



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Mertex Canada Ltd. (Organization)
<b>Decision number (file number)</b>	P2018-ND-153 (File #009845)
<b>Date notice received by OIPC</b>	September 24, 2018
<b>Date Organization last provided information</b>	September 24, 2018
<b>Date of decision</b>	November 23, 2018
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization operates in Alberta and is an “organization” as defined in section 1(1)(i)(i) of PIPA. The incident occurred in Alberta.
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved compensation information for the month of December 2017, including: name, salary, commission, and business expenses itemized by category.</p> <p>This information is about identifiable individuals (current and former employees of the Organization) and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• On August 31, 2018, an employee of the Organization sent an email communication to two other employees.</li><li>• The sender has authorized access to employee personal information for purposes of fulfilling his job functions. The recipients, however, were not authorized to receive the compensation information.</li><li>• The Organization learned of the incident on August 31, 2018.</li></ul>
<b>Affected individuals</b>	The incident affected eight individuals.

<p><b>Steps taken to reduce risk of harm to individuals</b></p>	<ul style="list-style-type: none"> <li>• Immediately investigated and took steps to contain any further distribution of the email communication and attachment. The recipients promptly confirmed that they deleted the email and did not forward or discuss the contents with others. The recipients also agreed not to engage in any communications, either internally or externally, regarding the personal information contained in the email.</li> <li>• Reviewed appropriate email procedures with the sender of the email, and reminded him of the importance of maintaining the confidentiality of personal information entrusted to him.</li> </ul>
<p><b>Steps taken to notify individuals of the incident</b></p>	<p>The Organization’s CEO directly notified each of the affected individuals either in person or by telephone.</p>
<p><b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b></p>	
<p><b>Harm</b> 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 “There is... potential for harm as the disclosure of compensation information may result in hurt, humiliation or embarrassment for affected current and former employees”.</p> <p>I agree with the Organization’s assessment. The compensation information at issue could be used to cause the significant harms of hurt, humiliation or embarrassment.</p>
<p><b>Real Risk</b> 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 “...the disclosure in this instance was the result of an inadvertent human error and there was no malicious intent.”</p> <p>In my view, the likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. The Organization took steps to mitigate any harm, by confirming with the unauthorized recipients that they had deleted the information. Nonetheless, it appears the information was viewed, and, due to the potential for personal/professional relationships between the affected individuals and the unauthorized recipients, there is a real risk of hurt, humiliation and embarrassment as a result.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></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 in this case.</p>	

The compensation information at issue could be used to cause the significant harms of hurt, humiliation or embarrassment. The likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. The Organization took steps to mitigate any harm, by confirming with the unauthorized recipients that they had deleted the information. Nonetheless, it appears the information was viewed, and, due to the potential for personal/professional relationships between the affected individuals and the unauthorized recipients, there is a real risk of hurt, humiliation and embarrassment as a result.

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's CEO directly notified each of the affected individuals either in person or by telephone, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner