Office of the Information and
Privacy Commissioner of Alberta

PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Alberta Blue Cross (Organization)
Decision number (file number)	P2017-ND-126 (File #005144)
Date notice received by OIPC	March 7, 2017
Date Organization last provided information	March 7, 2017
Date of decision	September 1, 2017
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 *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	The Organization operates on a not-for-profit basis, but does not meet the definition of "non-profit organization" in section 56(1)(b) of PIPA. The Organization is an "organization" pursuant to section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The Organization reported two incidents, involving the following information: <u>Incident #1</u> • name, • address, • date of birth, • service claimed, • location incurred, • health information (diagnosis, medical history, details of medical condition upon arrival of the ambulance). <u>Incident #2</u> • name, • claim information (that a claim had been opened, case number, return telephone number of caller).

	This information is about an identifiable individual and is "personal information" as defined in section 1(1)(k) of PIPA.
DESCRIPTION OF INCIDENT	
❑ loss ❑ unauthorized access ☒ unauthorized disclosure	
Description of incident	Incident #1 • On December 30, 2016, the Organization received an invoice in the mail. The invoice included supporting documentation submitted by an ambulance provider in Jamaica, and a signed consent by an individual authorizing the Organization to determine whether the individual was eligible to receive benefits for the services provided. • The Organization found an active plan for the individual in the Organization's system. As the plan did not cover the claim, on or around January 9, 2017, the Organization returned the invoice and accompanying documents to the primary plan member who is accountable for all activity under the benefit plan. However, the primary plan member in this case was the former spouse of the individual identified in the documents. Incident #2 • On December 5, 2016, the Organization's travel assistance provider telephoned the individual about the eligibility of the out-of-country claim. • The caller left a voicemail which identified the provider, and stated that the call was regarding a claim. The caller indicated the case number and return telephone number. • The individual later reported to the Organization that the voicemail was retrieved by a minor, which caused concern about the individual's well-being. The incidents were discovered on January 12, 2017 when the individual contacted the Organization to report the matter.
Affected individuals	The incidents affected 1 individual.
Steps taken to reduce risk of harm to individuals	• Advised affected individual that primary plan member is responsible for claims made under the plan. The affected individual must request the primary plan member to remove her from the plan.

	• Reviewing existing processes for rejecting claims and returning documents for improvements to protect privacy, and in particular for dependents living at different addresses than the primary plan member. • Reminded travel assistance partner and Health Services Travel team of the established process of leaving voicemails.
Steps taken to notify individuals of the incident	The affected individual was notified in writing on March 6, 2017.
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.	The Organization reported that "The disclosure of health information about the dependant spouse member to the primary plan member about the medical services incurred and the description of the emergency event that the individual was involved in could result in humiliation." With respect to the second incident, the Organization reported "The disclosure of a claim case being opened while the dependant spouse member was out-of-country caused concern to her minor child. …This may lead to damage to relationship." I agree with the Organization's assessment. The health information at issue could be used to cause the harms of hurt, humiliation, embarrassment, and damage to reputation. Further, identity information could be used for identity theft and fraud. These are significant harms.
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.	The Organization reported "The likelihood of harm could be considered high because…The personal information disclosed was obtained by the breached individual's estranged spouse [and] The Recipient may still have copies of the information disclosed. There is no evidence of malicious intent but due to the fact that both parties know each other and the current status of their relationship, there is a real risk of harm due to humiliation." The Organization did not provide an assessment of the likelihood of harm resulting from the second incident.

	In my view, the likelihood of harm resulting from the first incident is increased despite the fact the breach did not result from malicious intent. There is a personal relationship between the affected individual and the unintended recipient of the information. The Organization did not report receiving confirmation that the unintended recipient returned or destroyed the information, or undertook not to further use or disclose the information. With regard to the second incident, the affected individual has already reported to the Organization that the disclosure of personal information in the voicemail message has caused concern to a minor child. Given the circumstances of the incident, however, I do not think it is likely the identity information will be used for identity theft or fraud purposes. In my view, the personal relationships in this case make it unlikely the unintended recipient will use the information for these purposes.

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.

The health information at issue could be used to cause the harms of hurt, humiliation, embarrassment, and damage to reputation. Further, identity information could be used for identity theft and fraud. These are significant harms. The likelihood of harm resulting from the first incident is increased despite the fact the breach did not result from malicious intent. There is a personal relationship between the affected individual and the unintended recipient of the information. The Organization did not report receiving confirmation that the unintended recipient returned or destroyed the information, or undertook not to further use or disclose the information. With regard to the second incident, the affected individual has already reported to the Organization that the disclosure of personal information in the voicemail message has caused concern to a minor child.

I do not think it is likely the identity information will be used for identity theft or fraud purposes. In my view, the personal relationships in this case make it unlikely the unintended recipient will use the information for these purposes.

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 affected individual was notified in writing on March 6, 2017. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner