

**This Notice is for all persons who were affected by the Manitoba Children's Disability Services Privacy Breach in August 2020**

*A court authorized this notice. You are not being sued.*

- You are receiving this Notice because a Court has decided that a class action lawsuit will go forward on behalf of individuals whose information appeared in or was attached to an email sent by staff at Manitoba Children's DisABILITY Services ("**CDS**") on August 26, 2020. CDS is operated by the Government of Manitoba.

As a person whose information was contained in the August 26, 2020 email, you could be affected by this class action lawsuit.

- The Court has not yet decided whether the Government of Manitoba or CDS did anything wrong. There still has to be a court case about whether it did anything wrong, and if so, whether there is any compensation that should be paid. There is no guarantee that there will ever be any compensation. However, your rights are affected, and you have a choice to make now. This notice is to help you make that choice.

**GET MORE INFORMATION:**

Toll free at 1-833-786-0011, or by email: [mbprivacybreachclassaction@kmlaw.ca](mailto:mbprivacybreachclassaction@kmlaw.ca)

<b>Your Legal Rights and Options AT THIS STAGE</b>	
<b>Do Nothing</b>	<p><b>Stay in this lawsuit and wait for the outcome.</b> Share in possible benefits from the outcome but give up certain individual rights.</p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement. But, you give up any rights to sue the Government of Manitoba on your own about the same legal claims in this lawsuit.</p>
<b>Remove Yourself (Opt Out)</b>	<p><b>Get out of this lawsuit and get no benefits from it.</b> Keep your rights to sue.</p> <p>If you ask to be removed (opt out) and money or benefits are later awarded, you won't share in those. But, you keep any rights to sue the Government of Manitoba on your own about the same legal claims in this lawsuit.</p>

- Lawyers must still prove the claims against the Government of Manitoba at a trial, or a settlement must be agreed to. If money or benefits are obtained, and you do not opt out, you will be notified about how to ask for your share of the money.

Your options are explained in this notice. To be removed from the lawsuit, you must ask to be removed by **January 7, 2022**.

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## BASIC INFORMATION

### 1. Why is there a notice?

This lawsuit has been “certified” to proceed as a class action. This means that the lawsuit meets the requirements for class actions and may proceed to trial on behalf of the whole Class. If you are included in the Class, you have legal rights and options before the Court decides whether the claims being made against the Government of Manitoba on your behalf are correct. This notice explains all of these things.

A judge of the Manitoba Queen’s Bench is currently overseeing this case. The case is known as *Palsson v. The Government of Manitoba*, Court File No. CI 21-01-30434. The person who sued is called the Plaintiff. The Government of Manitoba is the Defendant.

### 2. What is this lawsuit about?

This lawsuit concerns an email containing the personal information of approximately 8,700 children with disabilities, that was sent by CDS in error to approximately 100 unintended recipients, on August 26, 2020. The email contained personal information, including names and addresses, for all Class members as well as diagnoses and/or service history for certain Class members. The recipients were various organizations and corporations that work with CDS.

The lawsuit says that the Government of Manitoba was negligent and breached legislation in failing to prevent and address the privacy breach email. The Government of Manitoba denies these claims. The Court has not decided which side is right. The lawyers for the Class will have to prove their claims in Court.

### 3. Why is this a class action?

In a class action, one person called the “representative Plaintiff” (in this case, Tait Palsson through his Litigation Guardian Lanna Palsson) sues on behalf of people who have similar claims. All of these people are a “Class” or “Class members.” The court resolves the issues for all Class members in one case, except for those who remove themselves from the Class.

### 4. Who is a member of the Class here?

The Class includes everyone whose information appeared in or was attached to an email sent by staff at CDS on August 26, 2020.

If you are the parent, guardian or caregiver of someone who may be a part of that group, please provide this Notice to them.

### 5. What is the Plaintiff asking for?

The Plaintiff is asking for money or other benefits for the Class. She is also asking for lawyers’ fees and costs, plus interest.

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## 6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether the Government of Manitoba did anything wrong. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for your share.

## 7. Where is the lawsuit at now?

On June 29, 2021, the Manitoba Court of Queen's Bench certified this proceeding as a class action.

The Defendant has consented to making this proceeding a class action, but still disputes the claims being made. The parties still need to go through the steps of litigation towards trial. The Court has not decided whether there is any compensation that should be paid. There is no guarantee that there will ever be any compensation.

## YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by **January 7, 2022**.

## 8. What happens if I do nothing at all?

If you do nothing, you will automatically remain in the lawsuit. You will be bound by all Court orders, good or bad. The judgment on the common issues or any settlement, whether favorable or not, will bind all class members who do not opt out of the class proceeding. If any benefit is awarded, you may need to take action in order to receive any benefits.

## 9. What if I do NOT want to be in the lawsuit?

If you do not want to be in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, you will not receive any benefit that may be obtained from the lawsuit. You will not be bound by any Court orders and you keep your right to sue the Government of Manitoba as an individual regarding the issues in this case.

To remove yourself, send a letter that says you want to be removed from the class of *Palsson v. The Government of Manitoba*. Include your name, address, telephone number, and signature. Or, you can also fill out an Opt-Out Form from <https://kmlaw.ca/cases/manitoba-privacy-breach-class-action/>

You must mail your removal request or Opt Out Form postmarked by **January 7, 2021**, to:

Epiq Global  
P.O. Box 507 STN B  
Ottawa ON K1P 5P6  
**Attention: Manitoba Privacy Class Action**

Or send it by email at: [info@CDSclassaction.ca](mailto:info@CDSclassaction.ca)

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Call **1-833-786-0011**, or email: [mbprivacybreachclassaction@kmlaw.ca](mailto:mbprivacybreachclassaction@kmlaw.ca) if you have any questions about how to get out of the Class.

## THE LAWYERS REPRESENTING YOU

### 10. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky LLP from Toronto to represent you and all other Class Members as “Class Counsel.” The address of the law firm is:

Koskie Minsky LLP  
20 Queen Street West  
Suite 900, Box 52  
Toronto, Ontario  
M5H 3R3  
Email: [mbprivacybreachclassaction@kmlaw.ca](mailto:mbprivacybreachclassaction@kmlaw.ca)  
Phone: 1-833-786-0011

You will not be charged for these lawyers unless they recover money from the Defendant. If you want to be represented by another lawyer, you may hire one at your own expense.

### 11. How will the lawyers be paid?

Class Counsel will only be paid if they win a trial or if there is a settlement. The Court also has to approve their request to be paid.

The fees and expenses that Class Counsel incurred could be deducted from any money obtained for the Class or paid separately by the Government of Manitoba.

## A TRIAL

### 12. How and when will the Court decide who is right?

If the lawsuit is not dismissed or settled, the Plaintiff will have to prove her claims at a trial that will take place in Winnipeg. During the trial, a court will hear all of the evidence, so that it may decide which side is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win any money or benefits for the Class.

### 13. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of a trial or settlement, class members will be notified about how to ask for a share or what your other options are at that time. These things are not known right now.

Important information about the case will be posted on the website, <https://kmlaw.ca/cases/manitoba-privacy-breach-class-action/> as it becomes available.

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