

February 24–25, 2015 | Marriott Bloor Yorkville | Toronto

The Canadian Institute's 12<sup>th</sup> Edition

# Privacy Law & Compliance Conference

PRIVACY AT THE CROSSROADS

## A distinguished faculty of legal and privacy professionals will provide you with insights into:

- The latest developments on the new class action cases based on the tort the 'intrusion upon seclusion' which may revolutionize data breach litigation
- Information sharing and disclosure post *Spencer*
- A full session on CASL and CASL phase 2 'the computer program provisions'
- An industry panel session on increasing privacy concerns and what it means for data collection and analytics
- Recent developments in cloud computing, regulatory guidance and coming international standards
- Data breach remedies; the case for Cyberinsurance
- If a data breach occurs, what are the steps to be taken?
- Workplace privacy issues; what does a reasonable expectation of privacy mean regarding social media, drug and alcohol testing, workplace surveillance and other flash points
- Privacy in health sciences; data security and health information, an uneasy relationship and is PHIPA enough?

## Develop your skills by attending the Post-Conference Workshops:

- A** Nymity; Implementing effective data privacy accountability solutions at your organization in a 'hands on' workshop
- B** KPMG Information Management; Analyze the risks and merits of your data destruction practices in a 'defensible data destruction' workshop

## Co-Chairs:



*Éloïse Gratton*  
Partner  
**Borden Ladner  
Gervais LLP**



*Dr. Avner Levin*  
Director Privacy and  
Cyber Crime Institute  
**Ryerson University**

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**Deloitte LLP**

**Marsh Canada Limited**

**Equifax Canada**

**Walmart Canada Corp**

**Sunnybrooke Health Sciences  
Centre**

**Nymity Accountability Solutions**

**KPMG Information Management,  
Risk Consulting**



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# Be part of Canada's premier forum on Privacy Law and Compliance



The Privacy field has been rapidly evolving as practitioners are increasingly having to deal with the rise of big data and informational privacy as well as workplace privacy issues. At the same time, new jurisprudence and legislation is reacting to these fast moving trends. This conference will keep you on top of the latest developments.

This conference will cover:

- The latest developments on the new class action cases based on the tort the 'intrusion upon seclusion' which may revolutionize data breach litigation
- Information sharing and disclosure post Spencer
- A full session on CASL and CASL phase 2 'the computer program provisions'
- An expert panel session on the increasing privacy concerns and what it means for data collection and analytics
- Recent developments in cloud computing, regulatory guidance and coming international standards
- Data Breach Remedies; The case for Cyberinsurance
- If a data breach occurs, what are the steps to be taken?
- Workplace privacy issues; what does a reasonable expectation of privacy mean regarding social media, drug and alcohol testing, workplace surveillance and other flash points
- Privacy in health sciences; data analytics and health information, an uneasy relationship, and is PHIPA enough?
- As well as detailed workshops on demonstrating privacy data accountability and defensible data destruction

By attending the Canadian Institute's Privacy and Compliance conference you will be up to date on important jurisprudence, legislation and legal and business trends relating to the fast moving world of privacy.

Register now and save your seat be calling **1-877-927-7936** or by visiting our website at [www.CanadianInstitute.com/Privacy](http://www.CanadianInstitute.com/Privacy)

## Hear from our distinguished speaker faculty:

*Éloïse Gratton*  
Partner and Co-Chair of the Privacy Practice Group, [Borden Ladner Gervais LLP](#)

*Dr. Avner Levin*  
Director of the Privacy and Cyber Crime Institute, [Ryerson University](#)

*Chantal Bernier*  
Counsel, [Dentons Canada LLP](#)

*David Goodis*  
Assistant Commissioner (Acting) of the Office of the Information and Privacy Commissioner of Ontario

*Alex Cameron*  
Partner, [Fasken Martineau LLP](#)

*Tim (Timothy) M. Banks*  
Partner, [Dentons Canada LLP](#)

*Barry B. Sookman*  
Senior Partner, [McCarthy Tetrault LLP](#)

*David B. Elder*  
Counsel, [Stikeman Elliott LLP](#)

*Jan Kestle*  
President and Founder, [Envionics Analytics](#)

*David Stewart*  
National Leader Analytic and Forensic Technology, [Deloitte LLP](#)

*Stephanie Rich*  
Assistant General Counsel and Privacy and Ethics Officer, [AIMIA](#)

*Lisa R. Lifshitz*  
Partner, [Torkin Manes LLP](#)

*John Russo*  
Vice President, Legal Counsel & Chief Privacy Officer, [Equifax Canada](#)

*Russell P. Cohen*  
Partner, [Orrick, Herrington & Sutcliffe LLP](#), San Francisco

*Gregory L. Eskins*  
Senior Vice President, National Cyber Practice Leader, [Marsh Canada Limited](#)

*Daniel J. Michaluck*  
Partner, [Hicks Morley LLP](#)

*Dean Dolan*  
Vice President, Associate General Counsel and Privacy Officer, [Wal-Mart Canada Corp](#)

*Lisa Stam*  
Partner, [Koldorf Stam LLP](#)

*Michael Lynk*  
Associate Professor of Law, [Western University](#)

*Jeff Curtis*  
Chief Privacy Officer, [Sunnybrooke Health Sciences Centre Toronto](#)

*Michael Power*  
Lawyer and Author

*Lauren Reid*  
Director, Accountability Solutions, [Nymity Inc.](#)

*Jessica Lavery*  
Manager, Accountability Solutions, [Nymity Inc.](#)

*V. Nicole Godin*  
Senior Manager, Information Management, Risk Consulting, [KPMG Canada](#)

## Legal Accreditation:



This program is eligible for up to 9 substantive hours by the [Law Society of Upper Canada](#).

This program has been approved by the [Law Society of Saskatchewan](#) for 9.0 CPD hours for the conference. Members will also receive an additional 2.0 CPD credit hours for each workshop attended.

The same number of hours may be applied toward your continuing legal educational requirements in [British Columbia](#).

The [Barreau du Québec](#) recognizes training activities held outside of the province so long as the activities have been approved by another Provincial Law Society.

For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the [Law Society of Alberta](#).

7:15 Registration Opens and Refreshments are Served 

## 8:15 Opening Remarks from Co-Chairs

**Éloïse Gratton**

Partner and National Co-Chair of the Privacy Practice Group, **Borden Ladner Gervais LLP**

**Dr. Avner Levin (SJD, Toronto)**

Director of the Privacy and Cyber Crime Institute **Ryerson University**

## 8:30 Keynote Address 'Privacy at the Crossroads'

**Chantal Bernier**

Counsel, **Dentons Canada LLP**

*Ms. Bernier comes into private practice after a long and distinguished career serving the public, most recently leading the Office of the Privacy Commissioner of Canada as Interim Privacy Commissioner and as Assistant Commissioner. Drawing on her deep experience in the privacy field, Ms. Bernier's keynote will highlight how privacy law and policies need to adapt to a new reality of risks to preserve the right to privacy. Ms. Bernier poses the question; how do we embrace progress of information technology and benefit from the richness of its holdings, while preserving the fundamental right, and visceral need, to privacy? This presentation seeks to identify and explore these cross-roads to propose a path forward for each.*

## 9:30 Recent Developments in Privacy Law Jurisprudence and Regulation Part 1

**Alex Cameron**

Partner, **Fasken Martineau**

*There have been significant new developments in the legislation and jurisprudence regarding privacy, including the recent damage awards and certification of class action litigation cases for violations of privacy. Mr. Cameron will highlight and discuss important new cases and trends based on a breach of privacy rights. He will discuss:*

- What are the flash points of current cases and class actions concerning breaches of privacy?
- Are there new paths for remedies in health information litigation?
- What recent and anticipated legislative developments should organizations be aware of?

10:15 Networking Refreshment Break 

## 10:30 Recent Developments in Privacy Law Jurisprudence and Regulation Part 2

**Tim (Timothy) M. Banks**

Partner, **Dentons Canada LLP**

*The question of how and when personal information can be shared across organizations and when it can be disclosed pursuant to investigations is a fast moving issue.*

*Mr. Banks will discuss the implications of information sharing provisions among organizations in the context of fraud protection, and in the event of law enforcement investigations. He will discuss:*

- What do the accountability provisions require in S-4, the Digital Privacy Act?

- Post *Spencer*, what should your policies be regarding law enforcement requests for information?
- What should you do if you receive a preservation order under new Bill C-13, the Protecting Canadians from Online Crime Act?

## 11:15 CASL Update and Phase 2

**Barry B. Sookman**

Senior Partner, **McCarthy Tetrault**

*Mr. Sookman will bring his expert commentary and advice to bear on the new provisions in CASL including the new 'computer program provisions' of phase 2 which will come into effect in January 2015.*

*This session will bring you up to date on the regulatory guidance from the CRTC, its interpretation and on-going issues with this controversial legislation.*

## 12:00 Networking Luncheon

An audience with:

**David Goodis,**

Assistant Commissioner (Acting), **Office of the Information and Privacy Commissioner of Ontario**

## 1:15 Privacy and Big Data: The Way forward

Moderator:

**Dr. Avner Levin**

Director of the Privacy and Cyber Crime Institute **Ryerson University**

Panelists:

**David B. Elder**

Counsel, **Stikeman Elliott**

**Jan Kestle**

President and Founder, **Environics Analytics**

**David Stewart**

National Leader Analytic and Forensic Technology **Deloitte LLP**

**Stephanie Rich**

Assistant General Counsel Privacy and Ethics Officer **AIMIA**

*Big data and its collection is more and more frequently regarded by the public as intrusive and a potential violation of their right to privacy. At the same time, the world of big data and the analytics brought to bear on it has never been more important. This industry focused panel will explore where privacy regulations have been and where they are headed given the exponential rise of a new world of data, the potential use and abuse of data and whether customer consent may be a path forward.*

## 2:15 Cloud Computing and Privacy Considerations

**Lisa R. Lifshitz**

Partner, **Torkin Manes**

*Increasingly the collection of big data requires big storage. Ms. Lifshitz will present on emerging cloud computing issues.*

- Cross border data transfers; which laws apply to data stored in the cloud?
- Cloud computing privacy responsibilities and considerations; guidance from the Office of the Privacy Commissioner and provincial regulators
- Minimum requirements of cloud provider's and third party subcontractors

- The new cloud computing standards of ISO/IEC 27018:2014
- Best practices re data security

3:00 Networking Refreshment Break ☕

3:15 **Data Breach Remedies:  
The case for Cyberinsurance**

Moderator:

*Dr. Avner Levin*  
Director of the Privacy and Cyber Crime Institute  
**Ryerson University**

Panelists:

*John Russo*  
Vice President, Legal Counsel & Chief Privacy Officer  
**Equifax Canada**

*Russell P. Cohen*  
Partner, **Orrick, Herrington & Sutcliff LLP San Francisco**

*Gregory L. Eskins*  
Senior Vice President, National Cyber Practice  
Leader, **Marsh Canada Limited**

*Identity theft, lost and stolen data are major problems for both individuals and organizations when they occur. While increasing vigilance is important, insuring against breaches and theft is an increasingly important response. The panel will explore questions such as;*

- How does one insure against data breaches?
- Cyberinsurance, what's covered and what is not
- Identity theft and cyberinsurance
- Practical tips for improving cyberinsurance coverage, maximizing insurance recovery following a data breach
- Emerging cyberinsurance issues

4:15 **Data Breach Remedies: If a data breach occurs (and it will) now what?**

*Éloïse Gratton*  
Partner, **Borden Ladner Gervais LLP**

*Most organizations, regardless of their size, reputation or their efforts, will at one time or another be facing the occurrence of a security breach affecting personal information in their custody or control.*

*Ms. Gratton will provide a detailed and comprehensive analysis of how to respond to data breaches including:*

- Evaluating the breach, and the risk for the organization and the public
- Who should be informed, how should they be informed and what information should be included in the notification?
- Are there multiple parties and multiple jurisdictions?
- What assistance can be offered to individuals affected by the breach?
- What should your communications plan include?
- Case studies and scenarios

5:15 **Day 1 Closing Remarks from Co-Chairs**  
Conference Adjourns

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8:15 Coffee Served ☕

8:45 **Opening Remarks from Co-Chairs**

9:00 **Workplace Privacy Roundtable**

Moderator:

*Éloïse Gratton*  
Partner, **Borden Ladner Gervais LLP**

Panel:

*Daniel J. Michaluk*  
Partner, **Hicks Morley LLP**

*Dean Dolan*  
Vice President, Associate General Counsel and  
Privacy Officer, **Wal-Mart Canada Corp**

*Lisa Stam*  
Partner, **Koldorf Stam LLP**

*Michael Lynk*  
Associate Professor of Law, **Western University**

*This session is comprised of a roundtable with a panel of experts who will discuss, with delegate participation, current issues in workplace privacy including; BYOD, workplace surveillance, drug and alcohol testing, social media use and implications, 'cyberloafing', freedom of expression in the workplace, the use of biometric identifiers, location tracking of employees, predictive workplace analytics, the challenges in managing a global privacy program across different jurisdictions, and other current workplace privacy topics in the context of important recent case law.*

10:45 Networking Refreshment Break ☕

11:00 **Privacy Risk and Emerging IT Governance Issues in Health Care**

*Jeff Curtis*  
Chief Privacy Officer  
**Sunnybrooke Health Sciences Centre (Toronto)**

*Mr. Curtis will bring his knowledge of health privacy, based on his expertise and experience in both IT and Privacy Governance, and discuss;*

- How the privacy office has evolved from ensuring legislative compliance to an operational assurance function with the information technology and services group
- How the IT governance function in health care is only recently starting to be addressed from a privacy perspective
- Looking ahead, what are the implications for privacy functions in an increasingly shared system and in an audit and compliance focused environment?

*Michael Power*  
Lawyer and Author

*Health care information is often the number one privacy concern of individuals, but at the same its effective use necessarily entails the collection and management of large amounts of data. In this session Mr. Power will explore emerging concerns such as:*

- Is data analytics and personal health information a proactive tool or invasive practice?
- Regarding disclosure; should new rules be imposed on non custodian recipients?
- Information stewardship, is PHIPA enough?
- Health technology; should location matter anymore?

12:00 **Concluding Remarks from Conference Co-Chairs**

12:15 Conference Concludes

# Post-Conference Workshops | Wednesday, February 25, 2015

1:15 pm – 3:15 pm (Registration Opens at 12:45 pm)

## A Demonstrating Accountability Workshop NYMITY

**Lauren Reid**

Director, Accountability Solutions, **Nymity**

**Jessica Lavery**

Manager, Accountability Solutions, **Nymity**

Accountability has become an increasingly important concept in privacy around the world, and Canada has emerged as a leader in bringing the concept to the practical realm. This workshop will clarify the meaning of data privacy accountability and discuss the reasons organizations today are looking for solutions to demonstrate accountability. We will discuss a number of approaches to demonstrating accountability, focusing on the Nymity Data Privacy Accountability Scorecard™. After the introductory presentation, the session will explore; approaches to Demonstrating Accountability, the Nymity Data Privacy Accountability Scorecard, and then move into a hands-on workshop demonstrating accountability using a Scorecard with Real World Case Studies for Demonstrating Accountability. Participants will be able to either follow along with an example or create their own Scorecard. At the end of the workshop, participants will be able to answer the question: 'how do you know your privacy program is effectively implemented?' All participants will also receive a free copy of the book "A Privacy Officer's Guide to Demonstrating Accountability" as well as support materials and access on online resources.

3:30 pm – 5:30 pm (Registration Opens at 3:00 pm)

## B Defensible Data Destruction

**V. Nicole Godin**

Senior Manager, Information Management, Risk Consulting, **KPMG**

The workshop will provide attendees an opportunity to learn about the emerging trend known as Defensible Data Destruction "DDD" within an information risk management context as well as provide them with guidance on how to assess the risk and merits of their own organizational data destruction practices. Operational – managed storage costs; system performance management; infrastructure decommissioning cycles and technology obsolescence; data value lifecycle. Legal/regulatory – privacy requirements related to destruction; Sedona principles and associated search and production requirements; records retention rules; legal holds; spoliation. Governance – information management policy alignment; Records Retention Schedules; monitoring/reporting and oversight of data lifecycle performance and risks; Compliance – evidence effective compliance controls related to management of organizational information Principles for best practice-taking a risk based approach to DDD.

\* A light lunch will be served for those staying for the afternoon workshops.



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\*ELITEPASS is recommended for maximum learning and networking value.

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TEL.: 416-961-8000

#### Hotel Reservations

For information on hotel room availability and reservations, please contact the Marriott Bloor Yorkville at (416) 961-8000 and request the 'Canadian Institute's Preferred Corporate Rate'. To book online, please go to the Marriott Bloor Yorkville website and click on the "Special Rates & Awards" drop down menu and use Corporate/Promotional Code "KN8".

#### Registration Fee

The fee includes the program, all program materials, coffee breaks and lunches.

#### Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. **Group discounts available to 4 or more individuals employed by the same organization, who register at the same time. For more information on group rates, please call 1-877-927-7936.**

#### Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the program date and a credit voucher will be issued to you for the full amount paid. Credit Vouchers are valid for 1 year and are redeemable against any other program by **The Canadian Institute**. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the program date. **The Canadian Institute** reserves the right to cancel any program it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.

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## Top Reasons to Attend

- ✓ Hear from our keynote speaker Chantal Bernier on where privacy in Canada has been and where its going
- ✓ Participate in an in depth panel on the latest developments on workplace privacy issues, trends and recent case law
- ✓ Learn in an in depth session steps to mitigate data breaches
- ✓ Discover the key concepts from industry experts as big data, analytics and privacy issues merge.
- ✓ Follow the latest developments in privacy and data breach litigation , legislative reporting and disclosure requirements, as well as the new CASL computer program provisions

To expedite your registration, please mention your Priority Service Code

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## 5 Easy Ways to Register

- PHONE:** 1-877-927-7936 or 416-927-7936
- EMAIL:** CustomerService@CanadianInstitute.com
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PRIVACY AT THE CROSSROADS

## Who You Will Meet:

- General Counsel
- Chief Privacy Officers
- Compliance Managers
- Risk Managers
- Privacy Officers
- FOI and Records Management Specialists
- Privacy Ombudsman
- Chief Information Officers
- IT Security Managers
- Corporate Affairs Managers
- ATIP Directors
- Managers of Compliance/ Enforcement
- Policy Advisors
- Private Practice lawyers
- Litigators, Labour lawyers

*Éloïse Gratton was "Brilliant" and "worth the complete attendance over the two days"*

Goldie Pagnotta, CPO, The Data Group of Companies

*"Interesting topics and strong speakers"*

Rosita Bhagat, Director, Compliance Audit, Scotiabank