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	The Co-Operators Group Limited (Organization)
Decision number (file number)	P2020-ND-183 (File #016501)
Date notice received by OIPC	July 22, 2020
Date Organization last provided information	September 14, 2020
Date of decision	December 8, 2020
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 is an "organization" as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved all or some of the following information: • name, • home address, • home telephone number, • mobile telephone number, • driver's license number, • vehicle information including VIN, and • insurance information including policy number and details about previous insurance claims. This information is about an identifiable individual and is "personal information" as defined in section 1(1)(k) of PIPA. The personal information was collected in Alberta and PIPA applies in this matter.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	

Description of incident	• On June 26, 2020, the Organization was compiling information in response to a client's request for a copy of her file. • While processing the request, the Claims Team noticed that the client's profile had been accessed on June 12, 2020. • The access was flagged because the employee who accessed the client's profile works in a department that would not have been required to be in the claim because of the stage the claim was at. • Further investigation determined that the employee who accessed the client's profile had done so at the request of another employee, who did not have access to the file.
Affected individuals	The incident affected 1 individual residing in Alberta.
Steps taken to reduce risk of harm to individuals	• Access to client's profile was immediately locked. • Employees reported to Human Resources for disciplinary action. • Additional privacy training presented to all managers and staff of the department.
Steps taken to notify individuals of the incident	The affected individual was notified by email on July 22, 2020.
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 …employee on whose behalf the file was accessed is suing the client in Small Claims Court. There is potential for information accessed in the claim to be used for personal gain in the litigation matter." In my view, a reasonable person would consider that the contact, identity and insurance information at issue could be used to cause the harms of identity theft and fraud. Based on the Organization's assessment, the information could be used to cause legal harm. These are all 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 "During disciplinary discussions with the employee they indicated the only information that was accessed in the profile was which agent was handling the claim and who their supervisor was. Due to this explanation it appears the likelihood of additional personal information being used for the employee's personal gain is low. The employee had already served court papers on the individual." In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased as the breach occurred as a result of deliberate action, and because of the

	personal/professional relationships between the affected individual and the Organization's employees.

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.

A reasonable person would consider that the contact, identity and insurance information at issue could be used to cause the harms of identity theft and fraud. Based on the Organization's assessment, the information could be used to cause legal harm. These are all significant harms.

The likelihood of harm resulting from this incident is increased as the breach occurred as a result of deliberate action, and because of the personal/professional relationships between the affected individual and the Organization's employees.

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 Organization notified the affected individual by email on July 22, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner