



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Darren K. Queck Professional Corporation O/A Queck & Associates (Organization)
Decision number (file number)	P2021-ND-344 (File #019084)
Date notice received by OIPC	November 2, 2020
Date Organization last provided information	November 2, 2020
Date of decision	March 10, 2022
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">• tax returns for 2017, 2018, and 2019 including name, social insurance information, and address.• Notices of Assessment for 2017, 2018, and 2019 including name, social insurance number, and address.• letter from affected individual's treating physician about the ability to work including personal health care number and name.• bank statements from affected individual's bank account with name, account information, and address.• credit card statement from affected individual's credit card account with name, account information, and address.• investment statements for two separate investment accounts with name, account information, and address. <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 September 25, 2020, the Organization inadvertently emailed the personal information at issue to an unintended recipient due to an error in the email address. The breach was discovered on October 30, 2020.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Contacted the email address to which the documents were sent and asked that the message be deleted and that this be confirmed. Efforts have been unsuccessful. Advised the affected individual to take steps to protect herself by contacting credit reporting agencies and other institutions to advise them of the unauthorized disclosure. Reported the matter to the Alberta Lawyer's Insurance Association. Commitment by staff involved to carefully monitor the email addresses on correspondence and/or commit to sending documents out by courier or some other more secure method of transmission.
Steps taken to notify individuals of the incident	The affected individual was notified verbally and in writing on November 2, 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><i>The affected individual's information could be sold and/or used to commit identity fraud or other financial theft from the affected individual. This could also have a negative impact on the affected individual's credit record.</i></p> <p>I agree with the Organization's assessment. A reasonable person would consider that the contact, identity, tax and financial information at issue could be used to cause the significant harms of identity theft and/or fraud. Medical information could be used to cause the significant harms of embarrassment, hurt or humiliation.</p>

<p>Real Risk</p> <p>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 the likelihood that the significant harm will result is,</p> <p><i>Fairly significant if there is a person who has received the information and who will use it to commit fraud or theft. It is unknown at this time if there is an individual operating (sic) the email account as no response has ever been received and no identifying information can be found for the email account.</i></p> <p>In my view, 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 was not able to contact the unintended recipient and could not confirm the information was deleted.</p>
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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, identity, tax and financial information at issue could be used to cause the significant harms of identity theft and/or fraud. Medical information could be used to cause the significant harms of embarrassment, hurt or humiliation.

Although the unauthorized disclosure was caused by human error, the likelihood of harm resulting from this incident is increased because the Organization was not able to contact the unintended recipient and could not confirm the information was deleted.

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 verbally and in writing on November 2, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner