client, the Organization inadvertently coded the client’s address with a third party address.</li></ul>

	<ul style="list-style-type: none"> <li>• The error went unnoticed by the Organization. As a result, the client’s policy confirmation and tax document was mailed to the wrong address.</li> <li>• On March 10, 2020, the Organization was contacted by the client’s Advisor who asked why the Organization had a different address on file.</li> <li>• The Organization contacted the person living at the address where the documents were sent and they stated they had not received any documents from the Organization.</li> <li>• The Organization confirmed there have been no transactions regarding the client’s policy since the date of the incident.</li> </ul>
<b>Affected individuals</b>	The incident affected one (1) individual.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Flagged the account of the affected customer.</li> <li>• Applied additional authentication measures to ensure callers requesting information regarding this policy are authorized to do so.</li> <li>• Informed the affected individual to consider contacting a credit report service</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individual was notified by letter on March 24, 2020.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<p><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>	<p>The Organization reported the possible harm that mat occur as a result of the breach is “Risk of identity theft. Third parties may attempt to access the policy directly.”</p> <p>In my view, a reasonable person would consider that the insurance and identity information at issue could be used to cause the significant harms of identify theft and fraud.</p>
<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>	<p>The Organization reported that it is “...of the opinion that a real risk of significant harm may exist.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. However, the information was mailed to an incorrect mailing address, and has not been recovered.</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 insurance and identity information at issue could be used to cause the significant harms of identify theft and fraud. The likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. However, the information was mailed to an incorrect mailing address, and has not been recovered.

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

I understand the Organization notified the affected individual by letter on March 24, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner