



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Employee Benefit Funds Administration Ltd. (Organization)
Decision number (file number)	P2021-ND-062 (File #014853)
Date notice received by OIPC	January 28, 2020
Date Organization last provided information	May 8, 2020
Date of decision	March 9, 2021
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 pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	<p>The Organization is incorporated in Alberta under Part 9 of the <i>Companies Act</i> and is a “non-profit organization” as defined in section 56(1)(b) of PIPA.</p> <p>Pursuant to section 56(2), PIPA “does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization”, except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>To the extent the personal information at issue was collected in connection with a commercial activity, PIPA applies.</p>
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,• stakeholder number,• name of spouse and dependant,• policy number,• claim details, and• paid amount.

	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 January 16, 2020, an employee with the Organization inadvertently switch two claims cheques and the cheques were stuffed into the other plan members’ envelope. On January 22, 2020, the Organization received a telephone call from one plan member’s spouse stating that they received the wrong claim cheque inside their envelope. The Organization immediately contacted the other plan member and asked them to return the original document to the Organization.
Affected individuals	The incident affected 2 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Met with the employee to discuss the incident. Requested the unintended recipients return the document to the Organization. Sending claim cheques in window envelopes now.
Steps taken to notify individuals of the incident	The affected individuals were notified by telephone and by letter on January 27, 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.	<p>The Organization reported that “Plan member could call office using stakeholder information to try to access records; however, we do a 3 tier verification process for all incoming calls.”</p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. Due to the potential personal/professional relationship between the plan members, if there is medical information in the claim detail it could be used to cause the harm of humiliation or embarrassment. These are all 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	<p>The Organization reported that the risk is “Minimal – both are ... members”</p> <p>In my view, a reasonable person would consider the likelihood of significant harm resulting from this incident is decreased because it was the result of human error and not malicious intent. Identity theft and fraud are unlikely given the circumstances and</p>

<p>between the incident and the possible harm.</p>	<p>considering the unintended recipients are known to the Organization. Nonetheless, given the potential personal/professional relationship between the affected individuals, hurt, humiliation and embarrassment are real risks. Finally, although the unintended recipients were asked to return the document, the Organization did not report whether the documents were returned, nor did it confirm with the unintended recipients that the documents were not copied, forwarded or otherwise distributed.</p>
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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.

A reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. Due to the potential personal/professional relationship between the plan members, if there is medical information in the claim detail it could be used to cause the harm of humiliation or embarrassment. These are all significant harms.

The likelihood of significant harm resulting from this incident is decreased because it was the result of human error and not malicious intent. Identity theft and fraud are unlikely given the circumstances and considering the unintended recipients are known to the Organization. Nonetheless, given the potential personal/professional relationship between the affected individuals, hurt, humiliation and embarrassment are real risks. Finally, although the unintended recipients were asked to return the document, the Organization did not report whether the documents were returned, nor did it confirm with the unintended recipients that the documents were not copied, forwarded or otherwise distributed.

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

I understand the Organization notified the affected individuals by telephone and by letter on January 27, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner