



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	TingleMerrett LLP (Organization)
Decision number (file number)	P2021-ND-189 (File #017764)
Date notice received by OIPC	July 28, 2020
Date Organization last provided information	July 28, 2020
Date of decision	October 14, 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 whose personal information was collected in Alberta, pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	The Organization operates in Alberta and 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,• employment contract,• pay stubs (including Social Insurance Number), and• history of sick days. <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 June 23, 2020, the Organization attempted to serve its client's documents on an opposing self-represented party via both courier and email.• On June 26, 2020, the recipient advised the Organization that the documents were served on an incorrect email address.• The Organization immediately requested the unintended recipient delete all material sent via email.

	<ul style="list-style-type: none"> On June 26, 2020, the Organization advised the opposing party of the inadvertent disclosure of her personal information to the unintended recipient, and also advised its own client of the same.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Asked the unintended recipient to delete all materials sent via email, and informed the affected party. Took steps to reinforce that no personal information is to be sent unencrypted or to an unconfirmed email address in the future. Confirmed appropriate processes for verifying useable opposing party contact information and informed staff of these requirements.
Steps taken to notify individuals of the incident	The affected individual was notified by letter on June 26, 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 it is “... unable to confirm if the mistaken recipient has destroyed the information as requested, or made any attempt to retain or use it.”</p> <p>In my view, a reasonable person would consider that the contact, employment and identity information could be used to cause the significant harms of identity theft and fraud, as well as potentially hurt, humiliation and embarrassment.</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 there is a “low likelihood that harm will result.”</p> <p>In my view, a reasonable person would consider there is a real risk of significant harm in this case, despite the fact the incident did not result from malicious intent. Although the unintended recipient informed the Organization of the error, the Organization is unable to confirm if the unintended recipient deleted or destroyed the information or made any attempt to retain or use the information.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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, employment and identity information could be used to cause the significant harms of identity theft and fraud, as well as potentially hurt, humiliation and embarrassment. Despite the fact the incident did not result from malicious intent and the unintended recipient informed the Organization of the error, the Organization is unable to confirm if</p>	

the unintended recipient deleted or destroyed the information or made any attempt to retain or use the information.

I require the Organization to notify the affected individual whose personal information was collected 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 June 26, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner