



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	RBC Life Insurance (Organization)
Decision number (file number)	P2021-ND-164 (File #018375)
Date notice received by OIPC	August 10, 2020
Date Organization last provided information	August 10, 2020
Date of decision	August 26, 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">• name,• policy details (both group and individual),• insurance claim details (including claim denial and the details of an investigation),• medical information such as diagnosis, symptoms and treatments. <p>This information is about an identifiable individual 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">• A claimant submitted a claim under a group disability policy owned by the claimant’s employer.

	<ul style="list-style-type: none"> On June 29, 2020, the Organization drafted two separate letters to communicate their decision about the claim. One letter addressed to the claimant included the details of the decision and the second letter addressed to the employer included limited details. In error, the mail room placed both letters into the same envelope addressed to the employer. On July 23, 2020, the employer contacted the Organization and reported receiving the claimant’s detailed letter in error. The employer confirmed destruction of the letter and that it did not save a copy.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Requested the employer delete the email and not retain a copy. Reported the incident internally to the Privacy Office. Reported it will be sending letters via secure Webmail, which requires the recipient to have a password in order to access the content.
Steps taken to notify individuals of the incident	The affected individual was notified in writing on July 30, 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 the incident could result in “Harms of hurt, humiliation and embarrassment, as well as harm to employment / professional relationship.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the contact information, as well as information relating to the policy claim and the medical information at issue could be used to cause the potentially significant harms of hurt, humiliation and embarrassment and damage to employment and/or professional relationships.</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,</p> <p><i>The likelihood of harm is decreased as this was a human error with no malicious intent. However; this does not mitigate the risk of hurt, humiliation and embarrassment, as well as harm to the employment/professional relationship.</i></p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error and the unintended recipient reported the error and agreed to destroy the information. However, these factors do not mitigate the type of harm that might result from this breach (hurt,</p>

	<p>humiliation and embarrassment, as well as harm to the employment relationship) and the professional relationship between the affected individual and the unintended recipient exacerbates the potential harm.</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 contact information, as well as information relating to the policy claim and the medical information at issue could be used to cause the potentially significant harms of hurt, humiliation and embarrassment and damage to employment and/or professional relationships.</p> <p>The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error and the unintended recipient reported the error and agreed to destroy the information. However, these factors do not mitigate the type of harm that might result from this breach (hurt, humiliation and embarrassment, as well as harm to the employment relationship) and the professional relationship between the affected individual and the unintended recipient exacerbates the potential harm.</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 in writing on July 30, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individual again.</p>	

Jill Clayton
Information and Privacy Commissioner