

# INFORMATION PRIVACY AND DATA PROTECTION

TORONTO NOVEMBER 29, 2010

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Priority code

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## REGISTRATION FEE

Toronto, November 29, 2010

**Early Bird Deadline:** (October 29, 2010)

\$1,195 + applicable taxes\*

**Regular Course Price:**

\$1,495 + applicable taxes\*

**Public Sector Special Price:**

\$1,295 + applicable taxes\*

**Webcast Price:**

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# INFORMATION PRIVACY AND DATA PROTECTION

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## TO REGISTER:

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One Corporate Plaza

2075 Kennedy Road, 11th Floor

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Attention: Marketing Events

## DATES AND VENUES:

TORONTO, THE NATIONAL CLUB November 29, 2010

The National Club: 303 Bay St., Toronto, ON M5H 2R1

Phone: (416) 364-3247

## SPECIFICALLY DESIGNED FOR:

- » VPs, Directors & Managers responsible for:
  - Privacy compliance
  - Security
  - IT & IS
  - Internal audit
- » Lawyers advising on privacy issues, information technology, and marketing and advertising
- » Human resources departments
- » Marketing and Sales departments
- » IT departments
- » In-house Counsel
- » Privacy officers and other privacy professionals

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# INFORMATION PRIVACY AND DATA PROTECTION

Personal information gathered for commercial use has become a legislative target throughout the developed world. And given the ease with which information crosses borders these days, Canadian businesses that are unaware of the complexities of the governing laws risk opening a Pandora's box for themselves. Meanwhile, any

commercial enterprise that has ever disclosed its own sensitive information to government or government agencies risks having it disclosed under federal or provincial access to information legislation. So it's not just a matter of protecting the privacy of others; it also involves knowing how to protect your own.

## THE COURSE LEADER

DAVID YOUNG, PARTNER, LANG MICHENER LLP

## COURSE HIGHLIGHTS

- THE LEGISLATIVE REGIME – FEDERAL AND PROVINCIAL
- ACCESS TO INFORMATION
- ANTI-SPAM LEGISLATION
- DATA-SHARING AGREEMENTS
- PRIVACY AND MARKETING
- DEALING WITH PRIVACY BREACHES

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## REGISTER BEFORE OCTOBER 29 AND SAVE \$300!

TORONTO, THE NATIONAL CLUB NOVEMBER 29, 2010

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WEBCAST ALSO AVAILABLE!

# INFORMATION PRIVACY AND DATA PROTECTION

## program outline

**8:00 – 9:00** | REGISTRATION AND BREAKFAST

**9:00 – 9:10** | INTRODUCTION

**9:10 – 9:40** | THE LEGISLATIVE REGIME – FEDERAL  
**SPEAKER: DAVID YOUNG**

- » To whom and to what does PIPEDA apply? Does it apply to you?
- » Analysis of the PIPEDA amendments.
- » The PIPEDA complaint process.
- » *Privacy Act*, *Criminal Code* and recent decisions by the Commissioner.

**9:40 – 10:10** | THE LEGISLATIVE REGIME – PROVINCIAL  
**SPEAKER: JAMES BOND**

- » Comparative analysis of provincial legislation: to whom and to what does it apply?
- » Responding to privacy complaints under provincial law.
- » Recent amendments – breach reporting and cross-border transfers.
- » Employee privacy issues.
- » Recent decisions of importance.

**10:10 – 10:30** | BREAK

**10:30 – 11:00** | ACCESS TO INFORMATION  
**SPEAKER: DAN EDMONDSTONE**

- » In the inevitable dealings that businesses have with Canadian governments, sensitive information may be disclosed. However, citizens and the media have a right to transparency in dealings with the government. Access to information requests are a common way of exercising the right to know. What happens when someone requests that the government disclose information that you have provided?
- » When and how are businesses engaged by the legislation?
- » Exemptions.
- » Third-party rights.
- » Responding to requests for information.
- » Redaction.
- » The appeal process.

**11:00 – 11:30** | ANTI-SPAM LEGISLATION  
**SPEAKER: JAMES BOND**

- » Canada's proposed anti-spam law is very broad and will have a significant impact on marketing strategies. It is more restrictive than the privacy laws and therefore will require businesses that communicate by e-mail to revise their policies and obtain customer consents. The proposed law also differs from US legislation and will pose additional hurdles for companies marketing on both sides of the border.
- » Whom and what does the legislation impact?
- » No element of fraud or deceit necessary for the law to apply.
- » Stringent conditions for express consent.
- » Use of implied consent limited.
- » Comparative analysis with US legislation.

**11:30 – 12:00** | DATA-SHARING AGREEMENTS  
**SPEAKER: DAVID YOUNG**

- » Electronic data collection and retention systems require a contractual framework when personal information is disclosed between organizations. Data-sharing agreements outline the respective roles and responsibilities of the parties and respond to regulatory requirements for security.
- » What consent requirements apply?
- » What is the role of data-sharing agreements in electronic records systems such as EHR?
- » Understanding the relationship of the parties: service provider versus data sharing.
- » Technology and security requirements: authentication, access, system integrity.

**12:00 – 1:00** | LUNCH

**1:00 – 2:00** | PRIVACY AND MARKETING  
**SPEAKER: JANINE MACNEIL**

- » Developing policies for your online activities: Web 2.0 and social networking.
- » Telemarketing, e-mail and text messaging.
- » Collection and use of web users' online activities – behavioural advertising issues.
- » Understanding data collection and consent.



### DAVID YOUNG

David Young is a partner in Lang Michener's Toronto office and is Co-Chair of its Privacy Law Group. David practices commercial law with an emphasis on privacy law, regulatory matters, marketing, and e-commerce law. David advises clients on all aspects of privacy law including personal health information, employee privacy, security, consent documentation, access to information and organizational procedures. David's practice also includes advising on corporate regulatory compliance matters and marketing and distribution law matters. He also advises on e-commerce matters including transactions and contracting, website development, online advertising and marketing issues and the security of transactions.



### JANINE MACNEIL

Janine MacNeil is a partner in Lang Michener's Competition and Marketing Law Group. Janine's practice includes advising on advertising matters, promotional contests, games and sweepstakes, related privacy matters, compliance with consumer protection legislation, marketing and advertising-related agreements, and packaging and labelling requirements. Janine is currently Chair of the Marketing Practices Committee of the Canadian Bar Association's Competition Law Section.



### JAMES M. BOND

James M. Bond is a partner in the Vancouver office of Lang Michener LLP. He practises primarily in the areas of intellectual property protection and licensing, corporate transactions, and privacy. His clients range from start-ups to multinational corporations and governmental organizations, and operate in the technology, retail and service sectors. James holds a BV rating from Martindale Hubbell, and has been listed as a leading lawyer in Canada by *The National Post* and *The Best Lawyers in Canada*. He also serves in a number of volunteer capacities with a range of legal and community organizations, and serves as the President of the British Columbia Branch of the Canadian Bar Association for the 2009/2010 year.

**2:00 – 3:00** | PRIVACY AND OUTSOURCING  
**SPEAKER: RAVI SHUKLA**

- » Understanding where your data is, and is going. What do other jurisdictions have to say about your privacy rights?
- » How to manage privacy concerns in your outsourcing agreements, third-party compliance and audits.
- » Security standards and procedures.
- » Cross-border data transfer restrictions.

**3:00 – 3:15** | BREAK

**3:15 – 4:15** | DEALING WITH PRIVACY BREACHES  
**SPEAKER: DAVID YOUNG**

- » Risk management best practices.
  - What do you have to do? Understanding your minimum standards.
  - What you should also be doing when the minimum is probably not enough.
  - Response procedures.
- » New legislative requirements.

**4:15 – 4:45** | CONCLUDING REMARKS AND FINAL Q&A



### DANIEL EDMONDSTONE

Dan Edmondstone is a partner at Lang Michener in Toronto. He practises in the area of competition law including misleading advertising matters. Dan also advises on access to information requests and related issues. He has written numerous papers relating to advertising and consumer protection law, as well as competition law. Dan has served as the Chair of the Marketing Practices Committee of the CBA National Competition Law Section. Dan is recognized in the 2010 *Canadian Legal Lexpert® Directory* as a leading practitioner in Advertising law.



### RAVI SHUKLA

Ravi Shukla's practise focuses on information technology and Internet law with an emphasis on intellectual property law. He acts in an ongoing capacity for significant suppliers of information technology products and services as well as significant customers of those products and services and projects arising from those relationships. His work includes outsourcing projects and includes the acquisition of outsourced services from Canadian financial institutions. Ravi has experience obtaining, licensing and enforcing patent and trade secret rights, counselling clients concerning the protection of privacy rights, confidential information and other intellectual property assets, as well as a strong background in matters involving online marketing and promotions.

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