



**PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision**

Organization providing notice under section 34.1 of PIPA	Rifco National Auto Finance (Organization)
Decision number (file number)	P2022-ND-032 (File #022537)
Date notice received by OIPC	May 19, 2021
Date Organization last provided information	March 29, 2022
Date of decision	May 2, 2022
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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 the following information:</p> <ul style="list-style-type: none">• name,• date of birth,• social insurance number,• signature, and• loan financing details. <p>The information is about an identifiable individual 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 type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On May 8, 2021, an agent with the Organization received a phone call.• The caller stated he was told his information was contained in a loan file in case the Organization could not reach the main applicant.

	<ul style="list-style-type: none"> • The Organization sent a copy of the loan documentation to the caller as a result of the conversation. • The Organization subsequently discovered the caller was not listed on the loan agreement. • The Organization submits it asked the caller to destroy the loan documentation that was sent in error. • The Organization is confident it received a verbal confirmation from the caller that the documents sent in error were destroyed. However, the Organization is unable to confirm the full details of the verbal confirmation.
Affected individuals	The incident affected one (1) individual whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Contacted the caller who received the documents in error, and requested the documents be destroyed. • Reviewed loans in software system to ensure individuals not on the loan agreement are not listed as co-applicants.
Steps taken to notify individuals of the incident	The affected individual was notified by email on May 13, 2021.
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.	<p>The Organization reported the possible harms that may occur as a result of the incident are <i>“Embarassment [sic] as loan was in arrears and identity theft.”</i></p> <p>In my view, a reasonable person would consider that the contact, identity and financial information at issue could be used to cause the significant harms of identity theft, fraud, financial loss, humiliation and embarrassment.</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>The Organization reported,</p> <p><i>The loan applicant and the caller were known to each other and living together at the time the loan agreement was signed. Harm is unlikely as unintended recipient had access to this information prior to the relationship breakdown. Since then, the unintended recipient has not used this for any malicious intent and unlikely to do so now.</i></p> <p>A reasonable person may consider the likelihood of harm is decreased because the incident was a result of an error and not malicious intent. However, in my view, the likelihood of harm from humiliation and embarrassment is increased because the caller and the affected individual knew each other in a personal capacity.</p>

	<p>In addition, although the Organization submits it requested the caller delete the documents sent in error, the Organization is unable to confirm the details of the confirmation.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</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 individual.</p> <p>A reasonable person would consider that the contact, identity and financial information at issue could be used to cause the significant harms of identity theft, fraud, financial loss, humiliation and embarrassment.</p> <p>While the likelihood of harm is decreased because the incident was a result of an error and not malicious intent, the likelihood of harm from humiliation and embarrassment is increased because the caller and the affected individual knew each other in a personal capacity. In addition, although the Organization submits it requested the caller delete the documents sent in error, the Organization is unable to confirm the details of the confirmation.</p> <p>I require the Organization to notify the affected individual whose personal information was collected in Alberta in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified the affected individual by email on May 13, 2021, in accordance with the Regulation. The Organization is not required to notify the affected individual again.</p>	

Cara-Lynn Stelmack
Assistant Information and Privacy Commissioner