

NOTICE TO MEMBERS REGARDING THE AUTHORIZATION BY THE COURT OF A CLASS ACTION RELATING TO THE COLLECTION AND USE OF FACIAL IMAGES AND PERSONAL INFORMATION

500-06-001129-218

This notice concerns the class action against Clearview AI Inc. (“**Clearview**”) that was authorized on October 29, 2024, by the Honourable Justice Dominique Poulin of the Superior Court of Quebec (the “**Superior Court**”), on behalf of the following class of persons:

CLASS

All individuals who, since August 18, 2017, have had their facial images and Personal Information collected, used or disclosed by Clearview while they were residents of Quebec.

This class action will be brought in the judicial district of Montreal.

Ms. Doan has been appointed as the representative plaintiff for the class action.

The authorization judgment ended a preliminary step. This judgment does not decide the liability of Clearview, who will present its grounds of defense at trial. Following this trial, the Superior Court will determine Clearview’s liability and whether class members are entitled to receive compensation and/or the issuance of the requested orders.

WHO IS A MEMBER OF THE CLASS?

You are a class member if you meet the following criteria:

- You are a natural person residing in Quebec or who was a resident of Quebec at any time since August 18, 2017; and
- Since August 18, 2017, one or more photographs of your face as well as your personal information have been collected, used, or disclosed by the defendant, Clearview. You could be a member of the class if one or more photographs of your face were published on a publicly accessible webpage during that period, including, for example, on a social media profile page such as Facebook, LinkedIn, or Instagram.

WHAT IS THE PURPOSE OF THIS ACTION?

The representative plaintiff alleges that Clearview has collected, included in its database, retained and used facial images and personal information, including biometric data, of individuals residing in Quebec (the “**Data**”), without their knowledge or consent.

The representative plaintiff seeks to prove that these actions violate the fundamental rights of class members, more specifically their right to privacy, to the preservation of their dignity and their right to control their image. She also intends to prove that Clearview has

violated Quebec and Canadian laws applicable to the collection and use of personal information.

The Superior Court will need to decide whether Clearview committed faults and, if so, whether and to what extent (i) the members should be compensated and (ii) the members are entitled to the other orders sought against Clearview notably to remove and destroy the members' Data from its database and to cease collecting the members' Data without their consent.

The main issues to be decided in this class action are the following:

- a) Do the facial photographs, collected data and other personal information of the class members constitute personal information of the class members?
- b) Did Clearview collect/create, include in its database, retain, use and and/or disclose for commercial purposes the facial photographs, collected data and other personal information of the class members?
- c) If question b) is answered affirmatively, were these actions by Clearview effected without sufficient knowledge and/or consent of the class members?
 - c.1) Did Clearview create a database of biometric characteristics and measurements that included the personal biometric information of the class members and fail to disclose same to the Commission d'accès à l'information du Québec prior to bringing the database into service?
- d) If questions c) and/or c.1) are answered affirmatively, do the Clearview's actions constitute a civil fault engaging its liability towards the class members?
 - d.1) If question d) is answered affirmatively, have the class members suffered harm as a result?
- e) If question d) is answered affirmatively, are the class members entitled to the payment of compensatory damages by Clearview and, in the affirmative, what is the amount of such damages?
 - e.1) If questions c) and/or c.1) are answered affirmatively, are Clearview's actions unlawful and intentional?
- f) If question e.1 is answered affirmatively, are the class members entitled to the payment of punitive damages by Clearview and, in the affirmative, what is the amount of such damages?
- g) Are the class members entitled to orders enjoining Clearview to:
 - i. Remove from its database and destroy all personal information, including all copies and any

- data created by Clearview, of the class members;
- ii. Cease collecting, retaining, using, and/or disclosing the facial photographs and other personal information of the class members without their consent;
 - iii. Prevent the facial photographs and other personal information of the class members from appearing in Clearview's search results;
 - iv. Prevent Clearview's clients and other users from accessing its database while geographically within the province of Québec;
 - v. Prevent Clearview's clients and users from running searches in Clearview's database in connection with individuals residing in the province of Québec;
 - vi. Prevent Clearview's clients and other users from using facial photographs uploaded from or associated with the province of Québec as query photographs within Clearview's database; and
 - vii. Not market or provide its services in the province of Québec.
- g.1) Are the class members entitled to a declaration that Clearview violated their privacy and image rights by illegally collecting/creating, retaining, including in a database, disclosing, and/or using the class members' facial photographs and other personal information?
- h) Are the class members entitled to the interest and additional indemnity provided for under the [Civil Code of Québec](#) on the amounts set out in sub-sections e) and f) above from the date of filing of this application?
- i) Can the Superior Court order the collective recovery of the sums set out above?

WHAT COULD YOU OBTAIN?

The representative plaintiff is seeking compensation and various orders for the class members and herself.

On behalf of the class members, she asks the Superior Court to grant to each class member:

- a) Financial compensation as compensatory damages for any harm suffered by the member;

- b) Financial compensation as punitive damages for wrongful conduct;
- c) Reimbursement of costs incurred in taking all necessary steps to establish Clearview's liability;

She is also asking the Superior Court to issue several orders against Clearview including the following:

- a) Remove from its database and destroy all class members' Data;
- b) Cease the collection, creation, retention, use and/or disclosure of class members' Data without class members' consent;
- c) Prevent class members' Data from appearing in Clearview's search results;
- d) Not market or offer its services in the province of Quebec.

If the class action is successful, the Superior Court will determine the amount of the damages and the orders to which class members may be entitled.

LAWYERS' FEES will only be paid only if the class action is successful. You will not have to pay anything unless you receive damages. If so, the lawyers' fees will correspond to a percentage of the damages paid to class members. This percentage will require the approval of the Superior Court.

HOW TO PARTICIPATE IN THE CLASS ACTION?

You are not required to do anything in order to become a member of this class action. You are automatically included in the class if you meet the above criteria.

Any class member who has not opted out of the class action at the latest by January 31, 2026 at 4:30 p.m., in the manner set forth below, will be bound by any judgment rendered in this class action.

A member of the class other than the representative plaintiff cannot be required to pay the legal costs of the class action if the class action is dismissed.

You do not need to intervene to be entitled to compensation. However, a class member may seek to intervene in the class action to support the representative plaintiff's claim. The Court may authorize such a request if it is deemed useful to the class.

HOW TO OPT OUT OF THE CLASS ACTION?

If you do not want the judgment rendered in the class action to apply to you, you must opt out by **January 31, 2026** at 4:30 p.m. In this case, you will not be able to receive compensation if the class action is successful or if a settlement is reached between the parties.

To opt out, you must notify the clerk of the Superior Court of Quebec in the judicial district of Montreal, by registered or certified mail, prior to the deadline for opting out, at the

following address:

**Greffe civil de la Cour supérieure
Palais de justice de Montréal**
1 Notre-Dame Street East
Montréal (Québec) H2Y 1B6

You must state that you wish to opt out of the class action of *Doan v. Clearview AI inc.* (case number: 500-06-001129-218).

Any member of the class who has introduced a personal action that would be disposed of by the final judgment in the class action is deemed to opt out of the class if he or she does not discontinue his or her personal action prior to the deadline for opting out. The deadline for opting out is **January 31, 2026**, at 4:30 pm.

FOR MORE INFORMATION ABOUT THIS CLASS ACTION

For more information about this class action, you can contact the counsel for the class by the following means:

ALEXEEV ATTORNEYS LLP
Lawyers for the Plaintiff

Mtre. Lev Alexeev
Mtre. William Colish
Mtre. Molly Krishtalka
Mtre. Mélina Cardinal-Bradette
Mtre. Valérie Beaulieu-Pfertzal

500 Places d'Armes, Suite 1865
Montréal (Québec), H2Y 2W2
Tel.: 514-400-2480
Fax: 514-648-7700

lalexeev@alexeevco.com
wcolish@alexeevco.com
mkrishtalka@alexeevco.com
mcardinalbradette@alexeevco.com
vbeaulieupfertzal@alexeevco.com

You can also consult the Class Action Registry at the following website:

<https://www.registredesactionscollectives.quebec/fr/Consulter/ApercuDemande?NoDossier=500-06-001129-218>

THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.

N° : 500-06-001129-218

(Class Action Division)

SUPERIOR COURT

District of Montréal

HA VI DOAN

Plaintiff

v.

CLEARVIEW AI INC.

Defendant

PROCUREUR GÉNÉRAL DU QUÉBEC

Mis en cause

**LONG-FORM NOTICE TO MEMBERS REGARDING
THE COURT'S AUTHORIZATION OF A CLASS
ACTION**

(Art. 579 and following *CCP*)

ORIGINAL

ALEXEEV
ATTORNEYS

ALEXEEV ATTORNEYS LLP

Mtre. Lev Alexeev

Mtre. William Colish

Mtre. Molly Krishtalka

Mtre. Mélina Cardinal-Bradette

500 Places d'Armes, Suite 1865

Montréal (Québec), H2Y 2W2

lalexeev@alexeevco.com

wcolish@alexeevco.com

mkrishtalka@alexeevco.com

mcarninalbradette@alexeevco.com

Tel. : 514 400-2487

Fax : 514-648-7700

O/F 1204-0023

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