



Personal Information Protection and Electronic Documents Act (PIPEDA) Complaint Form

SECTION 1: Complainant/Representative Information

1. Are you making this complaint on your own behalf?

Yes

Complainant Information

Edward Hasbrouck
1130 Treat Ave.
San Francisco, CA 94110
United States
E-mail Address: edward@hasbrouck.org
Daytime Telephone Number: (415) 824-0214

SECTION 2: Details of Complaint

2. Which organization is your complaint against?

Air Canada

3. Are you submitting the complaint as a customer or as an employee of the organization?

Customer

4. Summarize your complaint

I purchased a ticket from Air Canada for a journey from Boston to Montréal to Brussels on flights operated by Air Canada, from Ljubljana to Zürich on a flight operated by Adia, and from Zürich to San Francisco on Swiss international.

I purchased a single ticket for this entire journey from Air Canada, The ticket for this entire journey was issued by Air Canada through an agent authorized and appointed by Air Canada as an agents of Air Canada. Pursuant to its agency appointment agreement, the agency was authorized to accept payments, execute contracts, and issue tickets in the name of Air Canada. Air Canada was the sole principle to the transaction, and I dealt with Air Canada's agent solely in its capacity as an agent of Air Canada, just as I dealt with Air Canada's individual employees solely in their capacity as agents of Air Canada.

After my trip, I asked Air Canada for all personal information pertaining to me held by Air Canada or by others on behalf of Air Canada, and for an accounting of all third parties to which any of this information had been disclosed.

Air Canada eventually provided a late, incomplete, inaccurate response.

Air Canada failed to provide any information concerning personal data collected, maintained, processed, or disclosed on Air Canada's behalf by any of its agents (other than individual Air Canada employees acting as agents of Air Canada).



Air Canada explicitly and incorrectly denied that any of my information was transferred to any government agency.

In fact, my information was transferred to government agencies in both Canada and the US. Competent responsible staff of Air Canada should have known this, because (1) my itinerary included flights from BOS (Boston) and to SFO (San Francisco), which any competent airline staff would immediately recognize as being codes for airports in the USA, (2) any competent Air Canada staff should have known with respect to which flights CBSA obtains information pertaining to passengers, and (3) competent responsible staff of Air Canada should have known that CBP has been given "root" user privileges in the CRS/GDS systems used by agents of Air Canada to store data on behalf of Air Canada, and that CBP could have obtained information regarding passengers on any flight worldwide.

Since the systems used by Air Canada do not contain access logs, Air Canada cannot say by which entities personal information was retrieved. In such a case, PIPEDA requires disclosure of a list of all those entities to which data *might* have been disclosed. In all such cases that list would include CBP, and any competent responsible staff person of Air Canada should have known this. The list of entities which might have obtained my information would also include all those entities with user privileges to retrieve my data from the CRS/GDS systems in which my data was stored, including other airlines, travel agencies, and CRS/GDS companies.

Instead, Air Canada provided inaccurate speculation as to what third parties they thought would likely have received my information.

Such speculation does not satisfy PIPEDA, which requires either an actual access log or, in the absence of access logs, a complete list of all those users with access privileges.

After I published an article in my blog calling attention to the falsehood of Air Canada's claim that my information had not been disclosed to any government, Air Canada acknowledged that my information was provided to CBP and CBSA. Air Canada still provided no information as to which other CRS/GDS system users had privileges such that they could have retrieved my personal data.

Although I repeatedly asked Air Canada to identify the person it had designated as responsible for PIPEDA compliance, Air Canada identified the repdid so only in its last message to me on 21 December 2012. Air Canada said that the person so designated, Ms. Jennifer Black, was on a "leave" of unspecified duration.

Since Air Canada's initial response evidenced manifest incompetence and unfamiliarity with elementary aspects of reservation data and its processing, I requested that my request and complaint be referred to the responsible person, and I waited a full calendar year -- the longest normal duration of a leave of absence -- to hear from Ms. Black on her return. However, to this date I have been provided with no contact information for Ms. Black, and have never received any communication from her or any further communication from Air Canada since 21 December 2012.

5. Have you attempted to resolve the matter with the organization?

Yes

If 'Yes', please outline your efforts and describe the result, if any.



With this complaint, I will provide complete copies of my correspondence with Air Canada concerning this matter.

6. Have you submitted a complaint about this incident to another body or organization?

Yes

If 'Yes', please provide details. Indicate the name of the body, and include relevant details such as dates and a reference number.

As is documented in the correspondence which I am submitting with this complaint, I made repeated, explicit, written requests to Air Canada to inform me of any industry or other bodies to which I could make a complaint concerning these issues. Air Canada never provided me with any information about any other body to which I could complain. Air Canada mentioned only the possibility of a complaint to the Office of the Privacy Commissioner of Canada.

7. How can the Office of the Privacy Commissioner of Canada help address your concerns?

I hope that you can:

(1) make public a finding that Air Canada has not complied with PIPEDA, most importantly in (a) failing to provide, on request, any information concerning personal data collected, retained, processed, and/or disclosed by agents appointed and authorized to act on behalf of Air Canada as principal and (b) failing to provide, on request, either an accurate and complete list of all those organizations to which my personal information was actually disclosed, or an accurate and complete list of all those organizations to which my personal information might have been disclosed; and

(2) Assist in bringing Air Canada into compliance with PIPEDA, including (a) making Air Canada's agents aware of their obligation to comply with PIPEDA when they act as agents for and in the name of Air Canada and Air Canada is the principal in the transaction, and (b) making any necessary changes in information systems used by Air Canada and its agents in order to keep logs either of actual access to records, or of users authorized to access records, so it will be possible to comply with the requirement to provide an accounting of entities which retrieved or might have retrieved personal data from those systems.

SECTION 3: Documentation

14 file(s) attached.

1. AC-request.pdf (98KB)
2. AC-to-Hasbrouck-1NOV2012.pdf (76KB)
3. Hasbrouck-to-AC-1NOV2012.pdf (93KB)
4. AC-to-Hasbrouck-2NOV2012.pdf (82KB)
5. AC-to-Hasbrouck-email-15NOV2012.pdf (205KB)
6. Hasbrouck-to-AC-15NOV2012.pdf (70KB)
7. AC-to-Hasbrouck-15NOV2012.pdf (1MB)
8. The_Practical_Nomad_blog__Air_Canada.pdf (1MB)
9. AC-to-Hasbrouck-21NOV2012.pdf (132KB)
10. Hasbrouck-to-AC-21NOV2012.pdf (63KB)
11. AC-to-Hasbrouck-23NOV2012.pdf (106KB)



12. AC-to-Hasbrouck-28NOV2012.pdf (93KB)
13. AC-to-Hasbrouck-21DEC2012.pdf (206KB)
14. ATS-AC-25APR2012.pdf (168KB)

Paper documents will be sent under separate cover: No

I certify that the information I have provided on this form is, to the best of my knowledge, true and complete.

I understand and agree to OPC's terms of use and online privacy policy.

Original Submission By: edward@hasbrouck.org