



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Rifco National Auto Finance Corporation (Organization)
Decision number (file number)	P2020-ND-080 (File #015214)
Date notice received by OIPC	June 17, 2019
Date Organization last provided information	June 17, 2019
Date of decision	July 24, 2020
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 whose personal information was collected in Alberta, 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 all or some of the following information:</p> <ul style="list-style-type: none">• name,• address,• loan account number, and• outstanding loan balance. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.</p>
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 June 10, 2019, two letter attachments addressed to two different customers were sent by text messages by the Organization.

	<ul style="list-style-type: none"> • The two letters were inadvertently sent to two incorrect cell phone numbers. • One of the customers who received a text message called the Organization to advise he had received a letter that was intended for another customer. • The Organization reported there was no release of any payment or banking information, or other personal information.
Affected individuals	The incident affected two individuals whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Notified the affected individuals. • Added quality assurance processes to verify the integrity of the data when text messages with attachments are sent to customers.
Steps taken to notify individuals of the incident	Affected individuals were notified by mail on June 14, 2019.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<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 that “personal embarrassment” could be a harm that may occur as a result of the breach and the information at issue “would be insufficient to contribute to identity theft.”</p> <p>In my view, a reasonable person would consider that the contact information, along the loan account number and the outstanding loan is comprehensive enough that it could be used to cause the significant harms of identity theft and fraud, as well as potentially hurt, humiliation and embarrassment.</p>
<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 between the incident and the possible harm.</p>	<p>The Organization reported:</p> <p><i>It is unlikely the breach will cause harm. The text message for our customer living in Moose Jaw, SK was inadvertently sent to another customer in Kingston ON. A text message for our customer living in Merritt, BC was inadvertently sent to another customer in Airdrie, AB. It is unlikely the customers know each other and the enclosed private information would be insufficient to contribute to identity theft.</i></p> <p>In my view, a reasonable person would consider there is a real risk of significant harm in this case, despite the fact the incident did not result from malicious intent. Although the customers may not have known each other, it is not clear whether the Organization confirmed that the unintended recipients deleted the information, or undertook not to use, copy or distribute it further.</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.

A reasonable person would consider that the contact information, along the loan account number and the outstanding loan is comprehensive enough that it could be used to cause the significant harms of identity theft and fraud, as well as potentially hurt, humiliation and embarrassment. Despite the fact the incident did not result from malicious intent and it is unlikely the customers knew each other, it is not clear whether the Organization confirmed that the unintended recipients deleted the information, or undertook not to use, copy or distribute it further.

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 mail on June 14, 2019, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner