



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Syncrude Canada Inc. (Organization)
Decision number (file number)	P2020-ND-028 (File #013779)
Date notice received by OIPC	November 5, 2019
Date Organization last provided information	December 3, 2019
Date of decision	March 4, 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 <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 “Personal employee information regarding an employee’s illness”. This is information about an identifiable individual 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 April 29, 2019, an employee who was ill was assessed by a nurse on-site and sent home. The employee mentioned that his work area may need to be inspected and cleaned.• The nurse spoke with the employee’s leader about cleaning and sanitizing the work area.• The leader shared with the acting leading in the work area that the employee was ill, sent home and the illness might be related to contamination in the work area.• The acting leader shared the information with other leaders.• The incident was brought to area leadership’s attention on May 6, 2019.

Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Conducted an investigation. • Instructed those interviewed not to speak of the details of the initiating event or investigation.
Steps taken to notify individuals of the incident	The affected individual was notified verbally on November 15, 2019.
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.	<p>The Organization reported that “The type of harm that may result could include embarrassment, humiliation, and damage to relationships with the employee’s leader and other leaders in the area.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider the medical information at issue could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms.</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>With respect to the likelihood of harm resulting in this case, the Organization reported that the risk was “Low - It is related to one employee's information; a single occurrence; no financial damage”.</p> <p>In my view, a reasonable person would consider that the likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error and the information was disclosed to a leader within the Organization. However, for the same reason, the likelihood of hurt, humiliation, embarrassment and damage to relationships is increased due to personal/ professional relationships.</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 individual.</p> <p>A reasonable person would consider the medical information at issue could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms. The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error and the information was disclosed to a leader within the Organization. However, for the same reason, the likelihood of hurt, humiliation, embarrassment and damage to relationships is increased due to personal/ professional relationships.</p> <p>I require the Organization to notify the affected individual in Alberta in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p>	

I understand the Organization notified the affected individual verbally on November 15, 2019 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner