

# DATA BREACHES:

## AVOIDANCE, PREPAREDNESS AND RESPONSE



This intensive one-day program will provide you with the tools you need to avoid, prepare for and respond to an organizational data breach. Topics include:

- Current trends in data breach and privacy litigation
- Key components of an effective data breach incident response plan
- Privacy law accountability obligations and liabilities
- Managing risks when selecting vendors and sub-contractors
- The role and composition of the breach response team
- Legislated breach notification requirements and drafting breach notifications
- Best practices for breach response teams
- Conducting an organizational review to minimize and mitigate data breach risks
- A review of current breach investigations and recent breach notices
- The evolving market for data breach and cybersecurity insurance

Learn about key strategies and best practices when dealing with data breaches and cybersecurity risks

Taught by a distinguished faculty of **privacy** and **IT lawyers, litigators, in-house counsel** and **regulators**, as well as experts in the areas of **forensics, data breach response, crisis communications** and **breach insurance**

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[WWW.OSGOODEPD.CA](http://WWW.OSGOODEPD.CA)



### Chair

**Alex Cameron**  
*Fasken Martineau  
DuMoulin LLP*

### Location

Osgoode Professional Development  
1 Dundas St. W., 26th Floor  
Toronto, ON

### Date and Time

March 2, 2015  
9:00 a.m. - 5:00 p.m. EST

Webcast Available

## DATA BREACHES: AVOIDANCE, PREPAREDNESS AND RESPONSE

Cybersecurity lapses and other data breaches have become a top concern for Canadian businesses: recent surveys suggest that more than a third of businesses have suffered a data breach in the last year. Corporate data breaches can result in costly class action litigation, regulatory investigations and significant reputational harm.

Business executives, in-house counsel, compliance professionals and lawyers who advise on corporate or privacy issues must ensure that they are well equipped to mitigate the risk of and adequately respond to a data breach incident.

This intensive *OsgoodePD* program will provide an in-depth overview of how to avoid, prepare for and respond to a data breach incident. Featuring a faculty of leading cybersecurity and data breach experts, the program will provide a substantive and practical review of the steps you need to take to protect your or your client's organization.

*OsgoodePD*'s distinguished faculty will also walk you through a hypothetical data breach case study to provide you with hands-on experience in dealing with data breach issues.

### WHO SHOULD ATTEND

- In-house counsel
- Business executives (executive officers, information/privacy officers, technology officers)
- Lawyers practising in
  - Corporate law
  - Privacy law
  - IT law
- Government and regulatory representatives
- Compliance and risk management professionals
- Auditors

**REGISTER NOW BY VISITING [WWW.OSGOODEPD.CA](http://WWW.OSGOODEPD.CA),  
CALLING 416.597.9724 OR 1.888.923.3394,  
EMAILING [OSGOODEPD@OSGOODE.YORKU.CA](mailto:OSGOODEPD@OSGOODE.YORKU.CA)  
OR FAXING 416.597.9736**

### Chair

#### Alex Cameron

*Fasken Martineau DuMoulin LLP*

### Faculty

#### Timothy M. Banks

*Dentons Canada LLP*

#### Brian Beamish

*Acting Commissioner, Office of the Information and Privacy Commissioner (Ontario)*

#### Patrick Bourk

*Senior Vice President, Management Risk Practice Leader, Integro Insurance Brokers*

#### Keri Bush

*Privacy Director Canada and International Bank of Montreal*

#### Peggy Byrne

*Senior Counsel, CIBC*

#### Daniel Caron

*Legal Counsel, Legal Services, Policy, Research and Technology Analysis Branch, Office of the Privacy Commissioner of Canada*

#### Theodore P. Charney

*Charney Lawyers LLP*

#### Jill Clayton

*Information and Privacy Commissioner, Office of the Information and Privacy Commissioner of Alberta*

#### Matthew Davies

*Senior Underwriting Specialist, Chubb*

#### David Fraser

*McInnes Cooper*

#### Bobbie Goldie

*Vice President Professional Risk ACE Canada*

#### Shawn Melito

*Vice President Immersion, Ltd.*

#### Daniel J. Michaluk

*Hicks Morley Hamilton Stewart Storie LLP*

#### John Russo

*Vice President, Legal Counsel & Chief Privacy Officer, Equifax Canada*

#### Daniel Tobok

*Managing Director Security Consulting and Forensics, TELUS Security Solutions*

#### Vera Toppings

*Fasken Martineau DuMoulin LLP*

#### Greg Vanier

*Director, Global Public Affairs*

Learn the fundamentals of a robust and effective data breach incident response plan from a highly-experienced faculty of privacy experts



## AGENDA

**8:30-9:00**

### **Registration and Continental Breakfast**

**9:00-9:10**

### **Welcome and Overview from Course Leader**

**Alex Cameron**, *Fasken Martineau DuMoulin LLP*

**9:10-10:15**

### **Legal Risks and Damages: State of the Law**

**Alex Cameron**, *Fasken Martineau DuMoulin LLP*

**Vera Toppings**, *Fasken Martineau DuMoulin LLP*

**Theodore P. Charney**, *Charney Lawyers LLP*

- Current trends in data breach and privacy litigation
- What are plaintiffs' class action lawyers looking for?
- What activities and breaches have given rise to claims?
- How have claims been framed?
- What damages are claimed?
- How are defendants responding to such claims?

**10:15-10:30**

### **Refreshment Break**

**10:30-11:30**

### **Conducting an Organizational Review**

**Timothy M. Banks**, *Dentons Canada LLP*

**Keri Bush**, *Privacy Director, Canada and International, Bank of Montreal*

- Types of data that are collected and retained, and why
- Reviewing organizational policies and controls
- Privacy risk management framework
- Privacy/data governance
- Due diligence requirements when selecting vendors and sub-contractors
- Contractual terms regarding privacy and security
- Contractual audit rights and conducting audits
- Negotiating obligations and indemnities
- Privacy law accountability obligations and liabilities
- Common issues and pitfalls

**11:30-12:00**

### **Developing an Effective Incident Response Plan**

**Daniel J. Michaluk**, *Hicks Morley Hamilton Stewart Storie LLP*

**Peggy Byrne**, *Senior Counsel, CIBC*

- Key components of an effective incident response plan
- Who should be on the incident response team
- Role of internal and external counsel
- Escalation protocols for breaches
- Testing and monitoring incident response protocols
- Sample response plans

**12:00-1:15**

### **Networking Luncheon**

**1:15-2:15**

### **Roles of the Breach Response Team**

**Daniel Tobok**, *Managing Director, Security Consulting and Forensics, TELUS Security Solutions*

**Shawn Melito**, *Vice President, Immersion, Ltd.*

**Greg Vanier**, *Director, Global Public Affairs*

- The role of legal counsel
- Definition of a "breach coach" and the importance of privilege
- Roles of public relations, forensics and notification providers
  - who does what and the importance of good co-ordination
- The length of a typical breach investigation and response
- When to rely on internal vs. external resources: is it dependent on size, complexity and cost?
- Current breach investigations
- Case studies of the good, the bad and the ugly

**2:15-3:00**

### **Breach Notification and Harm Mitigation**

**David Fraser**, *McInnes Cooper*

**John Russo**, *Vice President, Legal Counsel & Chief Privacy Officer, Equifax Canada*

- Legislated breach notification requirements
- Direct vs. indirect notification
- Who to notify and when?
- Drafting breach notifications
- Reporting requirements in quarterly reports and public filings
- Review of recent breach notices
- Credit monitoring and other harm mitigation steps

# AGENDA (Cont'd)

**3:00-3:30**

## Data Breach Insurance

**Patrick Bourk**, Senior Vice President, Management Risk Practice Leader, Integro Insurance Brokers

**Matthew Davies**, Senior Underwriting Specialist, Chubb

**Bobbie Goldie**, Vice President, Professional Risk, ACE Canada

- The evolving market for data breach insurance in Canada
- To what extent do traditional policies respond to breaches?
- What amounts are covered under a "cyber" policy?
- What is required to obtain data breach insurance?
- Insurance issues regarding outsourcing and service providers

**3:30-3:45**

## Refreshment Break

**3:45-5:00**

## Regulator Expectations and Responses to Breaches

**Brian Beamish**, Acting Commissioner, Office of the Information and Privacy Commissioner (Ontario)

**Daniel Caron**, Legal Counsel, Legal Services, Policy, Research and Technology Analysis Branch  
Office of the Privacy Commissioner of Canada

**Jill Clayton**, Information and Privacy Commissioner  
Office of the Information and Privacy Commissioner of Alberta

**5:00**

## Program Concludes

### CPD Credits



Eligible CPD/MCLE hours:

LSUC (ON): 6.75 CPD Hours (6.75 Substantive, 0.0 Professionalism);  
BC: 4.75 credit hours; NB/NT/NU/YK/QC: 6.25 credit hours;  
PEI/SK: 6.0 credit hours; NS/MB: 6.5 credit hours; NY CLE  
Board (onsite participants only): 7.0 credit hours in the Area of  
Professional Practice for Transitional and Non-transitional lawyers.

Also eligible for CLE/Insurance Premium Credits Program offered  
by the Law Society of PEI and for Alberta CPD credit with the  
Law Society of Alberta. Questions? E-mail: cpd@osgoode.yorku.ca  
or refer your respective regulatory body to ensure compliance.



# REGISTRATION

Please complete all registrant information.

## Data Breaches: Avoidance, Preparedness and Response

I will attend:  On site  Via webcast (single viewer)

Unable to attend? Please contact us to order the Materials/Program On Demand

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm/Company: \_\_\_\_\_

Practice Area: \_\_\_\_\_

Address: \_\_\_\_\_

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### Fee Per Delegate

**\$695 plus 13% HST.**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details. Please inquire about financial assistance.

### Date & Time

March 2, 2015  
9:00 a.m. – 5:00 p.m. EST

Please arrive a half hour early  
for sign-in and material pick-up.  
Dress is business casual.

### Location

Osgoode Professional Development  
Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON M5G 1Z3

### Program Changes

We will make every effort to present  
the program as advertised, but it may  
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cancellation, York University's and  
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Substitution of registrants is permitted  
at any time. If you are unable to find  
a substitute, a full refund (less \$75  
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writing 5 days prior to the program  
date. No other refund is available.



## 4 Convenient Ways to Register

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