



## Lyndsay A. Wasser

Co-Chair, Privacy & Data Protection  
Co-Chair, Cybersecurity  
Toronto

416.865.7083  
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### education and year of call

- Called to the Ontario bar - 2004
- Osgoode Hall Law School, Certificate in Pension Law - 2016
- Osgoode Hall Law School, LLB - 2003
- York University, Specialized Honours Bachelors Degree in Psychology (*summa cum laude*) - 2000

### practice areas

privacy and data protection  
cybersecurity  
CASL - spam and other electronic threats  
employment and labour relations  
confidential information  
employment law  
employment litigation  
executive compensation  
harassment and discrimination  
labour relations  
freedom of information and access to information

### industries

banking, finance and insurance  
energy  
life sciences  
media, communications and entertainment

### profile

Lyndsay is the Co-Chair of McMillan's Privacy & Data Protection Group and its Cybersecurity Group. She is a Certified Information Privacy Professional/Canada, and regularly advises and assists clients on a broad range of privacy and cybersecurity issues, including advising on access requests, legal requirements related to data security, workplace privacy issues (e.g. background checks, computer/video/phone monitoring, GPS tracking, drug and alcohol testing), handling personal health information, CASL compliance, and transferring personal information across borders, as well as helping organizations to develop privacy compliance programs, privacy and social media policies, data sharing agreements and consent forms.

Lyndsay has extensive experience advising and representing clients in connection with privacy and data breaches involving different types of information including payment card information, patient data, employee personal information, and sensitive identity information. She has assisted clients in a number of industries with risk assessment, breach response strategy, complying with notification obligations, communication with regulators and coordinating forensic investigations.

Lyndsay also advises and assists management with respect to all areas of employment, labour, pension and benefits laws, including advising on hiring, performance management, employment standards, human rights laws and employment terminations, as well as drafting or reviewing employment contracts, compensation plans and employment policies. Lyndsay advocates for clients in wrongful dismissal actions, human rights applications, workers' compensation claims, complaints to the Ministry of Labour, and matters before the Ontario Labour Relations Board and the Canada Industrial Relations Board.

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In addition, Lyndsay regularly provides advice and assistance to vendors and purchasers with respect to the privacy and employment aspects of corporate transactions, including negotiating the terms of purchase agreements, evaluating issues in the transactions, and drafting offer letters and other contracts for transferring employees.

Lyndsay regularly writes and speaks on privacy and employment-related topics, and is the co-author of Privacy in the Workplace, 4th ed. and the Privacy chapter in the Ultimate Corporate Counsel Guide (CCH).

## directorships and professional associations

- International Association of Privacy Professionals
- Ontario Bar Association
- Canadian Bar Association
- Toronto Lawyers Association
- American Bar Association

## representative matters

### Corporate Transactions

- Acted for Roseburg Forest Products, in connection with its first international acquisition of Pembroke MDF, an Ontario MDF and molding facility.

### Cases

- Harper v Ludlow Technical Products Canada Ltd, 2011 CanLII 73172 (ON LRB)
- Critical Path Couriers Ltd., 2011 CIRB 604 (CanLII)

## awards and rankings

Lyndsay is the recipient of multiple Awards in Law, including the Bronze Medal and prizes for placing first in first year law at Osgoode Hall Law School. A complete list of her legal Awards is as follows:

- The Bronze Medal, Osgoode Hall Law School
- Carswell Prize – for placing first in first year law at Osgoode Hall Law School
- McCarthy Tetrault Prize – for placing first in first year law at Osgoode Hall Law School
- McMillan Prize in Contracts
- STEP Prize for Trusts and Estates
- Martin J. Rochweg Prize in Tax, Estates & Trusts Law
- Shibley Righton LLP Prize in Taxation

## media mentions

- "[The Most Futuristic Developments We Can Expect in the Next 10 Years](#)", *Gizmodo*, October 24, 2019
- "[Anti-spam laws are overreaching, say lawyers](#)", by Julius Melnitzer, *Law Times*, April 29, 2019
- "[The battle over data localization](#)", *CBA National*, April 15, 2019
- "UK secures post-Brexit data flow deals with nine countries", by Laura Linkomies, *Privacy Laws & Business International Report*, April 2019
- "[Are you testing for drugs, or for alcohol?](#)", by John Dujay, *Canadian HR Reporter*, April 1, 2019
- "[Into the Breach](#)", by Julius Melnitzer, *Lexpert Business of Law*, November 13, 2018
- "[Rules tighten for reporting data breaches: If 'real risk of significant harm,' intrusions must be reported](#)", by Melissa Campeau, *Canadian HR Reporter*, November 5, 2018
- "CIBC class action could 'send a signal' on data privacy", by Megan O'Toole, *University of Kings College*, July 27, 2018
- "Will in-cab cameras survive privacy challenges?", by Jim Park, *Today's Trucking*, July 17, 2018
- "Smile? On-board cameras can offer in-cab insights", by Jim Park, *Today's Trucking*, July 17, 2018
- "[Uber hack raises disclosure concerns, calls for stronger data protection](#)", by Ian Bickis, *The Canadian Press*, November 23, 2017
- Erased from Posterity. Europe's General Data Protection Regulation will soon come into force, requiring major Canadian companies to carry new costs associated with a higher standard of data privacy", by Brian Burton, *Lexpert Magazine*, November/December 2017
- "[Privacy protection in the data room](#)", by Sandra Rubin, *Lexpert Business of Law*, November 13, 2017
- "[Former Equifax CEO before Congress: human, technical errors led to data breach](#)", *The Business of Law - BNN*, October 3, 2017
- "[European court decision highlights issues around workplace privacy. Monitoring email among challenges for employers](#)", by John Dujay, *Canadian HR Reporter*, October 2017
- "[Equifax to update Canadians this week, still mum on number impacted by hack](#)", by Armina Ligaya, *The Canadian Press*, September 18, 2017
- "[Equifax to reveal Canadian impact of data breach this week as executives face insider trading probe](#)", by Armina Ligaya,

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*The Canadian Press*, September 2017

- "[Equifax says it will update Canadians this week about cyberbreach](#)", *The Canadian Press*, September 2017
- "[Equifax hack: No numbers released yet as company promises Canadian update](#)", by Armina Ligaya, *The Canadian Press*, September 2017
- "[TerraLex Beacon Alert – A Global Perspective on Lessons from Equifax](#)" by Andrea Arteaga, *TerraLex News*, October 2017
- "[Canada: Suspension of CASL private right of action prevents "speculative class action litigation"](#)", by Kaveh Lahooti, *Data Guidance*, June 2017
- "[Canada: Genetic Non-Discrimination Act "limits an employer's ability" to use genetic information](#)", by Kaveh Lahooti, *Data Guidance*, May 2017
- "[Beware of ransomware](#)", *The Business of Law - BNN*, February 3, 2017
- "[When good parties go bad: Employer liability for the office Christmas party](#)" *Business Day PM - BNN*, December 13, 2016
- "[Popular Pokémon GO app attracts criticism on cybersecurity](#)", *The Business of Law - BNN*, July 15, 2016
- "[Is your data safe?](#)" by Ann Macaulay, *CBA National*, May 2, 2016
- "[Why your iPhone security may soon be at risk](#)", *The Business of Law - BNN*, February 19, 2016
- Featured in LexisNexis "Faces Campaign", December 2016
- "[Cybersecurity Liability Come to the Boardroom](#)", by Sandra Rubin, *Lexpert*, October 5, 2015
- "[Disclosure inconsistent as Canada data breaches multiply](#)", by Gary Stoller, *Third Certainty*, October 1, 2015
- "[Are companies doing enough to avoid data breaches?](#)", *The Business of Law - BNN*, August 7, 2015
- "[Risks and rewards of social media employment screening](#)" by Liz Foster, *Canadian HR Reporter TV*, July 2015
- "[School's out for the summer...but teacher strikes loom](#)", *The Business of Law - BNN*, July 17, 2015
- "[Vital to balance employee privacy with security](#)" by Jennifer Brown, *Canadian Lawyer*, May 25, 2015
- "[Managing your privacy risk](#)" by Pablo Fuchs, *National Magazine*, April 2014
- "[Beware! Big Brother culture will have adverse effect on creativity, productivity](#)" by Dan Ovsey, *Financial Post*,

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February 26, 2014

- "[Privacy in the private sector workplace](#)" by Christine Sopora, *National Magazine*, February 14, 2014

## publications

### May 2020


Privacy Penalties – Canadian Competition Bureau Wades Into Privacy Enforcement  
Privacy Law Bulletin, Business Law Bulletin

### February 2020

How Should AI be Regulated in Canada? Speak now, or forever hold your peace!  
Privacy Law Bulletin

### January 2020

IIROC Introduces Mandatory Reporting of Cybersecurity

Incidents for Dealers  LexisNexis Canada Inc.  
Canadian Securities Law News

### December 2019

IIROC Introduces Mandatory Reporting of Cybersecurity Incidents for Dealers  
Securities, Capital Markets, Privacy and Data Protection Bulletin

### October 2019

International Comparative Legal Guide to: Cybersecurity 2020

### September 2019

OPC Maintains Status Quo on Transborder Data Flows...At Least for Now!  
Privacy Bulletin

### June 2019

"Gonna stand my ground; And I won't back down"<sup>1</sup> – The OPC charges forward with its controversial consultation on transborder dataflows/transfers for processing  
Privacy Bulletin

### May 2019

Proposed Digital Charter Could Bring Sweeping Changes to Canadian Privacy Laws  
Privacy Law Bulletin

### April 2019

Is Data Residency Coming to Canada? The OPC Signals a Major Change to its Policy Position on Transborder Dataflows  
Privacy Bulletin

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## **January 2019**

The Privacy Commissioner's Guide to Protecting Personal Information in Cannabis Transactions  
Privacy Bulletin

## **July 2018**

A \$250,000 Reminder that "CASL" is Not Just an Anti-Spam Law  
Business Law Bulletin

## **May 2018**

PIPEDA – How to Obtain "Meaningful" Consent, and When Consent is Not Enough  
Privacy Bulletin

## **May 2018**

PIPEDA's Breach Reporting Requirements Finalized, to Come Into Force November 1, 2018  
Privacy Bulletin

## **April 2018**

Employee Privacy Guidance Note - Canada  
DataGuidance (Updated from May 2017)

## **January 22, 2018**

Employee Monitoring (Canada), Practice Note Practical Law  
(Revised from May 11, 2017)

## **November 2017**

Prying Eyes: Risk of Employee 'Snooping' and How to Reduce it  
Privacy Bulletin

## **October 2017**

Cybersecurity – The Legal Landscape in Canada  
Cybersecurity Bulletin

## **June 2017**

Supreme Court of Canada Turns the Other Cheek: Facebook's "Terms and Conditions" – Forum Selection Clause Unenforceable  
Litigation and Privacy Bulletin

## **June 2017**

CASL Private Right of Action Delayed; Enforcement by CRTC Continues  
Litigation, Business Law and Technology Bulletin

## **June 2017**

Data protection in the field of employment in Canada  
Employment Law and Data Protection Bulletin

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**May 2017**

Privacy in the Workplace, 4<sup>th</sup> Edition  
LexisNexis Canada

**May 2017**

Canada - Employee Privacy Guidance Note  
DataGuidance

**January 2017**

Are You Ready for CASL's Private Right of Action?  
Privacy and Class Action Bulletin

**December 2016**

Privacy Practice Note for LexisNexis Practice Advisor Canada

**November 2016**

Ontario's *Pooled Registered Pension Plans Act* Takes Effect  
Employment and Labour Bulletin

**November 2016**

McMillan Cybersecurity Article Series  
McMillan LLP

**August 2016**

Speak Now: Consultation on Solvency Funding for Defined  
Benefit (DB) Pension Plans  
Employment and Labour Bulletin

**August 2016**

The GDPR – Key Points for Canadian Businesses  
Privacy Bulletin

**June 2016**

Privacy Alert: Proliferation of Access Requests as New Tools  
Automate Request Generation and Distribution  
Privacy Bulletin

**May 2016**

Cybersecurity and the Internet of Things  
Article reprinted from the May 2016, Volume 13, Number 6  
issue of Canadian Privacy Law Review; This article was first  
published in Canadian Corporate Counsel, a Thomson Reuters  
Canada publication

**April 2016**

Privacy and Cybersecurity Issues in Canadian M&A  
Transactions  
Cybersecurity Bulletin  
Deal Points

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**February 2016**

Introducing Safe Harbour 2.0: the EU-US Privacy Shield  
Privacy Bulletin

**February 2016**

Can you keep a secret? The courts recognize a new tort for public disclosure of private facts  
Privacy Bulletin  
Internet and E-Commerce Law in Canada

**October 2015**

Safe Harbour Not Safe Enough: Data Transfers From E.U. To U.S. Out To Sea  
Privacy Bulletin

**October 2015**

Ashley Madison – A new era in privacy class actions for Canada?  
Privacy Bulletin  
Canadian Corporate Counsel, Volume 24, Number 8

**July 2015**

Access Requests  
Privacy Bulletin

**July 2015**

Cloud Computing  
Privacy Bulletin

**July 2015**

Flag on the Play?  
Recent Disclosure of NFL Player's Medical Information Sparks Allegations of Privacy Violations  
Privacy Bulletin

**July 2015**

More Changes to Cyber Security Laws on the Horizon?  
Privacy Bulletin

**July 2015**

McMillan Privacy Basics Bulletin Series  
McMillan LLP

**July 2015**

Data Protection Agreements  
Privacy Bulletin

**July 2015**

Ought We Fear the Time Of Year? Summer Dismissals May Warrant Longer Notice Periods  
Employment and Labour Bulletin



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## **July 2015**

Breach Response Plans  
Privacy Bulletin

## **July 2015**

Cybersecurity  
Privacy Bulletin

## **June 2015**

Privacy Training  
Privacy Bulletin

## **June 2015**

PIPEDA Changes Finally Pass  
Privacy Bulletin

## **June 2015**

Privacy Programs  
Privacy Bulletin

## **June 2015**

Privacy Policies  
Privacy Bulletin

## **June 2015**

Bell Gets a Bad Rap for its RAP (Relevant Advertising Program)  
Privacy Bulletin

## **May 2015**

Monitoring the Mayor – B.C. Mayor alleges that computer  
monitoring violated his privacy  
Privacy Bulletin

## **May 2015**

Off-Colour/Off-Duty – Termination of Hydro One Employee  
Earns Media Attention  
Employment and Labour Bulletin

## **presentations**

### **June 19, 2020**

Privacy Best Practices  
PrivacyConnect Online Toronto

### **April 1, 2020**

Today's Privacy Challenges: Remote Workforces, Consent and  
Sensitive Personal Information  
OBA Privacy and Access to Information Law Program , Webcast

### **February 4, 2020**

2019 Year in Review: Privacy, Data Protection & Cybersecurity  
McMillan LLP, Toronto

### **December 6, 2019**

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Privacy and politics: The AggregateIQ case  
PrivacyRules podcast

**November 7, 2019**

Global Privacy Compliance Seminar  
A McMillan LLP and PrivacyRules Special Event

**November 1, 2019**

Data Breaches & Cybersecurity Incidents  
Data Breaches & Cybersecurity Incidents: The Legal Guide to  
Preparedness and Response - Osgoode Professional  
Development

**May 2019**

Designing an Employee Privacy Program  
IAPP Canada Privacy Symposium 2019

**February 7, 2019**

General Data Protection Regulation (GDPR), Product Liability,  
and Recalls  
Product Liability Conference, Austin, TX

**February 7, 2019**

Privacy Laws & Enforcement  
Product Liability Conference, Austin, TX

**November 8, 2018**

The Regulatory and Legal Landscape for Businesses  
Cybersecurity for Business Leaders, The Globe and Mail's  
Cybersecurity for Business Leaders Summit

**October 29, 2018**

Data Governance and Management: Collection, Storage &  
Transfer of Data in Canada  
2018 CAN-TECH LAW 22nd Annual Conference

**October 25, 2018**

Investing in the Canadian AI Ecosystem  
The CANADA AI Summit

**October 2, 2018**

The Evolving Landscape of Cybersecurity Law in Canada: new  
breach notification obligations and guidance from the regulators  
Association of Corporate Counsel Conference

**May 24, 2018**

IAPP Canada Privacy Symposium 2018  
Algorithms, Data and Bias: The Legal, Privacy and Ethical  
Implications of AI, Toronto, Ontario

**November 27, 2017**

Cybersecurity  
AI World Forum, Toronto, Ontario

**November 14, 2017**

Hot topics for Cybersecurity – Ransomware, Insurance

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McMillan's Second Annual Privacy, Cybersecurity and Data Protection Seminar, Toronto, Ontario

**November 14, 2017**

Breach Response

McMillan's Second Annual Privacy, Cybersecurity and Data Protection Seminar, Toronto, Ontario

**November 14, 2017**

Updates on the Case Law

McMillan's Second Annual Privacy, Cybersecurity and Data Protection Seminar, Toronto, Ontario

**October 26, 2017**

FinTech Regulation and Privacy

Canadian Lenders Summit, Toronto

**June 6, 2017**

Privacy Law Update

2017 Ontario Connections Conference - Access, Privacy, Security, Records Management, Toronto, Ontario

**May 1, 2017**

Legal Implications of Cybersecurity

ACFI Annual Fraud Conference, Toronto, Ontario

**April 2017**

Privacy Policies of the Future

Privacy Law Summit, Toronto, Ontario

**June 7, 2016**

Privacy Law Update

2016 Ontario Connections, Access, Privacy, Security & Records Management Conference

**May 31, 2016**

Management Rights or Prying Eyes?: Disentangling the law of workplace surveillance

Audio Conference, Lancaster House

**May 16, 2016**

Current Issues in Privacy Law and CASL

IT Law Spring Forum 2016

**March 31, 2016**

The latest legal and regulatory developments - implications for the industry

2016 CLHIA Cyber Security Conference

**February 4, 2016**

Internet of Things - the Next Generation

Toronto Intellectual Property Group, Toronto, Ontario

**November 19, 2015**

Cybersecurity Landscape in 2015 – Recent Trends and Developments



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Toronto Computer Lawyers' Group, Toronto, Ontario

**September 24, 2015**

Drafting Employment Contracts

Association of Corporate Counsel Seminar, Toronto