

Decision

Diariennr

2019-08-27

DI-2019-5660

Intrum Sverige AB

Hesselmanstorg 14

125 14 Stockholm

Supervision according to the Debt Collection Act (1974: 182) -

Intrum Sverige AB

The Data Inspectorate's decision

Intrum Sverige AB has violated section 5 of the Debt Collection Act by in part of its debt collection claims do not inform about the possibility to object to the claim.

Intrum Sverige AB has violated section 4 of the Debt Collection Act by not heading debt collection requirements in a sufficiently clear manner.

The Data Inspectorate states that Intrum Sverige AB has now corrected the design of the current debt collection requirements and that there is therefore no reason to take any further action.

Report on the supervisory matter

On 22 May 2019, the Data Inspectorate carried out an inspection at Intrum

Sverige AB (hereinafter Intrum). The inspection was carried out due to

that the Data Inspectorate routinely visits large players who have a debt collection permit. The Inspectorate is included in the Data Inspectorate's inspection plan 2019-2020.

The purpose of the inspection was to check how the company's debt collection operations relates to the Debt Collection Act and good debt collection practice in general. Questions taken up at the inspection referred to any changes in the business, control of the company's routines, for example in debtor contacts, process selection,

debt collection claims, mailing via digital mailbox, denial. At the time of inspection

Supervision case no. 2356-2017 was also followed up.

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Reason for the decision

Applicable regulations

Debt collection operations must be conducted in accordance with good debt collection practice (Section 4 of the Debt Collection Act).

What is good debt collection procedure is stated in Sections 5–11 of the Debt Collection Act,

The Swedish Data Inspectorate's general advice "Application of the Debt Collection Act" and

The Data Inspectorate's practice in debt collection issues.

Design of debt collection claims

Applicable provisions, etc.

Debt collection claims must state the time within which the debtor has to pay voluntarily

or file an objection to the claim (Section 5, third paragraph, of the Debt Collection Act). The

means that debt collection claims must contain information about the possibility of

object to the claim.

A debt collection claim should be titled "Debt collection claim" to make it clear

the debtor that it is such a requirement (Datainspektionen's general advice

Application of the Debt Collection Act page 22).

The Data Inspectorate's assessment

Of the example of debt collection claims that the Data Inspectorate has read in one complaint, there is a lack of content about the possibility to object the claim, as well as the heading "Debt collection claim".

The company stated that debt collection requirements (according to the template KA04) already in April 2018 have adjusted so that it is heading Debt collection claims. At the inspection was noted, however, that there was still a lack of information about the possibility of objecting to the claim.

The company has subsequently submitted an adjusted debt collection requirement (KA04) entitled "Debt collection claim". The adjusted debt collection requirement now contains the following text, "Do you have any objections to the claim? Contact us within eight days after the date of printing of this letter. "

The Data Inspectorate states that part of Intrum's debt collection requirements lacked information on the possibility of objecting to the claim. The company has thereby violated section 5 of the Debt Collection Act.

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The current demand letters have lacked the heading "Debt collection requirements" and were initiated with the following text "We see that you always pay your invoices on time and therefore, we wonder if you missed this payment? " To the debtor

To understand that this is a debt collection claim, it is important that the letter heading and design in general is clear. Then the current debt collection requirements during a period of time completely devoid of heading, they can not be considered to have given the debtor adequate guidance as to what action he or she has received.

This is especially in light of other shortcomings in the design of the letter.

The Data Inspectorate can thus establish that the Company has acted in violation of good

debt collection, and thereby section 4 of the Debt Collection Act.

The Data Inspectorate further states that Intrum has now corrected the incorrect one the design of the debt collection claim and that there is therefore no longer any reason to take any further action.

Digitized mailings of debt collection claims

Applicable provisions, etc.

Legal action in connection with the claim may not be taken until the debtor requirements referred to in section 5 of the Debt Collection Act and the specified time has expired (Section 6 debt collection law). With reference to section 5, it is meant that the claim must be presented in writing and have a certain content.

In the preparatory work for the Debt Collection Act, it is stated that the provision that the debtor must have requirements do not imply anything other than that the creditor or his representative must have have taken reasonable measures to ensure that the debtor receives the claim. Normally should it should be sufficient that the demand letter is sent by post under the debtor's usual address (prop. 1974: 42).

The Data Inspectorate's assessment

Intrum sends debt collection claims by post or via the Kivra digital mailbox. At

In the inspection, Intrum mainly stated the following about a new routine to send collection requirements digitally. The company has since February this year sent out debt collection claims also via the digital mailbox Kivra. The deadline to pay voluntarily or object to the requirement is the same as the requirements sent by physical mail.

When a debt collection claim is sent via Kivra, the debt collection claim is available in the recipient's mailbox in Kivra the same day. In that the debtor has chosen to

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join the digital mailbox and thereby have undertaken to monitor

it as if it were their population registration address, the company considers that they

by sending the debt collection claim via Kivra to the debtor

the debt collection claim. A debtor who no longer wants to receive the debt collection claim via Kivra can

unsubscribe either via Kivra or via Intrum. Intrum then announces its

print supplier and sends a collection claim by post with a new deadline for

payment or objection. About a quarter of the debt collection claims sent

out to debtors goes via Kivra.

By joining the Kivra digital mailbox, companies and

authorities, instead of sending letters in paper form by physical mail, choose

to send letters as electronic mail to individuals and companies

who has registered an account with Kivra.

The Data Inspectorate states that there is no requirement in section 5 of the Debt Collection Act

that a debt collection claim in this case must be sent to the debtor in paper form.

The Data Inspectorate believes that the Kivra digital mailbox is one such place

which can be equated with the debtor's address if the debtor has voluntarily joined

to Kivra and not notified Intrum or Kivra of the digital mailbox

may not be used for sending Intrum's debt collection claims. The Data Inspectorate

notes that mailing of a debt collection claim via the digital mailbox Kivra

in the circumstances of the case may be considered served

the debtor in accordance with section 6 of the Debt Collection Act. There is thus nothing formal

obstacles for Intrum to introduce a routine that means that the debt collection claim is sent to

the debtor via a digital mailbox, as long as the requirement complies with Sections 5 and 6

the Debt Collection Act and good debt collection in general.

Other

What has emerged during the inspection in general does not cause any

comments from the Data Inspectorate.

How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter i

the letter which decision is being appealed and the change you are requesting.

The appeal must have been received by the Data Inspectorate no later than three weeks from

the day you received the decision. The Data Inspectorate sends the appeal

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on to the Administrative Court in Stockholm for review, if the inspection does not

yourself change the decision in the way you have requested. The Chancellor of Justice also receives

appeal against the decision in the public interest. The time for

However, an appeal to the Chancellor of Justice is counted from the date of the decision

was announced.

Provided that the appeal does not contain any privacy concerns

personal information or information that may be covered by confidentiality, you can e-mail

the appeal to datainspektionen@datainspektionen.se.

Gunilla Öberg, 2019-08-28 (This is an electronic signature)

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