



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Mercedes-Benz Financial Services Canada Corporation (Organization)
Decision number (file number)	P2019-ND-150 (File #007489)
Date notice received by OIPC	January 15, 2018
Date Organization last provided information	January 29, 2018
Date of decision	August 21, 2019
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. Pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA), the Organization is required to notify those individuals whose personal information was collected in Alberta.
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">• customer name,• date of birth,• contact information,• void cheque or copy of same,• government-issued personal identification information (e.g. driver’s licence number),• vehicle identification number,• make and model of customer’s vehicle.• credit applications (with employment information, salary, debts, and, where voluntarily provided, social insurance numbers). <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent this information was collected in Alberta, PIPA applies.</p>
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

Description of incident	<ul style="list-style-type: none"> On or about December 18, 2017, it was determined that a box containing paper copies of credit applications and customer contracts had gone missing during shipping to another company. The Organization investigated, but was unable to locate the box.
Affected individuals	The incident affected 120 individuals, including 7 Albertans.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Reviewed processes and requested the other parties who handled the box do the same. Conducted an audit of other shipments during that time and all are accounted for. Reviewing processes and relationships with vendors, and reminded employees of the role of good privacy practices in the handling of customer personal information. Offered 12 months of credit monitoring to affected individuals. Reported incident to data protection authorities.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on January 12, 2018.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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.	The Organization did not specify the type of harm(s) that might result from this incident, but its notification to affected individuals said, among other things, that “...it is always a good idea to review your bank account and payment card statements carefully and call your bank if you see any suspicious transactions.” In my view, a reasonable person would consider that the contact, identity, employment and financial information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss.
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.	The Organization did not specifically assess the likelihood of harm resulting from this incident, but did report that “There is no evidence at this time that unauthorized third parties have accessed or used the information”. In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased as it is not known if the box was lost, or stolen. The information has not been recovered. The lack of reported incidents to date does not mitigate against future harmful use of the information.
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, identity, employment and financial information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss. The likelihood of harm resulting from this incident is increased as it is not known if the box was lost, or stolen. The information has not been recovered. The lack of reported incidents to date does not mitigate against future harmful use of the information.

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 that affected individuals were notified by letter on letter on January 12, 2018. The Organization is not required to notify the individuals again.

Jill Clayton
Information and Privacy Commissioner