



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Mercer (Canada) Limited, a subsidiary of March McLennan (Organization)
Decision number (file number)	P2022-ND-036(File #022845)
Date notice received by OIPC	August 16, 2021
Date Organization last provided information	August 16, 2021
Date of decision	June 27, 2022
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the individuals 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 is a subsidiary of March McLennan, a United States-headquartered company. 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 the following information:</p> <ul style="list-style-type: none">• name,• social insurance number, or• other federal tax identification. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On April 26, 2021, the Organization discovered that an unauthorized actor leveraged a vulnerability in a third party’s software, since at least April 17, 2021, to gain access to a limited data set in the Organization’s environment.• The Organization launched an investigation and took measures to restrict any further unauthorized activity or access to data; that access ended on April 30, 2021.

Affected individuals	The incident affected two (2) individuals whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Offered complimentary dark web monitoring and other identity theft services. • Took various measures to further harden its network and systems, including but not limited to the following: <ul style="list-style-type: none"> - contained all impacted systems, - rebuilt compromised servers, - removed third party software from its environment, and - reset IT administrator’s access credentials.
Steps taken to notify individuals of the incident	Affected individuals were notified by mail on August 23, 2021.
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,</p> <p style="text-align: center;"><i>To date, neither Marsh McLennan nor Mercer (Canada) Limited is aware of any actual harm to individuals as a result of this incident nor has any reason to believe any such harm will occur.</i></p> <p>In its notification to affected individuals, the Organization stated,</p> <p style="text-align: center;"><i>Though we have no evidence to suggest that any of your personal information has been misused, we encourage you to remain vigilant for incidents of fraud and identity theft, including by regularly reviewing your account statements and monitoring free credit reports. If you discover any suspicious or unusual activity on your accounts or suspect identity theft or fraud, be sure to report it immediately to your financial institutions.</i></p> <p>In my view, a reasonable person would consider that the contact and identity information, along with the tax information at issue could be used for the purposes of identity theft and fraud. 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,</p> <p style="text-align: center;"><i>To date, neither Marsh McLennan nor Mercer (Canada) Limited is aware of any actual harm to individuals as a result of this incident nor has any reason to believe any such harm will occur.</i></p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an</p>

	<p>unknown third party (deliberate intrusion). I do not believe that the lack of reported incidents of identity theft or fraud to date is a mitigating factor in the likelihood of harm resulting from this incident, as identity theft can happen months and even years after a data breach. Finally, the information may have been exposed for approximately two (2) weeks before being discovered by the Organization.</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 individuals.

A reasonable person would consider that the contact and identity information, along with the tax information at issue could be used for the purposes of identity theft and fraud. These are significant harms.

The likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (deliberate intrusion). I do not believe that the lack of reported incidents of identity theft or fraud to date is a mitigating factor in the likelihood of harm resulting from this incident, as identity theft can happen months and even years after a data breach. Finally, the information may have been exposed for approximately two (2) weeks before being discovered by the Organization.

I require the Organization to notify the affected individuals whose information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified affected individuals by mail on August 23, 2021, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Cara-Lynn Stelmack
Assistant Commissioner, Operations and Compliance