

## Hospital sued over data leak

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A \$412-million class action lawsuit has been brought against a Scarborough hospital on behalf of thousands of patients whose personal information was leaked by two former employees.

The hospital revealed earlier this month that the contact information of as many as 8,300 patients at Rouge Valley Centenary, mainly mothers who gave birth between 2009 and 2013, had allegedly been handed over to private companies that marketed RESP investments to the new parents. The hospital subsequently contacted the Toronto Police Service. The Ontario Securities Commission is also conducting an investigation.

"You're vulnerable," Scarborough resident Meagan Ware, one of the plaintiffs in the lawsuit, who gave birth to her son James at the hospital in 2010, said in an interview on Tuesday. "The vulnerability that you feel when you don't really know where your information - my information, as well as my child's information - has ended up."

The lawsuit names as defendants Rouge Valley, the two unnamed former hospital employees, the unnamed RESP company that received the personal information, and an unnamed employee of the RESP company.

Michael Crystal, one of the lawyers representing the plaintiffs in the action, said the claim would be amended once the names of the former hospital staffers and the company are released.

"One of the first things we will be doing is bringing a motion to have the names released to us," Crystal said.

"Certainly, the hospital knows who the employees were, and we have not been able to get those."

Rouge Valley spokesman David Brazeau said in an email the hospital is no longer conducting interviews on the matter.

According to the statement of claim, the defendants are liable for "damages for breach of contract, breach of warranty, breach of confidence, intrusion upon seclusion, negligence, and conspiracy," totalling \$332 million.

The claim also asks for punitive damages of \$80 million, plus undetermined expenses relating to costs incurred to prevent identity theft, as well as mental distress, frustration and anxiety.

Crystal said the damages, which work out to roughly \$49,000 per patient, are justified because the private RESP companies allegedly paid for the private information.

"What I think makes this considerably more specious is the fact that this was then sold," Crystal said.

"It was disseminated for commercial purposes."

Ware said she wanted to find out exactly who was responsible for distributing her personal information.

"I don't feel like the hospital should be hiding the identity of either one of the people. Considering they have all our information, it would be nice to know who they are," Ware said.

John Broutzas, the husband of plaintiff Elia Broutzas, said he was unhappy with how the hospital handled the situation when he first called to complain after receiving a letter about the alleged breach in December 2013.

"In my opinion, if no one does anything, people will keep doing it and they'll get away with it," Broutzas said.

Ontario's Office of the Information and Privacy Commissioner is also investigating the breach, with commissioner Ann Cavoukian vowing to "get to the bottom of this" amid similar reports from patients at other Ontario hospitals.

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