



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Keyera Corp. (Organization)
<b>Decision number (file number)</b>	P2021-ND-176 (File #017851)
<b>Date notice received by OIPC</b>	July 21, 2020
<b>Date Organization last provided information</b>	July 21, 2020
<b>Date of decision</b>	September 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 all or some of the following information:</p> <ul style="list-style-type: none"><li>• full legal name,</li><li>• address,</li><li>• employee termination information, and</li><li>• benefits information.</li></ul> <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</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 July 13, 2020, an employee with the Organization sent an email containing PDF copies of an employee’s termination letter to an unknown recipient with an email address similar to the employee.</li></ul>

	<ul style="list-style-type: none"> <li>• The error was discovered the following day when the intended recipient contacted the Organization asking about the status of the email.</li> <li>• The Organization tried to recall the email and confirm its deletion, but could not do so.</li> </ul>
<b>Affected individuals</b>	The incident affected 1 individual.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Tried to recall the email or confirm its deletion.</li> <li>• Will review email protocol with employees.</li> <li>• Reminded those who handle/transmit employee personal information that when possible communication to employees should be effected via the Organization’s email addresses.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individual was notified by courier and email on July 21, 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</p> <p><i>Release of the employee’s full name, address and termination information could result in humiliation and/or reputational harm. Release of the employee’s full name, address and benefits information could result in identity theft and/or fraud. Release of the employee’s full name and address could result in physical harm.</i></p> <p>I accept the Organization’s assessment that a reasonable person would consider that the contact, benefits and employment information at issue could be used to cause the significant harms of identity theft, fraud, and reputational harm. In addition, because the Organization reported that physical harm could occur in this incident as a result of the individual’s physical address being disclosed, I accept there is a potential for physical harm in this case.</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,</p> <p><i>The possibility of harm is ongoing because [the Organization] could not recall the email and was not able to confirm from the unintended recipient that the email was deleted and not otherwise shared.</i></p> <p>I agree with the Organization. A reasonable person would consider that although the unauthorized disclosure was caused by human error, the likelihood of harm resulting from this incident is increased because the Organization could not recall the email and</p>

was not able to obtain confirmation from the unintended recipient that the email was deleted and not copied, forwarded or otherwise distributed.

**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, benefits and employment information at issue could be used to cause the significant harms of identity theft, fraud, and reputational harm. In addition, because the Organization reported that physical harm could occur in this incident as a result of the individual's physical address being disclosed, I accept there is a potential for physical harm in this case. Although the unauthorized disclosure was caused by human error, the likelihood of harm resulting from this incident is increased because the Organization could not recall the email and was not able to obtain confirmation from the unintended recipient that the email was deleted and not copied, forwarded or otherwise distributed.

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

I understand the Organization notified the affected individual by courier and email on July 21, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individual again.



Jill Clayton  
Information and Privacy Commissioner