

LYNDSAY A. WASSER*

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

Lyndsay Wasser is a highly experienced lawyer practising in the areas of data protection, privacy and cybersecurity. She is a certified information privacy professional / Canada (IAPP), and provides support and legal counsel on a broad range of privacy and cybersecurity issues to clients in a variety of industries. Lyndsay leads the firm's Privacy & Data Protection Group nationally.

Lyndsay advises 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. She also helps organizations develop privacy compliance programs, privacy and social media policies, data sharing agreements and consent forms. Lyndsay advises on privacy and data breaches involving different types of information including payment card information, patient data, employee personal information and sensitive identity information. She assists clients with risk assessment, breach response strategy, complying with notification obligations, communicating with regulators and coordinating forensic investigations.

In addition to her work in data protection and privacy, Lyndsay counsels management in all areas of employment law, including hiring, performance management, employment standards, human rights laws and employment terminations. She provides assistance in drafting and reviewing employment contracts, compensation plans and employment policies. She also regularly provides advice and assistance on 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.

A regular speaker and contributor on privacy law and cybersecurity law, Lyndsay is the co-author of *Privacy in the Workplace*, 4th edition and the chapter on privacy in the *Ultimate Corporate Counsel Guide* (CCH).

Email: lyndsay.wasser@mcmillan.ca

Expertise: Banking & Finance, Employment & Labour Relations, Marketing & Advertising, Privacy & Data Protection, Technology

Location: Toronto

Phone: 416.865.7083

Position/Title: Partner, Privacy & Data Protection

Directorships & Affiliations:

- International Association of Privacy Professionals
- Ontario Bar Association
- Canadian Bar Association

Publications:

- "[Ontario cybersecurity panel could shape privacy and data security legislation, say lawyers](#)," The Lawyer's Daily, November 5, 2020
- "International Comparative Legal Guides," [Cybersecurity 2021, Fourth Ed.](#) (November 2020)
- "Reporting and Recording Breaches of Security Safeguards – The OPC releases new resources for businesses," Privacy and Cybersecurity Bulletin (September 2020)
- "Privacy Penalties – Canadian Competition Bureau Wades Into Privacy Enforcement," Privacy Law Bulletin, Business Law Bulletin (May 2020)
- "IIROC Introduces Mandatory Reporting of Cybersecurity Incidents for Dealers," LexisNexis Canada Inc. Canadian Securities Law News (January 2020)
- "[International Comparative Legal Guide to: Cybersecurity 2020](#)" (October 2019)
- "Data Protection and Cybersecurity in Canada," Franchise Law Journal, Vol.39, No.1, Summer 2019 (October 2019)
- "Employee Privacy Guidance Note - Canada," DataGuidance (Updated from May 2017) (April 2018)
- "Employee Monitoring (Canada)," Practice Note Practical Law (Revised from May 11, 2017) (January 22, 2018)
- "Canada - Employee Privacy Guidance Note," DataGuidance (May 2017)
- "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 (May 2016)
- "Privacy Chapter," Author, Ultimate Corporate Counsel Guide for CCH (Spring 2014)
- "[Managing Your Privacy Risk, An In-House Guide](#)," Contributor, CCCA (Canadian Corporate Counsel Association) Magazine, author: Pablo Fuchs, Vol. 8, No. 1 (Spring 2014)
- "[Ontario Court of Appeal recognises new tort for invasion of privacy](#)," Insurance & Reinsurance ILO Newsletter (March 2012)

- "[Background Checks – Uncovering Ominous Pasts](#)," The Lawyers Weekly (July 2011)
- "[Workplace Violence and Harassment: New Obligations Under the Occupational Health And Safety Act](#)," (December 2009)
- "[More Restrictions on Restrictive Covenants: The SCC's Decision in Shafron v. KRG Insurance Brokers \(Western\)](#)," Employment and Labour Relations Bulletin (February 2009)
- "[Application of Privacy Laws to Employee Information in a Sale of Business](#)," OBA Privacy Law Review, Eye on Privacy, Volume 9, No. 1 (December 2008)
- "[The Importance of an Anti-Discrimination Policy](#)," Employment and Labour Relations Bulletin (October 2008)
- "[Family Fun in February?](#)," Employment & Labour Relations Bulletin (January 2008)
- "[Uh Oh Overtime!](#)," Employment and Labour Relations Bulletin (July 2007)
- "Dismissal Before Conviction: Can an Employee Charged with a Criminal Offence be Dismissed for Cause?," 16 E.L.L.R., Vol. 16, No. 2 (May 2006)
- "Book Review – International Labour Standards: Globalization, Trade and Public Policy" Canadian Labour & Employment Law Journal, Vol. 12, No. 1 (2005)
- "Pension Surplus Distribution on a Partial Wind Up: The Supreme Court of Canada's Decision in Monsanto Canada Inc.," 14 E.L.L.R., Vol. 14, No. 8 (November 2004)
- "Case comments published in the 'Employment and Labour Law,'" (October 2004)
- Reporter' on the following cases:
 - Ontario Nurses' Association v. St. Joseph's Health Centre, [2005] O.J. No. 2874
 - Bravo v. Etobicoke Ironworks Ltd., [2005] O.J. No. 2070
 - Boland v. APV Canada Inc., [2004] O.J. No. 361

Education & Admissions:

Degree: Called to the Ontario Bar

Year: 2004

Degree: Certificate in Pension Law

University: Osgoode Hall Law School,

Year: 2016

Degree: LLB

University: Osgoode Hall Law School

Year: 2003

Degree: BA, Psychology (summa cum laude)

University: York University, Specialized Honours

Year: 2000

Media Mentions:

- "[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*, February 26, 2014
- "[Privacy in the private sector workplace](#)" by Christine Sopora, *National Magazine*, February 14, 2014

Rankings & Recognition: 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

Speaking Engagements:

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

- November 20, 2020

- Privacy Across Borders : Privacy and Access to Information Law Section Ontario Bar Association

- September 17, 2020

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

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

- October 29, 2018

- Investing in the Canadian AI Ecosystem The CANADA AI Summit

- October 25, 2018

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

- October 2, 2018

- Cybersecurity AI World Forum, Toronto, Ontario

- November 27, 2017

- Upload File

- FinTech Regulation and Privacy Canadian Lenders Summit, Toronto

- October 26, 2017

- Upload File

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

- June 6, 2017

- Upload File

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- Legal Implications of Cybersecurity ACFI Annual Fraud Conference, Toronto, Ontario
 - May 1, 2017

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- Privacy Policies of the Future Privacy Law Summit, Toronto, Ontario
 - https://www.oba.org/CBAMediaLibrary/cba_on/pdf/PD/2017/17PRI0407C.pdf

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- Privacy Law Update 2016 Ontario Connections, Access, Privacy, Security & Records Management Conference
 - June 7, 2016
 - Upload File

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- Privacy Best Practices PrivacyConnect Online Toronto
 - June 19, 2020

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- Current Issues in Privacy Law and CASL IT Law Spring Forum 2016
 - May 16, 2016

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- The latest legal and regulatory developments - implications for the industry 2016 CLHIA Cyber Security Conference
 - March 31, 2016
 - [https://www.clhia.ca/domino/html/clhia/CLHIA_LP4W_LND_Webstation.nsf/resources/Events/\\$file/CLHIA_IT_Security_Agenda_2016.pdf](https://www.clhia.ca/domino/html/clhia/CLHIA_LP4W_LND_Webstation.nsf/resources/Events/$file/CLHIA_IT_Security_Agenda_2016.pdf)

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- Cybersecurity Landscape in 2015 – Recent Trends and Developments Toronto Computer Lawyers' Group, Toronto, Ontario
 - November 19, 2015
 - Upload File

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- 2015 Drafting Employment Contracts Association of Corporate Counsel Seminar, Toronto
 - September 24,
 - Upload File

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- Privacy in the Workplace CCH Webinar with colleague Éloïse Gratton

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- Workplace Privacy - Social Media Checks Lexpert Seminar on Information Privacy and Data Protection
 - December 9, 2013
 - [Upload File](#)

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- Top Five Workplace Privacy Issues IAPP Canada Privacy Symposium
 - May 24, 2013
 - [Upload File](#)

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- Social Media Background Checks in Canada - Do the Risks Outweigh the Rewards? CCCA National Spring Conference
 - April 2013

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- Preventing and Responding to Privacy Breaches in the Workplace Lexpert course on Information Privacy and Data Protection: Technology, Security and Corporate Responsibility in Today's Marketplace
 - November 6, 2012
 - [Upload File](#)

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- Privacy 102: Identifying and Developing Role-Specific Privacy Education Speaker at IAPP Canada Privacy Symposium 2012
 - May 2012
 - [Upload File](#)

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- Today's Privacy Challenges: Remote Workforces, Consent and Sensitive Personal Information OBA Privacy and Access to Information Law Program , Webcast
 - April 1, 2020

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- Employee Privacy Speaker at Workplace Privacy: Information Privacy and Data Protection Course, Lexpert
 - December 2011
 - [Upload File](#)

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- 2019 Year in Review: Privacy, Data Protection & Cybersecurity McMillan LLP, Toronto
 - February 4, 2020
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- Privacy and politics: The AggregateIQ case PrivacyRules podcast

- December 6, 2019

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<https://www.privacyrules.com/privacy-global-expertise/privacy-politics-aggregateiq-case-implications-digital-0005302.html>

- Global Privacy Compliance Seminar A McMillan LLP and PrivacyRules Special Event

- November 7, 2019

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

- November 1, 2019

- Designing an Employee Privacy Program IAPP Canada Privacy Symposium 2019

- May 2019

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

- February 7, 2019

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)

Industries: Banking & Finance, Marketing & Advertising, Technology

Practices: Employment & Labour Relations, Privacy & Data Protection