

November 19 - 20, 2019 • Toronto, Ontario

# Legal Issues in Privacy & Cyber Security

*Compliance and Best Practices*

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**Rafael Eskenazi**

**University of Toronto**



**Constantine  
Karbaliotis**

**PWC Canada**

**Isaac Straley**

**University of Toronto**



**Vance Lockton**

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... and more

- Learn best practices for:
  - Proactive compliance
  - Compliance with new data breach laws
  - Responding to data breaches
  - Determining reporting thresholds
  - Meeting notification requirements
  - Record keeping
- Meet legal obligations to safeguard and protect client/customer information - in your own hands - and in the hands of third party providers
- Understand the dynamics, roles and responsibilities of the Cyber Security Team - including who, where, when and how it will function
- Hear legal cases on reporting and notification thresholds
- Competently comply with regulations in the course of managing active threats, attempted intrusions, serious data breaches, aftermath and consequences
- Apply a checklist approach to audits to see how your organization measures up
- Build and test for privacy and cyber awareness and effectiveness training at all levels of your organization
- Develop more robust objective tool for determining if there is real risk of significant harm

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# Legal Issues in Privacy & Cyber Security

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## DAY ONE PROGRAM AGENDA: TUESDAY, NOVEMBER 19, 2019

08:00 - 09:00 Registration and Continental Breakfast

09:00 - 09:15



### **Welcome and Opening Remarks from the Chairs**

**Mark Hayes, Hayes eLaw LLP**



**David Goodis, Assistant Commissioner, Information and Privacy Commissioner of Ontario**

09:15 - 10:15



### **Armchair Chat with David Goodis and Ann Cavoukian: Are We Moving in the Right Direction?**

**Ann Cavoukian, Executive Director, Global Privacy & Security by Design Centre**



**David Goodis, Assistant Commissioner, Information and Privacy Commissioner of Ontario**



**Constantine Karbaliotis, Director, PWC Canada**

- Impact of current changes on your privacy and cyber security strategy
- Is the Digital Charter a step in the right direction?
- Impact of the Charter on Canadian organizations
- Post election analysis
- Strategies for planning ahead

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10:15 - 10:30 Break

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## DAY ONE PROGRAM AGENDA: TUESDAY, NOVEMBER 19, 2019

10:30 - 11:30



### Panel Discussion

#### **Are You Meeting Legal Obligations to Safeguard and Protect Client / Customer Information?**

#### **Best Practices Preparing for / Preventing Data Breaches**

**Panel Moderator: Elspeth Hagan, Global Compliance, McCain Foods Limited**

**Rafael Eskenazi, FIPP Director, University of Toronto**

**Isaac Straley, Chief Information Security Officer, University of Toronto**

- What your comprehensive, pre-tested, robust incident readiness and response plan should contain
- Defining roles and responsibilities and who coordinates efforts?
- What are the legal standards?
- Policies and procedures to ensure alignment with your organization, best practices and updates for new and emerging threats
- Training on policies and procedures
- How to build staff awareness including detection of malware, signs of data breach
- Putting your Incident Response Plan (IRP) to the test to arm your team with experience
- Table top exercises to test every IPR procedure from detection and containment to remediation and recovery
- What does proactive compliance mean in the context of these different organizations?
- How do the obligations change depending on the sensitivity of the information?
- Baseline security requirements
- Self assessment, vulnerability assessments
- What constitutes sufficient steps to meet legal obligations to safeguard and protect client/customer information
- What is best practice in protective and preventive measures?
- Checklist for assessing how well your organization protects and safeguards client and customer information
- Preparing for transfer of information across borders - are Canada's standards good enough?
- Privacy impact and security assessments - meeting regulatory and business expectations

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## DAY ONE PROGRAM AGENDA: TUESDAY, NOVEMBER 19, 2019

11:30 - 12:15



### Panel Discussion

#### **How Will You Be Judged in the Aftermath of an Attack? Best Practices in Responding to Data Breaches**



**Moderator: Mark Hayes, Hayes eLaw LLP**

**Sara Azargive, Sr. Privacy Officer, Office of the General Counsel and Corporate Secretary, Metrolinx**

**David Goodis, Assistant Commissioner, Information and Privacy Commissioner of Ontario**

- Activating The Incident Response Plan
- Moving in accordance with policies, protocols, processes and procedures that guide how incidents are detected, reported, assessed, and responded to
- Key regulatory developments and trends
- Determining the source of the breach and whether threshold for notification has been reached
- New breach notification rules
- Examining the breach reporting legal threshold for determining “real risk of significant harm”
- Assessment tools/ the privacy breach tool kit
- How can the test be made more objective and more robust?
- Obligation to report “as soon as feasible” – what does this mean?
- Obligation to maintain accurate, complete and current records of an incident and decisions made with respect to response
- Description of incident containment and investigation re specific risks
- Obligation to keep records of all breaches so the Commission can assess compliance with the law as required – what does it entail?
- Handling multiple jurisdictions
- Determining content of communications to commission and customers/clients – direct versus indirect notice
- Tension between legal and communications about what should be released
- Media and public relations
- Setting out strategies for maintaining legal privilege with respect to communications and documentation relating to the incident
- Court cases, class actions and penalties for data security breaches
- Who’s doing what out there and how do you compare?
- Are you over or under cautious?
- Post-incident analysis
- Engaging with law enforcement

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12:15 - 13:31 Luncheon

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## DAY ONE PROGRAM AGENDA: TUESDAY, NOVEMBER 19, 2019

13:30 - 14:30



### **Cyber Audits: A Check-List Approach to Determining Where Your Organization Is Most Vulnerable and Where You Stand on the Preparedness Spectrum**

**Sylvia Kingsmill, Partner, National Lead, Privacy, Regulatory & Information Management, KPMG**

**John Heaton, Partner, Cyber Security Advisory, KPMG**

- Establishing your threat base line
- Evaluating your readiness posture
- Review of all systems, firewalls, anti-virus etc.
- The need for regular cyber audit check-ups
- What should be on the cyber audit check-list?
- What haven't you done?
- Where do you stand on the readiness spectrum in each area?
- Updating your cyber security policy to mitigate risk if and when disaster strikes
- Training and testing - what training sticks and what needs work
- Desktop exercises
- Intersection of privacy and security in breach reporting as a preparedness exercise

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14:30 - 14:45    Break

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14:45 - 15:30

### **Third Party Contracts: How Well Are You Protecting Client / Confidential Information in the Hands of Your Third Party Providers Inside and Outside Canada?**

**Richard Austin, Partner, Deeth Williams Wall**

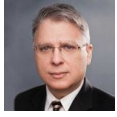
- Managing risk and allocating liability
- Vendor vetting and contract negotiation
- What's negotiable/what's not?
- What vendors and suppliers will and will not promise
- Most contentious and most important contract provisions
- Steps to mitigate risk when you can't get the contractual terms you're after
- Checklist for evaluating how well you safeguard information in the hands of your third party providers
- Formula for selecting options and services from third parties based on deemed acceptable risk level and sensitivity of information
- Facebook/Cambridge Analytics

# Legal Issues in Privacy & Cyber Security

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## DAY ONE PROGRAM AGENDA: TUESDAY, NOVEMBER 19, 2019

15:30 - 16:30



### **Mergers & Acquisitions: Privacy and Cyber Security Due Diligence**

**Constantine Karbaliotis, Director, PWC Canada**

- Are you sufficiently quantifying and analyzing cyber security as part of due diligence?
- Differentiating the cyber security challenge from the risks of mergers and acquisitions
- Risks and liabilities surrounding the original and new organizations
- What are appropriate cyber activities before, during and after a merger or acquisition
- Practical solutions on how to identify, understand and mitigate cyber risk during the M & A due diligence process

16:30

**End of Day One**

## TORONTO, ONTARIO

**EVENT LOCATION: TORONTO, ONTARIO**

***Legal Issues in Privacy & Cyber Security* will be held at a convenient downtown location in Toronto, Ontario. Detailed venue information will be forthcoming as it becomes available.**

# Legal Issues in Privacy & Cyber Security

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, NOVEMBER 20, 2019

08:00 - 09:00 Registration and Continental Breakfast

09:00 - 09:15



### Welcome and Opening Remarks from the Chairs

**Mark Hayes, Hayes eLaw LLP**



**David Goodis, Assistant Commissioner, Information and Privacy Commissioner of Ontario**

09:15 - 10:15



### Panel Discussion

**Health Care Challenges: What the Sector is Learning and How It Can Assist Other Sectors**



**Moderator: Laura Davison, Vice President, Chief Privacy Officer, General Counsel & Corporate Secretary, eHealth Ontario**



**Gillian Kafka, Legal Counsel and Chief Privacy Officer, Hamilton Health Sciences**

**Erica Zarcovich, General Counsel and Chief Privacy Officer, Cancer Care Ontario**

**Sandeep Deol, Legal Counsel - Information Management (Privacy) and Technology, Corporate/Commercial, University Health Network**

- Key lessons learned the hard way
- What cyber risks are we seeing?
- What we have learned about attacks and prevention
- The need for long term strategic plans and collective action
- How is critical infrastructure being safeguarded?
- Need to raise awareness, define roles and responsibilities, develop policies and standards, establish cyber security plans and budgets

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10:15 - 10:30 Break

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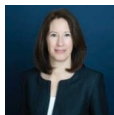
## DAY TWO PROGRAM AGENDA: WEDNESDAY, NOVEMBER 20, 2019

10:30 - 11:30



### **Canadian Banks and Financial Institutions: At the Forefront of Privacy and Cyber Security**

**Moderator: Charles Docherty, Assistant General Counsel, Canadian Bankers Association**



**Holly Shonaman, Chief Privacy Officer, RBC**

**Claude Baksh, Chief Compliance Officer, Chief Risk Officer, Chief Privacy Officer and Chief AML Officer, Computershare Canada**

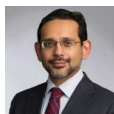


**Ferris Adi, Instructor, Cyber Security Management Program/ University of Toronto School of Continuing Studies, Former Risk Manager, TD Bank**



- Actions for prevention, detection and response
- Key challenges
- How the banking sector is working toward solutions
- Breaking and entering to date - patterns and trends
- Sector specific learning
- Money transfers via email - convenience over security?
- Other typical problems and solutions

11:30 - 12:30



### **Public Sector issues in Privacy and Cyber Security**

**Moderator: Imran Ahmad, Partner, Blake, Cassels & Graydon LLP**

**Iain Paterson, Managing Director, Cycura Professional Services Group**



**Altaf Kassam, Director, Information Management, Children's Aid Society of Toronto**

- Key challenges
- Innovative solutions
- Breaking and entering to date - patterns and trends
- Sector specific learning

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12:30 - 13:30 Luncheon

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, NOVEMBER 20, 2019

13:30 - 14:30



### **Assessing Privacy and Cyber Security Team Beach Strength: Can the Team Do the Job?**

**Vanessa Henri, Privacy and Cybersecurity Group, Fasken**

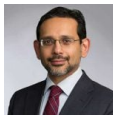
- Roles and responsibilities of the Privacy Office
  - Legal, functional and operational differences (CPO, DPO, GC, etc.)
  - Tools and reporting functionality to prevent and respond to PII risks
- Roles and responsibilities of the CIO/CISO Office
  - Distinguishing IT and security
- Responding to an incident; who does what, and according to what documents?
  - IRP - What does it look like? How long should it be, and how should it be coordinated? (Based on NIST)
  - Incident classification against roles and responsibilities
    - IT incident
    - Security Incident
    - Privacy Incident
  - Timely involvement of contractors and third party expertise
  - Communicating effectively with stakeholders and data subjects on an incident
- Assessing effectiveness of roles and responsibilities

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14:30 - 14:45    Break

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14:45 - 15:45



### **How Shifts in the International Data Protection World Affect Data Protection Issues in Canada**

**Imran Ahmad, Partner, Blake, Cassels & Graydon LLP**

Over the past 12 - 18 months, several jurisdictions have adopted prescriptive data protection and privacy laws which impact Canadian businesses. This session will cover:

- What has the impact of the EU's GDPR been on Canada, one year later?
- What can be expected with the California Consumer Privacy Act coming into force January 1, 2020?
- How to reconcile Canadian privacy requirements with international requirements.
- Should you worry about the extraterritorial scope of foreign data protection and privacy laws?
- Best practices when navigating global requirements.

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, NOVEMBER 20, 2019

15:45 - 16:30

### **Cyber Security And Privacy Liability Insurance For Public And Private Organizations**

**Ruby Rai, Cyber Practice Leader, Canada, Marsh & McLennan Companies**

- State of the cyber risk market
- Underwriting cyber risk
- Convergence of coverage
- What are your insurance coverage options?
- Reading the fine print - What's covered, what's not?
- Quantitative foundations for managing cyber risk
- Cyber aggregate risk, silent cyber exposure, risk selection, reinsurance, catastrophic events
- Prioritizing execution plans, enabling risk management and quantification as variables for decision making
- Balancing compliance programs with day-to-day activity
- Role and insurance for privacy officers, Chief Information and Security Officers
- Trends in cyber insurance claims
- Breach preparedness - key factors insurers consider when underwriting cyber insurance
- The need for a comprehensive, well communicated incident-response plan

16:30

### **End of Day Two**

#### **SPONSORSHIP AND EXHIBITION OPPORTUNITIES**

Increase your visibility with senior business strategy, technology, analytics, and business intelligence professionals at *Legal Issues in Privacy & Cyber Security*. A limited number of sponsorship options are available.

For more information or to check availability, contact our sponsorship department by telephone at 416.507.4202, or by email at [sponsorship@infonex.com](mailto:sponsorship@infonex.com).

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#### LOCATION:

*Legal Issues in Privacy & Cyber Security* will be held at a convenient location in Toronto, Ontario. Detailed venue information will be forthcoming as it becomes available.

#### YOUR REGISTRATION INCLUDES:

Registration fees include all course materials, continental breakfast, lunch, and refreshments. **Parking and accommodation are not included.**

#### SPONSORSHIP, EXHIBITION, AND PROMOTIONAL OPPORTUNITIES:

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Registrants who cancel after **November 19, 2019**, will not be eligible to receive any credits and are liable for the entire registration fee.

Confirmed registrants who do not cancel by **November 19, 2019** and fail to attend will be liable for the entire registration fee.

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