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	Foresters Financial (Organization), a trademark of The Independent Order of Foresters (a fraternal benefit society) and its subsidiaries
Decision number (file number)	P2018-ND-048 (File #008014)
Date notice received by OIPC	March 8, 2018
Date Organization last provided information	March 8, 2018
Date of decision	April 11, 2018
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 in Alberta pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	The Organization is a federally incorporated financial services provider and is an "organization" as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved the following information: • name, • address, • telephone number, • certificate number, certificate values and coverage details relating to the Organization's insurance products. This information is about a identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.
DESCRIPTION OF INCIDENT	
❑ loss ❑ unauthorized access ☒ unauthorized disclosure	

Description of incident	• On February 7, 2018, the Organization sent a batch of annual statements by mail to customers. The statements contained information about the customers' life insurance product(s). • On February 12, 2018, the Organization learned that some of the statements were inadvertently sent to the wrong customers as the result of an error in a mail inserting machine. • The Organization learned of the incident on February 12, 2018 when a customer called to report receiving another customer's annual statement, along with their own.
Affected individuals	Approximately 1,100 Canadian customers were affected by the incident, 144 of whom reside in Alberta.
Steps taken to reduce risk of harm to individuals	• Informed the Organization's Service Centre of the incident and provided call center managers with details of all potentially affected customers. • Reached out to all individuals who received letters to request the statements be destroyed. The Organization reported that some statements were returned. • Implemented enhanced identity verification measures for all customers who may have been affected by this incident. • Offered affected Canadians a one-year subscription for electronic credit monitoring service with Trans Union of Canada, Inc. at the Organization's expense. • Implemented control measures to mitigate the risk of a similar incident occurring. • Reviewing policies and procedures and will make any changes appropriate to prevent similar breaches in the future.
Steps taken to notify individuals of the incident	Affected Canadians were notified of the incident in writing by letters sent out during the week of February 19, 2018.
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 "There is a small risk of fraud and identity theft where the inadvertent recipient of another customer's annual statement attempts to utilize the information. As the information is specific to [the Organization's] life insurance products, this risk has been mitigated through the enhanced identity verification measures that have been put in place." Further, "The information would have limited usefulness outside of [the Organization]." I accept the Organization's assessment that the information could be used to cause the harms of identity theft and fraud. In addition, the contact, financial and profile information could be used for targeted phishing attacks. 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 that the "The likelihood of harm is low to moderate. There are appropriately 1,100 individuals who may have been affected, 144 of which reside in Alberta. Only a portion of these individuals had their annual statements sent to an incorrect address." The Organization also reported that "The individuals who could have potentially obtained information inadvertently are other …. Customers [of the Organization]" and it "has no reason to believe that there is any malicious intent or purpose with respect to this incident." In my view, the risk of harm in this case is somewhat mitigated because the incident resulted from human error and not malicious intent, the unintended recipients are all customers of the Organization, and some statements were returned. However, not all the statements were returned (the Organization did not report the specific number), and as a result some information that could potentially be used to cause significant harm has not been recovered and is unaccounted for.

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.

I accept the Organization's assessment that the information could be used to cause the harms of identity theft and fraud. In addition, the contact, financial and profile information could be used for targeted phishing attacks. These are all significant harms. The risk of harm is somewhat mitigated because the incident resulted from human error and not malicious intent, the unintended recipients are all customers of the Organization, and some statements were returned. However, not all the statements were returned (the Organization did not report the specific number), and as a result some information that could potentially be used to cause significant harm has not been recovered and is unaccounted for.

The Organization is required to notify the affected individuals in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand that the affected individuals were notified of the incident in writing by letters sent out during the week of February 19, 2018. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner