

**November 18 - 19, 2020 • Virtual Conference**

The General Counsel / Cyber Team Guide to:

# Legal Issues in Privacy & Cyber Security



## YOUR FACULTY CONFIRMED PARTICIPANTS INCLUDE:



**Ted Charney**  
**Charney Lawyers**

**David Crane**  
**McCarthy Tétrault**

**Isaac Straley**  
**University of Toronto**



**Richard Austin**  
**Deeth Williams Wall**



**Mikel Pearce**  
**Strigberger Brown  
Armstrong**

... and more

Leading practitioners will provide guidance and information on:

- Establishing legal standards and best practices in preventing data breaches including:
  - Incident Response Plans; Updates on new and emerging threats
  - Training, awareness and table top exercises; IRP procedures – from detection and containment to remediation and recovery
  - Baseline security requirements; Self and vulnerability assessments
- How you will be judged in the aftermath of an attack
- Developing best practices in responding to data breaches
- What Privacy Commissioners are thinking
- Pre-empting future cyber attacks with tailored defenses
- Preparing for the impact AI and Big Data
- How shifts in the international data protection world affect Canada
- Governance, audits, risk assessments, cyber risk quantification
- Selecting options and services from third party providers based on deemed acceptable risk level and sensitivity of information
- Cyber security & privacy liability insurance for public & private organizations
- Litigation and class action liability for negligence or recklessness
- Banking, financial, health care and public sector challenges and solutions
- Hear from Life Labs, Vancouver Coastal Health Authority, Vancity, Lulu Lemon, Mogo Financial, Coastal Capital Savings, Provincial Health Services Delivery and more



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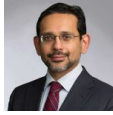
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# Legal Issues in Privacy & Cyber Security

November 18 - 19, 2020 • Virtual Conference

## DAY ONE PROGRAM AGENDA: WEDNESDAY, NOVEMBER 18, 2020

10:00 - 10:15 EST



### Welcome and Opening Remarks from the Chair

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

10:15 - 11:00 EST



### View from the Top: The Commissioners' Point of View Future Plans: Where is Ontario Going?

**Patricia Kosseim, Information and Privacy Commissioner of Ontario**

11:00 - 12:00 EST



### Governance, Audits, Risk Assessments, Compliance, Cyber Risk Quantification

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



**Christopher Petch, Director, Cyber Security, KPMG LLP**

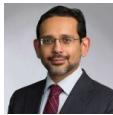
- What are the threats to information assets?
- Where are your vulnerabilities?
- Where are you on the maturity spectrum?
- What are the limitations of assessments?
- Board oversight
- Role of senior management
- In-house or external risk assessment

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12:00 - 12:45 EST      Break

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12:45 - 13:30 EST



### International Panel

### PIPEDA AND GDPR: Canadian Versus International Privacy and Security Requirements: What's Happened to Date and What's Coming Down the Pipes?



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

**Ian Birdsey, Partner, Clyde & Co, London**

**Jennifer J. Daniels, Partner Corporate, Blankrome, New York City**

This session will highlight important features of PIPEDA, including the impact of provincial COVID privacy amendments and provide important insights into the differences between PIPEDA, California Consumer Privacy Act and GDRP as they impact Canadian businesses.

- What has the impact of the EU's GDPR been on Canada, one year later?
- One year post-mortem on California Consumer Privacy Act that came into force January 1, 2020?
- How to reconcile Canadian privacy requirements with international requirements.
- How shifts in the international data protection world affect data protection issues in Canada
- 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 ONE PROGRAM AGENDA: WEDNESDAY, NOVEMBER 18, 2020

13:30 - 14:20 EST



### Panel Discussion

#### **Are You Meeting Legal Obligations to Safeguard and Protect Client/ Customer Information? Best Practices: Preparing for and Preventing Data Breaches**



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

**Steven Tam, General Counsel & Chief Privacy Officer, Vancouver Coastal Health Authority**



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

**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, who coordinates efforts?
- What are the legal standards?
- Policies and procedures to ensure alignment within 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 IRP procedure from detection and containment to remediation and recovery
- What does proactive compliance mean in the context of 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
- Safeguards for open banking

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14:20 - 14:40 EST    Break

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# Legal Issues in Privacy & Cyber Security

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## DAY ONE PROGRAM AGENDA: WEDNESDAY, NOVEMBER 18, 2020

14:40 - 15:30 EST



### 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, Sr. Director, Legal, Lululemon USA Inc.**

**Erica Zarkovich, VP, General Counsel, Chief Privacy Officer, Corporate Secretary, Life Labs**

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

- 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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## DAY ONE PROGRAM AGENDA: WEDNESDAY, NOVEMBER 18, 2020

15:30 - 16:15 EST



### **Cyber Challenges Presented by Remote Employees**

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

***Jennifer Davidson, Associate, Deeth Williams Wall***



Criminals are using the current COVID-19 crisis to ramp up their game and take advantage of vulnerabilities. Regardless of industry, every organization is at a higher risk of cyberattack.

- “Remote by default’ organizations
- Why people working at home is a time of opportunity for threat actors
- Why organizations are more vulnerable than ever before
- Threats posed by employees using their private systems including icloud, personal email, personal internet, Wifi routers and zoom
- The need to broaden your defence
- Identity based attacks
- Is openness to use of personal devices and services other than the organization’s responsible?
- Increases in the threat landscape

16:15 EST

**End of Day One**

### **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.

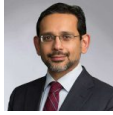
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# Legal Issues in Privacy & Cyber Security

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## DAY TWO PROGRAM AGENDA: THURSDAY, NOVEMBER 19, 2020

10:00 - 10:10 EST



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

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

10:10 - 11:00 EST



### **AI, Big Data and More! Threat Assessment/ Threat Intelligence Update for 2020-2021**

***Ray Boisvert, Associate Partner - Security, IBM Security; Former Assistant Director of Intelligence, Canadian Security Intelligence Service***

Threat intelligence helps organizations better understand the attacker, respond faster to incidents and proactively get ahead of the adversaries next move. Learn about:

- Motives and behaviours of attackers
- Trends in attacker tactics, techniques, procedures
- Proactively tailoring defenses and pre-empting future attacks
- Tactical, operational and strategic intelligence
- The threat intelligence life cycle
- How will employees working remotely impact privacy and cyber security concerns?
- Impact of open banking
- Which current or emerging technology will deliver the greatest benefits to privacy and cyber security/ which will contribute to increased threats?
- Are current innovations undermining freedom and privacy?
- Will one technology or methodology emerge as paramount in the cyber security space?

11:00 - 11:45 EST



### **Third Party Contracts: Ensuring Vendors and Suppliers Protect Your Data**

***Paige Backman, Partner, Aird & Berlis***

This invaluable session will strengthen your ability to protect your organization's data and systems in a manner that:

- Meets or exceeds the standards of your own organization or to your own policies and procedures and
- Complies with relevant laws, regulations and industry standards
- 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

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## DAY TWO PROGRAM AGENDA: THURSDAY, NOVEMBER 19, 2020

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11:45 - 12:30 EST      Break

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12:30 - 13:15 EST



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

**Moderator: Mikel Pearce, Lawyer, Strigberger Brown Armstrong**

**Catherine Bertheau, Vice-President, Cyber Solutions Business Development Lead Eastern Canada, Aon Risk Solutions**



**Leonard Loewith, Senior Claims Analyst, AIG**



- 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

13:15 - 14:15 EST



### **Litigation and Class Action Liability for Negligence or Recklessness**

**Ted Charney, Charney Lawyers**

**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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14:15 - 14:30 EST      Break

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## DAY TWO PROGRAM AGENDA: THURSDAY, NOVEMBER 19, 2020

14:30 - 15:30 EST



### Panel Discussion

#### **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**

**Conni Gibson, Vice-President and Chief Legal Officer, Technology and Operations, BMO Financial Group**

- 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?

15:30 - 16:20 EST



### 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 & Chief Privacy Officer, Vancouver Coastal Health Authority**

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

**Gillian Kafka, General Counsel, Chief Privacy and Information Security Officer, Winterlight Labs**

- Key lessons learned the hard way
- What cyber risks are we seeing?
- What we have learned about attacks and prevention

16:20 EST

**End of Day Two**



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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 November 6   |
|-----------------------------|-------------------|--------------------------|
| Course for Groups of 3 +    | CAD \$ 2,199 each | <b>CAD \$ 1,699 each</b> |
| Course for Groups of 2      | CAD \$ 2,299 each | <b>CAD \$ 1,799 each</b> |
| Course for 1 Registrant     | CAD \$ 2,399      | <b>CAD \$ 1,899</b>      |



\* Groups must register together at the same time to be eligible for group savings.

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#### VIRTUAL CONFERENCE:

*Legal Issues in Privacy & Cyber Security* will be held as a virtual on-line event. Details on how to access and participate in the event will be sent to all confirmed delegates prior to run date.

#### SPONSORSHIP, EXHIBITION, AND PROMOTIONAL 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.

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#### CANCELLATION POLICY:

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Registrants who cancel after **November 4, 2020**, will not be eligible to receive any credits and are liable for the entire registration fee.

Confirmed registrants who do not cancel by **November 4, 2020** and fail to attend will be liable for the entire registration fee.

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