

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 settlement is being proposed in a certified class action lawsuit 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 to approximately 100 unintended recipients. 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 settlement.
- The proposed Settlement Agreement offers approximately \$1.2 million, paid by the Government of Manitoba, on terms summarized in this Notice.
- This lawsuit is against the Government of Manitoba as a legal entity, not CDS. Making a claim under the Settlement will not impact the services you receive from Children's DisABILITY Services (CDS) or the Manitoba Department of Families

Your Legal Rights and Options AT THIS STAGE	
Do Nothing	<p>If you support the Settlement Agreement or you are indifferent to the Settlement Agreement, you do not have to do anything right now.</p> <p>When the Claims Period opens, you will be able to file a Claims Form to receive compensation on the terms outlined below.</p>
Object to the Proposed Settlement	<p>If you disagree with the Settlement Agreement offering compensation to Class Members, you can voice your objection to the Court by completing and submitting the attached Objection Form no later than February 1, 2023.</p>
Object to the Proposed Fees	<p>If you disagree with the legal fees sought by Class Counsel, you can voice your objection to the Court by completing and submitting the attached Objection Form no later than February 1, 2023.</p>

GET MORE INFORMATION:

Toll free at 1-833-786-0011, or by email: mbprivacybreachclassaction@kmlaw.ca

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BASIC INFORMATION

1. Why is there a notice?

The Court has approved this notice to let you know about the settlement being proposed in this class action lawsuit, and to explain your rights as a Class Member.

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 did not decide which side is right.

3. Am I a member of the Class?

The Class includes everyone whose information appeared in or was attached to an email sent by staff at CDS to unauthorized recipients 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.

4. What is the status of this lawsuit?

The lawsuit was certified to proceed as a "class action" on June 29, 2021. Notice was previously distributed about that certification.

Now, the parties to the lawsuit have agreed to settle the case, and compensate Class Members for the harms they suffered as a result of the Breach. The Court must approve any settlement agreement and fee award before it is effective. At a Court hearing on March 3, 2023, the parties will be asking the Court to approve this Settlement and legal fees award.

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SETTLEMENT PROPOSALS

5. What does the Settlement offer?

The proposed Settlement offers compensation and benefits to Class Members valued at approximately \$1.2 million, paid by the Government of Manitoba, which includes: compensation for distress, compensation for additional information being disclosed, and compensation for enrolment in a credit monitoring program protecting against identity theft and fraud, as well as administration costs.

It also acknowledges safeguards committed to by the Government of Manitoba to prevent similar breaches from occurring again and recognizes measures taken by the Department of Families to ensure that all employees of the Department of Families receive appropriate training and qualifications relating to privacy.

6. How much money can I get?

The proposed Settlement allows Class Members to claim compensation for the distress they suffered as a result of the August 2020 Privacy Breach, and to enroll in a credit monitoring program paid for by the Government of Manitoba. This is a summary of the monetary benefits of the Settlement:

Category	Base Compensation	Amount
A	Low Harm	\$35
B	High Harm	\$300
	Additional Compensation	Amount
C	Cost of proving High Harm	Up to \$75
D	Credit monitoring	Up to \$75
E	Additional to those whose diagnosis was disclosed	\$35
F	Additional to those whose information concerning CFS was disclosed	\$60

The Administrator shall decide whether each Claimant is eligible to receive one of the Base Awards indicated on the Award Grid, and any and all of the Additional Compensation awards on the Award Grid, based on the following principles:

Low Harm: All Claimants who indicate, through the Claim Form, that they suffered some harm in regard to the news of the Privacy Breach will be eligible for a Low Harm award of \$35;

High Harm: All Claimants who indicate, through the Claim Form, that they suffered loss or harm beyond an initial reaction to the news of the Privacy Breach, as confirmed by either: (i) the Defendant's records of the substance or frequency of conversations between the Claimant and staff of the Department of Families, or (ii) a letter from a regulated

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healthcare professional that the class member complained to the regulated healthcare professional that the claimant suffered loss or harm beyond an initial reaction to the news of the Privacy Breach, will be eligible for a High Harm award of \$300.

The cost of procurement of the letter outlined in (ii), will also be covered up to \$75.

Additional compensation of \$35 and \$60 is available for those Claimants who fall into the category of (i) having received child development services delivered by CDS staff in the City of Winnipeg between 2017 and 2020; or (ii) initially having received services through CDS, and then having transitioned to being admitted to a Child and Family Services agency (“CFS”) during the 2017-18 and 2018-19 fiscal years, given that additional personal information regarding these individuals was disclosure during the Privacy Breach. The Defendant's records will identify whether Claimants fall into one of these groups. Claimants will *not* have to demonstrate eligibility when claiming.

If unpaid funds remain after the payment of all approved claims, Claimants may also receive additional compensation of up to 25% of the value of their Claim.

Finally, compensation for demonstrated enrolment in a credit monitoring program, up to \$75, is also available to all Class members, on a first-come-first served basis.

Making a claim under the Settlement will not impact the services you receive from Children's DisABILITY Services (CDS) or the Manitoba Department of Families. This lawsuit is against the Government of Manitoba as a legal entity, not CDS.

A full copy of the Settlement Agreement is available for download at: <https://kmlaw.ca/cases/manitoba-privacy-breach-class-action/>. You can also request a copy by calling 1-833-786-0011, or emailing: mbprivacybreachclassaction@kmlaw.ca.

7. How will the lawyers be paid?

Class Counsel will not be paid until the Court decides on what amount of legal fees are fair and reasonable. At the hearing on March 3, 2023, Class Counsel will seek Court approval of their legal fee up to 30% of recovery plus applicable taxes, as well as expenses that Class Counsel incurred.

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YOUR RIGHTS AND OPTIONS

8. What happens if I do nothing at all?

If you do nothing, and the Court approves the proposed settlement, Class Members will be able to claim and benefit from the Settlement.

You will still need to take action in the future in order to receive any benefits. You will get another Notice when the Claims Period is open and you can take that action.

9. What if I do NOT agree with the proposed Settlement or fees?

If you are a member of the Class and you wish to object (disagree) with the proposed Settlement, you can voice your objection to the Court by submitting an Objection Form. Objecting means you do not want the Court to approve the Settlement offering compensation to Class Members.

The Objection Form is also available for download at: <https://kmlaw.ca/cases/manitoba-privacy-breach-class-action/>.

To be accepted for submission to the Court, your Objection Form must include:

1. Your full name, address and telephone number, as well as that of the Class Member if different;
2. Reasons for your objection;
3. Copies of any documents upon which you base your objection;
4. Confirmation of whether or not you intend to appear at the March 3, 2023 Court hearing; and
5. Your signature.

Your Objection Form must be sent to Class Counsel. You can send it by email to: mbprivacybreachclassaction@kmlaw.ca OR you can send it by **mail to:**

Koskie Minsky LLP
20 Queen Street West
Suite 900, Box 52
Toronto, Ontario
M5H 3R3

Call **1-833-786-0011**, or email: mbprivacybreachclassaction@kmlaw.ca if you have any questions about the proposed settlement, proposed fees, or this class action.

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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
Phone: 1-833-786-0011

You will not be charged for contacting these lawyers with questions.

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