



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Westlake Chemical Corporation (formerly Westlake Management Services, Inc.) (the Organization)
Decision number (file number)	P2019-ND-055 (File #008906)
Date notice received by OIPC	June 7, 2018
Date Organization last provided information	April 2, 2019
Date of decision	May 6, 2019
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 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”	The incident involved all or some of the following information: <ul style="list-style-type: none">• name,• banking details, and• medical and dental claims information. This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
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 May 29, 2018, the Organization’s benefits provider (Sun Life Financial) informed the Organization that, due to an administrative error, a group plan member was able to access another group member’s personal information by logging into the benefit provider’s mobile app or the secure member website.

	<ul style="list-style-type: none"> The incident was discovered on May 29, 2018 when a member reported the breach to the benefits provider.
Affected individuals	The incident affected 11 individuals residing in Alberta
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> The member site was shut down the same day. The issue was corrected and safeguards implemented to ensure no similar incidents occur. The benefits provider offered credit monitoring services to impacted members.
Steps taken to notify individuals of the incident	Affected individuals were notified by the benefits provider by mail on June 6, 2018.
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 that “Employees had access to banking and claims information for other employees. Sun Life is rectifying the issue and offering credit monitoring services to impacted members.”</p> <p>In my view, a reasonable person would consider the contact, financial and health/medical information at issue could be used to cause the harms of identity theft and fraud, as well as hurt, humiliation and embarrassment. These are significant harms.</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 “Sun Life researched that it was a minimal impact to our employee population. They are currently working to rectify the issue”.</p> <p>In my view, a reasonable person would consider that the risk of harm is reduced because the breach did not result from malicious intent. Nonetheless, the Organization did not receive confirmation that the information at issue was not further distributed or copied and there may be personal or professional relationships between the affected individuals and those who had access to the information, increasing the likelihood of hurt, humiliation or embarrassment.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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>A reasonable person would consider the contact, financial and health/medical information at issue could be used to cause the harms of identity theft and fraud, as well as hurt, humiliation and embarrassment. These are significant harms.</p>	

The risk of harm is reduced because the breach did not result from malicious intent; nonetheless, the Organization did not receive confirmation that the information at issue was not further distributed or copied and there may be personal or professional relationships between the affected individuals and those who had access to the information, increasing the likelihood of hurt, humiliation or embarrassment.

I require the Organization to notify the affected individuals in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified affected individuals in a letter dated June 6, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner