



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**

REGISTER NOW AT
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,
CALLING 416.597.9724 OR 1.888.923.3394,
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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
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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)

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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 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
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Program Changes

We will make every effort to present
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