

The OsgoodePD Webinar Series

KEY ISSUES IN PRIVACY AND INFORMATION MANAGEMENT



8 focused webinars for the latest legal developments, including:

Session 1: September 16, 2014

Privacy 101: Overview and Refresher of Basic Concepts

Session 2: September 30, 2014

Workplace and Employee Privacy Update

Session 3: October 14, 2014

Update from the Office of the Privacy Commissioner of Canada: Current and Evolving Concerns

Session 4: October 28, 2014

Data Breaches and Notifications: Legal Update and Practical Tips for Preparedness and Response

Session 5: November 4, 2014

Freedom of Information Update for the Public and Private Sectors

Session 6: November 18, 2014

Update on Private Sector Privacy in B.C., Alberta and Quebec

Session 7: December 2, 2014

Big Data: Current and Emerging Privacy Issues

Session 8: December 16, 2014

Canada's New Anti -Spam Law: Lessons from the Trenches and a Look Ahead to 2015

Top privacy experts from across Canada will provide a timely update on new risks, developments and compliance strategies

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Series Chair

Alex Cameron

Fasken Martineau DuMoulin LLP

Location

Webinar - Online Attendance Only

Dates and Time

September 16 - December 16, 2014

8 Sessions

12:00 p.m. - 1:15 p.m. EDT/EST

Webinar - Online Attendance

The OsgoodePD Webinar Series

KEY ISSUES IN PRIVACY AND INFORMATION MANAGEMENT

Every day, the spiraling growth of technology and information flow create new and unexpected privacy challenges for organizations both large and small. Every business in Canada that handles personal information is subject to privacy regulation in one form or another.

Managing personal information has become a familiar part of the landscape of compliance and risk management. But the laws and regulations surrounding privacy and access continue to evolve along with the information environment; new ways for organizations to interact with customers and employees present new privacy challenges. Meanwhile, as our digital and web-based world continues to evolve and change, regulators have continued to refine their stances, and new administrative and court decisions mean new potential impacts and risks for businesses. Data breaches can be costly to a business in both revenues and reputation. Sound knowledge of the latest privacy law developments, compliance strategies, current best practices, and breach responses are more important than ever.

Osgoode Professional Development has developed this series of seminars to give you an efficient and informative update on key areas of privacy and information management law and strategy. The seminars are presented live by simultaneous phone and web connection, so you can easily fit them into your schedule from the comfort of your office or wherever you happen to be. Choose to take one, several, or all of the seminars - the whole series makes a great value and sessions are spaced apart to allow you to easily participate with minimal incursion on other commitments.

Take advantage of this great opportunity to get the latest updates on privacy and information issues from an outstanding faculty of experts.

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Series Chair

Alex Cameron

Fasken Martineau DuMoulin LLP

Faculty

Alex Cameron, *Partner, Fasken Martineau DuMoulin LLP*

Daniel Caron, *Legal Advisor Legal Services, Policy and Research, Office of the Privacy Commissioner of Canada (Ottawa)*

Matthew Davies, *Senior Underwriting Specialist, Chubb Insurance Company of Canada*

Karl Delwaide, *Fasken Martineau DuMoulin LLP (Montreal)*

David B. Elder, *Stikeman Elliott LLP (Ottawa)*

David Fraser, *McInnes Cooper (Halifax)*

Vicki L. Giles, *McLennan Ross LLP (Edmonton)*

David Goodis, *Director of Legal Services and General Counsel, Information and Privacy Commissioner of Ontario*

Éloïse Gratton, *Partner and Co-chair, Privacy McMillan LLP*

J. Alexis Kerr, *Director of Legal Services and General Counsel, Fraser Health Authority (Surrey, B.C.)*

Regan Morris, *Legal Advisor Legal Services, Policy and Research, Office of the Privacy Commissioner of Canada (Ottawa)*

Saj Nair, *Director, Cyber Resilience, PWC Canada*

Lorene A. Novakowski, *Partner, Fasken Martineau DuMoulin LLP (Vancouver)*

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

Scott T. Williams, *Partner Hicks Morley Hamilton Stewart Storie LLP*

Matthew Vernhout, *Chief Privacy Officer, Inbox Marketer*



Privacy concerns can affect nearly every step an organization takes. Are you up-to-date on the latest developments?



AGENDA

SEPTEMBER 16, 2014
(12:00-1:15 P.M. EDT/EST)

Session 1

Privacy 101: Overview and Refresher of Basic Concepts

David Fraser, McInnes Cooper (Halifax)

Newcomers to the privacy practice area need to understand not only the application and limits of the federal privacy act vs. the provincial laws in the collection, use and disclosure of personal information but also, the definitions related to privacy, confidentiality and security. This session will provide you with a sound understanding of the basic privacy concepts and give you the tools you need to reduce risks for your organization.

Topics include:

- Definition of “personal information”
- Overview of privacy laws and other sources of rights and obligations
- Private vs. public sector privacy obligations and issues
- Provincial vs. federal jurisdiction issues – what laws apply?
- Regulatory frameworks vs. torts
- Introduction to foundational privacy concepts and obligations
- Basic requirements for building and managing a privacy program
- Key considerations in designing consents, including the use of opt-in and opt-out consent

SEPTEMBER 30, 2014
(12:00-1:15 P.M. EDT/EST)

Session 2

Workplace and Employee Privacy Update

Scott T. Williams, Hicks Morley Hamilton Stewart Storie LLP

Vicki L. Giles, McLennan Ross LLP (Edmonton)

The interaction between employees - and prospective employees - and employers continues to present new privacy challenges as well as novel variations on old ones. Virtually every organization grapples with privacy in both recruitment processes and ongoing employee and HR management. Panellists will discuss the thought-provoking area of employee privacy and surveillance, including the latest directions from courts and emerging best practices to deal with the latest challenges.

Topics include:

- Do employees have a free-standing right to privacy in Canada?
- Conducting workplace investigations
- GPS tracking and surveillance
- Social media issues
- Providing employee contact information to unions
- “Bring your own device” considerations police information checks
- Striking the right balance between employee and employer rights
- Case law update

OCTOBER 14, 2014
(12:00-1:15 P.M. EDT/EST)

Session 3

Update from the Office of the Privacy Commissioner of Canada: Current and Evolving Concerns

Regan Morris, Legal Advisor, Legal Services, Policy and Research Branch, Office of the Privacy Commissioner of Canada (Ottawa)

Daniel Caron, Legal Advisor, Legal Services, Policy and Research Branch, Office of the Privacy Commissioner of Canada (Ottawa)

Canada's *Personal Information Protection and Electronics Documents Act* (PIPEDA) protects consumers' personal information against privacy breaches. This session will provide you with an update on the latest market developments and challenges and insight into the focus and direction of the Privacy Commissioner's Office to meet today's evolving privacy challenges.

AGENDA (Cont'd)

Topics include:

- PIPEDA case law and legislative update
- Key findings under PIPEDA and the *Privacy Act*
- Current issues in enforcement and investigations
- Current and future policy priorities of the OPC

OCTOBER 28, 2014
(12:00-1:15 P.M. EDT/EST)

Session 4

Data Breaches and Notifications: Legal Update and Practical Tips for Preparedness and Response

Alex Cameron, *Partner, Fasken Martineau DuMoulin LLP*

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

Matthew Davies, *Senior Underwriting Specialist, Chubb Insurance Company of Canada*

Data breaches, whether caused by hackers, careless or well-meaning employees, technical failures, or other means, can have significant legal and other ramifications for organizations of all sizes. Our panel of experts will bring their unique perspectives to bear on this important topic, including:

- Current trends in privacy breaches, litigation and class actions
- Breach notification under Canadian privacy law
- How to deal with affected individuals and the regulators
- Key tips for managing risk regarding data breaches
- Demystifying credit monitoring and identity protection
- Building a data breach incident response team
- Lessons learned from recent case studies

NOVEMBER 4, 2014
(12:00-1:15 P.M. EDT/EST)

Session 5

Freedom of Information Update for the Public and Private Sectors

David Goodis, *Director of Legal Services and General Counsel, Information and Privacy Commissioner of Ontario*

J. Alexis Kerr, *Director of Legal Services and General Counsel, Fraser Health Authority (B.C.)*

Stakeholders today are demanding open and transparent governments and access to information to hold their elected representatives accountable. Freedom of information is crucial to allowing individuals to protect their privacy rights against potential abuses by government and private sector organizations. Panellists will discuss the current state of freedom of information rights and limitations and how the law is evolving to keep up with today's digital society:

- Case law update under Federal and provincial laws
- Impact of new and emerging technologies on freedom of information
- Recent interpretations relevant to the private sector
- Overview of key information exemptions in freedom of information laws
- Strategies and best practices when making and responding to requests

NOVEMBER 18, 2014
(12:00-1:15 P.M. EDT/EST)

Session 6

Update on Private Sector Privacy in B.C, Alberta and Quebec

Karl Delwaide, *Fasken Martineau DuMoulin LLP (Montreal)*

Lorene A. Novakowski, *Fasken Martineau DuMoulin LLP (Vancouver)*

Alberta, B.C. and Quebec have private sector legislation that has been deemed to be substantially similar to Canada's federal privacy legislation. Alberta also has health-specific legislation and is the only province in Canada that currently has mandatory breach notification in the private sector privacy legislation.

Presenters will discuss privacy in their respective provinces and the legislative authorization for public companies to collect, use and disclose personal information and retention and security requirements.

- Privacy and related class-action litigation activity
- Recent cases and legislative activity
- Update on breach notification in Alberta
- Jurisdiction and enforcement issues
- Hot topics and policy priorities

AGENDA (Cont'd)

DECEMBER 2, 2014
(12:00-1:15 P.M. EDT/EST)

Session 7

Big Data: Current and Emerging Privacy Issues

Éloïse Gratton, *Partner and Co-chair, Privacy, McMillan LLP*

Saj Nair, *Director, Cyber Resilience, PWC Canada*

Data driven organizations, public and private, collect vast amounts of data from their customer's to gain insights and performance advantages. However, the collection and analysis of information from various sources and the leveraging of that information presents both legal and ethical challenges. Understanding how to avoid privacy breaches and manage risks is critical in today's age of big data. This expert faculty will help you understand the trends, considerations and risks associated with big data collection including:

- What is "big data" and how is it changing the privacy landscape?
- What are the regulatory concerns and limitations?
- Balancing the collection of data and privacy concerns
- When is personal data anonymized?
- How do you make innovative yet responsible use of personal data?
- Best practices for managing risk in using personal information for secondary purposes

DECEMBER 16, 2014
(12:00-1:15 P.M. EDT/EST)

Session 8

Canada's New Anti-Spam Law: Lessons from the Trenches and a Look Ahead to 2015

David Elder, *Stikeman Elliot (Ottawa)*

Matthew Verhout, *Chief Privacy Officer, Inbox Marketer*

With new regulations coming into force on July 1, Canada has made its foray into regulating our inboxes from unwanted e-mail and texts, and it will apply to companies and organizations worldwide. Understanding the anti-spam scheme and how it is being enforced is critical for anyone tasked with managing privacy and information for any organization.

The penalties for each violation can be up to \$1 million for an individual and up to \$10 million for companies.

- Review of the exemptions to consent and to the law

- How will the three government agencies charged with enforcement work together to enforce the law?
- Why are class action lawsuits the big concern for businesses?
- Tips for compliance and navigating the exemptions
- Case law update

WHAT YOU WILL LEARN

- Understand the new emerging challenges and accompanying risks presented by privacy and data protection laws
- Explore the evolving conflicts between business interests and risk governance
- Dialogue with the top industry experts
- Gain the tools you need to reduce your company's privacy risks
- Learn about the current trends and actions aimed at the protection of privacy
- Look at the latest models of good practice
- Understand the regulators emerging focus and direction
- Hear the latest interpretations from the courts
- Get up-to-date on new legislation
- How to respond to complaints from the public resulting from Canada's New Anti-Spam Law

WHO SHOULD ATTEND

- In-house counsel
- Privacy officers and other privacy professionals
- Lawyers advising on privacy issues and information technology
- Human Resources professionals
- Marketing and communications executives

REGISTRATION

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Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 2 days prior to the program date. No other refund is available.

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Online Attendance Only



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