

Notice of Settlement in CDS Privacy Breach Class Action

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

You may be eligible for compensation.

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

- You are receiving this Notice because a settlement has been approved by the Court of King's Bench (Manitoba) 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 (or the parent/guardian of that person), you could be eligible to make a claim for compensation.
- All claims must be submitted before **September 25, 2023**. If you do not make a claim by **September 25, 2023**, you will not be eligible for any compensation as part of this lawsuit.
- 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.
- **The Claim Form is available here:** www.CDSPrivacyBreachClassAction.com.

GET MORE INFORMATION:

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

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION 3

1. Why is there a notice?..... 3

2. What is this lawsuit about? 3

3. Am I a member of the Class?..... 3

4. What is the status of this lawsuit?..... 3

THE SETTLEMENT 4

5. What does the Settlement offer? 4

6. How much money can I get? 4

7. Where can I get a Claim Form? 5

8. How do I make a claim for a Low Harm Award? 5

9. How do I make a claim for a High Harm Award?..... 5

10. How do I claim the Additional Compensation to those whose diagnosis
was disclosed?..... 5

11. How do I claim the Additional Compensation to those whose information
concerning CFS was disclosed?..... 6

12. How do I claim for credit monitoring services? 6

THE LAWYERS REPRESENTING YOU 6

13. Do I have a lawyer in the case? 6

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BASIC INFORMATION

1. Why is there a notice?

The Court of King's Bench has approved this notice to let you know that the settlement of this class action lawsuit has been approved and that a claims process is available for compensation.

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 children and adults with disabilities in Manitoba.

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 has denied these allegations.

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. The parties to the lawsuit then agreed to settle the case, and compensate Class Members for the harms they suffered as a result of the Breach. A Court hearing was held on March 3, 2023 to decide whether the settlement was fair, reasonable and in the best interests of Class Members, along with related motions.

The Court approved the settlement and claims process described below, on **March 3, 2023**.

THE SETTLEMENT

5. What does the Settlement offer?

The 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 acknowledged safeguards committed to by the Government of Manitoba to prevent similar breaches from occurring again and recognized 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. Below 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

To receive any compensation, you must submit a Claim Form by September 25, 2023.

You must submit your Claim Form directly to the claims office known as the CDS Privacy Class Action Administrator (or “the Administrator”). You can do so by completing the online and secure Claim Form available here: www.CDSPrivacyBreachClassAction.com.

If you wish to complete a paper Claim Form, you must submit your Claim Form to:

Email: CDSPrivacyBreachClassAction@ricepoint.com

OR

Mailing Address: Claims Administrator, P.O. Box 3355
London, ON N6A 4K3

The Administrator shall decide whether each Claimant is eligible to receive one of the Base Awards and any Additional Compensation awards on the Award Grid.

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.

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.

HOW TO CLAIM

7. Where can I get a Claim Form?

The Claim Form can be submitted online at: www.CDSPrivacyBreachClassAction.com.

You can also request a copy by calling 1-833-786-0011, or emailing: CDSPrivacyBreachClassAction@ricepoint.com.

8. How do I make a claim for a Low Harm Award?

You must indicate the relevant box on the Claim Form, and sign and submit the Claim Form by September 25, 2023.

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.

You do not need to attach any records to claim a Low Harm Award.

9. How do I make a claim for a High Harm Award?

You must indicate harm and provide details through the relevant box on the Claim Form, and sign and submit the Claim Form by September 25, 2023.

Only Claimants who indicate through the Claim Form, and demonstrate through confirming records, that they suffered loss or harm beyond an initial reaction to the news of the Privacy Breach, may be eligible for a High Harm Award of \$300.

You must attach/upload a letter from a regulated healthcare professional (doctor, nurse, social worker, psychologist, etc) indicating that they are aware of how upset you were about the Privacy Breach.

If you never complained to a regulated healthcare professional or cannot provide a note from that professional, you will not be eligible for a High Harm award, unless the Defendant's or Class Counsel's records confirm conversations with the CDS or the Department of Families, or with Class Counsel, about your reaction, that either: had a frequency of greater than 2, or identified a distressed reaction beyond an initial reaction to the news of the Privacy Breach.

Note: If you paid to receive a letter from a regulated healthcare professional for this purpose, you may be reimbursed up to \$75. If you wish to claim for reimbursement, you must attach payment receipts confirming your payment for this letter before the date of your Claim Form submission. The receipts must indicate exactly how much you paid, and when.

10. How do I claim the Additional Compensation to those whose diagnosis was disclosed?

You must only sign and submit the Claim Form by September 25, 2023 in order to claim this additional compensation. The Administrator will determine, based on the information provided in the Claim Form and the Defendant's records concerning the Privacy Breach, whether you qualify for this additional compensation.

Additional compensation of \$35 is available for those Claimants who received child development services delivered by CDS staff in the City of Winnipeg between 2017 and 2020, given that additional personal information regarding these individuals was disclosed during the Privacy Breach.

You do not have to attach anything in the Claim Form to receive this compensation. The Defendant's records will identify whether you fall into this group.

11. How do I claim the Additional Compensation to those whose information concerning CFS was disclosed?

You must only sign and submit the Claim Form by September 25, 2023 in order to claim this additional compensation. The Administrator will determine, based on the information provided in the Claim Form and the Defendant's records concerning the Privacy Breach, whether you qualify for this additional compensation.

Additional compensation of \$60 is available for those Claimants who 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.

You do not have to attach anything in the Claim Form to receive this compensation. The Defendant's records will identify whether you fall into this group.

12. How do I claim for credit monitoring services?

You must attach/upload payment receipts confirming enrolment in a credit monitoring program before the date of your Claim Form submission, in order to claim this benefit. The receipts must indicate exactly how much you paid, and when.

Additional compensation of up to \$75 is available for demonstrated enrolment in a credit monitoring program after the date of the Privacy Breach, on a first-come-first served basis.

You may choose to enroll with any legitimate provider of credit monitoring services. The parties to this lawsuit do not recommend or support any particular credit monitoring service provider.

THE LAWYERS REPRESENTING YOU

13. 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." You may contact these lawyers with any questions about the claims process. The contact information 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.