

## APPROVAL NOTICE

City of Calgary Privacy Breach Class Action

*Terrence Cook v City of Calgary and John Doe*

*If you were an employee of the City of Calgary whose personal information was disclosed on June 14 and 15, 2016 as a result of certain actions by John Doe, then an employee of the City, this notice may affect your legal rights. Please read it carefully.*

On February 10, 2021, the Court approved a settlement (the “Settlement”) of the class action *Terrance Cook v City of Calgary and John Doe* (the “Class Action”). The Class Action concerns the unauthorized disclosure of personal information of persons employed by the City of Calgary. A copy of the court’s Approval and Certification Order and of the terms of the Settlement, as set out in the Settlement Agreement referenced in the Approval and Certification Order, can be found on Class Counsel’s website ([www.higertylaw.ca](http://www.higertylaw.ca)). Except to the extent that they are set out in or modified by the Approval and Certification Order and the previous Notice Approval Order in this Action, the definitions set out in the Settlement Agreement apply to and are incorporated into this Notice.

### Who is Eligible to participate in the Settlement?

To be eligible to participate in the Settlement, you must be a member of the Settlement Class and have had your personal information disclosed. The Settlement Class is defined as:

**All those persons resident in Alberta and throughout Canada and abroad, who were one of the approximately 3,807 persons resident in Alberta and throughout Canada and abroad, who were employees of the City and whose personal information was included in the unauthorized disclosure of such personal information, which occurred on or about June 14 and 15, 2016 as a result of certain actions by John Doe, then an employee of the City (the “Privacy Breach”), excluding all deceased persons and all persons who have opted-out of participation in the Class Action in accordance with the Settlement Agreement.**

Anyone who has opted out of the Class Action shall not participate in the Settlement, and is not eligible for compensation under the Settlement Agreement.

### What are the Terms of the Settlement?

Under the Settlement Agreement, members of the Settlement Class are entitled to payment of the following amounts.

- Each member of the Settlement Class will be paid \$40 as compensation for time spent, inconvenience, upset, anger, and annoyance, less any court ordered deductions from this amount for payment of Class Counsel Fees, in whole or in part.

In addition, subject to the terms of the Settlement Agreement, Qualifying Members of the Settlement Class may claim entitlement to the following further payments, if they can prove to the satisfaction of the Claims Administrator that such member has met the Qualification Requirements and has incurred the claimed expenses:

- Up to \$2,000 per person in compensation for general damages for pain and suffering as a result of a compensable mental injury caused by the Disclosure;
- Up to \$500 per person for provable otherwise unreimbursed prescription, treatment and/or counselling costs, and related travel expenses incurred; and
- Up to \$150 per person for provable otherwise unreimbursed costs for documentation to substantiate mental injury.

The above amounts are subject to caps, and may be reduced pro-rata in accordance with the Settlement Agreement if those caps are exceeded. In addition, the above amounts may be reduced pro-rata due to payment of Class Counsel Fees as may be directed by the Court.

Further, the City will pay:

- To the Claims Administrator \$25,000 to cover the Claims Administration Costs;
- To Class Counsel the \$5,000 initially earmarked for the now waived Honorarium for the Representative Plaintiff; and,
- To Class Counsel the \$13,880 which was added to round-up the total amount of the Settlement Funds.

Class Counsel Fees will be paid out of the Settlement Funds, in accordance with the Class Counsel Fee Order made February 10, 2021 as follows:

- To reduce the percentage Class Counsel Fees from 33.3% to 27.6%, by allocation against those fees the \$5,000 initially earmarked for the now waived Honorarium for the Representative Plaintiff and the \$13,880 which was added to round-up the total amount of the Settlement Funds;
- 27.6% of each compensation amount payable to Settlement Class Members.

A copy of the Class Counsel Fee Order can be found on the Class Counsel's website ([higgertylaw.ca](http://higgertylaw.ca)).

### How Do I Make a Claim?

Members of the Settlement Class who wish to seek compensation under the Settlement Agreement must submit their claims together with all supporting documentation to the Claims Administrator on or before **November 17, 2021** using any claim form the Claims Administrator may prescribe and post on its website.

For information and to obtain a Claim Form, contact the Claims Administrator at:

**MNP Ltd.**

1500, 640 - 5 Ave SW

Calgary, AB T2P 3G4

Tel: 403-538-3187

Email Address: [COCsettlementadministrator@mnt.ca](mailto:COCsettlementadministrator@mnt.ca)

For further information, you may contact Class Counsel:

**HIGGERTY LAW**

**Attention: Patrick Higgerty, Q.C.**

Suite 101, 440-2nd Avenue S.W.,

Calgary, AB T2P 5E9

Tel: 403-503-8888

Fax: 587-316-2260

Email: [info@higgertylaw.ca](mailto:info@higgertylaw.ca)

For further information go to [www.higgertylaw.ca](http://www.higgertylaw.ca)