

6TH ANNUAL DENTONS DATA SUMMIT

Privacy law and beyond: Navigating today’s challenges and trends



Tuesday, November 5, 2024
8:45 a.m. – 1 p.m. ET

In-person: Dentons Canada LLP, 77 King Street West, 5th Floor, Toronto, ON M5K 0A1

Grow | Protect | Operate | Finance

Part 1: Learning session 9 – 11:30 a.m. (5th floor)

9 a.m.	<p>Welcome and introductions Speaker: Kirsten Thompson, Partner, National Practice Group Lead, Privacy and Cybersecurity</p>
9:05 – 9:40 a.m.	<p>Lightning round</p> <p>Topic: Deceptive designs – you’re probably doing it. Speaker: Jaime Cardy, Senior Associate</p> <p>Global privacy regulators, including those in Canada, recently reviewed hundreds of websites and apps and found that the vast majority contained deceptive design elements, such as making it difficult to delete accounts, channeling users toward less privacy-protective settings, and using language that “serve the interests of the platform”. Find out what the risks are, and how to view your organizations websites and apps with a critical eye.</p> <p>Topic: New developments in breach notification Speaker: Luca Lucarini, Senior Associate</p> <p>Breach notification and reporting obligations have shifted in Canada, with regulators modifying their requirements, new sector-specific obligations, and some jurisprudence interpreting what may trigger these obligations.</p> <p>Topic: Diversity data Speaker: Melika Mostowfi, Associate</p> <p>As organizations launch or update their equity, diversity and inclusion (“EDI”) initiatives, the collection, use and disclosure of EDI data poses some challenges. Learn about how you can demonstrate your commitment to EDI without running afoul of privacy laws.</p> <p>Topic: Data portability: What’s in scope, what’s out of scope, and what’s the difference between the Quebec right and the GDPR right Speaker: Charles Giroux, Associate</p> <p>Data portability is the new right that came into effect in Quebec this September. Find out how to apply the right to your data, what types of data are in scope, and the differences between the Quebec right and a similar right under the GDPR.</p> <p>Topic: Quebec anonymization regulations – what is “anonymized” and what is “de-identified”? Speaker: Alex Quigley, Senior Associate</p> <p>In Quebec, there are new anonymization regulations that detail what is required to truly anonymize information. If that process is not followed, claims regarding “anonymization” of information may be inaccurate and misleading and expose organizations to risk.</p>
9:40 – 10:10 a.m.	<p>Biometric information Speaker: Kirsten Thompson, Partner, National Practice Group Lead, Privacy and Cybersecurity</p> <p>Not all biometric information is created equal. Understand what counts as “biometric information”, the difference between biometric information, biometric identifiers, and what types and uses trigger the Quebec requirement to notify the regulator. Hear about common uses cases and pitfalls.</p>

10:10 – 10:20 a.m.	Break
10:20 – 10:50 a.m.	<p>Primary and secondary uses – what’s the difference? Why does it matter?</p> <p>Speaker: Luca Lucarini, Senior Associate</p> <p>Primary and secondary uses of personal information trigger different consent obligations, and different exceptions from consent. The line between these different uses is often indistinct. Learn about whether marketing can ever be a primary use, and if express consent is required for secondary uses, and more.</p>
10:50 – 11:20 a.m.	<p>Bill C-27 Committee amendments to date</p> <p>Speaker: Kirsten Thompson, Partner, National Practice Group Lead, Privacy and Cybersecurity</p> <p>Bill C-27, the Bill that if passed would rewrite PIPEDA and introduce a law governing artificial intelligence, continues to meander through Parliament. Learn about the amendments that the Committee has made to date, and understand where the Bill is heading.</p>
<p>Accreditation (Part 1)</p> <ul style="list-style-type: none"> • Law Society of British Columbia: 120 minutes Practice Management • Law Society of Ontario: 120 minutes Professionalism • Barreau du Québec: 2 hours CLE requirements <div style="display: flex; justify-content: space-around; align-items: center;"> <div data-bbox="136 1005 302 1096">  <p>LAW SOCIETY OF ONTARIO accredited</p> </div> <div data-bbox="326 1005 498 1096">  <p>BARREAU DE L'ONTARIO agrée</p> </div> </div>	

Part 2: Workshop sessions 11:30 a.m. – 1 p.m. (4th and 5th floor)

Breakout session 1: Artificial Intelligence (AI) and Privacy Impact Assessments (PIAs): An Introduction

Speakers: **Kirsten Thompson**, Partner and Lead, National Privacy and Cybersecurity Group

Luca Lucarini, Senior Associate, Privacy and Cybersecurity

Increasingly, Privacy Officers (and others) are having the responsibility for artificial intelligence applications pushed over to them. Many organizations do not routinely conduct privacy impact assessments on such applications; those that do generally have not updated their ordinary-use PIA templates to address the unique issues raised by the adoption of AI within the organization (or by service providers to the organizations).

Learn:

- The value of a PIA.
- What questions to ask.
- How to ask the right questions of the right people.
- What to do with the responses you get.
- How to frame risk.
- Common steps to address risk.

Format:

Small group case study

Takeaways:

Sample PIA

Breakout session 2: Handling Data Subject Access Requests (DSARs)

Speakers: **Jaime Cardy**, Senior Associate, Privacy and Cybersecurity

Melika Mostowfi, Associate, Litigation

With private sector data subject rights expanding in Canada (e.g., right to deletion, new data portability right in Quebec) and data subjects themselves becoming more familiar with their rights, the inability to appropriately manage these types of requests is a growing area of complaints. In Quebec, such failure may result in monetary penalties; in the rest of Canada, litigation is increasing.

Learn:

- How to scope requests, and when and how to verify identity.
- How to respond to automatically generated requests.
- How to conduct an appropriate search for information.
- What types of data are covered (e.g., phone recordings, CCTV, etc.).
- How to handle large volumes of personal data.
- What to do about personal data in the hands of third parties.
- How to handle requests from employees.
- How to treat requests made in the context of litigation.
- When and how to refuse a request.
- What “deletion” really means in the context of a deletion request.
- What information is within the scope of the data portability right.

Format:

Small group participation and case studies

Takeaways:

Participants will receive a Guide to Managing DSAR requests, including a checklist of key steps.

Accreditation (Part 2)

- **Law Society of British Columbia:** 90 minutes Practice Management
- **Law Society of Ontario:** 90 minutes Professionalism
- **Barreau du Québec:** 1 hour 30 minutes CLE requirements

