

SUPERIOR COURT
(Class Actions)

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N^o. : 500-06-000816-161

DATE: NOVEMBER 29, 2019

BEFORE THE HONOURABLE GREGORY MOORE, J.S.C.

OPTION CONSOMMATEURS

Plaintiff

CHANTAL GAGNON

Designated Member

v.

SAMSUNG ELECTRONICS CANADA INC.

and

SAMSUNG ELECTRONICS CO., LTD.

Defendants

COMMUNICATION ORDER PERTAINING TO PERSONAL INFORMATION

[1] **WHEREAS** Plaintiff wishes to obtain a list of all class members, together with email addresses, contact information, names, and phone numbers (the “**Personal Information**”);

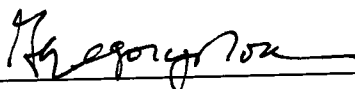
- [2] **WHEREAS** the Defendants do not have a list that only includes class members' Personal Information;
- [3] **WHEREAS** the Defendants' list includes individuals who provided SAMSUNG ELECTRONICS CANADA INC. with an address in Québec (the "**Québec Residents List**");
- [4] **WHEREAS** the Defendants received from retailers, for the sole purpose of sending recall documentation, the Personal Information of other individuals (the "**Québec Retailers List**");
- [5] **WHEREAS** the individuals mentioned on the Québec Residents List and on the Québec Retailers List are not necessarily members of the present class action;
- [6] **WHEREAS** it is understood that the Personal Information of individuals who validly opted out of the present class action ought not to be contacted by Plaintiff's Counsel of Record;
- [7] **CONSIDERING** that the Québec Residents List and the Québec Retailers List contain Personal Information concerning consumers and third parties that are subject to protection pursuant to privacy laws;
- [8] **CONSIDERING** the minimization principle governing the sharing of Personal Information;
- [9] **CONSIDERING** the concerns about data breaches that could compromise the confidentiality of the Personal Information listed on the Québec Residents List and on the Québec Retailers List;
- [10] **CONSIDERING** the representations of Counsel of Record for the Defendants that the Québec Residents List contains approximately 30,000 names;

FOR THESE REASONS, THE COURT:

- [11] **ORDERS and AUTHORIZES** the Defendants to disclose to Plaintiff's Counsel of Record the names, civic address, and telephone numbers of individuals mentioned on the Québec Residents List, which constitutes personal, private or confidential information concerning third parties and class members;
- [12] **DECLARES** that this Order is an order within the meaning of subsection 18(6) of the *Act Respecting the Protection of Personal Information in the Private Sector*, ch. P-39.1;
- [13] **DECLARES** that upon receiving the Québec Residents List, Plaintiff's Counsel of Record is deemed to have control and custody of the Personal Information contained therein for the purposes of all applicable privacy and data protection laws and regulations, and that the Plaintiff, Plaintiff's Counsel of Record, the

Defendants and the Defendant's Counsel of Record will remain responsible for their respective obligations arising from all privacy and data protection laws and regulations;

- [14] **ORDERS** Plaintiff's Counsel of Record to indicate clearly in every communication with the individuals listed on Québec Residents List that their Personal Information was obtained pursuant to an order of this Court in connection with this class action and to cite the court file number;
- [15] **ORDERS** that when Plaintiff's Counsel of Record communicates with an individual listed on the Québec Residents List and learns that the individual is not a member of the present class action, Plaintiff's Counsel of Record will stop communicating with that individual;
- [16] **ORDERS** that the disclosure of the Québec Residents List shall respect the terms of the Confidentiality Order issued by this Court on May 1, 2019;
- [18] **WITHOUT LEGAL COSTS.**



GREGORY MOORE, J.S.C.