



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	NFP Canada Corp. (Organization)
Decision number (file number)	P2021-ND-173 (File #018072)
Date notice received by OIPC	September 8, 2020
Date Organization last provided information	September 8, 2020
Date of decision	August 27, 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 a general insurance brokerage that is licensed by the Alberta Insurance Council. The Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The incident involved the following information: <ul style="list-style-type: none">• name, and• new home address. This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.
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 7, 2020, one of the Organization’s client service representatives sent a waiver form to a client which contained the new address of her ex-husband.

	<ul style="list-style-type: none"> • On the same day, the ex-husband notified the Organization that his new address should not have appeared on the document. • The Organization reported that all communications had previously been jointly with the husband and wife (both were copied on all emails) and at no point did the husband tell them not to disclose his new address to his ex-wife.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Noted on the husband's file that no personal information including address information is to be provided to anyone without prior written approval. • Enhanced protocols for the dissemination of personal information to ensure during marital separation and divorce that the personal information of each party is protected. • Training employees to recognize these situations when they arise and to secure written permission before any disclosure is made.
Steps taken to notify individuals of the incident	The Organization notified the affected individual by email on August 7, 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 in part that "At the time of the disclosure we were not aware of any potential harm to our client by the accidental disclosure of his new address to his ex-wife."</p> <p>In my view, a reasonable person would consider that the information at issue, in the circumstances, could be used to cause the harms of hurt or stress. These are significant harms.</p>
<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>	<p>The Organization reported that "It is very difficult for us to assess the likelihood of harm occurring as we are not privy to the details regarding...our client (and) his ex-wife."</p> <p>In my view, and despite the incident resulting from human error and not malicious intent, the likelihood of harm resulting from this incident is increased because of the personal connection and circumstances (marital separation) between the affected individual and the unintended recipient.</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 information at issue, in the circumstances, could be used to cause the harms of hurt or stress. These are significant harms. Despite the incident resulting from human error and not malicious intent, the likelihood of harm resulting from this incident is increased because of the personal connection and circumstances (marital separation) between the affected individual and the unintended recipient.

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 email on August 7, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner