

Supply Chain Management Association (SCMA)

Risk Management Series:
Part 3 – Managing a Data Breach

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Agenda

- * Legal risks after a data breach giving access to personal information
- * Potential damage awards and relevant principles of law
- * Ways to prevent a data breach
- * Mitigating legal risks associated with privacy breaches
- * The Ontario Home Depot privacy breach class action settlement
- * Emerging areas of concern/interest: automobiles, cybersecurity and drones
- * Q & A

Marvin J. Huberman: Background

Marvin J. Huberman, LL.B., LL.M., C. Arb., C.S. (Civil Litigation)

- * Senior lawyer, commercial arbitrator, mediator
- * Adjunct law professor
- * Former administrative judge
- * Over 30 years experience
- * Represents individual/ business clients, financial institutions, insurers and governments in Toronto, Ontario
- * Acted in cases in the U.S., Europe and internationally.
- * Prolific author, speaker, legal instructor, counsel on numerous reported cases
- * Member, chair, and director of various legal committees, task forces and associations

Awards

- * Commercial Arbitration Law Firm of the Year in Canada - 2015
- * M&A Today Global Awards 2016 recognized as top commercial arbitration law firm in Canada
- * 2017 Corporate International Magazine Global Award: Partnership Disputes Mediator of the Year in Canada



Legal risks after a data breach giving access to personal information

- * Risk of a fraudulent charge on one's credit card
- * Risk of identity theft
- * Inconvenience of checking one's credit card statements
- * Non-economic damage suffered as a result of a privacy breach
- * Tort of Intrusion on Seclusion
- * Data breach shareholder derivative claims against current and former directors and officers
- * Claims by banks for the cost of compensating consumers for financial losses or replacement of financial information (e.g. credit card replacements)
- * Data breach class actions

Potential damage awards and relevant principles of law

- * Corporate Governance Issues
- * Civil Liability
- * Criminal/Quasi Criminal Liability
- * Privacy Laws
- * International Laws
- * Negative Publicity/Damages to Reputation

Ways to prevent a data breach

- * Data Security and Employees
- * Data Security Incident Response Plans (IRPs)
- * Reality Checks
- * Mitigation Strategies

The Ontario Home Depot privacy breach class action settlement

- * Background
- * The Facts
- * The Decision
- * The Take-Aways

Emerging areas of concern/interest: automobile, cybersecurity and drones

Automobiles

- * Connected Cars
- * Information Sources
- * Privacy Considerations
- * Risks and Opportunities

Cybersecurity

- * Canadian Data Protection legislation
- * Canadian cybersecurity legislation, regulation and enforcement
- * U.S. National Institute of Standards and Technology (NIST Report, November 2016)
- * Cyber Security in Canada (Canadian Chamber of Commerce, Whitepaper, April 3, 2017)

Drones

- * Unmanned aerial vehicles (UAVs)
- * Canadian Legal Landscape

Q & A



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