



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

<b>Organization providing notice under section 34.1 of PIPA</b>	HSBC Investment Funds (Canada) Inc. (Organization)
<b>Decision number (file number)</b>	P2018-ND-160 (File #008052)
<b>Date notice received by OIPC</b>	March 19, 2018
<b>Date Organization last provided information</b>	October 22, 2018
<b>Date of decision</b>	December 3, 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 those individuals whose personal information was collected in Alberta, 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 is an "organization" as defined in section 1(1)(i) of PIPA.
<b>Section 1(1)(k) of PIPA "personal information"</b>	<p>The information at issue was included on T4RIF and T4RSP forms issued for deceased customers. Some forms were made out to the beneficiaries of the deceased's account and some forms are made out to the estate of the deceased.</p> <ul style="list-style-type: none"><li>• name of beneficiary/executor,</li><li>• address of beneficiary/executor,</li><li>• income/tax amount, and</li><li>• social insurance number of the beneficiary/deceased.</li></ul> <p>This information is about identifiable individuals 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 February 20, 2018, the Organization mailed T4RIF and T4RSP forms to beneficiaries and estate executors of deceased customers.</li></ul>

	<ul style="list-style-type: none"> <li>• On February 26, 2018, a customer attended one of the Organization’s branches to return a T4RIF tax form listing inaccurate information.</li> <li>• On February 28, 2018, the Organization determined a manual printing error led to the co-mingling of customer and non-customer personal information on T4RIF and T4RSP forms. The correct forms and misaligned forms were combined and contents were not confirmed to be accurate prior to packaging and mailing of the forms.</li> <li>• The Organization mailed letters to those individuals who received co-mingled information requesting they securely destroy the incorrect information, and confirm doing so or return the incorrect form to the Organization.</li> </ul>
<b>Affected individuals</b>	The incident affected 6 residents of Alberta, 4 of whom are deceased.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Provided one-year credit monitoring and protection to affected individuals.</li> <li>• Supplied a toll-free number to affected individuals to call if they have questions and to enroll in credit monitoring and protection.</li> <li>• Changed process so a dedicated system will host the data in question.</li> <li>• Automated the printing of the tax forms.</li> <li>• Implemented extra checking/verification.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter beginning on March 20, 2018.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<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>The Organization reported that “The disclosure of affected individuals’ name, address, and social insurance number (SIN) to unauthorized parties could result in identity theft and/or fraud.”</p> <p>I agree with the Organization’s assessment. The contact information (name, address), along with the identity information (social insurance number) and financial information (income and tax amount) could be used to cause the harms of identity theft and fraud. These are significant harms.</p>

<p><b>Real Risk</b></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>Although we have determined the disclosed information to be of a highly sensitive nature, we believe the likelihood of imminent harm to be lessened due to the following factors.</i></p> <p><i>We are aware of the recipients of the commingled forms.</i></p> <p><i>Affected individuals are eligible to enroll for a one-year term of credit monitoring and protection at the [Organization's] expense.</i></p> <p><i>We will be mailing letters to those in receipt of the commingled information requesting they securely destroy the incorrect forms and provide confirmation or to return the incorrect form to their nearest HSBC Bank Canada branch for secure destruction. Along with these instruction [sic], a toll-free number will be supplied should they have questions or would like to enroll in credit monitoring and protection.</i></p> <p><i>Although the disclosed information could result in identity theft and/or fraud, we have no evidence the information has been used for these purposes.</i></p> <p>In my view, a number of factors reduce the likelihood of harm resulting in this case, including that the incident resulted from human error and not malicious intent, an unintended recipient reported the breach to the Organization, and some of the documents have been recovered. Nonetheless, considering the sensitivity of the information in this case, I am concerned that the Organization was not able to retrieve all the documents, or confirm that documents were destroyed securely despite attempts to do so. Further, the lack of reported incidents resulting from this breach to date is not a mitigating factor, as identity theft and fraud can occur months and even years after a data breach.</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 to the affected individuals.</p> <p>The contact information (name, address), along with the identity information (social insurance number) and financial information (income and tax amount) could be used to cause the harms of identity theft and fraud. These are significant harms.</p>	

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

I understand the Organization notified affected individuals by letter beginning on March 20, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner