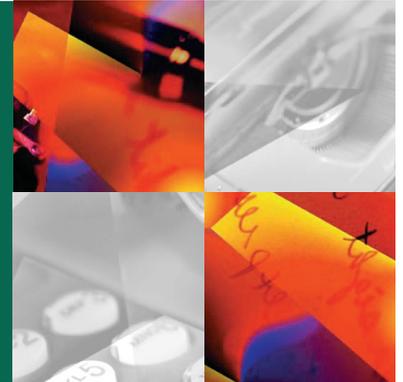




THE CANADIAN
BAR ASSOCIATION

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BARREAU CANADIEN

PRIVACY AND ACCESS RIGHTS IN THE AGE OF TECHNOLOGY: THE STATE OF CANADIANS' INFORMATION RIGHTS IN 2010 AND BEYOND



September 19-20, 2010
Sheraton Ottawa Hotel
150 Albert Street, Ottawa, ON

Presented by the Canadian Bar
Association's National Privacy and Access
Law Section and the CBA's Professional
Development Committee

With the participation of the Office of the
Information Commissioner of Canada and
the Office of the Privacy Commissioner of
Canada

Canada is a global leader in privacy and access to information law, on both the federal and provincial levels. Privacy and confidentiality of information is protected in the private and public sectors, and is balanced with the concepts of transparency and accountability. However, the rights provided in the laws are evolving as new technologies and global developments create challenges for both privacy and access.

Issues of privacy on the internet and consumer rights in an electronic health system are pushing the boundaries of existing legislation. In the access sphere, technology is facilitating a shift from reactive disclosure to "open government".

This conference will bring together regulators and access administrators from the federal and provincial governments to discuss these challenges. They will be joined by some of the foremost thinkers in academia and industry as well as lawyers and privacy professionals from within government and the private sector.

As privacy and access to information laws continue to evolve, and Canada continues to be a leader, the Symposium is your opportunity to hear thought leaders and join in the discussion of recent developments and the issues that Canada will face in the future as technology continues to globalize information.





Program

Sunday, September 19, 2010

- 6:00 - 9:00pm **Reception and Dinner at Sheraton Ottawa Hotel with Keynote Speakers**
Keynote Speakers:
Alasdair Roberts, Jerome L. Rappaport Professor of Law and Public Policy, Suffolk University Law School, Boston, MA.
Paul Szabo, Member of Parliament for Mississauga South and Chair, House of Commons Committee on Access to Information, Privacy and Ethics.

Please see the registration form for ticket information.

Monday, September 20, 2010

- 8:00-8:45am **Registration**
- 8:45am **Welcome and Introduction**
David Fraser, McInnes Cooper, Halifax & Chair, CBA National Privacy and Access Law Section
Steve Seiferling, McKercher LLP, Saskatoon & Conference CoChair
Mandy Woodland, Cox & Palmer, St. John's & Conference CoChair
- 9:00-10:30am **Plenary Session: The Past Year in Review**
This opening plenary session will provide a unique opportunity to hear the federal and three provincial Privacy and Access Commissioners discuss the challenges and recent developments that they have addressed over the past year and a half. This session will set the stage for a number of the issues that will be discussed in the working groups and informally throughout the day. By looking to the events of the past year, the speakers will seek to provide insight into how these issues will play out in the future.
- Moderator:** **Gary Dickson, Q.C.**, Information and Privacy Commissioner of Saskatchewan
- Speakers:** **Jennifer Stoddart**, Privacy Commissioner of Canada
Suzanne Legault, Information Commissioner of Canada
Frank Work, Q.C., Information and Privacy Commissioner of Alberta
Jacques Saint-Laurent, Chair, Access to Information Commission of Quebec
- 10:30-10:45am **Break**
- 10:45-12:15pm **Navigating Murky Waters: Anatomy of a Privacy Breach**
Organizations as well as the individuals concerned have an interest in addressing privacy breaches as promptly and effectively as possible. Yet despite the fact that the requirement to protect personal information goes to the core mandate of privacy legislation, as of now there are very few legislated breach notification provisions. Various Privacy Commissioners' offices have endeavored to fill this gap with general guidelines, etc., but each organization seeking to navigate the treacherous waters of responding to a privacy breach will have its own specific context and concerns to balance at each stage of such response. In this unique session, we examine in detail the key issues the organization subject to a privacy breach will need to consider during each step of the response, from identification of the breach, through risk evaluation and containment, and notification and/or reporting, to the implementation of remedial plans - in each case from the perspective of the organization's in-house counsel and privacy officer, and the privacy commissioner.
- Moderator:** **John Beardwood**, Partner, Vice-Chair Privacy and Information Access Group, and Co-Chair Technology and Intellectual Property Group, Fasken Martineau LLP, Toronto
- Speakers:** **Patricia Kosseim**, General Counsel, Office of the Privacy Commissioner of Canada
Elizabeth Denham, Information and Privacy Commissioner of British Columbia (Designate) *[Invited]*
Janice Campbell, Risk Manager/Privacy Officer, Department of Quality and Risk Management, Hospital for Sick Children, Toronto
Suzanne Morin, Assistant General Counsel, Regulatory Law and Policy, Bell Privacy Ombudsman, Bell Canada, Ottawa
- 12:15-2:00pm **Luncheon with Keynote Speaker Mike Hintze, Associate General Counsel, Microsoft, Redmond, WA**
- Does Every One have a Silver Lining? Privacy and Cloud Computing**
"Cloud computing" is more than just the latest catch phrase. It represents today's rapidly changing technology



environment, including how we collect, store and use vital personal data. Our keynote speaker will review the privacy and access issues raised by how cloud service providers use data; law enforcement access to data held by cloud services; global implications and jurisdictional conflicts; and business models and approaches that enhance user choice and control.

2:00-3:15pm

Concurrent Sessions

Session I: Anatomy of an Access Request

Current freedom of information regimes are based on two fundamental principles. The first is that individuals have a right of access to records under the control of public institutions. The second is that requesters have a right to complain about decisions made by institutions to independent oversight bodies that can investigate and resolve their complaints. Critics claim that this system is dead or at least on life support. They cite heavily redacted documents, excessive response times and often refer to potential political or bureaucratic interference as leading causes of the demise. They also cite ineffective oversight mechanisms. This session will follow the progress of an access request from its inception, through the processing stages and finally through the complaint process. Speakers representing requesters, access professionals and oversight bodies will provide their assessments of the state of health of the system and offer suggestions on how it can be revived.

Moderator: **Dulcie McCallum**, Freedom of Information and Protection of Privacy Review Officer, Nova Scotia
Speakers: **Alasdair Roberts**, Jerome L. Rappaport Professor of Law and Public Policy, Suffolk University Law School, Boston, MA.
Francine Farley, Access to Information and Privacy Coordinator, Department of Justice, Ottawa
Priscilla Platt, Counsel, Heenan Blaikie LLP, Toronto
Suzanne Legault, Information Commissioner of Canada
Frank Work, Q.C., Information and Privacy Commissioner of Alberta

Session II: Privacy Challenges Identified in Early Stages of an EHR Roll-Out

With the varying degrees of progress, most if not all provinces are moving forward with a roll-out of an electronic health record. This session will discuss focussed privacy issues being experienced in these early stage EHR systems. Each member of the panel will respond to questions that pose concretely some of the challenges, including: accountability, patient control of the data, approaches to secondary uses and disclosures and maintaining security in a role-based access system. Speakers will relate their own differing perspectives to these issues. A round-table discussion with session attendees will enable consideration of further perspectives.

Moderator: **Gary Dickson, Q.C.**, Information and Privacy Commissioner of Saskatchewan
Speakers: **Leroy Brower**, Office of the Information and Privacy Commissioner of Alberta
Debra Grant, Office of the Information and Privacy Commissioner of Ontario
Mary Jane Dykeman, Partner, Dykeman, Dewhirst, O'Brien, Toronto

3:15-3:30pm

Break

3:45-5:00pm

Concurrent Sessions

Session I: Liberating Information: Shifting from Reactive Disclosure to Open Government

Our current freedom of information laws are fundamentally reactive. Access to information is granted only when someone requests it. Every day, we learn about new and exciting initiatives which transform reactive disclosure to the proactive mode. Proactive disclosure refers to an environment where information is routinely disseminated because it can be, thanks to technology. It is an essential component of Open Government. Open Government is based on a system that disseminates information in open formats and allows individuals to use and re-use data for both private and public benefits. What are the roles of the various players in this environment? What challenges does the shift from reactive disclosure to Open Government pose for advocates, information managers and oversight bodies?

Moderator: **Allison Knight**, Office of the Information and Privacy Commissioner of Ontario
Speakers: **Andrea Neill**, Assistant Information Commissioner of Canada
Brian Beamish, Assistant Information and Privacy Commissioner of Ontario
Eric Sauve, Vice President, Tomoye
Guy Michaud, Chief Information Officer, City of Ottawa



Program

Session II: Privacy on the Internet – Issues of Social Networks, Behavioural Advertising and Other Challenges

Is there an expectation or rule of privacy on the Internet? Many commentators and some courts have suggested that there is not. The federal Privacy Commissioner, supported by privacy regulators in other countries, has firmly stated the view that privacy should exist online and has backed this up with a seminal decision involving Facebook's privacy settings and practices. However, challenges to the protection and user control of personal information continue to abound. This topical session will pose the question of whether online privacy exists in the context of a focussed discussion of current unresolved issues including: third party developer collection of social network user information, search engine disclosure of email personal data, behavioural advertising and compulsory disclosure to law enforcement.

Moderator: David Young, Partner and Co-Chair, Privacy Law Group, Lang Michener LLP, Toronto

Speakers: Dan Caron, Office of the Privacy Commissioner of Canada

Valerie Steeves, Professor, University of Ottawa

Jacob Glick, Policy Counsel, Google Canada

5:00-5:30pm

Closing Plenary/Wrap-up: Where do Privacy and Access Take Us Next?

This concluding plenary will seek to draw together the ideas articulated in response to the privacy and access challenges during the day's sessions. A goal will be to identify future regulatory and policy approaches of interest to both public and private sector stakeholders.

Rapporteur: David Fraser, McInnes Cooper, Halifax & Chair, CBA National Privacy and Access Law Section

Closing Remarks: Steve Seiferling, McKercher LLP, Saskatoon & Conference CoChair

Mandy Woodland, Cox & Palmer, St. John's & Conference CoChair

Invitation to attend the Privacy and Access Law Section annual business meeting

Section members are invited to the National Privacy and Access Law Section meeting in Ottawa on September 21, following the Section's Professional Development program. This is a wonderful opportunity to meet the Executive and to learn about Section activities and opportunities for involvement.

To RSVP or for more information, please contact Edith S Pérusse at edithp@cba.org or 1-800-267-8860 ext. 179 at the CBA National Office prior to September 6, 2010.

Accreditation:

- Approved for 6.5 hours of Continuing Professional Development (CPD) by the Law Societies of British Columbia and Northwest Territories.
- Approved for 6.5 hours of Continuing Professional Development credit by The Law Society of Saskatchewan.
- Recognized for 6.5 hours of Professional Development by the Barreau du Quebec.
- Approved by the PEI Law Society.
- Approved by the Law Society of New Brunswick

**For further accreditation information,
please visit www.cba.org/pd**

SPEAKERS SUBJECT TO CHANGE

Visit www.cba.org/pd for more information and to register

Registration Form

Sheraton Ottawa Hotel
150 Albert Street, Ottawa, ON
Phone: 613-238-1500 or 1-800-325-3535
http://www.starwoodhotels.com/sheraton/search/hotel_detail.html?propertyID=665

HOTEL RESERVATION

A block of rooms has been reserved at the Sheraton Ottawa Hotel for conference attendees. **Please contact the Sheraton directly at 613-238-1500 or 1-800-325-3535 to make your reservation. Please quote, "Canadian Bar Association Privacy and Access Law Symposium," when reserving to obtain the preferred rate. The preferred room rate is available until Thursday, August 19.**

TRAVEL

Air Canada is the official carrier for all our CBA meetings. In order to receive a 10% discount, you must book your flight on-line at www.aircanada.ca and indicate the promotion code **4N77WF41**. The discount is not available if you call Air Canada directly.

CAR RENTAL

AVIS, the official rental car supplier of the CBA, offers several special rates. Call 1-800-331-1600 or visit www.avis.com to reserve your car. You must quote discount number **C136498**.

REGISTRATION

Pay by credit card (Visa, MasterCard or Amex), or send cheque or money order made payable to the Canadian Bar Association together with this registration form to:

Ashley Woodford
PD Coordinator, Canadian Bar Association
865 Carling Ave., Suite 500
Ottawa, ON, K1S 5S8 or
Fax: 613-237-0185
Email: ashleyw@cba.org

Invoices will not be issued. Payment must be received prior to the conference. All receipts will be sent after the conference.

REFUND POLICY: There will be a 20% administrative charge for any cancellation received in writing prior to August 19, 2010. No refund will be given after August 19. There will be no refunds for "no-show" registrants.

PERSONAL INFORMATION CONSENT

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By checking this box , I do not wish my contact information disclosed to the preferred suppliers, sponsors, and exhibitors of this program. I understand that my name will not appear on the delegates list.

Privacy and Access Rights in the Age of Technology: The State of Canadians' Information Rights in 2010 and Beyond September 19-20, 2010

	FEE	HST	TOTAL
<input type="checkbox"/> CBA Members	\$375.00	\$48.75	\$423.75
<input type="checkbox"/> Students (CBA Members)	\$115.00	\$14.95	\$129.95
<input type="checkbox"/> Public Sector	\$400.00	\$52.00	\$452.00
<input type="checkbox"/> Non-Members	\$425.00	\$55.25	\$480.25

Registration is also available online at www.cba.org/pd

- Yes, I would like to purchase a ticket for the Sunday, September 19, conference Reception and Dinner with Keynote Speakers at the Sheraton Ottawa Hotel** (see agenda for full information). *Admission to the dinner is not included in conference registration, dinner tickets are available at the cost of \$62.15*

Dinner: \$62.15 (\$55.00 + \$7.15HST)

- Yes, I would like to join the CBA now and pay the member fee to attend this program. I understand that a membership representative will be contacting me.**

CBA Membership No.

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Please indicate special needs (dietary, wheelchair access, etc.)

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