



4th Annual Access to Information and Privacy Law Symposium: Resolving Competing Interests In Privacy And Access Law September 27-28, 2013 ♦ Westin Hotel ♦ Ottawa, ON

FRIDAY, SEPTEMBER 27, 2013

8:00 - 8:45 REGISTRATION AND CONTINENTAL BREAKFAST

8:45 – 9:00 WELCOME AND INTRODUCTION

Conference Chairs:

John Beardwood, *Fasken Martineau LLP* (Toronto)

Suzanne Morin, *Bell Aliant* (Ottawa)

David Young, *McMillan LLP* (Toronto)

9:00 -10:30 PLENARY SESSION: INTERNATIONAL UPDATE

Moderator: **John Beardwood**, *Fasken Martineau LLP* (Toronto)

Speakers: EU - **Guadalupe Sampedro**, *Garrigues* (Spain)
US - **Tom Bell**, *Perkins Coie* (Seattle)
Asia - **Gabriela Kennedy**, *Hogan Lovells* (Hong Kong)

This session starts the conference off with a unique and invaluable overview of the key developments in privacy law internationally, with a focus on both the practical implications for current compliance, and on developing trends.

10:30 – 10:45 REFRESHMENT BREAK

10:45 - 12:15 PLENARY SESSION: PROVINCIAL UPDATE - PRIVACY AND ACCESS

Moderator: **David Young**, *McMillan LLP* (Toronto)

Speakers: **Monica Muller**, *Vancouver Coastal Health Authority* (Vancouver)
Mandy Woodland, *Cox & Palmer* (St. John's)
Bradley Weldon, *Office of the Information and Privacy Commissioner for B.C.* (Victoria)
Michael Power, *Barrister and Solicitor* (Toronto)

This session will review recent significant developments at the court and regulator level within provincial jurisdictions, including employee privacy, access rights and litigation, new health privacy legislation, the B.C. Commissioner's reports respecting criminal record checks and automated license recognition and her recent decisions regarding GPS tracking.

12:15 - 2:00 LUNCH WITH KEYNOTE SPEAKER - **Colin Bennett**, *University of Victoria*



2:00 - 3:15

CONCURRENT SESSIONS:

SESSION I: PRIVACY KEY ISSUE: THE LIFE CYCLE OF YOUR PRIVACY RIGHTS

Moderator: Mandy Woodland, *Cox & Palmer* (St. John's)

Speakers: Brian Bowman, *Pitblado LLP* (Winnipeg)
Christian Whalen, *Acting Child and Youth Advocate, GNB* (Fredericton)
Jennifer Seligy, *Office of the Privacy Commissioner of Canada*
Tim Banks, *Dentons* (Toronto)

From dealing with a child's online gaming footprint to having your social media account deleted after death, this panel will review the status of an individual's privacy rights in Canada from birth past death. Issues such as privacy awareness for children and commercial exploitation through online play environments, acting on another person's behalf due to lack of capacity, and how people are dealing with social media accounts & social media wills will be discussed and debated.

SESSION II: ACCESS TO INFORMATION: NAVIGATING THE ATI MAZE: GOVERNMENT AND TRANSPARENCY VS. EXCEPTIONS AND PRIVILEGE

Moderator: Suzanne Morin, *Bell Aliant* (Ottawa)

Speakers: David Loukidelis, *David Loukidelis Consulting & Legal Services* (Edmonton)
Guy Giorno, *Fasken Martineau LLP* (Ottawa)
Barb McIsaac, *Borden Ladner Gervais LLP* (Ottawa)

Hear from a panel of experts who have first-hand experience navigating access to information legislation and its myriad of exceptions from both sides of the fence. They will share their views on the state of the law as it stands today given recent decisions. They will discuss whether access to government and contemporary notions of government transparency are being diminished by the application of exceptions and privilege, or whether ATI in today's electronic world is getting in the way of day-to-day governing given the extension of ATI to email and other forms of electronic communication that to many is considered "today's oral".

3:15 – 3:30

REFRESHMENT BREAK

3:30 – 4:45

CONCURRENT SESSIONS:

SESSION I: PRIVACY - COMPETING INTERESTS #1: PRIVACY VS SURVEILLANCE

Moderator: Alex Cameron, *Fasken Martineau LLP* (Toronto)

Speakers: Michelle Chibba, *Office of the Information and Privacy Commissioner of Ontario* (Toronto)
Tamir Israel, *Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic* (Ottawa)
Dave McMahon, *The SecDev Group* (Ottawa)



From CCTV, to Internet and social media surveillance, to unmanned aerial vehicles (aka 'drones'), privacy interests frequently have been and are challenged by public and private sector surveillance technologies and practices. This session will highlight the current technological and legal issues at play, as well as some of the fundamental political and policy issues that underlie questions of surveillance and privacy.

SESSION II: HOW EMERGING TECHNOLOGIES AFFECT ACCESS TO GOVERNMENT INFORMATION

Moderator: Allison Knight, *Office of the Information Commissioner of Canada* (Ottawa)

Speakers: Kady O'Malley, *CBC reporter* (Ottawa)

David Goodis, *Office of the Information and Privacy Commissioner of Ontario* (Toronto)

Vincent Gogolek, *BC Freedom of Information and Privacy Association* (Vancouver)

New technologies have changed the way information is created, communicated, managed and stored in government. Proliferation of the use of text-based messaging, pin-to-pin, email and other electronic records raise a number of challenges and opportunities for access to information regimes. Issues of who has control of the records and scope of access to information laws add further complexities to these developing issues. Information laws and policy instruments are constantly challenged to keep up with developments in technology. What are the consequences of the latest digital landscape on requesters' rights? Could the use of various technologies in the government result in a loss of access, or more access to information? This panel aims to delve into some of these questions.

5:00 – 7:00

NETWORKING RECEPTION

SATURDAY, SEPTEMBER 28, 2013

8:00 – 8:30

CONTINENTAL BREAKFAST

8:30 – 10:00

PLENARY SESSION: PRIVACY - COMPETING INTERESTS #2: PRIVACY VS. MEDIA

Moderator: Steve Seiferling, *The Mosaic Company* (Regina)

Speakers: Gary Dickson, *Privacy and Information Commissioner of Saskatchewan* (Regina)

Teresa Scassa, *University of Ottawa* (Ottawa)

Drew Hasselback, *Financial Post* (Toronto)

Kyle Hyndman, *CBA National Immigration Section Representative* (Toronto)

This session poses the question as to whether the application of privacy rules to media and journalism needs to change because of the changing nature of media, be it print, audio, or audiovisual, in particular given features such as Web 2.0, Documentary, Global Media and "Reality TV".

10:00 - 10:15

REFRESHMENT BREAK



10:15 – 11:45 **PLENARY SESSION: THE REGULATORS SPEAK**

Moderator: **Eloïse Gratton**, *McMillan LLP* (Montreal)

Speakers: **Gary Dickson**, *Privacy and Information Commissioner of Saskatchewan* (Regina)

Patricia Kosseim, *Office of the Privacy Commissioner of Canada* (Ottawa)

David Goodis, *Office of the Information and Privacy Commissioner of Ontario* (Toronto)

Bradley Weldon, *Office of the Information and Privacy Commissioner for B.C.* (Victoria)

The best of the best and the worst of the worst. This session will focus on the best and worst of privacy and access over the past year. The regulators will discuss the “rogues gallery” of privacy and access from 2012/2013 and will award the gold, silver and bronze for the best developments in privacy and access.

11:45 – 12:15 **CLOSING PLENARY/WRAP UP**

Raconteur: **Brian T.D. Bowman**, *Chair, CBA National Privacy and Access Law Section*

12:15 **CLOSING REMARKS**



Organizing Committee:

John Beardwood, *Fasken Martineau LLP* (Toronto)

Suzanne Morin, *Bell Aliant* (Ottawa)

Allison Knight, *Office of the Information Commissioner of Canada* (Ottawa)

Alex Cameron, *Fasken Martineau LLP* (Toronto)

Mandy Woodland, *Cox and Palmer* (St. John's)

Steve Seiferling, *The Mosaic Company* (Regina)

David Young, *McMillan LLP* (Toronto)

Mahogany Jones, *CBA* (Ottawa)