



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Sun Life Assurance Company of Canada (Organization)
Decision number (file number)	P2017-ND-151 (File #005611)
Date notice received by OIPC	May 12, 2017
Date Organization last provided information	June 6, 2017
Date of decision	November 8, 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 <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,• address,• name of employer,• salary,• claim amount, and• approval notice of disability claim. <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 April 11, 2017, an employee with the Organization sent an email to a client and inadvertently included disability claim documentation related to another client.

	<ul style="list-style-type: none"> • The unintended recipient called the Organization the same day to report the error. • The Organization requested that the unintended recipient delete the email and documentation. The Organization received verbal confirmation that the email and documentation was deleted. • The affected individual and the unintended recipient work for the same employer.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Requested and received verbal confirmation that the email and documentation was deleted. • Reported the incident to the privacy officer, the affected individual, and the affected individual’s employer (plan sponsor). • Informed the employee of the correct process to follow and how to prevent such situations in the future.
Steps taken to notify individuals of the incident	The affected individual was notified by phone on April 19, 2017.
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 the possible harm that might result from this incident include “humiliation (if the Recipient knows the affected client and/or uses the information to cause such harm) and damage to reputation.”</p> <p>I agree with the Organization. The contact, employment and medical information could be used to cause the significant harms of hurt, humiliation, embarrassment and damage to reputation.</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 that the “likelihood that the harm outlined above may result would be due to the actions of the Recipient.”</p> <p>In my view, a number of factors reduce the likelihood of harm in this case, including that the incident resulted from human error and not malicious intent, the unintended recipient reported the breach to the Organization and verbally confirmed the information was deleted. Nonetheless, it appears there may be a professional relationship between the affected individual and the unintended recipient. Considering the sensitivity of the information at issue in this case, I am concerned that the Organization was not able to obtain written confirmation that the email was destroyed and not forwarded to other parties, despite a number of attempts to do so.</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.

The contact, employment and medical information could be used to cause the significant harms of hurt, humiliation, embarrassment and damage to reputation. A number of factors reduce the likelihood of harm in this case, including that the incident resulted from human error and not malicious intent, the unintended recipient reported the breach to the Organization and verbally confirmed the information was deleted. Nonetheless, it appears there may be a professional relationship between the affected individual and the unintended recipient. Considering the sensitivity of the information at issue in this case, I am concerned that the Organization was not able to obtain written confirmation that the email was destroyed and not forwarded to other parties, despite a number of attempts to do so.

I require the Organization to notify the affected individual in Alberta 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 April 19, 2017 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner