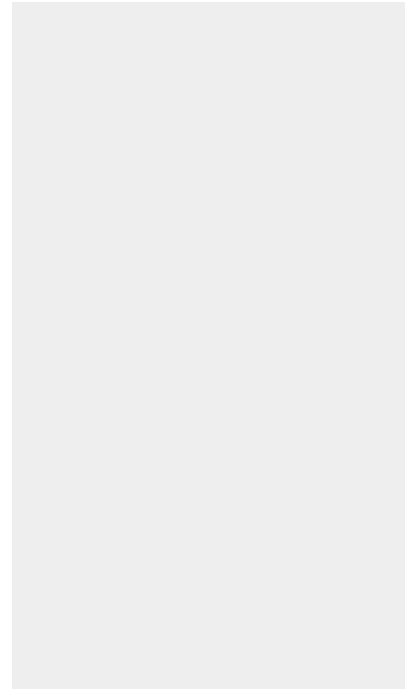
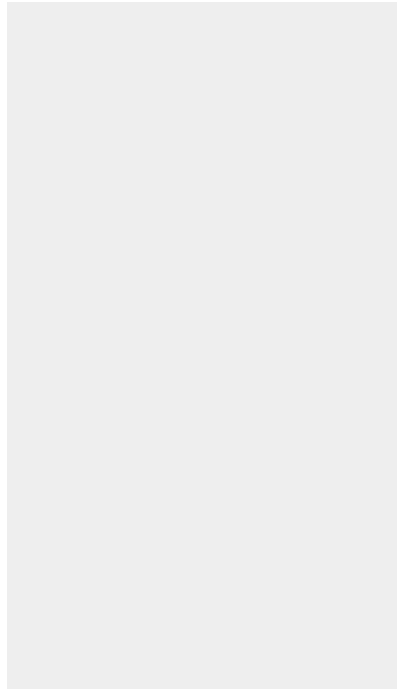


KRISTEN PENNINGTON



Categories: [People](#), [Lawyers](#)

Kristen Pennington maintains a dynamic practice in privacy, data protection and employment law. She assists emerging and established companies across a range of industries, including manufacturing and technology, and provides insights into Canada's distinct laws in these disciplines to support businesses entering or investing in the Canadian market.

As a **Certified Information Privacy Professional / Canada (IAPP)**, Kristen counsels clients on a wide variety of privacy and data security issues, including cross-border transfers of personal information, preventing and responding to data breaches, and evaluating the privacy law implications of new products, services, technologies and initiatives. She helps clients develop robust privacy compliance programs, including policies governing employees' handling of personal information, data subject rights requests and vendor management, and frequently drafts privacy policies, cookie banners, consent forms, acceptable use policies and privacy and data protection terms in an array of commercial agreements.

Working with employers, Kristen advises on employee privacy issues, including conducting background checks, developing employee privacy policies, collecting employees' personal information during a pandemic, and selecting and engaging payroll and other service providers who handle employees' personal information.

Experienced in all areas of employment law, Kristen advises employers on hiring and dismissals, employment contracts, performance management and discipline, employment policies, and compliance with employment standards and human rights laws.

An experienced litigator, Kristen has appeared before the Ontario Superior Court, the Ontario Court of Appeal, the Ontario Human Rights Tribunal, the Ontario Labour Relations Board, and the Canadian Railway Office of Arbitration and Dispute Resolution, as well as at various mediations. She regularly assists employers with negotiating timely and practical resolutions to wrongful dismissal, constructive dismissal, discrimination, contractor mischaracterization and other employment-related allegations.

An area of particular expertise for Kristen is assisting employers in developing and implementing effective discrimination, violence and harassment policies and programs, and managing workplace complaints. She also provides training on workplace investigations, employee accommodation and management of conflict in the workplace.

Kristen has assisted vendors and purchasers with assessing the employment and privacy law implications of corporate transactions. She also regularly collaborates with international counsel to advise on the Canadian privacy and/or employment law considerations of multijurisdictional projects.

Email: kristen.pennington@mcmillan.ca

Expertise: Employment & Labour Relations, Manufacturing, Privacy & Data Protection, Startups & Emerging Companies, Technology

LinkedIn: www.linkedin.com/in/kristen-pennington-91a16477

Location: Toronto

Phone: 416.865.7943

Position/Title: Partner, Privacy & Data Protection | Employment & Labour Relations

Community Involvement:

- Mentor in the Glendon College Mentorship Program
- Judge at the Lloyd Dean Moot, hosted by the Windsor Chapter of the Black Law Students' Association

(2022)

Directorships & Affiliations:

- Ontario Bar Association, Privacy Section
- International Association of Privacy Professionals, Member

Publications:

- "[International Comparative Legal Guide to Data Protection 2022 - Canada](#)," Global Legal Group, 9 edition, p. 71-83 (June 2022)
- "[Clearview AI Ordered to Comply with Provincial Regulators' Privacy Recommendations](#)," Canadian Privacy Law Review, Vol. 19 #4, p.64-68 (March 2022)
- "[Federal Privacy Commissioner Releases More Guidance for Video Conferencing Companies](#)," Canadian Privacy Law Review, Vol. 19, #3 (February 2022)
- "[Data Protection & Privacy Laws – Canada](#)," Financier Worldwide Ltd., INDepth Feature (August 2021)
- "[International Comparative Legal Guide to Data Protection 2021 – Canada](#)", Global Legal Group, 8 edition, p. 60-71
- "[International Comparative Legal Guide to Cybersecurity 2021 – Canada](#)", Global Legal Group, 4 edition, p. 49-57
- "[Employment Record Retention Guidance Note – Canada](#)," OneTrust DataGuidance (October 2020)
- "Employee Privacy Guidance Note – Canada," OneTrust DataGuidance
- "[International Comparative Legal Guide to Cybersecurity 2020 – Canada](#)", Global Legal Group, 3 edition, p.-43-50
- "[General Data Protection Regulation, Product Liability, and Recalls](#)," In-House Defense Quarterly (Winter 2020)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 2015

Degree: Certified Information Privacy Professional / Canada

University: International Association of Privacy Professionals

Year: 2022

Degree: Intensive Trial Advocacy Program

University: York University, Osgoode Hall Law School

Year: 2019

Degree: JD

University: University of Toronto, Faculty of Law

Year: 2014

Degree: Honours BA, Canadian Studies

University: York University, Glendon College

Year: 2011

Media Mentions:

- "[Reasonableness and transparency required for employee monitoring](#)," by Aidan Macnab, *Canadian Lawyer Magazine* (January 30, 2024)
- "[Ontario court ruling shows zero tolerance in sexual harassment case](#)," The Alan Carter Radio Program, Toronto 640 News (April 22, 2022)
- Kristen is a regular contributor to a variety of leading employment and privacy law publications, including *Employment Law Today*, *Employment Law Bulletin*, *Labour Notes*, *Canadian Employment Safety and Health Guide*, *Canadian Corporate Counsel*, *In-House Defense Quarterly*, *Internet and E-Commerce Law*, and *Canadian Privacy Law Review*.
- Kristen has also been interviewed and quoted by a variety of news sources nationwide, including *The Globe and Mail*, Metro News, CTV, Global News, Yahoo and CBC's *The National*.

Speaking Engagements:

- Employment Law Masterclass: Employee Monitoring – Employees’ Rights and Employers’ Obligations
- February 15, 2024
- <https://bit.ly/3rPF6rh>

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- #RISK DIGITAL: Behind Closed Doors – Navigating Insider Threats in the Digital Age

- February 13, 2024

- <https://www.privacyrules.com/bill-c-27-overview-of-the-digital-charter-implementation-act/>

- TerraLex Technology & Digital Business Industry Meeting: Upcoming Changes to Quebec's Privacy Laws – What Global Companies Need to Know

- The Alan Carter Radio Program (Toronto 640 News): Ontario Court Ruling Shows Zero Tolerance in Sexual Harassment Case

- April 22, 2022

- <https://bit.ly/3rPF6rh>

- PrivacySec Global Webinar: How to Prevent Misdirected Emails – The Dreaded “Reply-All”, Cc and Wrong Recipient Errors

- February 15, 2022

- <https://maytree.com/five-good-ideas/five-good-ideas-about-workplace-harassment/>

- PrivacyRules Webinar: Destination Normal – Canadian Privacy Regulators Address Vaccine Passports

- June 17, 2021

- <https://maytree.com/five-good-ideas/five-good-ideas-about-workplace-harassment/>

- Ontario Bar Association Panel: Requesting Proof of COVID-19 Vaccinations from Customers and Clients

- March 1, 2021

- Upload File

- Ontario Bar Association Panel: Workplace Harassment Investigations

- February 24, 2021

- Upload File

- HR Insider Webinar: Mandatory Vaccination Policies – Enforceable or a Shot in the Dark?

- February 10, 2021

- Upload File

- Terralex Data Privacy Day Series: The Rise of Privacy Torts in Canada

- January 28, 2021

-

<https://www.privacyrules.com/privacy-global-expertise/privacyrules-webinar-data-breach-notifications-fines-canada-0006130.html>

-
- MayTree Foundation Webinar: Five Good Ideas About Preventing and Addressing Workplace Harassment
 - <https://maytree.com/five-good-ideas/five-good-ideas-about-workplace-harassment/>

-
- Ontario Bar Association Panel: Mastering Summary Judgment Motions
 - October 27, 2020
 - Upload File

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- Global Livestream – Global Privacy Day: Safeguarding AI Data
 - January 25, 2024
 - <https://www.privacyrules.com/bill-c-27-overview-of-the-digital-charter-implementation-act/>

-
- Association of Certified Forensic Investigators' Annual Conference: Handling Harassment Investigations – How to Minimize Workplace Disruption & Legal Liability
 - May 26, 2020

-
- PrivacyRules Comparative Webinar: Data Breach Notifications & Fines in Canada, Hong Kong and Poland
 - March 7, 2020
 - <https://www.privacyrules.com/privacy-global-expertise/privacyrules-webinar-data-breach-notifications-fines-canada-0006130.html>

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- Glendon College: Glendon Grads Address Canada @ 150
 - September 23, 2017
 - Upload File

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- Global Livestream – Global Privacy Day: Data Transfers – Bridging the Gap from Policy to Implementation
 - January 25, 2024
 - <https://www.privacyrules.com/bill-c-27-overview-of-the-digital-charter-implementation-act/>

-
- Privacy Espresso Podcast: The Intersection of Privacy Law & AI Technologies in Canada
 - January 11, 2024
 - <https://maytree.com/five-good-ideas/five-good-ideas-about-workplace-harassment/>
-

- PrivSec Global Webinar: Workplace AI Policies – Does Your Company Need Them?
- November 29, 2023
- <https://www.privacyrules.com/bill-c-27-overview-of-the-digital-charter-implementation-act/>

-
- Ontario Bar Association Panel: Privacy Laws and the Private Sector
 - June 21, 2023
 - <https://www.privacyrules.com/bill-c-27-overview-of-the-digital-charter-implementation-act/>

-
- PrivacyRules Webinar: Bill C-27 – Overview of the Digital Charter Implementation Act, 2022
 - May 16, 2023
 - <https://www.privacyrules.com/bill-c-27-overview-of-the-digital-charter-implementation-act/>

-
- PrivSec Global Webinar: Should Society Tolerate Widespread Use of Facial Recognition?
 - June 29, 2022
 - <https://maytree.com/five-good-ideas/five-good-ideas-about-workplace-harassment/>

-
- Portfolio Management Association of Canada's Regulatory & Compliance Forum: Privacy & Cybersecurity Hot Topics
 - May 26, 2022
 - <https://bit.ly/3rPF6rh>

Representative Matters: Privacy Law Matters

- Privacy counsel to a leading global fast-food restaurant chain
- Privacy counsel to the Canadian arm of an international humanitarian organization
- Drafted Canadian privacy policies for luxury fashion and automobile brands, food services companies, payment solutions providers, IT providers, manufacturers of medical equipment, and various ecommerce platforms
- Developed a website privacy policy, cookie policy and cookie banner for a renowned European fashion house
- Developed various privacy notices for a purchasing and services cooperative in the food service industry
- Assisted a multi-entity human resources and benefits organization with the development of a Canadian privacy compliance program
- Assisted an international welding supply company with the development of a Canadian privacy compliance program

- Assisted a large North American manufacturer and retailer of footwear with developing a privacy compliance program involving the cross-border transfer of employee personal information
- Assisted a financial services company with evaluating its obligations with respect to the cross-border transfer and storage of personal information
- Assisted a paper and packaging company with strategic data breach reporting and notification advice
- Assisted a medical device manufacturer with responding to an inadvertent disclosure of customers' personal information
- Assisted an organization in the insurance industry with responding to a ransomware incident

Employment Law Matters

- Successfully appealed trial court's decision with respect to the dismissal of an employee who engaged in sexual harassment in *Hucsko v. A.O. Smith Enterprises Ltd.*, 2021 ONCA 728
- Assisted a board of directors with managing, investigating and responding to sensitive workplace harassment and discrimination complaints involving senior leadership
- Acted for a transportation company with respect to the dismissal of an employee involved in a high-profile fatal accident
- Assisted an international software company with its entry into the Canadian market, including establishing template employment agreements and compensation plans, and implementing mandatory employment policies
- Assisted a US-based workplace technology company with its entry into the Canadian market, including hiring a Canadian workforce
- Assisted a UK-based developer of cybersecurity software with its entry into the Canadian market, including establishing template employment agreements and hiring policies
- Go-to employment counsel to a variety of manufacturers, including manufacturers of packaging solutions, pet products, industrial pumps, and life sciences products
- Go-to employment counsel to a variety of engineering and engineering consulting firms
- Go-to employment counsel to leading not-for-profit organizations, including cultural centres, national health research funders, health promotion organizations, and political research centres
- Acted for a variety of employers in wrongful dismissal and human rights disputes, including leading payment card, cannabis, construction, software, security solutions, and not-for-profit organizations

Corporate Transactions

- Provided privacy law advice in connection with the acquisition of a forensics and digital investigation software company

- Provided privacy law advice in connection with the acquisition of a global pharmaceutical manufacturing and research company
- Provided employment and privacy law advice to an international consulting firm in connection with its entry into the Canadian market through the acquisition of a leading health consulting company
- Provided employment law advice to HCI Equity in connection with the acquisition by AmerCareRoyal, LLC of McNairn Packaging
- Provided employment law advice to a publicly-traded payment company in connection with its acquisition of a Canadian fintech firm
- Provided employment law advice to a private equity firm in connection with its acquisition of an online content removal business
- Provided employment law advice to a private equity firm and its portfolio company in connection with its acquisition of a manufacturer of animal litter

Industries: Manufacturing, Startups & Emerging Companies, Technology

Practices: Employment & Labour Relations, Privacy & Data Protection