

Privacy Class Actions in Canada

Class Actions/Privacy and Access to Information Law



In-Person



Webcast



Date: Monday, October 19, 2015 | 9:00 am to 12:00 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chair: **Christopher Naudie**, Osler, Hoskin & Harcourt LLP
Sarah Azargive, Group Manager, Legal & Privacy,
Cancer Care Ontario

This program is eligible for up to 3 Substantive Hours

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Since the Court of Appeal recognized the novel tort of intrusion upon seclusion in *Jones v. Tsige*, there has been a wave of class action filings across Canada focusing on alleged breaches of privacy rights. The Courts in Ontario, British Columbia and Quebec have issued a number of important class certification decisions, considering the interaction of this novel tort with existing statutory and restitutionary claims across a range of industry sectors. What are the implications of these decisions? Are privacy claims suited for collective relief?

Join our distinguished faculty of experts to gain critical insights into the emergence of privacy class actions in Canada, the unique issues involved, and noteworthy future developments.

8:30 am Registration and Continental Breakfast

9:00 am Welcome and Opening Remarks

9:05 am **Exploring the Remedies Available for Privacy Right Infringements**

Alex Cameron, Fasken Martineau DuMoulin LLP

David Goodis, Office of the Information and Privacy Commissioner of Ontario

- Making sense of statutory and common law privacy torts, and how they fit in the broader privacy backdrop
- How a plaintiff's obligation to prove a wilful breach interacts with the potential for vicarious liability
- Preparing for CASL's private right of action, and mitigating against potential retrospective implications
- Examining the landscape for public and private enforcement of privacy rights today

9:45 am **The Record of Class Certification for Privacy Claims**

Catherine Beagan Flood, Blake, Cassels & Graydon LLP

Ted Charney, Charney Lawyers

- What are the common hurdles in pursuing collective relief for privacy breaches?
- What types of class action claims have been filed to date?
- Plaintiff and defence perspectives on lessons to be learned from recent certification determinations
- Analyzing pending appeals and decisions expected in late 2015 and 2016

10:25 am Networking Break

10:40 am **Unique Considerations in the Health Care Sector**

Jean-Marc Leclerc, Sotos LLP

- How common law remedies interact with statutory remedies when health care information is at issue
- Unraveling the implications of the Court of Appeal's decision in *Hopkins v. Kay*

11:15 am **Beyond the Data Breach – Class Actions and the Alleged Misuse of Consent**

Sandeep Joshi, Litigation Counsel, BMO Financial Group

Recent class actions initiated against Facebook, Apple and Bell highlight a new trend in proceedings based on claims beyond data breaches and snooping employees.

- A new frontier in privacy class actions?
- Why claims of misuse of personal information and the limits of consent are well-suited to collective relief

11:50 am **Planning for the Road Ahead: Where Are We Going From Here?**

Sara Azargive, Group Manager, Legal & Privacy, Cancer Care Ontario

Christopher Naudie, Osler, Hoskin & Harcourt LLP

12:00 pm Program Concludes

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Questions? pd@oba.org