

## LYNDSAY A. WASSER\*



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

Lyndsay leads McMillan's Data Management Group nationally. She is a strategic advisor to organizations in the technology industry, and companies in all industries that collect, use, store and otherwise process personal information. She provides practical advice and solutions that allow clients to leverage data while meeting their regulatory obligations and maintaining consumer trust, based on her in-depth knowledge of privacy, data protection and cybersecurity laws across Canada.

Lyndsay helps clients conduct privacy impact assessments and develop comprehensive privacy compliance and vendor management programs, including designing appropriate policies and procedures, training, and template documents. With over 15 years of experience in privacy and data protection law, Lyndsay advises on a broad range of matters, including requirements and restrictions related to obtaining valid consent to process personal information, data security, employee privacy, handling sensitive personal information (including personal health information, financial information, biometrics, and demographic data), data analytics, web

scraping, electronic monitoring, background checks, social media, smart homes, smart cars, IoT, AI, and transferring personal information across borders. She is adept at coordinating legal strategy with counsel in other jurisdictions, as well as assisting organizations to understand and reconcile differences between Canadian laws and legal requirements in other countries.

Lyndsay is an experienced data breach coach who assists clients with navigating risk assessments, executing response and mitigation strategies, meeting reporting obligations, and communicating with regulators. She also regularly drafts and negotiates data processing agreements, as well as privacy and data protection terms in a wide variety of commercial and consumer contracts. In addition, she provides advice and assistance on the privacy and data protection aspects of corporate transactions.

Lyndsay is co-author of *Privacy in the Workplace*, 4<sup>th</sup> ed., and Canadian chapters in the International Comparative Legal Guides on Cybersecurity (2020/2021) & Data Protection (2021/2022). She has been recognized by *Best Lawyers in Canada* in Privacy and Data Security Law (2022/2023), as a *Mondaq Thought Leader for Data Protection, Canada* (2021), by *Thomson Reuters Stand-Out Lawyers* (2021/2022), in the 2022 *Canadian Legal Lexpert Directory* for Data Privacy and in the 2022 *Lexpert Special Edition on Canada's Leading Technology & Health Sciences Lawyers*. She is Chair of the Data Breach committee of PrivacyRules, a global alliance of privacy professionals, as well as Co-Director of the Osgoode Certificate in Privacy and Cybersecurity Law. She has been a Certified Information Privacy Professional/Canada through the International Association of Privacy Professionals since 2013.

In addition to her Data Management practice, Lyndsay counsels employers in all areas of employment law, including hiring, employment agreements, incentive compensation plans, performance management, terminations, employment standards and human rights laws.

**Email:** [lyndsay.wasser@mcmillan.ca](mailto:lyndsay.wasser@mcmillan.ca)

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

**LinkedIn:** <https://ca.linkedin.com/in/lyndsay-wasser-28b6a158>

**Location:** Toronto

**Phone:** 416.865.7083

**Position/Title:** Partner, Privacy & Data Protection

## Directorships & Affiliations:

- International Association of Privacy Professionals, Certified Information Privacy Professional/Canada
- Ontario Bar Association
- Canadian Bar Association
- Advisory board member of [The Osgoode Certificate in Privacy & Cybersecurity Law](#) (2021 and 2022)
- Co-director of The 2023 Osgoode Certificate in Privacy & Cybersecurity Law
- Faculty member of the Fundamentals of Data Breaches & Cybersecurity Incidents: Online Primer and Data Breaches & Cybersecurity Incidents: The Legal Guide to Preparedness and Response programs

## Publications:

- "[International Comparative Legal Guide to Data Protection 2022 - Canada](#)," Global Legal Group, 9 edition, p. 71-83 (June 2022)
- "[International Comparative Legal Guide to Data Protection 2021 – Canada](#)," Global Legal Group, 8 edition, p. 60-71
- "[Ontario cybersecurity panel could shape privacy and data security legislation, say lawyers](#)," The Lawyer's Daily (November 5, 2020)
- "[Cybersecurity 2021, Fourth Ed.](#)," International Comparative Legal Guides, Lyndsay A. Wasser et Kristen Pennington (November 2020)
- "[International Comparative Legal Guides](#)," Cybersecurity 2021, Fourth Ed. (November 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)
- "[Privacy in the Workplace](#)," 4rd Edition, LexisNexis Canada (May 2017)
- "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 Practice Note for LexisNexis Practice Advisor Canada," (December 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 recognizes 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:** Certified Information Privacy Professional/Canada

**University:** International Association of Privacy Professionals

**Year:** 2013

---

**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:**

- "[Top privacy concerns around mandatory vaccines](#)," by John Dujay, Canadian HRReporter, September 8, 2021
- "[In home switch companies risk exposing private data](#)," Automotive News, August 2020
- "[The Most Futuristic Developments We Can Expect in the Next 10 Years](#)," by George Dvorsky, 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*, novembre/décembre 2017
  - "[Privacy protections 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 reveal Canadian impact of data breach this week as executives face insider trading probe](#)," by Armina Ligaya, *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*, 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:

- Recognized in the 2023 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Data Privacy
- Recognized by *Best Lawyers in Canada* (2023) as a leading lawyer in the area of Privacy and Data Protection
- Recognized in the 2022 Lexpert Special Edition on Canada's Leading Technology & Health Sciences Lawyers
- Recognized in the 2022 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Data Privacy
- Thompson Stand-Out Lawyers (2021 and 2022)
- Recognized by MONDAQ Thought Leadership Award (2021) for Data Protection as #1 lawyer in Canada
- Recognized by *Best Lawyers in Canada* (2022) as a leading lawyer in the area of Privacy and Data Protection
- *Acritas Stars*: Recognized as a Star Lawyer in 2021
- 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: How to Prepare for the Worst and Get Through the Rest, 19th Annual CACE Conference
- September 23, 2022

- <https://www.counseltoemployers.ca/conferences>

---

- Privacy in the Workplace: The Osgoode Certificate in Privacy and Cybersecurity Law

- April 25, 2022

- [https://osgoodepd.ca/wp-content/uploads/2020/09/YK13318-Certificate-in-Privacy-and-Cybersecurity\\_rev5.pdf](https://osgoodepd.ca/wp-content/uploads/2020/09/YK13318-Certificate-in-Privacy-and-Cybersecurity_rev5.pdf)

---

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

---

- 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

---

- Privacy Laws & Enforcement Product Liability Conference, Austin, TX

- February 7, 2019

---

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

- February 7, 2019

- Upload File

---

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

- November 8, 2018

- Link

---

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

- October 29, 2018

- Upload File

---

- 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

- [https://www.oba.org/CBAMediaLibrary/cba\\_on/pdf/PD/2017/17PRI0407C.pdf](https://www.oba.org/CBAMediaLibrary/cba_on/pdf/PD/2017/17PRI0407C.pdf)

---

- Cybersecurity AI World Forum, Toronto, Ontario

- November 27, 2017

- Upload File

---

- Effective Cyber Solutions to Prevent a Data Breach: What Insurance Companies Should Foresee, Speaker at Privacy Rules Cybersecurity Partnership Program

- September 29, 2021

---

- FinTech Regulation and Privacy Canadian Lenders Summit, Toronto

- October 26, 2017

- [https://www.oba.org/CBAMediaLibrary/cba\\_on/pdf/PD/2017/17PRI0407C.pdf](https://www.oba.org/CBAMediaLibrary/cba_on/pdf/PD/2017/17PRI0407C.pdf)

---

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

- June 6, 2017

- [https://www.oba.org/CBAMediaLibrary/cba\\_on/pdf/PD/2017/17PRI0407C.pdf](https://www.oba.org/CBAMediaLibrary/cba_on/pdf/PD/2017/17PRI0407C.pdf)

---

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

- May 1, 2017

- Upload File

---

- Privacy Policies of the Future Privacy Law Summit, Toronto, Ontario

- April 2017

- Link

---

- Privacy Law Update 2016 Ontario Connections, Access, Privacy, Security & Records Management Conference

---

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

- May 16, 2016

- Upload File

---

- The latest legal and regulatory developments - implications for the industry 2016 CLHIA Cyber Security Conference

- March 31, 2016

- Link

---

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

- November 19, 2015

---

- 2015 Drafting Employment Contracts Association of Corporate Counsel Seminar, Toronto

- September 24, 2015

- Upload File

---

- Privacy in the Workplace CCH Webinar with colleague Éloïse Gratton

- January 16, 2014

- Upload File

---

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

- November 20, 2020

---

- Workplace Privacy - Social Media Checks Lexpert Seminar on Information Privacy and Data Protection

- December 9, 2013

- Upload File

---

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

- September 17, 2020

---

- Preparing Your Organization for the Next Crisis International Foundation of Employee Benefit Plans

- July 16, 2020

-

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

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

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

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

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

- 
- 2019 Year in Review: Privacy, Data Protection & Cybersecurity McMillan LLP, Toronto
  - February 4, 2020

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

- 
- Privacy and politics: The AggregateIQ case PrivacyRules podcast
  - December 6, 2019

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

**Industries:** Banking & Finance, Marketing & Advertising, Technology

**Practices:** Employment & Labour Relations, Privacy & Data Protection