



THE  
CANADIAN  
PRIVACY  
INSTITUTE

# Waiving your privacy for lube, oil and filter

*Big Brother is watching closer than ever before*

Tony Tucci took his car to a downtown Toronto Mazda dealership for a routine oil change. As all auto owners know this takes a few minutes, so he was shown to a waiting area and given something to read.

For his edification he was handed a two-page information package outlining the dealership's interpretation and course of action regarding PIPEDA (The Personal Information Protection and Electronic Documents Act), the federal Canadian Act that came into full force on January 1, 2004. Since he was waiting in a dealership with little else to do he set about to read the provided information.

"Almost from the onset, he began to feel uncomfortable.

The document begins this way: "When you purchase or lease a vehicle from us, or when you have us service or repair a vehicle, or if you finance the purchase or lease of a vehicle through us, or purchase or lease other products or services from or through us, or if you participate in one of our surveys, contests, or promotions, or if you test drive one of our vehicles, or contact our dealership staff, we may collect some or all of the following personal information." "

That verbiage may be a legal departments' idea of complying with the new Canadian Privacy law, however, it is certainly not in the spirit of the law as it is meant it to function.

"The dealership's privacy document says it all. Under the heading, "What personal information do we collect?" it begins with the basic name, address and telephone number and then descends into a world which has absolutely no relevance either to a car dealership or an oil change -- i.e. the date of birth of family members, the social insurance number of family members, the financial and credit information of family members, the principal amount of loans (complete with interest and repayment schedules), health information and, finally, the amount of any life, health, disability or accident insurance, including all details of that insurance."

The result of Mr Tucci reading and digesting the document was that Tucci demanded his keys and left with out his car being serviced.

When asked for an opinion on this company's approach to privacy policy, Ian Turnbull, Director of The Canadian Privacy Institute, replied "What was being asked of him was not reasonable. And I don't blame him for leaving."

"Why would a car dealership need health information to provide someone with an oil change? The answer is, they don't. What they are trying to do is to create a blanket document to cover all situations in order to cut down on the administration of the privacy policy.

"But I will tell you this," said Turnbull. "If Mr. Tucci were to take his complaint to the (federal) privacy commission, I can guarantee you they would find in his favour." Both Mr. Tucci, and his wife, Victoria Tucci, who also happens to be a criminal lawyer, are both considering just that step.

The car dealer was undoubtedly trying to comply with the legislation, but by using a single consent form for so many different purposes they clearly missed the mark. Companies must learn to comply with the legislation by more carefully tailoring their consent (and other) forms to the specific purpose for which the personal information is being collected.<sup>1</sup>

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<sup>1</sup> Excerpts from article by Mark Bonokoski - Toronto Sun - January 30, 2004