

Privacy Law Summit

Privacy and Access to Information Law



Webcast



Date: Monday, May 3, 2021 | 9:00 am to 12:30 pm
Tuesday, May 4, 2021 | 9:00 am to 12:30 pm

Location: Zoom Webinar

Substantive Hours: This program is eligible for up to 6h 00m

Chairs: **Chloe Snider**, Dentons Canada LLP
Philip Holdsworth, Robins Appleby LLP

Join us at our 2021 Privacy Law Summit. The year of 2020 was an important time of change for our provincial and federal privacy regimes, with the introduction of the CPPA, the migration to online work, school and fun, and our overall increased reliance on new digital technologies to weather the global pandemic. This two half-day summit will cover a range of current issues in privacy law, with a particular focus on privacy in the justice system, privacy in our health care and homes, transformative technologies and markets for personal information and targeted marketing. Our team of experts will discuss a number of cutting-edge topics including the Competition Bureau's foray into the privacy realm, recent changes to Ontario's PHIPA and developments in privacy litigation. During the summit we will also examine how emerging technologies are transforming the issues engaged by existing privacy regimes, and how the privacy law is expected to shape the application of new technologies. Don't miss out on this highly valuable discussion.

Day 1 – May 3, 2021 – Privacy Principles in Practice

9:00 am Welcome and Opening Remarks

11:15 am Coffee Break

9:05 am **Opening Plenary: Status of the CPPA and the Tribunal**
Moderator: **Chloe Snider**, Dentons Canada LLP
Molly Reynolds, Torys LLP
Dr. Teresa Scassa, University of Ottawa
Kirsten Thompson, Dentons Canada LLP

- The key changes to the CPPA, including a discussion of the enforcement regime and penalties
- Reports from parliamentary committees
- Comparison with other pieces of privacy reform legislation across the provinces

11:30 am **BREAKOUT SESSION (Choose C or D)**

- C. **Privacy in a Digitized Judicial System**
Moderator: **Ellie Marshall**, Blake, Cassels & Graydon LLP
Katarina Germani, CBC Radio-Canada
Colin Lachance, Legal Innovation Data Institute
Jon Khan, York University
Yuan Stevens, Cybersecure Policy Exchange
- Issues arising from the increasing adoption of digital tools to navigate the judicial system in Ontario, including Caselines and Zoom
 - Challenges of privacy for litigants
 - New opportunities for insight with the digitization of court records

10:00 am Coffee Break

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

- A. **Privacy and Class Actions**
Moderator: **Chloe Snider**, Dentons Canada LLP
Nicole Henderson, Blake, Cassels & Graydon LLP
Jean-Marc Leclerc, Sotos LLP
Christine Lonsdale, McCarthy Tétrault LLP
Sage Nematollahi, KND Complex Litigation
- Challenges of class proceedings as vehicles for enforcing privacy rights of action
 - Issues related to carriage fights
 - Vicarious liability issues
 - Plaintiff and defendant side considerations
- B. **PHIPA in the Age of Digital Health**
Moderator: **Luca Lucarini**, Dentons Canada LLP
Mary Jane Dykeman, INQ Law
Anita Fineberg, Anita Fineberg & Associates Inc.
Daniel Girlando, Borden Ladner Gervais LLP
Erica Zarkovich, LifeLabs
- Implications of the recent PHIPA amendments for businesses, including consumer electronic service providers
 - Harmonizing Canadian and American health privacy regimes such as medical devices and software vendors

- D. **Privacy in a Connected World: Wearables, Apps, Smart Homes and Internet of Things (IoT)**
Moderator: **Brent Arnold**, Gowling WLG
Imran Ahmad, Norton Rose Fulbright LLP
Fazila Nurani, PRIVATECH
Stacey Reisman, Torys LLP
- Privacy issues arising from the collection and gathering of personal information
 - Cybersecurity and data sharing implications
 - Challenges of consent in a connected world

12:25 pm Questions and Concluding Remarks

12:30 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd
Questions? pd@oba.org

Day 2 – May 4, 2021 – Privacy, Law and Technology over the Next Twenty Years

9:00 am Breakout Session (Choose E or F)

E. Machine Learning, Automated Decision and Facial Recognition

Moderator: **Yonida Koukio**, Oziel Law
Aida Abraha, Abraha Law
Gerald Chan, Stockwoods LLP
Jon Penney, Osgoode Hall Law School
Carole Piovesan, INQ Law

- Automated enforcement and its interaction with freedom of expression
- Implications of the OPC's Cadillac Fairview decision
- OPC's Regulating AI Proposals CCPPA provisions

F. Markets for Personal Information and Personal Marketing

Moderator: **Mouna Hanna**, Dolden Wallace Folick LLP
Anjana Bhaskaran, Box of Crayons
Amanda Branch, Bereskin & Parr LLP
Dr. Florian Martin-Bariteau, University of Ottawa

- What are the markets for personal information and how are they regulated
- Implications of recent fines against Facebook
- Approach of the Competition Bureau to data and privacy issues
- Political parties and speech
- Digital Advertising Alliance
- iOS rules and Apple

10:00 am Coffee Break

10:15 am Breakout Session (Choose G or H)

G. Digital Identity & Blockchain

Moderator: **Philip Holdsworth**, Robins Appleby LLP
Michael Goit, Treasury Board of Canada, Director for Digital Identity
Chetan Phull, Deloitte Legal Canada LLP
Usman Sheikh, Gowlings LLP

- Digital identity, what is it, how might it change the legal landscape in the years ahead?
- Blockchain and Smart Contract automation

H. Competition, Monopsony and Transborder Data Markets

Moderator: **Ronak Shah**, Torys LLP
Nikiforos Iatrou, McCarthy Tétrault LLP
Karl Schober, Dentons Canada LLP
Dina Srinivasan, Author and Fellow at Yale University

- Canadian context – Cambridge Analytica Competition Bureau decision
- Global Trends – FB German Cartel Office Decision (and appeals)
- Implications for data aggregators and tech
- Data governance

11:15 am Coffee Break

11:30 am Plenary Closing Session – Open Banking and Data

Portability

Moderator: **Philip Holdsworth**, Robins Appleby LLP
Brigitte Goulard, Torys
Jennifer Miller, ISED
Erin O'Brien, Department of Finance, Canada

The panel will discuss:

- Status of open banking in Canada
- Key considerations relating to data portability and consumer protection in the open banking context
- Best practices and lessons learnt from the ongoing discussions related to open banking

12:25 pm Questions and Concluding Remarks

12:30 pm Program Concludes