

**SCHEDULE A**

**NOTICE OF SETTLEMENT  
(SUMMARY)**

**— CLASS ACTION —  
UNION DES CONSOMMATEURS VS. THE CANADA REVENUE AGENCY  
(T-1869-07)  
COMPUTER THEFT AT THE CANADA REVENUE AGENCY TAX SERVICES OFFICE  
IN LAVAL, QUEBEC**

**Please read this Notice and the enclosed documents carefully.  
THE INFORMATION CONTAINED THEREIN MAY AFFECT YOUR RIGHTS.**

**THIS NOTICE IS SENT TO YOU PERSONALLY BECAUSE:**

**You are a Member of the Class Action that was instituted against the Canada Revenue Agency (*hereinafter "the Agency"*) following a theft of computers containing some of your personal information.**

This Class Action was instituted for the purpose of compensating persons whose name and contact information were on the hard drives of the computers stolen on September 4, 2003, from the Agency's Office, located in Laval, Province of Quebec.

Bear in mind that following this theft, the Agency sent letters to the persons involved inviting them to take certain measures in order to reduce the risk of Identity Theft, by contacting EQUIFAX and/or TRANS-UNION to request that a Notice of Theft of Personal Information be placed on their credit file.

**ALL PERSONS WHO RECEIVED THIS LETTER ARE MEMBERS OF THE CLASS ACTION.**

**IMPORTANT DATES**

To claim compensation:	<b>on or before August 11, 2008</b>
To opt out of the Class Action:	<b>on or before June 11, 2008</b>
To object to the Settlement:	<b>on or before June 11, 2008</b>

**PLEASE READ THE ENCLOSED INSTRUCTION GUIDE CAREFULLY**

1. **An agreement has been reached with the Agency to settle this Class Action (hereinafter the "Settlement").**
2. **The Settlement provides for the payment of compensation to Class Members who took certain steps** following receipt of the Agency's letter. Please consult the **"What does the proposed Settlement consist of?"** section.
3. **The Settlement will be submitted to the Federal Court of Canada for approval.** The Court will hold a hearing on June 20, 2008 to decide whether or not the proposed Settlement is in the Class Members' interest. For details on the hearing, please consult the **"Settlement approval hearing"** section.
4. **If you wish to receive compensation set forth in the Settlement,** please consult the **"Who can claim compensation?"** and **"Claim period"** sections. The deadline for making a claim is August 11, 2008. Compensation will not be paid unless the Court approves the Settlement. Either way, **SEND YOUR CLAIM NOW** even though the Settlement has not yet been approved by the Court. **No other Notice will be sent to you if the Court approves the Settlement.**
5. **If you do not agree with the proposed Settlement,** you may object to the Settlement approval, on or before June 11, 2008. Please consult the **"How do I object to the Settlement?"** section.
6. **If you wish to Opt Out of the Class Action,** please consult the **"How do I Opt Out of the Class Action?"** section.

#### **FORMS AND PRE-ADDRESSED ENVELOPE**

Enclosed is the Instruction Guide and the following forms and an envelope pre-addressed to the Claims Administrator:

⇒ **INSTRUCTION GUIDE**

⇒ **CLAIM FORM** [*use to claim compensation*];

⇒ **OBJECTION FORM** [*use to object to the Settlement*];

⇒ **OPT OUT FORM** [*use to Opt Out of the Class Action and Settlement*].

**Please use, complete and mail the proper form to the Claims Administrator using the enclosed pre-addressed envelope. Please follow the instructions in the enclosed INSTRUCTION GUIDE.**

**PLEASE CONSULT THE ENCLOSED INSTRUCTION GUIDE FOR INFORMATION**

## SCHEDULE A

**INSTRUCTION GUIDE AND  
FULL NOTICE  
CONCERNING THE SETTLEMENT OF THE CLASS ACTION  
REGARDING THE THEFT OF COMPUTERS FROM THE CANADA REVENUE  
AGENCY AT ITS OFFICE IN LAVAL, QUEBEC, on September 4, 2003  
UNION DES CONSOMMATEURS VS. THE CANADA REVENUE AGENCY  
(T-1869-07)**

**1. Why are you sending me this notice and these documents?**

**We are sending you this notice and these documents because you are a member of the Class Action commenced against the Canada Revenue Agency (*hereinafter the "Agency"*) on behalf of the following Class:**

*[TRANSLATION]*

*"All individuals residing in Canada regarding whom the Canada Revenue Agency ("the Agency") had personal information in the computers that were stolen on September 4, 2003, from the Agency's Tax Services Office in Laval, Province of Quebec, and to whom the Agency had sent a letter informing them of such."*

*(hereinafter the "Class")*

TAKE NOTICE that a settlement has been reached between the Parties. The Settlement is made without admission of liability.

**2. Settlement approval hearing**

**The Settlement is conditional on being approved by the Court.**

TAKE NOTICE THAT the Settlement shall be submitted for the approval of the Federal Court of Canada (*hereinafter the "Court"*) at a hearing to take place on **June 20, 2008 at 9h30** at the Federal Court of Canada, located at 30 McGill Street, in Montréal.

Class Members who are dissatisfied with the Settlement may explain the reasons for their objection to the Settlement. [Please read the "**How do I object to the Settlement?**" in section 11.]

Class Members who do not intend to opt out of the Class Action<sup>1</sup> may mail in their claim now. However, claims will only be processed if the Court approves the Settlement.

### **3. What does the proposed Settlement consist of?**

In summary, the purpose of the Settlement is to compensate for the inconveniences incurred by Class Members who took certain steps to limit the risks that their information be used without their consent.

The compensation set forth in the Settlement is as follows:

- **Two hundred dollars (\$200)** for all persons who contacted Equifax and/or Trans-Union and had a Notice of Theft of Personal Information<sup>2</sup> placed in their credit file at either business;
- **One hundred fifty dollars (\$150)** for persons who did not contact Equifax or Trans-Union but had a Notice of Theft of Personal Information placed at their Primary Financial Institution;<sup>3</sup>

### **4. Who can claim compensation?**

To be entitled to claim compensation, you must meet the following conditions.

- a) You must have received a letter from the Agency in the fall of 2003 informing you of the theft of computers;

**AND**

- b) you must have had a Notice of Theft of Personal Information placed in your file at Equifax and/or Trans-Union and/or your Primary Financial Institution **between September 4, 2003 and November 30, 2003;**

**AND**

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<sup>1</sup> For opting-out, please read the "*How to Opt Out of the Class Action*" in section 12.

<sup>2</sup> Please refer to the definition in section 17.

<sup>3</sup> Please refer to the definition in section 17.

- c) you must send the duly completed and signed Claim Form enclosed with this Notice to the Claims Administrator **on or before August 11, 2008**.

## 5. Claim Period

**YOU MUST SEND the Claim Form to the Claims Administrator ON OR BEFORE August 11, 2008**, failing which your rights resulting from the theft of computers from the Agency's office in Laval on September 4, 2003, will be extinguished, subject to your recourse in the event of Identity Theft<sup>4</sup> [please refer to the "***Do I have recourse if I am a victim of Identity Theft?***" (section 16)].

Compensation will not be paid unless the Court approves the Settlement.

Either way, if you wish to benefit from the Settlement, **SEND YOUR CLAIM NOW** even though the Settlement has not yet been approved by the Court. **No other notice will be sent to you if the Court approves the Settlement.**

## 6. Explanations regarding the Claim Form

In all cases, you must answer **all** of the questions on the Claim Form.

All of the information you provide on the Claim Form will be confidential and protected by the Court and by Government of Canada legislation [Please refer to the "***Protection of personal information***" section (paragraph 13)].

**Supporting documentation [optional]:** If you asked Equifax and/or TransUnion to place a Notice of Theft of Personal Information in your credit file between September 4 and November 30, 2003, we invite you to enclose a copy of your credit file attesting to such placement with your Claim Form. If you had a Notice of Theft of Personal Information placed at your Primary Financial Institution, we invite you to enclose a letter signed by that institution's director or manager confirming such placement in your file between September 4 and November 30, 2003 with your Claim Form. **These documents are not mandatory.** However, enclosing them with your Claim Form will expedite the processing of your claim.

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<sup>4</sup> Please refer to the definition in section 17.

**Signature:**

- If you had a Notice of Theft of Personal Information placed at **Equifax** and/or **TransUnion**, sign the Form after you have completed it.
- If you had a Notice of Theft of Personal Information placed at your **Primary Financial Institution** only, YOU MUST:
  - a) **take an oath before a person empowered to take oaths** when you sign. Notaries, lawyers, peace officers, commissioners of oath are empowered to take oaths. A solemn affirmation made before one of these persons is considered an oath,  
**OR**
  - b) sign your Form before the director or manager of your Primary Financial Institution, who will attest to your signature.

**7. To whom has the administration of Claims been entrusted?**

In order to minimize the exchange of personal information, the Parties have agreed to entrust the administration of Claims to the Canada Revenue Agency, under the Court's supervision.

**8. I placed a Notice of Theft of Personal Information at more than one place (e.g. at Equifax and TransUnion or at Equifax and my Primary Financial Institution): am I entitled to more than one compensatory payment?**

**NO.** You will be entitled to the highest compensation.

**9. I did not place a Notice of Theft of Personal Information at Equifax, TransUnion or my Primary Financial Institution: am I entitled to compensation?**

**NO.**

**10. What will happen after I send my Claim Form?**

The Administrator will review your Claim, verify its eligibility and send you its decision.

**If the Administrator approves** your Claim, you will receive a cheque for the compensatory amount to which you are entitled.

**If the Administrator rejects** your Claim, it will provide reasons for the refusal. You may appeal the Administrator's decision by using the **Appeals Form** which will be enclosed with the decision.

#### **11. How do I object to the Settlement?**

If you object to the Settlement, you must duly complete the **Objection Form** enclosed herein and send it to the Claims Administrator, postmarked **on or before June 11, 2008**.

All objections received will be sent to the Court for the Settlement Approval Hearing. Therefore, you are not required to attend the Court hearing.

If the Court approves the Settlement despite your objection, you will be bound by the Settlement unless you choose to opt out of it.

#### **12. How do I Opt Out of the Class Action?**

If a person wishes to opt out of a Class Action, it is generally because he or she prefers to commence an individual lawsuit. Any Class Member who wishes to opt out must complete an **Opt Out Form** and send it to the Claims Administrator, by registered or certified mail **on or before June 11, 2008**.

If you opt out, you cannot claim the compensation set forth in the Settlement. You may, however, commence an individual lawsuit against the Agency and Her Majesty the Queen at your own expense, but you cannot invoke the Settlement in your eventual individual action.

Class Members who do not opt out before the expiry of the Opt Out Period under this procedure will be bound by the Settlement.

### **13. Protection of personal information**

In signing the Claim Form, you authorize the Administrator to communicate the information on your Claim Form to Equifax, TransUnion or your Primary Financial Institution, as applicable. You also authorize such business who is involved to confirm with the Claims Administrator that you have placed a Notice of Theft of Personal Information in your credit file between September 4 and November 30, 2003.

This information will only be used for the purposes of the Settlement.

The Settlement has warranties that no information regarding your Claim, including the existence thereof, and the information you provide on your Claim Form will be provided to the tax authorities. Similarly, should you have asked your Primary Financial Institution, the Administrator may possibly refer to your tax file to check if there is any mention of the financial institution that you have identified in your Claim Form. Under no circumstances will information concerning your Primary Financial Institution or any other information on your Claim Form be recorded in your tax file.

Your personal information is gathered, used and kept by the Claims Administrator in accordance with the *Privacy Act* (R.S., 1985, c. P-21), *Access to Information Act* (R.S., 1985, c. A-1) and the *Financial Administration Act* (R.S., 1985, c. F-11).

### **14. What will happen to the Class Action in the Superior Court of Québec?**

The motion for authorization to institute a Class Action before the Superior Court of Québec is suspended until the Federal Court rules on approving the Settlement.

If the Federal Court approves the Settlement, the Class Action proceedings before the Superior Court of Québec will be withdrawn.

### **15. No subsequent Notice:**

If the Federal Court approves the Settlement, no other Notice will be published or sent to the Class Members.

## 16. Do I have recourse if I am a victim of Identity Theft?

If a person who is a Class Member proves to be a victim of Identity Theft because of the theft of computers, that person retains his or her individual rights and recourse at his or her expense.

## 17. Definitions

For the purposes of the Settlement, the expressions below have the following meanings:

- 17.1 **"Notice of Theft of Personal Information"** means an entry that a Class Member has had inserted in his credit file at Equifax or Trans-Union, or in an account with his Primary Financial Institution following the theft of computers from the Laval Tax Services Office on September 4, 2003, the purpose of which is to inform or alert his Primary Financial Institution and/or current, potential or future creditors or individuals or companies inquiring about his credit or the risk of Identity Theft. The Notice of Theft of Personal Information may also be known as a "notice of fraud" or "potential fraud victim".
- 17.2 **"Primary Financial Institution"** refers to the financial institution with which the Class Member conducts most financial transactions.
- 17.3 **"Identity Theft"** refers to a situation by which a third party uses the personal information contained on the computers stolen from the Tax Services Office of the Agency, in Laval, Quebec, on September 4, 2003, to steal the identity of a Class Member and claim to be that person for fraudulent or criminal purposes.

## 18. May I consult the full text of the Settlement?

**YES.** The full text of the Settlement is available for consultation or downloading on the Internet (in .pdf format) at the following sites:

[www.consommateur.qc.ca/union](http://www.consommateur.qc.ca/union)  
[www.recours-collectifs.ca](http://www.recours-collectifs.ca)  
[www.cra.gc.ca/classaction](http://www.cra.gc.ca/classaction)

You can also request a copy of the Settlement by mail, by sending a written request to Union des Consommateurs accompanied with a certified check or postal order in the amount of 20\$. Please allow approximately fifteen (15) days for delivery.

**In the event of a discrepancy between the Notices and the Settlement, the Settlement text shall take precedence.**

**19. I have questions about the Settlement or the procedure to follow. Whom do I contact?**

Please contact the following for information:

**Claims Administrator-Class Action**

Section 565  
P.O. Box 420 STN Main  
Shawinigan, QC G9N 0B1  
Toll-Free: 1-866-848-7304

**Union des consommateurs**

6226, Saint-Hubert Street  
Montreal (Quebec) H2S 2M2  
Telephone: (514)-521-6820  
Toll-Free: 1-888-521-6820  
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Class Counsels  
1980 Sherbrooke Street West  
Suite 700  
Montreal, Quebec H3H 1E8

**Fax: 514-937-6547**

**E-mail: [contact@ullnet.com](mailto:contact@ullnet.com)**

**Web Site: [www.recours-collectifs.ca](http://www.recours-collectifs.ca)**

**The mailing of this Notice and all documents enclosed herein has been approved and ordered by the Federal Court of Canada.**