

Insurance and Care NSW (icare) Class Action

Answers to Questions (FAQ)

1. What is a class action?

A class action is a special type of court case which enables a number of claims to be pursued together in a cost effective and efficient manner, rather than as a series of individual cases for each affected person.

A class action is brought by one person (known as the '**lead plaintiff**' or '**plaintiff**') on their own behalf and on behalf of a class of people (known as '**class members**') against another person (known as the '**respondent**').

In order to commence a class action, there must be at least 7 (but there are often many more) class members who have claims against the same respondent that are in respect of, or arise out of, the same, similar or related circumstances, and which give rise to a substantial common issue of law or fact.

In a class action, the lead plaintiff's claims are used to resolve as many factual and legal issues common to the class members' claims as possible. While the class members are represented by the lead plaintiff, it is not necessary that every class member has exactly the same claim.

2. Who is Omni Bridgeway?

Omni Bridgeway Limited ("**OBL**") is a public company listed on the Australian Securities Exchange (ASX:OBL). Omni Bridgeway Limited provides, through its funding entities, funding for significant and large-scale litigation. Information about Omni Bridgeway Limited can be found on the Omni Bridgeway Limited website at www.omnibridgeway.com.

Omni Bridgeway (Fund 5) Australian Invnt. Pty Limited (generally referred to as "**Omni Bridgeway**") is providing litigation funding for the fees and disbursements of the law firm, Piper Alderman ("**the Lawyers**"), who will be running the icare class action (against the Worker's Compensation Nominal Insurer ("**Nominal Insurer**")) on behalf of the class. OBL will also provide litigation management services during the class action.

Neither Omni Bridgeway's funding of nor OBL's services to the class action is intended to be provided under an authorisation provided by any Australian Financial Services Licence ("AFSL") but relies upon the operation of litigation funding schemes being an exempt financial product pursuant to the Corporations Regulations 2001. For the avoidance of doubt, your objectives, financial situation and needs have not been taken into account and you should consider whether the class action is appropriate for you taking any appropriate legal, financial or taxation advice you may require.

3. Who is Piper Alderman?

Piper Alderman is a commercial law firm based in Australia. It has extensive experience in running class actions in the Australian courts. They are the Lawyers who will be running the class action against the Nominal Insurer.

4. Who is the claim against and what is it about?

Omni Bridgeway is funding a class action against the Nominal Insurer on behalf of clients of the Nominal Insurer, who have had their sensitive health and personal information disclosed in a data breach.

The Nominal Insurer provides workers compensation cover for employees of employers in New South Wales who do not self-insure or are state government employees. Insurance and Care NSW (icare) manages workers compensation schemes for the Nominal Insurer. A liability incurred by icare when acting for the Nominal Insurer is a liability of the Nominal Insurer (section 154C of the Workers Compensation Act 1987 (NSW)).

On or around 6 May 2022, icare caused Cost of Claims Reports containing sensitive health and personal information of workers compensation claimants to be distributed by email to various Australian employers and insurance brokers. Around 1,450 reports were emailed to incorrect email addresses involving 572 Australian employers or insurance brokers, containing the data of approximately 192,000 people.

The proceeding alleges that icare owed the plaintiff and the class members an equitable obligation of confidence which it breached when it disseminated the reports to entities that were not the intended recipients.

5. How do I know if I am eligible to participate in the class action?

You are eligible to join the class action if your personal and health information was included in the Cost of Claims Report which was disclosed by icare to the wrong recipients on or around 6 May 2022.

6. How much compensation will I receive?

At this stage, we are unable to say how much you may be eligible to claim. The amount of money to be awarded to members of a class action will be determined or approved by the Court, typically following either a trial or settlement.

7. Will there be any cost to me if the class action is unsuccessful?

No. Class members do not have to pay anything in the event that the class action is unsuccessful, as Omni Bridgeway agrees to pay any legal costs that might be awarded to the Nominal Insurer or any other respondents.

8. How will my personal information be used?

We will only collect and use your personal information strictly in accordance with OBL's privacy policy. OBL's privacy policy can be found on its website at <https://omnibridgeway.com/website-policies/privacy-policy>. In recognition of the sensitivity attached to this matter, and further to OBL's privacy policy, we will restrict internal access to personal information collected from class members to those Omni Bridgeway personnel involved in the management of the funding provided for these proceedings.

Please also note that the information that you provide to us may be considered 'sensitive personal information'. By electing to answer this questionnaire and/or sign a funding agreement you are providing consent for Omni Bridgeway to collect, use, process and disclose (see below on the very limited circumstances in which information may be disclosed) the personal information you provide. The primary purpose for which we collect information from you is to provide funding and related services for the prosecution of a class action on behalf of yourself and other claimants by Piper Alderman. We may use, process or disclose your sensitive personal information for that purpose or for a secondary purpose:

- that you would reasonably expect the information to be used for and which is directly related to the primary purpose of collection;

- that is an express exception under the *Privacy Act 1988* (Cth) (e.g. as is reasonably necessary for establishing, exercising or defending a legal or equitable claim); or
- that you have otherwise expressly consented to.

9. **What is the Omni Bridgeway portal?**

The Omni Bridgeway portal is a client portal whereby you can log in and see details of the Omni Bridgeway funded claims you have signed up for and upload documents. You can update your contact details and access information that is related to your claims. You can log into your Online Client Portal here: <https://portal.omnibridgeway.com/portal/login>

10. **Who is Omni Bridgeway's Client Liaison Team, what services do they provide, and how much will they charge for those services?**

Omni Bridgeway's Client Liaison Team (**CLT**) is a division of Omni Bridgeway based in Omni Bridgeway's Perth Office. CLT supports the Lawyers with the administration of class member claims.

CLT's services include, but are not limited to, hosting online services for class members, processing class members' registrations, responding to enquiries from class members (and potential class members), claims analysis and verification, facilitating communications with class members over the course of the proceeding, and assisting with other tasks as requested by the Lawyers or as directed by the Court. Class members will not be out of pocket for these costs, in that they will be paid by Omni Bridgeway (Fund 5) Invt. Pty and only recoverable by it from any recoveries. Any such costs that Omni Bridgeway (Fund 5) Invt. Pty Limited Pty and recover in this respect will be capped at a certain quantum which will be disclosed on request to class members prior to any court ordered date for class members to opt out of participation in the class action.

CLT may enter into a services agreement with the Lawyers for the provision of client liaison services in respect of icare class action. If a services agreement is entered into, CLT will provide its services on a time-recorded billing basis, invoiced quarterly, which will then be paid by Omni Bridgeway. Omni Bridgeway will seek to recover these disbursements upon a successful resolution of the class action in accordance with the terms of the Funding Agreement.

11. **Where do I obtain more information?**

You may contact our Client Liaison Team via email at icare@omnibridgeway.com