

Court File No.: A-33-23

FEDERAL COURT OF APPEAL

D E P O S É	COUR D'APPEL FÉDÉRALE FEDERAL COURT OF APPEAL		F I L E D
	FEB 13 2023		
	ELSA NOURIAN		
MONTRÉAL, QC		1	

ID: 1

BETWEEN:

TAMARA JAMES

Appellant

-and-

AMAZON.COM.CA, INC.

Respondent



NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Montreal.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the *Federal Courts Rules* and serve it on the appellant's solicitor or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

ELSA NOURIAN
Agent principal du greffe
Senior Registry Officer

Date: February 13, 2023 Issued by: original signed by:
(Registry Officer)

Address of
local office:

Administrative Services
Federal Court of Canada
Montreal Local Office
30 McGill Street
Montreal, QC H2Y 3Z7

phone: 514-283-4820
fax: 514-283-6004.

TO: **Alexandra Quigley**
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Counsel for the Respondent

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the order of Justice Yvan Roy of the Federal Court dated 3 February 2023, in Court File No.: T-1335-22, by which the judgement ordered that the application under section 14 of the *Personal Information Protection and Electronic Documents Act* (the “*PIPEDA*”) be dismissed without costs.

THE APPELLANT ASKS that the appeal be allowed, that the judgement of Justice Yvan Roy be quashed, that judgement be rendered in favour of the appellant and relief be awarded as requested, that an order be made compelling Amazon.com.ca, Inc. to comply with obligations set out in clauses 4.6.1, 4.9, 4.9.1, 4.9.5 of Schedule 1 of the *PIPEDA*, and that an order be made awarding the appellant costs of the application and the appeal.

THE GROUNDS OF APPEAL are as follows:

1. The application judge erred in law and breached the principles of judicial independence by relying on a court clerk’s gross misinterpretation of evidence related to the identity data of the appellant, which resulted in a failure to conduct a proper analysis of that evidence to determine its relevance to clause 4.9.2 of Schedule 1 of the *PIPEDA*.
2. The application judge erred in law by failing to consider the legal requirements and “reasons” of a written response as set out in s. 8(7) of Division 1 of the *PIPEDA* when determining that an email reply from a customer service representative about access to the Amazon.ca account constitutes a response to a written request for access to information within the 30-day time limit as set out in s. 8(3).
3. The application judge erred in law by concluding that the Accuracy Principle at clause 4.6 of Schedule 1 of the *PIPEDA* falls outside the scope of s. 14 without first applying the legal rule necessary to determine if the inaccuracy issue was in fact a “matter in respect of which the complaint was made” to the Office of the Privacy Commissioner of Canada.

4. The application judge erred in law by erroneously determining that “the record before the Court is devoid of any evidence” of the inaccuracy, thereby disregarding clear evidence in support of the application of 4.6.1 and failing to apply the proper legal test to Amazon’s failure to respond to the inaccuracy issue.
5. *Personal Information Protection and Electronic Documents Act* (S.C. 2000, c. 5), s. 8 and s. 14(1) of Division 1; and Principles 4.1, 4.6, and 4.9 of Schedule 1.
6. *Federal Courts Act* (R.S.C., 1985, c. F-7), ss. 14(3), ss. 27(1), s. 52.
7. *Courts Administration Service Act* (S.C. 2002, c. 8), ss. 7(1), 7(4), 8(3) and 8(4).
8. *Federal Courts Rules* (SOR/98-106), Rule 81.
9. *Loi sur la protection du consommateur* (chapitre P-40.1), article. 11

12 February 2023



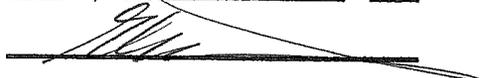
Tamara James, Self-represented

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I HEREBY CERTIFY that the above document is a true copy of the original Issued out of / filed in the Court on the 13

day of February A.D. 20 23

Dated this 13 day of Feb. 20 23



ELSA NOURIAN
Agent principal du greffe
Senior Registry Officer