

Privacy Law Summit 2017

Privacy and Access to Information Law

Date: Friday April 7, 2017 | 9:00 am to 4:30 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Rosario G. Cartagena**, Fasken Martineau DuMoulin LLP
Molly Reynolds, Torys LLP



In-Person



Webcast



Substantive Hours: This program is eligible for up to 7h 15m

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

With constant technological advances and societal changes, privacy law is continually and rapidly evolving. Ensure you have the expertise and insights to tackle a wide array of current issues in privacy law with this timely program. Direct your own learning by selecting from business or health-focused breakout sessions, and share your experiences during our lunchtime roundtable discussion. Register now to take advantage of this information-packed day, and take your privacy law proficiency to the next level.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **Critical Updates from the Information and Privacy Commissioner of Ontario**
Brian Beamish, Information and Privacy Commissioner

Hear from Commissioner Beamish as he shares insights on significant recent developments, and the Office's priorities going forward.

10:00 am Networking Break

10:15 am **BREAKOUT SESSION 1 (choose A or B)**

A. Mitigating Privacy Compliance Risk in Business Transactions [Business Law]
Karen Burke, BMO Financial Group
Wendy Mee, Blakes, Cassels & Graydon
David Young, David Young Law
Imran Ahmad, Miller Thomson LLP (MODERATOR)

- Mastering *PIPEDA* compliance in your next deal, from term sheet to diligence to closing
- Avoiding the potential pitfalls of the "business transaction" *PIPEDA* exemption

B. Beyond PHIPA: What Other Legislation Do You Need to Consider? [Health Law]
Bonnie Freedman, Borden Ladner Gervais LLP
Kathryn Frelick, Miller Thomson LLP
Kendra Naidoo, Legal Counsel, Centre for Addiction and Mental Health (CAMH)
Samara Starkman, Drawbridge Consulting (MODERATOR)

From the *Mental Health Act* to the *Public Hospitals Act*, what other legislation do you need to comply with when managing privacy considerations in a health setting? Get up-to-speed on how to navigate these intersecting obligations.

11:15 am **BREAKOUT SESSION 2 (choose C or D)**

- C. Exploring the Privacy Complexities of Data Analytics** [Business Law]
Dr. Ann Cavoukian, Executive Director, Privacy and Big data Institute, Ryerson University
Adam Jacobs, Hayes eLaw LLP
Pamela Snively, Telus Communications Company
J. Andrew Sprague, Baker & McKenzie LLP (MODERATOR)
- Business incentives to capitalize on existing data, including the competitive value of privacy settings
 - What are the risks and benefits to customers?
 - Making sense of the statutory framework and recent regulatory guidance
- D. Access to Information Best Practices in the Health Sector** [Health Law]
Daniel Fabiano, Partner, Fasken Martineau DuMoulin LLP
Brendan Gray, Health Law Counsel, Office of the Information and Privacy Commissioner of Ontario
Nyranne Martin, General Counsel, The Ottawa Hospital (Ottawa)
Sara Azargive, Group Manager, Legal & Privacy, Cancer Care Ontario (MODERATOR)
- What information can and cannot be released?
 - Key advice for responding to access requests in an effective and compliant manner

12:15 pm **Lunchtime Roundtable Discussions:**

Breach Response Techniques and Challenges

Paige Backman, Aird & Berlis LLP
Mary Jane Dykeman, Dykeman O'Brien
Robin Sooklal, Senior Manager, Privacy, Scotiabank
Katarina Germani, CBC (MODERATOR)

Engage with your fellow practitioners as you discuss best practices, strategies and approaches for responding to privacy breaches. You will gather insights from one another and provide feedback to enhance the collective learning of your small group, allowing you to leave with practical guidance to continue tackling this tricky area.

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org

1:15 pm BREAKOUT SESSION 3 (choose E or F)

- E. Unraveling the Interplay between Regulatory Investigations and Litigation** [Business Law]
Ted Charney, Charney Lawyers
Lynn Larson, Bell Canada
Jennifer Seligy, Legal Services, Research and technology Analysis Branch, Office of the Privacy Commissioner of Canada (Ottawa)
Katherine Thompson, MNP
Molly Reynolds, Torsys LLP (MODERATOR)
- What proactive steps can you take during an OPC investigation to minimize litigation risk?
 - When are OPC reports admissible in litigation?
 - What is the impact of remedial measures on damages?
 - The OPC as litigant – when will the OPC commence Court proceedings following a report or compliance agreement?
- F. Critical Considerations for Businesses Servicing Health Care Providers** [Health Law]
Jeremy Hurst, Deloitte Canada
Rebecca Morison, Legal Counsel, Sunnybrook Health Sciences Centre
Ariane Siegel, General Counsel, Chief Privacy Officer, OntarioMD
Lauren Silver, Policy Analyst, Office of the Information and Privacy Commissioner of Ontario (MODERATOR)
- How to operate at the intersection of *PIPEDA*, *FIPPA* and *PHIPA*
 - Exploring the application of privacy related matters in corporate transactions
 - Privacy in a world of third party service providers
 - Procurement and privacy further explored

2:15 pm Breakout Session 4 (choose G or H)

- G. Overcoming the Privacy Challenges of Mobile Technology** [Business Law]
Daniel Glover, McCarthy Tétrault LLP
David Raju, Senior Vice President, Desjardins
Roland Hung, Torstar Corporation (MODERATOR)
- How to obtain meaningful user consent – understanding the audience and delivering effective notification
 - Distinguishing between data security and personal information protection
 - What are the reasonable expectations of the modern mobile user, compared to the expectations of regulators and industry players?
 - Handling access requests from law enforcement
- H. Setting Up, Maintaining and Enforcing a Privacy Program at a Healthcare Institution** [Health Law]
Laura Davison, Institute for Clinical Evaluative Sciences
Kate Dewhirst, Kate Dewhirst Health Law
Anita Fineberg, Barrister and Solicitor
Howard Simkevitz, General Counsel & Privacy Officer, Ontario Institute for Cancer Research (MODERATOR)
- Critical elements for an effective privacy program
 - Strategies for ensuring accountability and compliance
 - Managing patient records storage: from paper to electronic records

3:15 pm Networking Break

- 3:30 pm Privacy Policies of the Future**
Blair Campbell, A. Blair Campbell Limited, Privacy and Data Protection Solutions
Fazila Nurani, PrivaTech Consulting
Lyndsay Wasser, McMillan LLP
Avi Sharabi, Blaney McMurtry LLP (MODERATOR)

Join our expert panel to explore the intricacies, benefits and risks of new privacy policy models, such as nutrition label policies, plain language policies and more. Gather helpful perspectives and strategic advice to help you move your organization and/or clients' privacy policies into the next generation.

4:25 pm Questions and Concluding Remarks

4:30 pm Wine and Cheese Reception

5:30 pm Program Concludes