
Our File No.: 21756-364 JKPC

April 17, 2023

Via Email: mvanstone@vanstone.law

VANSTONE LAW
#410, 475 - 2 Avenue
Saskatoon, SK S7K 1P4

Attention: Mark Vanstone

Dear Sir:

Re: Synergy Credit Union Ltd. v. Tricia Darlene Noble also known as Tricia Darlene McDonald

In anticipation of Mediation and in response to your client's complaints to the Office of the Privacy Commissioner of Canada, and questions submitted at our client's Annual General Meeting, we take this opportunity to provide our client's position going forward and comments on this matter globally.

First, we had understood following the commencement of our action and discussions of nearly a year ago, that we were attempting to reach a global settlement of all matters by which our clients would part ways. We had sought to have your client discontinue all actions brought against our client (in whatsoever forum) and cease any further public comments directed at our client. In exchange, our client was not seeking any monetary damages but only provisions for damages in the event of breach of that agreement to ensure that it could have confidence that matters had been concluded and there would be no breach.

Since that time, we have yet to be advised as to why the terms put forward in that offer of settlement were unacceptable to your client. We had understood that the discussions were narrowly focused on revisions of language and not any substantive points. However, your client has since brought multiple applications both to the Office of the Privacy Commissioner of Canada, Ombudsman, our client's Annual General Meeting, and to the Law Society against the writer. During this time, our client's only step has been to demand a Statement of Defence after these applications had commenced.

If we are unable to have this matter resolved at mediation, we anticipate bringing forward an application for some form of injunctive relief regarding your client's continued attempts to contact our client and pursuing these matters in multiple forums. We will also be looking to advance this litigation expeditiously. This matter is now before the Courts and should be resolved within that

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context and not through an attempt to litigate in alternate forums under the guise of privacy or consumer complaints.

With regards to the report from the Office of the Privacy Commissioner of Canada, we submit that substantively our client has not been found responsible for any wrongdoing. While your client has presented or alleged deficiencies in how our client has handled internal records and our client has received guidance from the Office of the Privacy Commissioner of Canada with recommendations on how to handle such information, these pertain largely to process and not any substantive wrongdoing. In any event, your client has brought another Access to Information Request regarding the Privacy Commissioner's Report to our client. As your client already has the items she is requesting in her possession, our client is declining her duplicate request. Attached is the official reply from Synergy's Privacy Officer for distribution to your client as required under the legislation.

We are further troubled by the continued request for your client to have direct contact or have a board member attend the mediation and your client's continued attempts to engage with our client directly. We have put forward several times that all responses on behalf of our client, both its executive team and its board of directors will come through counsel and any communication is to be directed through counsel. Our instructions come from the board and Synergy's executive team both of which meet regularly and review this matter. Any inquiries that your client has to any arm of Synergy or its officers will not receive any reply except through legal counsel. Please advise her to desist contacting our client in any capacity outside of legal counsel. With respect, your client needs to understand she is not going to find another avenue that allows her to make an attack on our client's executive team or advance whatever her agenda against the executive team may be.

Your client's sustained campaign against our client has represented a spectacular investment of resources toward no productive end. Our client simply wants to be left alone by your client without any further engagement and has not had any option but to pursue this litigation to bring an end both to your client's frivolous and vexatious applications and social media campaign. As your client does not appear to have any intent of desisting from these, we are left to pursue this legal action. We will be unable to settle on the basis we put forward in April of last year without stronger provision for significant monetary damages and injunctive relief given your clients actions since we had understood we were entering into settlement discussions.

In response to your client's most recent inquires about voting at the election again, it is unclear why she continues her attendance and attempt to pursue these matters in these forums except as an attempt to engage in a campaign against our client. In any event, your client had brought a question regarding the Privacy Commissioner's Report: your client has that report and our client's response to the Privacy Commissioner. Our client has attended to this internally to its satisfaction. Your client has likewise made an inquiry regarding legal costs for this matter. We trust that you will be able to communicate to her why that will not be provided to her.

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Your client further brought a complaint about attempting to vote in the election and she had been provided with a paper ballot when attending one of our client's branches. We understand that she had inquired as to whether this constitutes a secret ballot. We understand that your client did not want to vote through the call centre as this would require her social insurance number. Our client has reviewed how this was handled and we are satisfied that the provision of a paper ballot that would have been counted and then properly destroyed would satisfy the ability of your client to vote in an election. Even if your client was not satisfied that the format of the paper ballot provided to her was as elegant as she may have wanted it to be, she was provided with the ability to have that vote entered in a confidential manner and have it destroyed.

Accordingly, we consider matters raised by the Report of the Privacy Commissioner and at the Annual General Meeting closed. Again, proceeding forward we would continue to hope this matter could be resolved without the need for further litigation. However, given the steps taken by your client over the last year, we will require a discontinuance along with satisfactory assurance that such terms will not be breach.

Yours truly,

PSM LLP



Per: Jeffrey D. Kerr

JDK/hk

April 5, 2023

Ms. Trish Noble

via: Synergy Counsel, Jeffrey D. Kerr

Dear Ms. Noble:

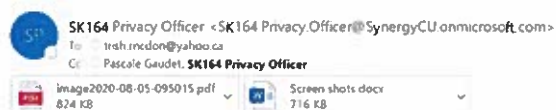
Re: PIPEDA Request for Information - Dated March 27, 2023

This letter serves as our official notice that we will not be honouring your Access to Information Request to view your records, in person, off our IT system – as you've indicated in Point 17 of PIPEDA Report #039834 dated March 17, 2023.

PIPEDA allows individuals to access their personal information, but it does not guarantee that individuals can access their personal information in a particular form. Enclosed please find a record of Synergy providing the information in question on August 5, 2020, and your acknowledgement of receiving the information August 9, 2020:

Email confirming readable documents were emailed to Ms. Noble August 5, 2020:

Readable Documents



SK164 Privacy Officer <SK164.Privacy.Officer@SynergyCU.onmicrosoft.com>
To: trish.mcdonald@yahoo.ca
Cc: Pascale Gaudet, SK164 Privacy Officer

image2020-08-05-095015.pdf 824 KB
Screen shots.docx 716 KB



Reply Reply All Forward Wed 2020-08-05 5:00 PM

Good afternoon Ms. McDonald,

Please note this email has been encrypted as it contains personally identifiable information of yours.

I took your document and looked at each individual page – there are 23 pages in total, below is a recap for each of them. Note for the screen shots from the banking system, the ones that appear to be unreadable are the ones you have highlighted in the document, these are the ones we have attached as the others appear to be readable. If you cannot read the other screen shots that are not highlighted please advise. Thank you.

Email confirming Ms. Noble received readable documents August 9, 2020:

Reprint of File(s) Request - Without Prejudice



Trish McDonald <trish.mcdonald@yahoo.ca>
Cc: SK164 Privacy Officer, Pascale Gaudet

Follow up: Start by August 12, 2020. Due by August 17, 2020.
You forwarded this message on 2020-08-17 4:58 PM.



Reply Reply All Forward Sun 2020-08-09 11:11 AM

Without Prejudice

Dear Privacy Officer,

I have received and reviewed the reprint of files that you attached under a secure email.

As we have already provided the information you are requesting, we consider this a duplicate request for information and have closed this item.

Should you not agree with this decision you may log a complaint with the Office of the Privacy Commissioner of Canada, as follows:

Office of the Privacy Commissioner of Canada
30, Victoria Street
Gatineau, Quebec
K1A 1H3

Toll-free: 1-800-282-1376

Sincerely,

Heidi Miller
Privacy Officer

Attachment

cc: Office of the Privacy Commissioner of Canada Re: File #PIPEDA - 039834