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**Gregory Eskins**,  
FINPRO, **MARSH CANADA LIMITED**

November 19-20, 2019 • Toronto, Ontario

# Legal Issues in Privacy & Cyber Security

## Compliance and Best Practices

- 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



**David Goodis**,  
**INFORMATION AND PRIVACY COMMISSIONER OF ONTARIO**



**Dr. Ann Cavoukian**,  
**GLOBAL PRIVACY & SECURITY BY DESIGN CENTRE**

# Legal Issues in Privacy & Cyber Security

November 19-20, 2019 • Toronto, Ontario

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

8:00 – 9:00 Registration and Continental Breakfast

9:00 – 9:15

Welcome and Chair's Opening Remarks

Mark Hayes, Hayes eLaw LLP

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

9:15 – 10:15

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

Dr. Ann Cavoukian, Executive Director of the "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

10:15 – 10:30

Networking Break



10:30 – 11:30

Are You Meeting Legal Obligations to Safeguard and Protect Client/ Customer Information through Proactive Compliance?

Best Practices Preparing for/Preventing Data Breaches

Panel Moderator: Vance Lockton, Manager, Digital Compliance, Waterfront Toronto

Michel Jutras, General Compliance Officer, Air Canada

Elsbeth Hagen, 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?
- Monitoring and differentiating between minor events and major incidents
- 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

11:30 – 12:30

How Will You Be Judged in the Aftermath of an Attack?

Best Practices in Responding to Data Breaches: Metrolinx, Telus, Air Canada, Staples

Mark Hayes, Hayes eLaw LLP

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

Pam Snively, VP, Chief Data & Trust Officer, TELUS

Michel Jutras, General Compliance Officer, Air Canada

Dean Dolan, General Counsel and Chief Privacy Officer, STAPLES Canada

- 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

12:30 – 1:30

Luncheon Break

1:30 – 2:30

Assessing Privacy and Cyber Security Team Bench 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

2:30 – 2:45

Networking Break



2:45 – 3:30

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

J. Fraser Mann, Mann Symons LLP

- 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 Analytic

3:30 – 4:30

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

# Legal Issues in Privacy & Cyber Security

November 19-20, 2019 • Toronto, Ontario

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

8:00 – 9:00 Registration and Continental Breakfast

9:00 – 9:15  
Welcome and Chair's Opening Remarks  
*Mark Hayes, Hayes eLaw LLP*

9:15 – 10:15  
Health Care Challenges: What the Sector is Learning and How It Can Assist Other Sectors  
*Laura Davison, Vice President, Chief Privacy Officer, General Counsel & Corporate Secretary, eHealth Ontario*

*Gillian Kafka, Hamilton Health Sciences, Legal Counsel and Chief Privacy Officer*  
*Erica Zarcovich, General Counsel and Chief Privacy Officer, Cancer Care Ontario*  
*Sandeep Deol, Legal Counsel - Information Management (Privacy) and Technology, Corporate/Commercial at 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

10:15 – 10:30 Networking Break 

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, Cybersecurity, University of Toronto, 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  
*Eric Lawton, Manager, Risk Management, Cyber Security & Compliance, City of Toronto*  
*Altat 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

12:30 – 1:30 Luncheon Break

1:30 – 2:30  
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*

*Adil Palsetia, Partner, Cybersecurity, 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

2:30 – 2:45 Networking Break 

2:45 – 3:30  
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.

3:30 – 4:15  
Cyber Security And Privacy Liability Insurance For Public And Private Organizations  
*Gregory Eskins, Marsh Canada Limited | FINPRO*

- 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

4:15 End of Conference

### 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.ca](mailto:sponsorship@infonex.ca).

# Legal Issues in Privacy & Cyber Security

November 19-20, 2019 • Toronto, Ontario

## WHO SHOULD ATTEND THIS EVENT

- In-house General Counsel
- External Counsel
- Government Access to Information and Privacy Personnel
- Data Officers
- Privacy Officers
- VPs, Managers, Directors and Officers of:
  - Information Technology
  - Information Systems
  - Data Security
  - Enterprise Risk Management
  - Internal Audit
- Emergency and Security
- Operational Risk
- Client Relations
- Public and Government Relations
- Business Continuity Planning

## REGISTER BY PHONE, ON-LINE, OR IN THESE 3 EASY STEPS!

### 1 PRINT YOUR NAME AND CONTACT INFORMATION

Mr./Ms./Mrs. \_\_\_\_\_ Title \_\_\_\_\_

Organization \_\_\_\_\_

Telephone ( ) \_\_\_\_\_ Ext \_\_\_\_\_ Fax ( ) \_\_\_\_\_

Email address \_\_\_\_\_

Name of Approving Manager \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

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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.**

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