

## **NOTICE OF CERTIFICATION**

### Government of Canada Privacy Breach Class Action

Did you receive notice or have reason to believe that you may have experienced a privacy breach between March 1, 2020 and December 31, 2020 with respect to your personal or financial information while using a Government of Canada Online Account (Canada Revenue Agency's "My Account", "My Services Canada" account, or other online government accounts where the account is accessed using a GCKey)?

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*If you used a Government of Canada Online Account, such as CRA's My Account, a "My Services Canada" account, or various other online government accounts in the past, this Notice of Certification may affect your legal rights. **Please read it carefully.** You may receive more than one Notice of Certification due to potential unauthorized access to more than one of your Government of Canada online accounts.*

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A class action lawsuit was initiated by Todd Sweet against the Canada Revenue Agency ("CRA") and the Government of Canada (collectively, the "Defendant") alleging that the Defendant was negligent in safeguarding the confidential information of Canadians, leading to widespread privacy breaches. The Federal Court of Canada has certified the class action lawsuit against the Defendant. Todd Sweet is the representative Plaintiff.

### **WHAT IS THE LAWSUIT ABOUT?**

Among other things, the Plaintiff alleges that the Government of Canada breached class members' privacy by not properly safeguarding confidential personal and financial information electronically housed within various online government portals. The Plaintiff alleges that these inadequate safeguards allowed bad actors to access the online accounts of Canadians absent their consent, view confidential and private details and, in many cases, apply for CERB benefits.

The Plaintiff is asking the Court to order the Government of Canada to pay compensation for, among other things, the alleged breach of privacy and credit monitoring services that may be required to repair the harm caused.

The Government of Canada denies that it did anything wrong. A judge will decide who is right at trial. The date for that trial has not yet been set.

### **WHO IS INCLUDED IN THE LAWSUIT?**

The lawsuit is brought on behalf of:

*All persons whose personal or financial information in their Government of Canada Online Account was disclosed to a third party without authorization between March 1, 2020, and December 31, 2020, excluding Excluded Persons.*

*“Government of Canada Online Account” means:*

- a) Canada Revenue Agency account;*
- b) My Service Canada account; or*
- c) another Government of Canada online account, where that account is accessed using the Government of Canada Branded Credential Service (GCKey).*

*“Excluded Persons” means all persons who contacted Murphy Battista LLP about the CRA privacy breach class action, with Federal Court file number T-982-20 prior to June 24, 2021.*

If you meet the above-mentioned class definition, you are **automatically** included in the class action. You do not have to do anything to participate. If you do **not** want to be part of the lawsuit, you must notify class counsel by mail or e-mail that you want to opt out at the address below by no later than **November 27, 2023**. If you want to opt out, see below under “What if I do not want to take part?” for more information.

If you are a class member and you don’t opt out, you won’t be able to make your own claim against the Government of Canada for any specific individual damages you may have suffered. In the class action, damages will be sought for the class as a whole. The judge will decide how any such damages should be divided between class members.

## **WHAT IF I DO NOT WANT TO TAKE PART?**

If you do not want to take part, you have to opt out. If you opt out, the results of the class action lawsuit will not apply to you – good or bad. If you do opt out, you will never be entitled to receive any money through the class action lawsuit but you will still keep your right to sue the Government on your own behalf, subject to any applicable limitation periods. If you still want to opt out, you must either print/scan and complete and send the opt out form, or send your full name, address, birthdate, and a statement that you wish to opt-out by mail or by email to the following address:

Rice Harbut Elliott LLP  
Suite #820 – 980 Howe Street  
Vancouver, BC V6Z 0C8  
Email: [service@rhelaw.com](mailto:service@rhelaw.com)

**Class members who want to opt out must submit their opt out form to the above-mentioned address or email address by November 27, 2023. Class members who do not submit an opt out form by November 27, 2023 will continue to be a part of the class action.**

### **DO I NEED TO PAY ANYTHING TO PARTICIPATE IN THE LAWSUIT?**

No. You do not need to pay anything out of your pocket to take part in the lawsuit. The lawyers appointed by the Court to represent the class will only be paid if the claims are successful. If that occurs, the lawyers will request a percentage of the total amount recovered for the class and will ask to be reimbursed for their disbursements. The legal fees will be no greater than 33.33% and must be approved by the Court.

### **WHO ARE THE LAWYERS FOR THE CLASS?**

The class is represented by:

RICE HARBUT ELLIOTT LLP  
Suite #820 – 980 Howe Street  
Vancouver, BC V6Z 0C8  
Telephone: 604-682-3771

### **I WANT MORE INFORMATION**

More information on the case is available at <https://rhelaw.com/class-action/cra-privacy-breach-class-action-2/> along with the Fourth Further Amended Statement of Claim, the Order certifying the action, and other Court documents.

You can also register on the website at <https://rhelaw.com/class-action/cra-privacy-breach-class-action-2/>. If you register, you will receive periodic email updates regarding the action and advising you of any steps that you are required to take.

If you still have questions, you can contact class counsel: Rice Harbut Elliott LLP at (604) 682-3771 and [nbeauprefulton@rhelaw.com](mailto:nbeauprefulton@rhelaw.com).

THIS NOTICE HAS BEEN AUTHORIZED BY THE FEDERAL COURT OF  
CANADA.