

**JUN 04 2024**

**CONSUMER PROTECTION DIVISION**    **Personal Data Breach Notification Form**

Under the article of commercial law, a business must notify the Office of the Attorney General of any breach of system security. This notification must be given as soon as reasonably practicable, but no later than 45 days after the business discovers or is informed of the breach.

**1. Particulars of controller giving the notification**

**(a) Name of controller:** Gapbuster Worldwide Pty Ltd (GBW)

**(b) Address:** L 4 99 Queensbridge Street, SOUTHBANK Victoria 3006

**(c) Name of processor** where the data breach occurred (if applicable):

Nectar Desk

**(d) Name of Designated Data Protection Officer (Mr):**

Yuri Tjhandana

**(e) Designation:** Data Protection Officer

**(f) Telephone number:** +61433286227

**(g) Email address:** yuri.tjhandana@gbw.solutions

**2. Nature of the personal data breach**

**(a) When was the personal data breach identified?**

30<sup>TH</sup> May 2024 - 20:00hrs AEST

**(c) Describe the personal data breach in as much detail as possible including cause(s)**

GBW noted a presence of its mystery shoppers (independent contractors) information in the public internet. On verification of the incident with a third-party vendor named Nectar Desk platform. It was discovered that the data breach occurred through Nectar and not associated with GBW environment. GBW had subscribed to the Nectar for managing information (store name, phone number, email address and details of store locations) related to its Mystery Shoppers on its platform. Nectar failed to delete this data even after GBW had ended its subscription with Nectar in November 2023. Basis preliminary inquiry GBW was informed that, Nectar erroneously changed its storage policy owing to which some files were moved to AWS S3 (Storage), and they were exposed to public.

**(d) What categories of data subjects<sup>4</sup> are concerned?**

**(Note: Examples of categories are employees, clients, suppliers, shareholders, etc.)**

Independent contract employees

**(e) What is the approximate number of data subjects affected?**

140

---

**(f) Are the affected data subjects aware of the personal data breach?**

Yes

**(h) What are the categories of personal data records concerned?**

**Note: Examples of categories are biometric data, genetic data, health data, special categories of personal data<sup>5</sup>, financial data, etc.**

Personal Data of independent contract employees (Name, Email Address, Mobile Number, Last Login and Shopper Code Number).

**(i) Is there any risk of harm to any affected individual/s?**  Yes  No

Please explain below why there is / ~~there is no real risk of such harm.~~

Yes, it is identity theft.

---

### **3. Containment and Recovery**

**(a) Describe all measures taken or which will be taken to address the personal Data breach**

---

GBW had immediately notified Nectar Desk on the incident, basis which the Nectar Desk team contained the incident. Nectar Desk has informed that reasonable measures were taken to ensure that the data is private. Further, we have requested a detailed incident report about the cause of the breach from Nectar Desk. GBW is also notifying the appropriate regulatory authorities and customers.

**(b) Has any assistance been provided or will be provided to affected individuals to help them mitigate the consequences of the data breach?**

The actions/ steps for Data subjects to protect themselves from the consequences of the data breach have been communicated through the notice of data related incident.

**(c) What measures have been taken or envisaged to be taken to prevent recurrence of such similar breach/es?**

The investigation related to this data breach is on-going and is in initial stage at this point. We are in the process of understanding what security controls were implemented at the third party and identifying additional controls for implementation.

**(d)What is the form of notice that will be sent to affected individuals?**

---

**SAMPLE - Notice of Data Related Incident**

Dear ,

We are writing to let you know about a recent data breach that may have involved your personal information which you had shared with us, during your engagement with Gapbuster Worldwide Pty Ltd (GBW).

**What happened?**

On 30<sup>th</sup> May 2024, GBW was informed about a data breach and upon verification, it was identified that the incident happened within our former third-party vendor named Nectar Desk platform. GBW had subscribed to the Nectar Desk platform for managing certain operations, which required it to store the personal information provided by you to GBW. This incident has resulted in the breach of your personal information hosted on Nectar Desk's cloud storage. The data appears to be from 2022 and 2023. However, GBW stopped subscribing to and no longer stores data on Nectar Desk since 1<sup>st</sup> December 2023.

**Which information was part of the breach?**

Based on initial investigation by Nectar Desk, we understand that the breached cloud storage contained your Name, Email Address, Mobile Number, Last Login and Shopper Code Number.

**What have we done in response to the breach?**

GBW had immediately notified Nectar Desk on the incident, basis which the Nectar Desk team contained the incident. Nectar Desk has informed that reasonable measures were taken to ensure that the data is private.

Further, we have requested a detailed incident report about the cause of the breach from Nectar Desk. GBW is also notifying the appropriate regulatory authorities and customers.

## What actions should you take to protect yourself?

- Be aware of any emails or telephone calls requesting your personal details, (e.g., date of birth, residential address, alternate email address, username, or passwords) which could be used to verify your identity.
- Inform your friends and relatives to be beware of any attempts of impersonation.
- Please promptly report any suspicious activity, such as unauthorized account access or identity theft attempts, to the appropriate authorities.
- Closely monitor your financial statements for unauthorised transactions. If you identify any malicious transactions make, report it immediately to your financial institution.
- Please note that any communication from GBW will only be through the official mail ID ([xxxxx@gbw.solutions](mailto:xxxxx@gbw.solutions)).

GBW is committed to protect your privacy and we are given to understand that Nectar Desk has taken reasonable measures to contain this incident. We will reach out should there be a need for any further updates.

If you require any further information, please do not hesitate to contact us at [ContactUS@gbw.solutions](mailto:ContactUS@gbw.solutions).

Yours sincerely,

Gapbuster Worldwide Pty Ltd (GBW)

#### **4. Previous contact with the Data Protection Office in connection with Data Breach Notification.**

**Has the controller notified any previous data breach to the Data Protection Office in the last 2 years? If so, please provide the date/s and any reference/s.**

---

NO

---

#### **5. Notification to regulators/law enforcement agencies**

**Has the controller notified any other regulator/ law enforcement agency/body on the data breach?**

Notification to the supervising authorities of other demographics have been notified.

**Signature:** 

**Name:** Yuri Tjhandana

**Title:** Data Protection Officer

**Date:** 4 June 2024

Send your completed form to: [consumer\\_protection@ag.idaho.gov](mailto:consumer_protection@ag.idaho.gov)

## *Notes*

1. **Personal data breach** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.
2. **Controller** means a person who or public body which, alone or jointly with others, determines the purposes and means of the processing of personal data and has decision making power with respect to the processing.
3. **Processor** means a person who, or public body which, processes personal data on behalf of a controller.
4. **Data subject** means an identified or identifiable individual, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.
5. **Special categories of personal data** in relation to a data subject, means personal data pertaining to (a)his racial or ethnic origin;(b)his political opinion or adherence;(c)his religious or philosophical beliefs;(d)his membership of a trade union;(e)his physical or mental health or condition;(f)his sexual orientation, practices or preferences;(g)his genetic data or biometric data uniquely identifying him;(h)the commission or alleged commission of an offence by him;(i)any proceedings for an offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any Court in the proceedings; or (j)such other personal data as the Commissioner may determine to be sensitive personal data