

CANADA STUDENT LOANS PRIVACY BREACH CLASS ACTION NOTICE OF PROPOSED SETTLEMENT

PURPOSE OF THIS NOTICE

This notice is directed to all persons whose personal information was contained on an external hard drive in the control of Human Resources and Skills Development Canada (“HRSDC”, now known as Employment and Social Development Canada) or the National Student Loan Services Centre which was allegedly lost November 5, 2012 and who did not opt out of the class action (“Class” or “Class Members”).

The parties have reached a settlement which they will ask the Federal Court to approve.

THE PROPOSED SETTLEMENT

If the Federal Court approves the settlement, the defendant will pay \$17,500,000 (“Settlement Amount”) plus an unlimited amount for Actual Losses to settle the claims of the Class Members, Class Counsel fees, disbursements, taxes and administration costs, in return for a release and a dismissal of the class action.

The defendant does not admit wrongdoing or liability. This settlement is a compromise of disputed claims.

CLASS MEMBERS WHO SUFFERED INCONVENIENCE

Class Members will receive \$60 on account of the inconvenience associated with the loss of their personal information (the “Payment”). In the event that the total amount of the approved Payments for all Class Members who apply for compensation exceeds the available Settlement Amount, the Payments shall be reduced proportionally.

The \$60 is intended to compensate Class Members for time spent responding to the potential privacy breach estimated to be on average about four hours less legal fees and the costs of administration.

UNLIMITED FUND FOR ACTUAL LOSSES

Class Members may also claim additional amounts for any actual losses that they suffered as a result of the loss of their personal information and for which they have not been otherwise compensated (“Actual Losses”). An arbitrator will determine whether Class Members suffered Actual Losses and assess their individual damages. If there is a surplus in the Settlement Amount after payments for inconvenience have been made, approved Actual Losses shall be paid out of that surplus. If there is no surplus or the surplus is exhausted, approved Actual Losses shall be paid directly by the defendant.

ADMINISTRATION COSTS AND LEGAL FEES

The Court will be asked to approve the payment of the following costs out of the Settlement Amount:

- (a) The costs of administration of the settlement and advertising; and
- (b) Class Counsel fees of \$5,250,000 plus disbursements of approximately \$350,000 plus taxes thereon.

THE FAIRNESS HEARING

The Federal Court will hold a hearing at a courthouse in Ottawa, Ontario, on February 22, 2018 at 1:00 p.m. EST to consider whether the proposed settlement is fair, reasonable and in the best interests of the Class and whether to approve Class Counsel fees. Class Members who do not oppose the proposed settlement do not need to appear at the hearing or take any other action at this time to indicate their intention to participate in the proposed settlement. If the settlement is approved, there will be a further detailed notice to Class Members providing instructions about making a claim for compensation.

IF YOU OBJECT TO THE PROPOSED SETTLEMENT

Class Members’ objections to the proposed settlement must be submitted in writing no later than 5:00 pm EST on February 12, 2018. The judge will consider their written objections to the proposed settlement at the fairness hearing. Class members

who object may, but are not required to, attend the approval hearing. The Court will consider making special arrangements to permit an objector who wishes to appear in person to appear at select locations of the Federal Court via videoconferencing. Written objections must be sent by mail, fax or email to:

Mail: Student Loans Class Action fax: 519.250.1929 email: classaction@howieandpartners.com
Sarkis Isaac/Howie & Partners
3063 Walker Rd,
Windsor ON N8W 3R4

Written objections must include the following information:

- (a) Class Member's name, address, phone number and email address;
- (b) A brief statement of the nature and reasons for the objection;
- (c) Confirmation that the objector is a Class Member or their relationship to a Class Member; and
- (d) Whether the objector intends to appear at the hearing in person or if they will be represented by counsel.

For questions regarding this notice or the proposed settlement please go to the FAQ section of the www.studentloansclassaction.com website or email your questions to:

BRANCH MACMASTER LLP
1410 – 777 Hornby Street, Vancouver, BC V6S 1S4
Email: chermanson@branmac.com

CHARNEY LAWYERS
602-151 Bloor Street W, Toronto, ON M5S 1S4
Email: glennb@charneylawyers.com

STROSBERG SASSO SUTTS LLP
1561 Ouellette Avenue, Windsor, ON N8X 1K5
Email: sharon@strosbergco.com

BOB BUCKINGHAM LAW
81 Bond Street, St. John's, NL A1C 1T2
Email: bob@buckinghamlaw.ca

PLEASE REGISTER WITH CLASS COUNSEL

Please register with one of the law firms above, via email, to stay up-to-date on the most recent developments. If the settlement is approved, all registrants who provided a valid email address will receive an email with further instructions about how to make a claim for compensation. That information will also be posted on the website.

INTERPRETATION

This Notice has been approved by the Court and is a summary of some of the terms of the proposed settlement. If there is a conflict between the provisions of this Notice and the terms of the Settlement Agreement, the Settlement Agreement prevails. The complete executed Settlement Agreement can be viewed at www.studentloansclassaction.com.

THIS NOTICE HAS BEEN AUTHORIZED BY THE FEDERAL COURT OF CANADA