

Decision

Diary no

2019-08-27

DI-2019-5660

Intrum Sweden AB

Hesselmanstorg 14

125 14 Stockholm

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

Intrum Sweden AB

The Swedish Data Protection Authority'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 of objecting to the claim.

Intrum Sverige AB has violated Section 4 of the Debt Collection Act by not labeling debt collection claims in a sufficiently clear manner.

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

Account of the supervisory matter

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

Sweden AB (hereafter Intrum). The inspection was carried out with reason

of the fact that the Swedish Data Protection Authority routinely visits large players who have debt collection permits. The inspection is part of the Swedish Data Protection Authority's supervisory 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 law in general. Questions taken up during 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, dispatch via digital mailbox, denial. At the time of inspection

supervisory case dnr 2356-2017 was also followed.

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Reason for the decision

Applicable regulations

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

What constitutes a good debt collection oath can be seen from §§ 5–11 of the Debt Collection Act,

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

The Swedish Data Protection Authority's practice in debt collection matters.

Drafting of debt collection claims

Applicable regulations, etc.

In debt collection claims, a time must be specified within which the debtor has to pay voluntarily

or report an objection to the claim (Section 5, third paragraph, 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 labeled "Collection claim" so that it is clear to

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

Application of the Debt Collection Act page 22).

The Swedish Data Protection Authority's assessment

Of the examples of debt collection claims that the Data Inspection Authority has taken note of in one complaint case, there is partly a lack of content about the possibility of objecting to the claim, partly the heading "Debt collection claim".

The company stated that debt collection claims (according to template KA04) already in April 2018 have adjusted so that it is labeled Debt collection. At the inspection however, attention was drawn to the fact 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 claim (KA04) titled "Debt collection claim". The adjusted collection requirement now includes following text, "Do you have any objections to the requirement? Contact us within eight days from the date of printing of this letter."

The Swedish Data Protection Authority states that part of Intrum's debt collection requirements missing information about the possibility of objecting to the claim. The company has thereby violated § 5 of the Debt Collection Act.

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The current demand letters have lacked the heading "Debt collection" and were initiated with the following text "We see that you always pay your invoices on time and therefore we are wondering if you have missed this payment?" For the debtor must understand that it is a debt collection claim, it is important that the letter classification and design in general is clear. Then the current collection requirements during a period of time completely lacking classification, they cannot be considered to have given the debtor sufficient guidance on what kind of document he or she has received.

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

The Swedish Data Protection Authority can thus state that the Company acted in violation of good

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

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

Digitized mailings of debt collection claims

Applicable regulations, etc.

Legal action in connection with the claim may not be taken until the debtor the requirements referred to in § 5 of the Debt Collection Act have been met and the specified time has expired (§ 6 the Debt Collection Act). With reference to section 5, it is intended that the claim must be made in writing and have a certain content.

In preparatory work for the debt collection act, it is stated that the provision that the debtor must have served claim does not mean anything other than that the creditor or his representative must have has taken reasonable measures to ensure that the debtor receives the claim. Normally should it is sufficient that the letter of demand is sent by post during the debtor's normal time address (prop. 1974:42).

The Swedish Data Protection Authority's assessment

Intrum sends debt collection claims by post or via the digital mailbox Kivra. At the inspection basically stated the following to Intrum about a new routine to send debt collection claims digitally. The company has been sending debt collection claims since February this year also via the digital mailbox Kivra. The deadline to pay voluntarily or objecting to the claim is the same as the claims sent by physical mail.

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

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connect to the digital mailbox and thereby commit to monitoring it as if it were their civil registration address, the company considers that they by sending the debt collection claim via Kivra, the debtor serves 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 debt 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 digital mailbox Kivra, companies and authorities, instead of sending letters in paper form by physical post, choose to send letters as electronic items to individuals and companies who have registered an account with Kivra.

The Swedish Data Protection Authority notes 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 Swedish Data Protection Authority considers the digital mailbox Kivra to be such a place which can be equated with the debtor's address if the debtor has voluntarily connected themselves to Kivra and did not notify Intrum or Kivra that the digital mailbox may not be used for sending Intrum's debt collection claims. The Swedish Data Protection Authority notes that sending a debt collection claim via the digital mailbox Kivra under the circumstances that exist in the case may be considered served the debtor in accordance with Section 6 of the Debt Collection Act. There is thus nothing formal obstacle for Intrum to introduce a routine which means that the debt collection claim is sent to the debtor via a digital mailbox, as long as the requirement meets §§ 5 and 6 the debt collection act and good debt collection law in general.

Miscellaneous

What came out during the inspection in general does not cause any

views from the Swedish Data Protection Authority.

How to appeal

If you want to appeal the decision, you must write to the Swedish Data Protection Authority. Enter in the letter which decision is being appealed and the change you are requesting.

The appeal must have been received by the Swedish Data Protection Authority no later than three weeks from the day you were informed of the decision. The Swedish Data Protection Authority sends the appeal

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further to the Administrative Court in Stockholm for examination, if the inspection does not itself changes the decision in the way you have requested. Even the Chancellor of Justice can appeal the decision to safeguard public interests. Time for

however, appeals before the Chancellor of Justice are counted from the day the decision is made was announced.

Provided that the appeal does not contain any sensitive to privacy

personal data or information that can 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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