



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Axis Mortgage Inc. (Organization)
Decision number (file number)	P2022-ND-049 (File #022082)
Date notice received by OIPC	July 2, 2021
Date Organization last provided information	July 2, 2021
Date of decision	August 29, 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 those 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 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,• date of birth,• address,• social insurance number, and• employment information. <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 type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

<p>Description of incident</p>	<ul style="list-style-type: none"> • In the early part of 2020, the affected individuals approached the Organization to assist them in obtaining a mortgage. • The affected individuals did not ultimately require mortgage assistance. The Organization closed the file and copies of the information provided by the affected individuals was deleted. • Due to an error, a copy of the affected individuals' information was saved in a separate storage area of the Organization's computer system under a different client name. • On September 2, 2020, the affected individuals completed application form was sent to another client of the Organization. • On December 1, 2020, the affected individuals advised the Organization that it had shared their confidential information with a third party without authorization. • The Organization reported that its investigation took longer than initially anticipated but was completed in early March 2021.
<p>Affected individuals</p>	<p>The incident affected two (2) individuals whose information was collected in Alberta.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Retained a third party forensic specialist to conduct a forensic audit to determine if the affected individuals' personal information had been inadvertently disclosed to any other third parties. • Wrote to the unintended recipient that the information was sent in error and asked that the information be deleted and confirm with the Organization that it was done. The Organization reported that the third party has not responded. • Provided free credit monitoring for one year. • Reviewed its policies surrounding the collection and retention of personal information. Confirmed personal information is to be saved with clear identifiers and in one location being specific client folders. • Delete records once the client file is closed to further minimize risk.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified initially by email and subsequently by letter on March 26, 2021.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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 the possible harm that may occur as a result of the breach is "Identity theft".</p> <p>In my view, a reasonable person would consider that the contact, identity, and financial information at issue could be used to cause the significant harms of identity theft, fraud, and potentially humiliation and embarrassment.</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,</p> <p><i>The likelihood of harm is low. Based on a forensic audit completed by a third party specialist, it appears that the affected individuals' information was only sent out on one occasion in error. It appears that the third party recipient of that information is known to the affected individuals as that appears to be the only way that the affected individuals would have been able to learn of inadvertent disclosure by Axis Mortgage and advise it of same.</i></p> <p>In my view, a reasonable person would consider the likelihood of significant harm resulting from this incident is decreased as it did not result from malicious intent. The Organization asked the unintended requested delete the information sent in error and confirm that the deletion was done; however, the unintended recipient did not respond to the Organization. As well, the Organization reported that the affected individuals and the unintended recipients might know each other, which increases the potential harms of hurt, humiliation and embarrassment.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<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 individuals.</p> <p>The contact, identity, and financial information at issue could be used to cause the significant harms of identity theft, fraud, and potentially humiliation and embarrassment.</p> <p>The likelihood of significant harm resulting from this incident is decreased as it did not result from malicious intent. The Organization asked the unintended requested delete the information sent in error and confirm that the deletion was done; however, the unintended recipient did not respond to the Organization. As well, the Organization reported the affected individuals and the unintended recipients might know each other, which increases the potential harms of hurt, humiliation and embarrassment.</p> <p>I require the Organization to notify the affected individuals whose personal information was collected in Alberta, in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified affected individuals initially by email and subsequently by letter on March 26, 2021. The Organization is not required to notify the affected individuals again.</p>	

Cara-Lynn Stelmack
Assistant Commissioner, Operations and Compliance