



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

<b>Organization providing notice under section 34.1 of PIPA</b>	PFSL Fund Management Ltd. (Organization)
<b>Decision number (file number)</b>	P2019-ND-025 (File #010638)
<b>Date notice received by OIPC</b>	November 12, 2018
<b>Date Organization last provided information</b>	November 12, 2018
<b>Date of decision</b>	February 15, 2019
<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 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>	The incident involved all or some of the following information: <ul style="list-style-type: none"><li>• name,</li><li>• address, and</li><li>• social insurance number.</li></ul> This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
<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>• Tax receipts issued for estate accounts with multiple recipients (deceased, executors, and beneficiaries) were consolidated into a single mailing address for each account, instead of separated by individual recipient address and mailed accordingly.</li><li>• The date of the initial mailing to a recipient in Alberta was September 9, 2016. The date of the last mailing to an Alberta recipient was March 19, 2018.</li></ul>

	<ul style="list-style-type: none"> <li>• The breach was discovered on August 30, 2018, after an internal investigation was conducted by the transfer agency administrator, AGF CustomerFirst Inc. ("AGFC"), after looking into inquiries from executors and/or beneficiaries regarding tax forms that had not been received.</li> <li>• AGFC concluded the investigation and reported the results to the Organization on August 30, 2018.</li> </ul>
<b>Affected individuals</b>	The incident affected 3 individuals in Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Manually issued tax slips to each individual on file for estate accounts.</li> <li>• A robust automated solution is currently being assessed and tested. The solution will also be subject to compliance testing before implementation.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter on October 25, 2018
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<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 that "There is potential for misuse or unauthorized disclosure of the personal information by the Recipient who inadvertently received all of the tax receipts in the settlement of the account."</p> <p>I agree with the Organization's assessment. The contact and identity information at issue could be used to cause the significant harms of identity theft, fraud and financial loss.</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 it "... has assessed that the likelihood of harm to result is low. The personal information was inadvertently exposed to individuals that are all known to each other, as such, PFSL Fund Management Ltd. believes that there is a low likelihood of the Recipients sharing or using the information in a way that would cause harm."</p> <p>In my view, a reasonable person would consider that the likelihood of harm is reduced because the incident does not appear to have resulted from malicious intent, but was rather an error, and the unintended recipients are known to each other. However, the Organization did not report any efforts to recover the personal information or to ensure that the information is not used or further disclosed, and is securely destroyed.</p>

**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.

The contact and identity information at issue could be used to cause the significant harms of identity theft, fraud and financial loss. The likelihood of harm is reduced because the incident does not appear to have resulted from malicious intent, but was rather an error, and the unintended recipients are known to each other. However, the Organization did not report any efforts to recover the personal information or to ensure that the information is not used or further disclosed, and is securely destroyed.

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 the affected individuals by letter on October 25, 2018. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner