



THE CANADIAN
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CBA ACCESS TO INFORMATION AND PRIVACY LAW SYMPOSIUM

OCTOBER 18-19, 2019 | OTTAWA, ON

CBA ACCESS TO INFORMATION AND PRIVACY LAW SYMPOSIUM

OCTOBER 18 – 19, 2019 | FAIRMONT CHÂTEAU LAURIER, OTTAWA, ON

FRIDAY, OCTOBER 18, 2019

8 h – 8 h 45 **REGISTRATION AND CONTINENTAL BREAKFAST** | Drawing Foyer

8 h 45 – 9 h **WELCOME AND INTRODUCTION** | Drawing Room

Co-Chairs: **David Elder**, Stikeman Elliott LLP (*Ottawa, ON*)
Howard Simkevitz, Ontario Institute for Cancer Research (*Toronto, ON*)

9 h – 10 h 30 **INTERNATIONAL UPDATE** (*1.5 hours substantive law*) | Drawing Room

This session kicks off the Symposium with an update on international developments in public and private sector privacy and access to information law. The focus will be on legislative developments and practical compliance issues as they may impact Canadian organizations operating in Europe and the U.S.

Moderator: **Timothy Banks**, nNovation LLP (*Toronto, ON*)

Speakers: **Julia Jacobson**, Arent Fox LLP (*Boston, MA*)
Eduardo Ustaran, Hogan Lovells (*London, UK*)

10 h 30 – 10 h 45 **REFRESHMENT BREAK** | Drawing Foyer

10 h 45 – 12 h 15 **CANADIAN UPDATE** (*1.5 hours substantive law*) | Drawing Room

The annual Canadian Update is an action-packed summary of the major privacy and access developments from the last 12 months at the federal and provincial/territorial levels. The panelists will provide their insights on the key changes in legislation, recent regulatory decisions and guidance and court decisions that you need to know about.

Moderator: **Suzanne Morin**, Sun Life Financial (*Montreal, QC*)

Speakers: **Keri Bennett**, Roper Greyell (*Vancouver, BC*)
Alex Cameron, Fasken (*Toronto, ON*)
Allison Knight, Office of the Information Commissioner of Canada (*Gatineau, QC*)

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12 h 25 – 13 h 50 **LUNCHEON, AWARD PRESENTATION AND KEYNOTE SPEAKER** (1 hour substantive law) | Laurier Room

Privacy and Access Section's [Essay Contest](#) Winner: Justin Roy (Ottawa, ON)

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Keynote Speaker:

Privacy as a Civil Liberty: Lessons from CCLA v. Waterfront Toronto et al.

Michael Bryant will discuss the Canadian Civil Liberties Association's court action against Waterfront Toronto and the three governments involved in the smart city project at Quayside. The CCLA asserts that the privacy rights of citizens under the Charter of Rights and Freedoms will be infringed if the Quayside project goes ahead as currently planned. Mr. Bryant will address the evolution of privacy as a civil right, increasing threats to this right posed by the data universe and other initiatives of the CCLA in this space.

Speaker: Michael Bryant, Canadian Civil Liberties Association (Toronto, ON)


14 h – 15 h **CONCURRENT SESSIONS**

SESSION 1.1: SOLICITOR/CLIENT PRIVILEGE IN FOI (1 hour substantive law) Drawing Room	SESSION 1.2: SMART CITIES (1 hour substantive law) MacDonald Room
<p><i>The Supreme Court of Canada has reaffirmed the importance of safeguarding solicitor-client privilege in the privacy and access to information regulatory context. Nonetheless, Information and Privacy Commissioners across the country continue to express concerns that public bodies and private sector organizations are refusing to produce records based on unjustifiably broad interpretations of the scope of solicitor-client privilege. Christine Mainville will speak of her experience with this issue as co-counsel to Vice-Admiral Mark Norman. Alexis Kerr will discuss a new tool created by the CBA to assist lawyers in making proper claims of solicitor-client privilege.</i></p> <p>Moderator: Roxanne Davis, Carbert Waite LLP (Calgary, AB)</p> <p>Speakers: Alexis Kerr, Norton Rose Fulbright Canada LLP (Vancouver, BC) Christine Mainville, Henein Hutchison LLP (Toronto, ON)</p>	<p><i>The smart city is by design data driven, capturing the data of residents, workers and others using or travelling through it. This session will discuss whether, or how, privacy laws, which are based on individuals' control over their personal information, can be respected in realizing the full potential of the smart city. Issues that will be addressed include:</i></p> <ul style="list-style-type: none"> • What is the nature of the data collected and by whom? • How should the public interest be protected? • Who should control, or set the rules for use and exploitation of the data, both commercial and otherwise? • Which privacy oversight bodies should be engaged? • Is the proposal for a "Data Trust" - to hold data and determine rules for its use - a viable solution? <p>Moderator: David Young, David Young Law (Toronto, ON)</p> <p>Speakers: Chantal Bernier, Dentons Canada LLP (Ottawa, ON) David Fraser, McInnes Cooper LLP (Halifax, NS) Brenda McPhail, Canadian Civil Liberties Association (Toronto, ON)</p>



16 h 30 – 17 h 30 **CONCURRENT SESSIONS**

SESSION 3.1: PRIVACY 101: A ROADMAP TO EXPLORING PRIVACY LAW IN CANADA
(1 hour substantive law)



Drawing Room

The regulation of privacy in Canada is often summed-up in a deceptively simple way: just follow the 10 privacy principles. But in reality, it is much more interesting and complex, so a couple of Privacy Lawyers with varied backgrounds and experiences will give the “Privacy 101” that you will not find anywhere else. This fast-paced session will provide a clear roadmap to exploring all sources of privacy law in Canada and the relationships between them, including:

- The “Charter”;
- Federal and provincial public and private sector privacy legislation;
- Health privacy laws;
- Common law (with statutory torts) vs civil law;
- Employment and labour law;
- Cybersecurity notification requirements;
- Other important laws with privacy-like aspects, including “Canada’s Anti-Spam Legislation” and the “Unsolicited Telecommunications Rules”.

This session will finally focus on the EU “General Data Protection Regulation” and its repercussions for Canadian organisations. Whether you are new to the field of privacy or have been working in one area for a while and would like to get a better understanding of the bigger privacy landscape, this is a valuable session you won’t want to miss.

Moderator: **Caroline Deschênes**, Langlois Lawyers LLP (Montreal, QC)

Speakers: **Shaun Brown**, nNovation LLP (Ottawa, ON)
Christopher Ferguson, Fasken (Toronto, ON)

SESSION 3.2: INTERNAL PRIVACY AUDIT CONSIDERATIONS
(0.5 hour substantive law, 0.5 hour practice management and ethics)

MacDonald Room

A discussion of the benefits of leveraging Internal Audit for the betterment of your Privacy Program, including tips from a diverse spectrum of panelist on how to best work with an internal audit team and have them be your ally. The panel will address a variety of topics including:

- Audits;
- On-going monitoring and testing of policies and procedures from an enterprise wide lens,
- The utilization of existing tools and frameworks;
- Information sharing.

Moderator: **Sara Azargive**, Metrolinx (Toronto, ON)

Speakers: **Amanda Maltby**, Canada Post Corporation (Ottawa, ON)
Nyranne Martin, The Ottawa Hospital (Ottawa, ON)
Joann Sochor, Sunlife Financial (Toronto, ON)

17 h 30 – 19 h **NETWORKING RECEPTION | Drawing Foyer**

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SATURDAY, OCTOBER 19, 2019

8 h 30 – 9 h **CONTINENTAL BREAKFAST** | Drawing Foyer

9 h – 9 h 45 **CONCURRENT SESSIONS**

<p>SESSION 4.1: ACCESS, THE DUTY TO DOCUMENT AND DELETION OF RECORDS <i>(0.5 hour substantive law, 0.25 hour practice management and ethics)</i> Drawing Room</p>	<p>SESSION 4.2: PRIVACY IN QUEBEC <i>(0.75 hour substantive law)</i> MacDonald Room</p>
<p><i>Good information rules and practices can, among other things, foster and support openness, accountability and the smooth functioning of freedom of information laws, but this does not require that there be a record for everything or that every record be kept indefinitely.</i></p> <ul style="list-style-type: none"> • <i>What policies, procedures, structures and technical requirements should governments be implementing?</i> • <i>Who should have oversight?</i> • <i>What can we learn from the early days of BC’s experience?</i> <p>Moderator / Speaker: Alexis Kerr, Norton Rose Fulbright Canada LLP (<i>Vancouver, BC</i>)</p> <p>Speaker: David Loukidelis, Q.C., David Loukidelis QC Law Corporation (<i>Edmonton, AB</i>)</p>	<p><i>The “Quebec Act Respecting the Protection of Personal Information in the Private Sector” was the first private sector privacy law to be adopted in Canada, almost 10 years before PIPEDA and the Alberta and British Columbia PIPAs. The panelists will try to demystify the Quebec private sector act by addressing some of the main differences and similarities with its Canadian counterparts. This session will address compliance challenges for businesses operating across the country, including with the notion of consent and the absence of certain consent exceptions found in the other laws, and will address particular requirements of the Quebec regime, such as the regulation of biometric databases. The panelists will also discuss the ongoing review that may lead to amendments to the statute and recent calls to modernize it, especially in light of global developments such as the GDPR.</i></p> <p>Moderator: Shaun W. Brown, nNovation LLP (<i>Ottawa, ON</i>)</p> <p>Speakers: Caroline Deschênes, Langlois Lawyers LLP (<i>Montreal, QC</i>) François Joli-Cœur, Borden Ladner Gervais LLP (<i>Montreal, QC</i>)</p>

9 h 45 – 10 h **REFRESHMENT BREAK** | Drawing Foyer

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Session will be offered in both official languages

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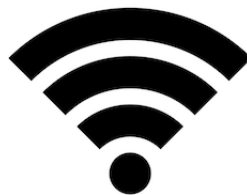
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