



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Park Paving Ltd. (Organization)
Decision number (file number)	P2021-ND-135 (File #016457)
Date notice received by OIPC	September 13, 2019
Date Organization last provided information	September 13, 2019
Date of decision	May 25, 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 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”	<p>The incident involved some or all of the following information:</p> <ul style="list-style-type: none">• name,• address,• employee number,• rate of pay,• annual year to date earnings and deductions,• taxable benefits,• bank dealt with, and• first nine digits of the employee’s bank transit number. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

<p>Description of incident</p>	<ul style="list-style-type: none"> On September 6, 2019, a file containing all hourly employee paystubs was emailed to one employee who had requested their own paystub. The breach was discovered the same day when the employee received the email and reported the error to their supervisor who ensured the file was deleted and reported to payroll. The Organization investigated and confirmed that the file was distributed to only one employee, and was viewed by two (the original recipient and his supervisor). The employee and supervisor said they only viewed employee names. No personal information from the email was copied, circulated or otherwise disclosed to other people.
<p>Affected individuals</p>	<p>The incident affected 352 individuals in Alberta.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> Advised payroll of the error. Ensured that the email was not viewed, used or disclosed and that it was deleted in its entirety. Sent a communication to all employees about the incident instructing them to monitor their credit reports and advising that the Organization would be reporting the incident. Determined a different process for re-printing and redistributing paystubs. Implementing password protection for the document and reopening all attachments to ensure they are correct prior to sending email.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified by email or letter on September 10, 2019.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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 the possible harms that may occur as a result of the breach are:</p> <p style="padding-left: 40px;"><i>Wrongful impersonation - potential may exist for identity theft</i></p> <p style="padding-left: 40px;"><i>Relationships between staff - since these individuals work together their working relationship could be impacted.</i></p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the contact, employment and financial information at issue could be used to cause the harms of identity theft and fraud, as well as hurt, humiliation and embarrassment, and damage to relationships. These are all significant harms.</p>

<p>Real Risk</p> <p>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,</p> <p><i>The likelihood of harm resulting from this incident is low risk as this was not a malicious act but the result of human error. The information was viewed by only two unauthorized employees. The email was quickly deleted by the supervisor entirely (from the inbox and the trash folder). Management confirmed with the supervisor that the email had not been circulated or copied and had been permanently deleted.</i></p> <p>In my view, a reasonable person would consider that the likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, although the Organization reported that the supervisor permanently deleted the email and confirmed it had not been circulated or copied and that the information had not been viewed in detail, it is unclear whether the employee who opened the email attachment in the first instance also permanently deleted the email and attachment. Further, the existence of personal/professional relationships also increase the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<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 that the contact, employment and financial information at issue could be used to cause the harms of identity theft and fraud, as well as hurt, humiliation and embarrassment, and damage to relationships. These are all significant harms.</p> <p>The likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, although the Organization reported that the supervisor permanently deleted the email and confirmed it had not been circulated or copied and that the information had not been viewed in detail, it is unclear whether the employee who opened the email attachment in the first instance also permanently deleted the email and attachment. Further, the existence of personal/professional relationships also increase the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation). I understand the Organization notified affected individuals by email or letter on September 10, 2019, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner