

MITCH KOCZERGINSKI



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

Mitch Koczerginski, a highly skilled and strategic commercial litigator, has a practice that focuses on commercial leasing, franchising & distribution, and privacy & data protection matters.

Mitch's advice leads to practical and tailor-made solutions to complicated legal issues. His clients engage him on a broad range of commercial matters because they value his creative approach to conflict resolution, in-depth understanding of their business objectives and concerns, and his proven track record of obtaining favourable outcomes. He adeptly advises clients in emergency situations, whether it be data breaches involving sensitive personal and confidential information or urgent commercial landlord and tenant matters.

Mitch has appeared before the Federal Court, the Federal Court of Appeal, and all levels of court in Ontario, and routinely represents clients in interactions with Canadian data protection authorities, including the Office of the Privacy Commissioner of Canada and its provincial counterparts.

Always at the forefront of industry trends and emerging issues, Mitch is frequently invited to speak at legal and industry conferences and seminars to share his knowledge and insights. Mitch is ranked by Chambers and Partners for his expertise in privacy law, Best Lawyers Ones to Watch in Canada™ for his expertise in corporate commercial litigation and franchising, and is also proud to be designated a Certified Information Privacy Professional / Canada by the International Association of Privacy Professionals (IAPP). He has also sat on various executive committees of the Ontario Bar Association, including the Franchise Law and the Privacy & Access to Information Law sections.

Email: mitch.koczerginski@mcmillan.ca

Expertise: Litigation & Dispute Resolution, Corporate Commercial Litigation, Leasing, Privacy & Data Protection, Franchising & Distribution

LinkedIn: <https://www.linkedin.com/in/mitch-koczerginski-47aaa98/>

Location: Toronto

Phone: 416.865.7262

Position/Title: Partner, Litigation & Dispute Resolution | Privacy & Data Protection

Directorships & Affiliations:

- OBA Franchise Law Section Executive for 2019-2020 (Technology Liaison), 2020-2021 (CPD Liaison), 2021-2022 (CPD Liaison) and 2022-2023 (Newsletter Editor).
- OBA Privacy and Access to Information Law Section 2022-2023 (Newsletter Editor)
- Franchise Law Section Executive for 2018-2019
- Appointed as Newsletter Editor

Publications:

- "[Assessing the Viability of Data Breach Class Actions Following Divergent Findings by Canadian Appellate Courts](#)" co-authored with Joan Young, Class Action Defense Quarterly, Vol.19, No.2 (December 2024)
- "[The risks and rewards of empathy in data breach communication](#)," by Mitch Koczerginski, Canadian Security (March 11, 2024)
- "[Privacy Breaches in M&A Deals and the Importance of Data Security Diligence](#)," Ontario Bar Association

(April 20, 2023)

- "[Franchising in Canada: 2022 Year in Review](#)," (January 2023)
- "[Canada now has an open banking lead — here's why that matters](#)" The Lawyer's Daily, This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc. Co-authored with Darcy Ammerman and Robbie Grant (April 8, 2022)
- "[Canadian Courts Confirm Significant Limits on Privacy Class Actions](#)," Canadian Privacy Law Review, Vol. 19, No.4, (March 2022)
- "[Canadian Centre for Cyber Security Releases Ransom Playbook](#)" reproduced in LexisNexis' Internet and E-Commerce Law in Canada, Vol.22, No 11 co-author with Robbie Grant (March 2022)
- "[Privacy implications of an open banking system in Canada](#)", co-author with Darcy Ammerman and Robbie Grant, National Banking Law Review, Vol.40, No 6 (December 2021)

Education & Admissions:

Degree: Certified Information Privacy Professional

University: IAPP

Year: 2020

Degree: Called to the Ontario bar

Year: 2015

Degree: J.D., cum laude

University: University of Ottawa

Year: 2014

Degree: J.D., cum laude

University: Michigan State University

Year: 2014

Degree: B.A. (Philosophy)

University: University of Western Ontario

Year: 2010

Rankings & Recognition:

- Recognized by Chambers Canada (2025) as a leading lawyer in the area of Privacy & Data Protection
- Recognized by Best Lawyers in Canada (2025) as “One to Watch” in the areas of Corporate and Commercial Litigation and Franchise Law
- Recognized by *Best Lawyers* in Canada (2024) as a “One to Watch” in the area of Corporate and Commercial Litigation
- University of Ottawa Faculty of Law, Dean's list
- Michigan State University College of Law, Dean's list

Speaking Engagements:

- Osgoode Certificate in Privacy and Cybersecurity, Data Breaches - Working with the Forensics and Communications Teams

- March 2, 2023

- https://www.cbapd.org/details_en.aspx?id=ON_ON22FRA03X

- 21st Annual OBA Franchise Law Conference , Changes to Privacy and Regulatory Laws Impacting Franchising in Canada

- November 29, 2022

- https://www.cbapd.org/details_en.aspx?id=ON_ON19CHA06T

- Recent Trends Regarding The Enforceability of Restrictive Covenants in Franchise Agreements

- June 7, 2022

- https://www.cbapd.org/details_en.aspx?id=ON_ON22FRA03X

- Access to Information Requests and Practical Considerations for Not-for-Profit and Charitable Organizations

- November 19, 2019

- https://www.cbapd.org/details_en.aspx?id=ON_ON19CHA06T

Representative Matters: Privacy & Data Security Litigation:

- Prosecuting and defending claims of liability for negligence and breach of contract relating to protection against cybersecurity attacks, including ransomware attacks.
- Defending employers in proceedings alleging breaches of privacy obligations of Canadian privacy legislation.
- Defending retail companies against allegations of invasion of privacy by consumers, including intrusion

upon seclusion.

- Bringing and responding to urgent applications for injunctive relief relating to the protection of information assets.
- Representing organizations in access to information proceedings to secure the protection of confidential commercial, financial and technical information.

Data Breach Counseling:

- Counseling clients on regulatory notice obligations relating data breaches, whether resulting from inadvertent disclosure of personal information or malicious cybersecurity attacks.
- Advising clients on strategies to reduce exposure to liability arising from a data breach that requires notice to large numbers of affected parties and regulatory bodies.
- Advising clients on legal and reputational considerations when advancing payment to a ransomware threat actor.
- Representing clients in regulatory inquiries and investigations following data breach notification.

Privacy & Data Security Compliance:

- Conducting gap analysis to evaluate overall institutional compliance with Canadian privacy laws and developing recommended remediation measures.
- Conducting data privacy impact assessments (DPIAs) to evaluate the compliance of certain business processes with Canadian privacy laws.
- Drafting and revising privacy policies and notices for compliance with Canadian privacy laws, including Canada's Personal Information Protection and Electronic Documents Act and substantially similar provincial legislation.
- Drafting and revising data protection addendums to facilitate data sharing and/or data processing arrangements with affiliates and service providers in compliance with Canadian privacy laws.
- Providing advice and recommendations regarding compliance with Canada's Anti-Spam Law (CASL).

Commercial Advice and Representation:

- Providing advice, recommendations and litigation representation to commercial landlords and tenants relating to rent-reset and renewal disputes, breaches of restrictive covenants, breaches of the common law duty of good faith and improper termination of.
- Providing advice, recommendations and litigation representation to commercial developers seeking to vacate leased premises for redevelopment.
- Prosecuting and defending actions on behalf of suppliers and distributors alleging unlawful termination

of distribution agreements, including claims for payment in lieu of notice of termination.

- Providing advice, recommendations and litigation representation to franchisors relating to disputes with franchisees, including non-payment of royalties, breaches of restrictive covenants, breaches of the common law and statutory duties of good faith and improper claims of rescission or cancellation of the franchise agreement.

Industries: Franchising & Distribution

Practices: Litigation & Dispute Resolution, Corporate Commercial Litigation, Leasing, Privacy & Data Protection