

Privacy Law Summit

Privacy and Access to Information Law



In-Person



Webcast



Date: Wednesday, April 1, 2020 | 9:00 am to 4:30 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Substantive Hours: This program is eligible for up to **6h 30m**

Program Chairs: **Rosemarie Davis**, Canada Life
Mouna Hanna, Dolden Wallace Folick LLP

As technological innovation continues to develop at a rapid pace, and our society become increasingly connected, privacy law must keep up. Ensure you have the expertise and insights to tackle a wide array of cutting-edge issues in the constantly evolving field of privacy law. Direct your own learning by selecting from business or health-focused breakout sessions. Register now to take advantage of this information-packed day, and advance your privacy law proficiency to the next level.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **A Conversation with the Office of the Information and Privacy Commissioner**
David Goodis, Assistant Commissioner (Policy and Corporate Services), Office of the Information and Privacy Commissioner of Ontario

Hear from Assistant Commissioner Goodis as he shares valuable insight on significant recent developments, and the IPCO's current mandate and priorities.

9:55 am **BREAKOUT SESSION 1 (Choose A or B)**

A. **Essential Privacy Advice for Small to Medium Enterprises** [Business Stream]

Brent Homan, Deputy Commissioner, Compliance, Office of the Privacy Commissioner of Canada

François Joli-Coeur, Borden Ladner Gervais LLP

Lyndsay Wasser, McMillan LLP

Moderator: **Rajen Akalu**, Akalu Law

- Avoiding unreasonable demands on small business while still protecting privacy
- Identifying minimum privacy safeguards
- Benchmarking privacy practices: what can be learned from the IAPP-EY Privacy Governance Report?

B. **Emerging Tech and Privacy Challenges in the Health Sector** [Health Stream]

Abigail Carter-Langford, Vice President of Governance, Risk & Compliance and Chief Privacy Officer, Canada Health Infoway

Anita Fineberg, Barrister & Solicitor

Moderator: **Trevor Fisher**, Lerner LLP

- Navigating privacy concerns of wearable tech and other connected devices in health care
- Responsibilities of innovators, manufacturers, health care institutions and health practitioners
- Getting up to speed on Health Canada's new Digital Health Review Division

10:50 am Networking Break

11:05 am **Mandatory Breach Reporting Under PIPEDA Turns One: Lessons Learned and Steps Forward** [Plenary]

Sue Lajoie, Executive Director, Compliance, Intake and Resolution Directorate, Office of the Privacy Commissioner of Canada

Rebecca Ma, Assistant Vice-President, Corporate Privacy, Canada Life

Fazila Nurani, PrivaTech Consulting

Moderator: **Mouna Hanna**, Dolden Wallace Folick LLP

- Insights from the Office of the Privacy Commissioner of Canada on trends in privacy breaches and strategies to reduce the risk of a breach
- What constitutes a "real risk of significant harm"?
- Breach record keeping: compliance obligations and pain points

12:00 pm Networking Lunch

1:00 pm **BREAKOUT SESSION 2 (Choose C or D)**

C. **Your Critical Cross-Border Privacy Update** [Business Stream]

Elliott Siebers, Frankfurt Kurnit Klein & Selz PC (New York)

Moderator: **Christopher Ferguson**, Fasken

- Making sense of cross-border transfer requirements and the Privacy Commissioner's most recent statements
- Key US legal developments, including California's new *Consumer Privacy Act*
- What's happening in the EU that you need to know?

D. **Privacy Considerations in Implementing Ontario Health Teams** [Health Stream]

Brendan Gray, Health Law Counsel, Office of the Information and Privacy Commissioner

Simmie Palter, DDO Health Law

Anna Tersigni Phelan, Chief Privacy Officer, Canadian Mental Health Association-Waterloo Wellington

- Getting up to speed on recent PHIPA amendments
- Strategies for integrating systems
- Ensuring the necessary data sharing agreements are in place

2:00 pm **BREAKOUT SESSION 3 (Choose E or F)**

E. **Privacy By Design: Implications for Big Data and Innovation** [Business Stream]

Sylvia Kingsmill, KPMG Canada

Carole Piovesan, INQ Data Law

Moderator: **Tanya Kuzman**, Mills & Mills LLP

- How to balance data analytics and privacy
- Proactive vs. reactive measures to prevent breaches
- Implementing a user-centric approach without stifling innovation
- Compliance across jurisdictions

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Questions? pd@oba.org

F. **Practical Advice for Drafting and Negotiating Privacy-Related Provisions in Health-Sector Vendor Agreements**
[Health Stream]

Lauren Black, General Counsel & Privacy Officer, VHA
Home HealthCare

Michelle Moldofsky, Moldofsky Professional Corporation

Moderator: Esther Shainblum, Carters Professional
Corporation

- Before you start: conducting due diligence on the vendor
- Apportioning regulatory and litigation risk
- Audit rights: monitoring security practices

3:00 pm Networking Break

3:15 pm **Exploring Differential Impacts of Privacy Breaches on Marginalized Groups** [Plenary]

Gillian Hnatiw, Gillian Hnatiw & Co.

Khalid Janmohamed, Staff Lawyer, HIV & AIDS Legal Clinic
Ontario

Molly Reynolds, Torys LLP

Moderator: Tina Yang, Waddell Phillips PC

The impact of the Supreme Court of Canada's decision in *R. v. Jarvis* on privacy torts cannot be disputed. However, what this decision, and many others in privacy tort law, fail to address is the differential impacts of breach of privacy on women and other marginalized groups. Join our expert panel to explore the complexities as they unravel the existing case law and chart a path forward.

4:15 pm Questions and Concluding Remarks

4:30 pm Reception

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