

May 12 - 13, 2020 • Vancouver, British Columbia

# Legal Issues in Privacy & Cyber Security

*Compliance and Best Practices*

## YOUR FACULTY

CONFIRMED PARTICIPANTS INCLUDE:



**Katherine McNeill**  
**Borden Ladner**  
**Gervais LLP**



**Gerald Kim**  
**MNP**

**Debra J. Finlay**  
**McCarthy Tétrault**



**Ray Boisvert**  
**IBM Security**

**Susy Mendoza**  
**Lululemon Athletica,**  
**Seattle**

... and more



Professional Development

- 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, MAY 12, 2020

08:00 - 09:00 Registration and Continental Breakfast

09:00 - 09:15 **Welcome and Opening Remarks from the Chair**

09:15 - 10:15

### **“Raising the Water Level” of Security Across British Columbia**

**Gary Perkins, Executive Director, Chief Information Security Officer (CISCO), Province of British Columbia**

- Cyber security strategy, program, and roadmaps at the Province of British Columbia
- Providing cyber security services in support of the Province
- Ensuring the availability of networks and services and protecting the integrity and confidentiality of data
- Security awareness, vulnerability and risk management, advisory services, identity and access management,
- Investigations, forensics, and security operations.
- Managing budgets, procurements, negotiations, contracts, and vendors

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10:15 - 10:30 Break

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## DAY ONE PROGRAM AGENDA: TUESDAY, MAY 12, 2020

10:30 - 11:30



### Panel Discussion

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



**Moderator: Suzanne Kennedy, Partner, Harris and Company LLP**

**Steven Tam, General Counsel, Vancouver Coastal Health Authority**

**Jennifer Brough, Senior Legal Counsel, Vancity**

**Robert Piasentin, Partner, Head, Technology Law Practice Group, McMillan LLP; Formerly, General Counsel and Privacy Officer, Sierra Systems**

- 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

**DAY ONE PROGRAM AGENDA: TUESDAY, MAY 12, 2020**

11:30 - 12:30



**Panel Discussion**

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

**Moderator: Debra J. Finlay, Partner, McCarthy Tétrault**

**Susy Mendoza, Data Privacy and Technology, Lululemon Athletica, Seattle**

**David Tobok, CEO, Cytelligence**

**Sandra Mollet, Deputy General Counsel and Chief Privacy Officer, HSBC Bank Canada**

**Robert Piasentin, Partner, Head, Technology Law Practice Group, McMillan LLP; Formerly, General Counsel and Privacy Officer, Sierra Systems**

- 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

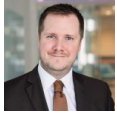
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12:30 - 13:30 Luncheon

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## DAY ONE PROGRAM AGENDA: TUESDAY, MAY 12, 2020

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**

**Eric M. Rae, Senior Manager, Technology Risk Consulting, KPMG LLP**

- 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

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?**

**Katherine McNeill, Associate, Borden Ladner Gervais 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 Analytics

# Legal Issues in Privacy & **Cyber Security**

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## DAY ONE PROGRAM AGENDA: TUESDAY, MAY 12, 2020

15:30 - 16:30

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

- 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**



## **VANCOUVER, BRITISH COLUMBIA**

**EVENT LOCATION: VANCOUVER, BRITISH COLUMBIA**

***Legal Issues in Privacy & Cyber Security* will be held at a convenient downtown location in Vancouver, British Columbia. 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, MAY 13, 2020

08:00 - 09:00 Registration and Continental Breakfast

09:00 - 09:15 **Welcome and Opening Remarks from the Chair**

09:15 - 10:15



### Panel Discussion

**Health and Public Sector Challenges: What these Sectors are Learning and How It Can Assist Other Sectors**



**Moderator: Noemi Chanda, Senior Manager, Risk Advisory, Deloitte**

**Steven Tam, General Counsel, Vancouver Coastal Health Authority**

**Holly Longstaff, Director, Privacy and Access, PHSA Research and New Initiatives, Provincial Health Services Authority, Provincial Health Services Authority**

- 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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10:30 - 11:30



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

**David Crane, Partner, McCarthy Tétrault**

**Cappone D'Angelo, Senior Legal Counsel, Legal Services Department, Vancity**

**Matt Lonsdale, Legal Counsel, Coast Capital Savings**

**Alice Davidson, Vice President and General Counsel, Mogo Financial Technology Inc.**

- Actions for prevention, detection and response
- Key challenges
- How the banking sector is working toward solutions
- Regulatory (OSFI) guidance on cyber security
- Collaboration between financial institutions
- Breaking and entering to date - patterns and trends
- Sector specific learning
- Money transfers via email - convenience over security?

## DAY TWO PROGRAM AGENDA: WEDNESDAY, MAY 13, 2020

11:30 - 12:30

### **Litigating Liability for Negligence or Recklessness**

**Alexandra Luchenko, Partner, Blake, Cassels & Graydon LLP**

- What should your organization be most worried about
- Scenarios likely to cause problems
- Litigation causes of action
- Negligence
- Breach of contract
- Intrusion upon seclusion
- Nominal damages
- Which way are we headed?

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12:30 - 13:30 Luncheon

13:30 - 14:30



### **Blockchain, AI, Big Data and More! Impact on Privacy and Cyber Security**

**Ray Boisvert, Associate Partner - Security, IBM Security**

- Will technology continue to enable threat actors working to undermine privacy and security?
- Or, will technology ultimately solve the threat challenge?
- Which current or emerging technology will deliver the greatest benefits to privacy, or contribute to increased threats?
- Is this innovation favouring the democratization of power for citizens, or is it enabling the creation of an omnipotent surveillance State that will undermine freedom and privacy?
- Will one technology or methodology emerge as paramount in the cyber security space?
- Should we be identifying roles society or the individual must play in shaping our digital world?
- What is the prognosis relating to this dilemma?

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14:30 - 14:45 Break

14:45 - 15:45

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

**Catherine Scott, CLO, Paybyphone**

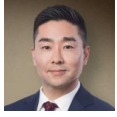
Over the past 12 – 18 months, several jurisdictions have adopted prescriptive data protection and privacy laws which impact Canadian businesses. This session will cover:

- 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.



## DAY TWO PROGRAM AGENDA: WEDNESDAY, MAY 13, 2020

15:45 - 16:45



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

**Aidan Cameron, Partner, McCarthy Tétrault**

**Gerald Kim, Partner, MNP**



**Brian Rosenbaum, National Director of the Legal and Research Practice, AON Risk Solutions**

- Current market for cyber risk
- Underwriting cyber risk
- Convergence of coverage - stand alone policies and traditional property and liability policies
- Insurance coverage options
- Reading the fine print: what's covered and what's not
- Breach preparedness - key factors insurers consider when underwriting cyber insurance
- Responding to and managing cyber insurance claims
- Trends in cyber insurance claims
- The need for a comprehensive, well communicated incident-response plan

16:45

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

### 1 PRINT YOUR NAME AND CONTACT INFORMATION

Full Name \_\_\_\_\_ Title \_\_\_\_\_

Organization \_\_\_\_\_

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

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

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

Address \_\_\_\_\_

City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Company's main line of business \_\_\_\_\_ Number of Employees \_\_\_\_\_

### 2 SELECT YOUR PREFERRED PAYMENT METHOD

Prices subject to GST / HST	Full Price	Register by April 17
Small Municipalities*	\$ 1,599 each	<b>\$ 1,399 each</b>
Municipalities	\$ 2,099 each	<b>\$ 1,899 each</b>
Government	\$ 2,299 each	<b>\$ 2,099 each</b>
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Please check box if you are GST / HST exempt Exemption # \_\_\_\_\_

### 3 SEND US YOUR REGISTRATION

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Toronto, ON M5H 2S8

#### LOCATION:

*Legal Issues in Privacy & Cyber Security* will be held at a convenient location in Vancouver, British Columbia. 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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#### CANCELLATION POLICY:

Substitutions may be made at any time. If you are unable to attend, please make cancellations in writing and email to [register@infonex.com](mailto:register@infonex.com) or fax to 1.800.558.6520 **no later than May 12, 2020**. A credit voucher will be issued to you for the full amount, redeemable against any other INFONEX course and which is valid for twelve months (one year) from the date of issue.

Registrants who cancel after **May 12, 2020**, will not be eligible to receive any credits and are liable for the entire registration fee.

Confirmed registrants who do not cancel by **May 12, 2020** and fail to attend will be liable for the entire registration fee.

**DISCOUNT CODE: 1366-LS**

