



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Employee Benefit Funds Administration Ltd. (Organization)
Decision number (file number)	P2021-ND-225 (File #019163)
Date notice received by OIPC	November 30, 2020
Date Organization last provided information	September 15, 2021
Date of decision	November 12, 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”	<p>The Organization is incorporated under Part 9 of Alberta’s <i>Companies Act</i> and is a “non-profit-organization” as defined in section 56(1)(b)(i) of PIPA. Under sections 56(2) and (3), PIPA only applies to non-profit organizations in respect of personal information that is collected, used or disclosed in connection with a commercial activity.</p> <p>The Organization administers the Pension, Health & Welfare, and Education Benefits on behalf of IBEW Local Union 424. To the extent the personal information at issue was collected in connection with a commercial activity, PIPA applies.</p>
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 of plan member,• address,• hours worked,• years of service,• pension amount at age 65,• name of beneficiary, and• stakeholder number. <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 October 23, 2020, the Organization sent a member’s pension statement to another plan member in error. The unintended recipient notified the Organization of the error the same day.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Protecting all documents by password when documents are sent by email. Flagged the plan member’s account to enhance the verification process, ensuring the information is only provided to the specific plan member.
Steps taken to notify individuals of the incident	The affected individual was notified by telephone on November 25, 2020 and by letter on November 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,</p> <p style="text-align: center;"><i>The plan member could call using the stakeholder’s information and try to access records, however the account is now monitored with greater verification processes.</i></p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. The employment and financial information could be used to cause the harms of hurt, humiliation or embarrassment. These are significant harms.</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 the likelihood of harm resulting to be “Minimal – The pension statement was issued to another IBEW Local 424 member.”</p> <p>In my view, a reasonable person would consider the likelihood of significant harm resulting from this incident is decreased as the breach was not the result of malicious intent but rather a mailing error. Given the unintended recipient is known to the Organization, the likelihood of identity theft and fraud is decreased. However, because of potential professional relationship between the affected individual and the unintended recipient, the possibility of the likelihood of hurt, humiliation and embarrassment resulting from the incident is increased.</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 contact and identity information at issue could be used to cause the harms of identity theft and fraud. The employment and financial information could be used to cause the harms of hurt, humiliation or embarrassment. These are significant harms. The likelihood of significant harm resulting from this incident is decreased as the breach was not the result of malicious intent but rather a mailing error. Given the unintended recipient is known to the Organization, the likelihood of identity theft and fraud is decreased. However, because of potential professional relationship between the affected individual and the unintended recipient, the possibility of the likelihood of hurt, humiliation and embarrassment resulting from the incident is increased.

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 telephone on November 25, 2020 and by letter on November 30, 2020. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner