



Introducing McMillan's Privacy & Data Protection Capabilities

McMillan's Privacy & Data Protection Group helps clients to understand the impact of privacy and data protection laws on their businesses and implement measures to reduce or mitigate risks.

Canada has a complex framework of laws governing privacy and data protection, including 30+ data protection statutes governing the private sector, health-sector and public sector, sector-specific legal and regulatory requirements, statutory privacy torts, and evolving common law torts such as "intrusion upon seclusion" and "publicity given to private life".

Privacy and data breaches, whether accidental or intentional, are also frequently featured in front-page news stories, which can damage corporate reputations and have led to a number of class action lawsuits.

We have extensive experience helping our clients:

- Establish comprehensive privacy compliance programs, including drafting or reviewing general and function-specific privacy policies and procedures (e.g., information collection and consent processes, website privacy policies, personal information handling procedures, workplace privacy policies, cookie policies, acceptable use policies, BYOD policies, access and complaint policies, vendor management programs, and breach response plans)
- Understand rapidly evolving privacy and data protection requirements across jurisdictions, including requirements and restrictions applicable to cloud computing and other cross-border transfers of personal information
- Draft and negotiate data sharing agreements as well as privacy and data protection terms in a wide variety of contracts
- Respond to privacy complaints and regulatory investigations, as well as defending clients in privacy litigation

About Us

275+	60+	23+
Lawyers	Paralegals & Clerks	Spoken Languages

National coverage with offices in Vancouver, Calgary, Toronto, Ottawa and Montréal

Strong working relationships with leading US, Asian and European law firms

"One Office" national platform delivers broader expertise from across Canada and provides cost-effective solutions, while maintaining superior service

Privacy in the Workplace

Workplaces give rise to unique privacy issues and challenges. The sheer volume of employee personal information that companies frequently process is just one of the reasons why privacy laws in the workplace often take centre stage. In particular, collection of employee health information is currently a complex topic, as businesses try to navigate the legalities of workplace drug testing following Canada's recent legalization of marijuana, and/or collection of health information for the purposes of managing the spread of COVID-19.

We frequently draft and review employee privacy policies and notices as well as advising corporations on the application of privacy laws to employees and employment matters such as collection of biometric information, COVID-19 vaccination and testing information, and privacy issues unique to unionized workforces.

Canada's Anti-Spam Legislation (CASL)

McMillan has valuable experience interpreting and applying Canada's Anti-Spam Legislation (CASL) across organizations, reviewing CASL compliance and training client teams, and dealing with the CRTC and the Office of the Privacy Commissioner of Canada on CASL compliance matters. We help clients understand how they can balance compliance with innovation, employer rights, and business needs.

Privacy and Cybersecurity

Cybersecurity is no longer solely an issue for IT or technical staff. Although organizations may use their best efforts to develop and implement policies and procedures to comply with Canada's complex and rapidly evolving privacy and data protection regime, disputes regarding alleged breaches of privacy or mishandling of personal information are often unavoidable. An effective plan to protect the organization against the risk of being drawn into litigation through incidents such as inadvertent disclosure of customer information, employee misconduct, or even external hacking of information systems, requires insight into both the technical threats and all relevant legal and regulatory obligations and risks, including the many and varied ways in which those threats can manifest in personal, physical, and financial damage.

We assist clients by reviewing data protection and security policies and protocols; advising on compliance with data protection laws; educating managers and directors on the risks associated with a data breach; developing breach response plans; and assisting organizations to respond to data breaches, including developing notice strategies and representing clients in communications with regulators and/or ensuing litigation.

Major Rankings

Our lawyers are recognized by leading in both national and international publications and directories. We are honoured to have received the following recognition:

- McMillan named among Canada's Top Employers for Young People for the fifth consecutive year
- The *2021 Canadian Legal Expert Directory* acknowledged 71 of our practitioners and listed McMillan as a recommended firm in 21 practice areas
- The *Best Lawyers in Canada 2022* recognized 98 McMillan lawyers for their expertise across 37 practice areas
- *Chambers Global 2021* recognized 17 of our lawyers as leading or recognized in their areas of practice and ranked McMillan as a leading firm in 11 practice areas
- The *2021 IFLR1000 Financial and Corporate Guide* recognized 22 McMillan lawyers in 10 practice areas and ranked the firm in eight practice areas
- The *2021 Legal 500: Canada Directory* named 22 as top practitioners in their respective fields and recommended the firm in 13 practice areas
- *Chambers Canada 2022* awarded McMillan LLP 54 rankings in 14 categories and named 35 McMillan lawyers as top practitioners in their respective fields

McMillan's Privacy & Data Protection Team



Partner
Toronto, Ontario

Lyndsay Wasser leads McMillan's Privacy & Data Protection Group nationally and is a Certified Information Privacy Professional / Canada (IAPP). She provides legal counsel on a broad range of privacy and cybersecurity issues, including advising on legal requirements related to data security, workplace privacy issues, handling personal health information, and transferring personal information across borders. She helps organizations develop privacy compliance programs, privacy policies, data sharing agreements and consent forms. Lyndsay also advises on privacy and data breaches, including assisting clients with risk assessment, breach response strategy, complying with notification obligations and communicating with regulators.

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