Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT
406-2019, 407-2019, 408-2019, 016-2020

Saskatchewan Telecommunications

June 9, 2021

Summary: The Complainant made purchases from a Saskatchewan Telecommunications (SaskTel) store on two occasions. The receipts that the Complainant received for both of these purchase transactions displayed the name, telephone number and account number of two other individuals. The Complainant reported these incidents to SaskTel and raised concerns that they believed their own personal information may also have been effected as a result of these transactions. SaskTel responded to the Complainant's alleged breach of privacy complaint, finding that there was no evidence of any unauthorized actions with the Complainant's personal information. The Complainant and their spouse reported these incidents to my office and requested an investigation into their alleged breach of privacy concerns relating to both their personal information. The Commissioner found these two incidents resulted in the unauthorized disclosure of personal information about two individuals on the POS receipts issued to the Complainant. However, the Complainant's personal information and their spouse's personal information were not involved in any unauthorized collection, use or disclosure related to these two incidents and as such, no privacy breaches occurred related to their privacy concerns. The Commissioner recommended SaskTel ensure the receipts and any copies are destroyed in a secure fashion and that SaskTel notify the two individuals of the unauthorized disclosure of their personal information. The Commissioner also recommended SaskTel develop and implement a policy or procedure for responding to privacy breaches including reasonable steps for containing a breach and notification to affected individuals.

I BACKGROUND

[1] On October 25, 2019, the Complainant emailed the Privacy Office at Saskatchewan Telecommunications (SaskTel) with the following concerns related to two purchases made at a SaskTel store:

> I purchased a phone on September 3 from the SaskTel store in Cornwall center. When I got home I noticed the receipt was in [name of individual #1]. I called in and was sent a new receipt in my name.
>
> Today I purchased another ishieldz because the one that I purchased on Sept [sic] 3 was defective. When I got home I noticed the receipt is also in someone else's name. [Name of individual #2] and [their] phone number is on the receipt as well!
>
> So someone else has my receipts for the phone and ishieldz and my personal information. And I have 2 other SaskTel customers' private information!

[2] On October 28, 2019, SaskTel's Privacy Office responded to the Complainant indicating they would investigate the matter to determine what had happened and requested a copy of the receipts the Complainant had referenced. The Complainant provided copies of these receipts to SaskTel the following day.

[3] On November 7, 2019, SaskTel's Privacy Office provided the Complainant with the following update on its investigation:

> We have reviewed the last 2 years of our store receipts and I think you will be happy to know that your information has not appeared on any other receipt. Your information is secure.
> …
>
> Our investigation has not concluded on the technical side of things. We continue to look at our systems in order to understand how another persons [sic] information ended up on a store receipt. When we determine the exact cause I will share that with you.

[4] On November 29, 2019, my office received a letter from the Complainant outlining the following alleged privacy concerns with SaskTel regarding their own personal information and their spouse's personal information:

> On September 3, 2019 my [spouse] and I went to the Sasktel store in the Cornwall Center to purchase a cell phone. We purchased the phone, several accessories and a 2 year contract. When I arrived home, I noticed that the receipt was in the name of [name of individual #1]. I called Sasktel and they made a note of it on my profile and sent me a new receipt by email. The new receipt was sent as a "cash" receipt even though the purchase was made on my Visa.
>
> On October 25, 2019 we returned to the store at the Cornwall Center as there was a defect in the Ishieldz screen protector we had purchased with the phone. We purchased another screen protector, again on my Visa and used my [spouse's] employee discount… Once again, when I arrived home I noticed my receipt was in the name of [name of individual #2] and [individual #2's] phone number was on the receipt.
>
> I called Sasktel and the associate searched my profile as well as [name of individual #2] profile and the system did not show that either one of us made a purchase that day.
>
> I sent an email to the Privacy Office at Sasktel on October 25, 2019. I have since received a response by email and phone indicating they have no idea how this occurred…
>
> We are more than a little concerns with the lack of privacy that Sasktel has demonstrated. They can not explain how I have 2 receipts in someone else's name or how another customer's information has been disclosed to me. I do not know if my personal information, including our phone number, employee number and Visa number have appeared on someone else's receipt.
>
> I was also told Sasktel will be contacting [name of individual #1] and [name of individual #2] to let them know that their personal information has appeared on another customer's receipt.

[5] On December 3, 2019, my office contacted SaskTel regarding this complaint and provided SaskTel the opportunity to proactively report this matter and provide an internal investigation report regarding these incidents.

[6] On December 9, 2019, SaskTel emailed my office proactively reporting the September 3, 2019 incident (File: 406-2019). I will refer to the September 3, 2019 incident as Incident #1. On December 6, 2019, SaskTel emailed my office proactively reporting the October 25, 2019 incident (File: 407-2019). I will refer to the October 25, 2019 incident as Incident #2.

[7] On December 23, 2019, my office notified SaskTel that I would undertake an investigation into these incidents and requested a copy of its internal investigation reports relating to each incident.

[8] On January 10, 2020, the Complainant's spouse requested in an email to my office that my office investigate if any unauthorized actions were taken with their personal information related to these two incidents. The spouse also provided consent for the Complainant to act on their behalf. The spouse also confirmed their consent for the Complainant to act on their behalf in a voicemail on January 15, 2020. On February 7, 2020, my office also notified SaskTel and the Complainant of my office's intentions to undertake an investigation into the concerns relating to the Complainant's personal information (File: 408-2019) and their spouse's personal information (File: 016-2020) related to these two incidents. My office requested SaskTel provide details of its investigation related to the Complainants' following alleged breach of privacy concerns:

- Alleged privacy concern that personal information in their SaskTel account may not accurately capture their transaction history; and
- Alleged privacy concern that their personal information may have been inaccurately collected (recorded), used and/or disclosed during the processing of two purchase transactions with the SaskTel store.

II DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[9] SaskTel qualifies as a "government institution" pursuant to subsection 2(1)(d)(ii) of *The Freedom of Information and Protection of Privacy Act* (FOIP), and section 3 and PART I of the Appendix of *The Freedom of Information and Protection of Privacy Regulations* (FOIP Regulations). As such, I have jurisdiction to conduct this investigation.

2. Is FOIP engaged?

[10] "Personal information" is defined at subsection 24(1) of FOIP, which provides:

> **24**(1) Subject to subsections (1.1) and (2), "personal information" means personal information about an identifiable individual that is recorded in any form…

[11] While subsection 24(1) of FOIP provides examples of the type of information that qualifies as personal information, this is not an exhaustive list. There may be other information that qualifies as personal information, if the following two elements exist:

1. Is there an identifiable individual? and

2. Is the information personal in nature?

[12] The Complainant and their spouse brought forward the concern of receiving personal information of other individuals on two instances. The Complainant and the spouse were also concerned about alleged unauthorized use or disclosure of their personal information based on two incidents.

[13] In Incident #1, SaskTel identified that the customer name and account number of another person (Affected Individual #1) that previously had been assigned the newly activated telephone number were printed on a point of sale (POS) receipt that was given to the Complainant.

[14] In Incident #2, SaskTel identified that the name and telephone number of another person (Affected Individual #2) were printed on a POS receipt. Affected Individual #2 did not have an account number as their telephone number was through another service provider.

[15] As a result of these two incidents, the Complainant and their spouse had concerns that their personal information may have been inaccurately collected (recorded), used and/or disclosed during the processing of these two transactions. This included either of their names, their telephone numbers, their account numbers, their credit card information and the spouse's SaskTel employee number.

[16] The information involved in these incidents would qualify as personal information, as defined by subsections 24(1)(b), (d), (e) and (k)(i) of FOIP, which provides as follows:

> **24**(1) Subject to subsections (1.1) and (2), **"personal information"** means personal information about an identifiable individual that is recorded in any form, and includes:
> …
>
> (b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
> …
>
> (d) any identifying number, symbol or other particular assigned to the individual, other than the individual's health services number as defined in *The Health Information Protection Act*;
>
> (e) the home or business address, home or business telephone number or fingerprints of the individual;
> …
>
> (k) the name of the individual where:
>
> (i) it appears with other personal information that relates to the individual; or
> …

[17] I find that these two incidents resulted in the unauthorized disclosure of personal information about Affected Individual #1 and Affected Individual #2 on the POS receipts issued to the Complainant.

[18] Based on the above, I find personal information is involved and that FOIP is engaged on this matter.

[19] While the Complainant and their spouse also believed that these incidents resulted in unauthorized collection, use or disclosure of their personal information, SaskTel had concluded no privacy breach had occurred based on a two-year review of receipts from its POS system. The Complainant and their spouse were not satisfied with that conclusion and requested my office undertake an investigation. In the next section, I will consider SaskTel's response to the unauthorized disclosure of the other individuals' personal information and consider if, based on its investigation, there is any evidence that these incidents resulted in any unauthorized actions with the personal information of the Complainant and their spouse.

3. Did SaskTel respond appropriately to the incidents?

[20] My office suggests that government institutions undertake the following steps when responding to a privacy breach:

1. Contain the breach;
2. Notify affected individuals;
3. Investigate the privacy breach; and
4. Prevent future privacy breaches.

[21] What follows is an analysis of each step.

Contain the breach

[22] To contain a privacy breach is to ensure the personal information is no longer at risk. This may include recovering records, revoking access to personal information and/or stopping the unauthorized practice.

[23] The Complainant reported the two incidents to SaskTel advising the two receipts they had received contained personal information of other individuals. From the copies of the communications that I have received, it does not appear SaskTel requested the receipts be returned or securely destroyed and the Complainant continues to retain copies of those receipts.

[24] I find SaskTel did not take appropriate steps to contain the breach.

[25] I recommend SaskTel request the Complainant return the receipts and not retain any copies of these receipts.

[26] I recommend SaskTel develop and implement a policy or procedure that ensures it takes reasonable steps to retrieve any personal information that is used or disclosed without authority at the time it learns of such an incident.

Notify the affected individuals

[27] Notifying the affected individual of the privacy breach is important so they can determine how they have been impacted and take steps to protect themselves. My office recommends that a notification contain the following:

- A description of what happened;
- A detailed description of the personal information/personal health information involved;
- If known, a description of the possible types of harm that may come to them as a result of the breach;
- Steps the individual can take to mitigate harm;
- Steps the organization is taking to prevent similar breaches from occurring in the future;
- The contact information of an individual within the organization who can answer questions and provide further information;
- A notice that individuals have a right to complain to the Office of the Information and Privacy Commissioner (IPC);
- The contact information of the IPC;
- Where appropriate, recognition of the impacts of the breach on affected individuals; and
- An apology.

[28] In my office's resource, *Privacy Breach Guidelines for Government Institutions and Local Authorities*, it provides that public bodies should be notifying affected individuals as soon as possible after learning of the incident, unless there are compelling reasons why this should not occur. Additionally, subsection 29.1 of FOIP requires that if there is an unauthorized use or disclosure of personal information, the public body must notify the affected individual, if the incident creates a real risk of significant harm for the affected individual.

[29] Based on its internal investigation reports, it does not appear SaskTel notified either of the affected individuals that their personal information was inadvertently disclosed to another individual without authority under FOIP.

[30] I recommend SaskTel notify Affected Individual #1 and Affected Individual #2 of the unauthorized disclosure of their personal information to another individual. I also recommend that the notification include all of the components noted at paragraph [27] of this Report.

[31] I recommend SaskTel develop and implement a policy or procedure to ensure it notifies affected individuals of a privacy breach.

Investigate the privacy breach

[32] Investigating a privacy breach helps identify the root cause, which is key to understanding what happened and how to prevent similar breaches from occurring in the future. A privacy breach occurs when personal information is collected, used and/or disclosure without authority under FOIP.

[33] The investigation of Incident #1 involved a team of subject matter experts from various areas of SaskTel and was led by SaskTel's Security Manager – Systems. The team examined systems, system logging, policies, procedures and training material to determine how another customer's name appeared on the POS receipt. It was found that this telephone number identified on the receipt associated to Incident #1 had previously been assigned to Affected Individual #1. In June 2019, the Affected Individual #1's telephone number was disconnected. While the Affected Individual #1's account remained active, the telephone number was put into an inactive status until it was assigned to the Complainant. After SaskTel entered this telephone number into the POS system, the system auto populated with Affected Individual #1's name and account number, whom had previously been assigned this telephone number. The SaskTel representative should have confirmed the customer information was correct before proceeding but this did not occur

in this instance. SaskTel advised my office of a planned system change to prevent this from occurring again in the future. I will discuss this further in the next section.

[34] The investigation of Incident #2 also involved a team of subject matter experts from various areas of SaskTel and was led by SaskTel's Security Manager – Systems. The team again examined systems, system logging, policies, procedures and training material to determine how another customer's name appeared on the POS receipt. It was found that Affected Individual #2 was at the SaskTel store to make some type of transaction, but its records do not contain enough information to establish the reason for the visit, it was likely to make a purchase or make a bill payment. The transaction was not completed for one reason or another before processing the Complainant's purchase. Before completing a transaction on its POS system, the SaskTel representative is to ensure any previous transaction data is cleared before processing the next sale transaction. In this instance, this did not occur and resulted in the name and telephone number of Affected Individual #2 to be printed on the Complainant's receipt. SaskTel advised that it intends to remove this type of information from the POS receipt to prevent future occurrences. I will discuss this further in the next section.

[35] The Complainant that reported these two incidents to SaskTel was also concerned that both their personal information and their spouse's may have been collected, used or disclosed without authority based on their experience of having two receipts displaying personal information of other individuals. Their concerns included that the Complainant's name or their spouse's name, their telephone number, credit card information or their spouse's SaskTel employee number could have been involved in unauthorized actions as a result of these incidents. SaskTel ran a query in its POS system to see if the last name of the Complainant and their spouse, their telephone number, account numbers of either their wireless or wireline accounts appeared on any POS receipts issued in the past two years. SaskTel's query did not result in any activity and advised the Complainant of this on November 7, 2019. However, the Complainant continued to have concerns and requested my office undertake an investigation. SaskTel also indicated in its response to my office's notification of this investigation that credit card numbers are truncated on POS receipts and

only the last four digits and credit card expiry date are printed on the receipt to prevent unauthorized disclosure of credit card information.

[36] Based on SaskTel's investigation of the privacy concerns related to the Complainant's own personal information and their spouse's personal information, it does not appear that these incidents resulted in any unauthorized collection, use or disclosure of their personal information related to the POS receipts. Additionally, SaskTel advised that sales transactions is only stored in SaskTel's POS system and does not result in any updates to a Customer's account. As such, the account information of all individuals involved in these incidents remain accurate.

[37] Based on details provided by SaskTel about its investigation, I find that the Complainant's personal information and their spouse's personal information were not involved in any unauthorized collection, use or disclosure related to these two incidents and as such, no privacy breached occurred related to their privacy concerns.

[38] I find that SaskTel conducted an appropriate privacy breach investigation.

Prevent future privacy breaches

[39] Preventing future privacy breaches means to implement measures to prevent similar breaches from occurring.

[40] To prevent future occurrences of Incident #1, SaskTel implemented a system change in September 2019, to not return any account information if the number associated to it is in an inactive state. SaskTel indicated this will eliminate the possibility of previous account information populating when an inactive number is reassigned to another customer.

[41] To prevent future occurrences of Incident #2, SaskTel advised that it sent a communication out to all store employees and managers reminding them to validate the name entered in the POS system when dealing with customers and have sent out quarterly reminders for the next year regarding the POS policy and procedure. SaskTel also noted it would review and

update POS training material, as required, and SaskTel IS Security would undertake a review of the POS system and determine if appropriate controls were in place and make recommendations for changes.

[42] SaskTel also indicated that it would remove personal information of customers from the POS receipt. On June 2, 2021, SaskTel advised that this POS software release is scheduled to be completed by July 31, 2021. SaskTel indicated that when an individual is making a purchase, generally, customers are asked for their telephone number and the POS system will pull the name and account number from a customer relationship database. The sales transaction is then associated with the customer in the POS system to allow SaskTel to assist customers at a later date, if necessary for the repair or warranty of the items purchased. The customer name and telephone number would no longer be printed on the receipt and only the last three digits of the account number would be displayed on the receipt.

[43] I find that SaskTel took reasonable steps to prevent similar privacy breaches from occurring in the future.

III FINDINGS

[44] I find that these two incidents resulted in the unauthorized disclosure of personal information about Individual #1 and Individual #2 on the POS receipt issued to the Complainant.

[45] I find that FOIP is engaged.

[46] I find that SaskTel has not taken appropriate steps to contain the breach relating to the unauthorized disclosure of Affected Individual #1 and Affected Individual #2's personal information.

[47] I find that SaskTel did not provide notification to the affected individuals.

[48] I find that the Complainant's personal information and their spouse's personal information were not involved in any unauthorized collection, use or disclosure related to these two incidents and as such, no privacy breaches occurred related to their privacy concerns.

[49] I find that SaskTel conducted an appropriate privacy breach investigation.

[50] I find that SaskTel took reasonable steps to prevent similar privacy breaches from occurring in the future.

IV RECOMMENDATIONS

[51] I recommend SaskTel follow up with the Complainant and request the receipts and any copies either be returned to them or confirm that they have been destroyed in a secure fashion.

[52] I recommend SaskTel notify Affected Individual #1 and Affected Individual #2 of the unauthorized disclosure of their personal information to another individual. I also recommend that the notification include all of the components noted at paragraph [27] of this Report.

[53] I recommend SaskTel develop and implement a policy or procedure for responding to privacy breaches including reasonable steps for containing a breach and notification to affected individuals.

Dated at Regina, in the Province of Saskatchewan, this 9th day of June, 2021.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy Commissioner