

Information Technology Law in 2035: Where are we headed?

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l'Association canadienne du droit
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Canadian IT Law Association



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The NCSA's Mosaic browser was released to an unsuspecting world in 1993. In the two decades since then, the dramatic changes in technology have been mirrored by equally massive changes in Information Technology Law as the laws, lawyers and courts have adapted to an interconnected world and issues as diverse as Y2K, Privacy, Security, eCommerce, IT Governance, IP indemnification and everything else to which the word "Cyber" can be attached. In this Roundtable, IT.CAN asks leading practitioners to predict what the next twenty years will bring.

IT.CAN and Goodmans LLP invite you to join us for a stimulating, out-of-the box examination of Information Technology Law in 2035.

Moderator

Richard Austin, Deeth Williams Wall LLP

Topics and Speakers:

1. Technology in 2035

Jay Safer, Vice President, General Counsel and Secretary
IBM Canada Ltd.

2. Privacy and Security in 2035

Lead Speaker: Dr. Ann Cavoukian, Executive Director,
Privacy and Big Data Institute, Ryerson University

Commentary:
Richard Corley, Goodmans LLP
David Fraser, McInnes Cooper

3. Commercial Law in 2035

Lead Speaker: George Takach, McCarthy Tetrault LLP

Commentary:
Don Johnston, Aird & Berlis LLP
Amy-Lynne Williams, Deeth Williams Wall LLP

Date:

Wednesday, September 16,
2015

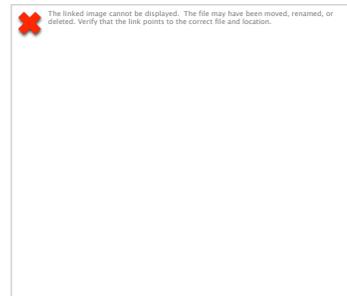
Schedule:

5:00–5:30 p.m.
Cocktails

5:30–7:00 p.m.
Roundtable Discussion

Location:

Goodmans LLP
333 Bay Street, 34th Floor
Toronto, Ontario



Questions?

For more information,
contact Lisa Ptack, IT.CAN
Executive Director, at
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Sandra Montanino at
smontanino@goodmans.ca

Presentation materials will be available on IT.Can's website.



Information Technology Law in 2035: Where are we headed? Speaker Biographies

Lead Speakers

Dr. Ann Cavoukian

Executive Director, Privacy and Big Data Institute, Ryerson University

Dr. Ann Cavoukian is recognized as one of the world's leading privacy experts. She is presently the Executive Director of the Privacy and Big Data Institute at Ryerson University. Appointed as the Information and Privacy Commissioner of Ontario, Canada in 1997, Dr. Cavoukian served an unprecedented three terms as Commissioner. There she created Privacy by Design, a framework that seeks to proactively embed privacy into the design specifications of information technologies, networked infrastructure and business practices, thereby achieving the strongest protection possible. In October 2010, regulators at the International Conference of Data Protection Authorities and Privacy Commissioners unanimously passed a Resolution recognizing Privacy by Design as an essential component of fundamental privacy protection. Since then, PbD has been translated into 37 languages.

Dr. Cavoukian's expertise has been recognized in many ways. She was: ranked among the top 25 Women of Influence, recognizing her contribution to the Canadian and global economy; named one of the top 100 City Innovators Worldwide by UBM Future Cities for her passionate advocacy of Privacy by Design; chosen as one of the 'Power 50' by Canadian Business magazine for her tireless efforts as a privacy champion; awarded an Honorary Doctor of Laws from the University of Guelph; she was selected for Maclean's Magazine's 'Power List' of the top 50 Canadians, and most recently, picked as one of the top 10 women in data security, compliance, and privacy you should follow on Twitter.

In her leadership of the Privacy and Big Data Institute at Ryerson University Dr. Cavoukian is dedicated to demonstrating that Privacy can and must be included, side by side, with other functionalities such as security and business interests. Her mantra of "banish zero-sum" enables multiple interests to be served simultaneously – not one to the exclusion of the others.

Jay Safer

Vice President, General Counsel and Secretary IBM Canada Ltd

Jay Safer, Vice-President, General Counsel and Secretary, IBM Canada Limited, together with the Legal Department, have responsibility for all legal aspects of the company, including: secretarial; governance; privacy; security; marketing and distribution of products and services including outsourcing, consulting, systems integration, professional services, leasing and financing; software and software development; manufacturing; human resources issues including pensions; intellectual property; procurement; real estate; and M&A aspects of the company. He has negotiated many large and complex mainframe and network outsourcing and services agreements. Jay currently is prime legal contact for contracts in Canada involving Watson, cloud, and research, such as the Southern Ontario Super Computing Program (SOSCIP).

A frequent speaker he co-chaired both the Fourteenth Annual IT.CAN Fall conference held in Montreal in 2010, and the CCCA National Spring Conference in Toronto in 2011. He was the primary legal speaker on a Cloud panel held December 3, 2012 at a joint Lexpert-Law Society conference. In addition, Jay recently served as President of the Association of Canadian General Counsel in 2011 and was also awarded the Queen Elizabeth II Diamond Jubilee Medal in November 2012. In 2015 he served as Executive-in-Residence for the General Counsel program at the Rotman School of Business.

George Takach

McCarthy Tétrault LLP

George S. Takach is a senior partner in the Toronto office of McCarthy Tétrault. George brings significant value to clients in their tech company M&A/financing deals, their sophisticated tech licensing, IT procurement and other tech commercial transactions, and their more challenging e-commerce activities, including projects involving cloud computing, big data and social media.

George's deep experience in tech M&A/financing allows his clients to get deals done more quickly and cost effectively. In the area of sophisticated tech licensing, IT procurement and other tech commercial deals, George's creativity and broad experience allows clients to resolve difficult issues more quickly and to get the relationship off on the right foot. George also helps clients craft sensible and workable solutions to complex e-commerce-related legal and compliance challenges. He brings a steady and experienced hand to bear on the invariably unprecedented legal issues generated by novel e-commerce business processes.

George is the author of three books: *Computer Law*; *The Software Business*; and *Contracting for Computers*. For 20 years he was an Adjunct Professor at Osgoode Hall Law School, York University, where he taught an evening course in Computer Law. George is in demand as a speaker to legal and technology industry audiences and a regular writer on legal technology topics. George received his BA and his JD (Dean's Honour List) from the University of Toronto. He also has his MA in international relations from the Norman Paterson School of International Affairs, Carleton University in Ottawa. He was called to the Ontario bar in 1985. George has been on the Board of, and continues to raise money for, Lake Scugog Camp, an organization serving underprivileged and "at risk" children/youth and their families (a camp that George attended when he was a child).

Commentators

Richard Corley

Goodmans LLP

Richard Corley is a partner at Goodmans and leads the firm's Outsourcing practice group. Richard's practice focuses on the intersection of law and technology. He has over 25 years of experience advising clients on complex outsourcing transactions, technology M&A, joint ventures, cleantech and other technology-related matters. Richard's practice complements his personal interests and involvement in energy conservation and energy alternatives. He is currently involved with a number of initiatives supporting the development of distributed renewable energy, low-energy buildings, intelligent power distribution and management, and energy storage systems.

Richard ranks as one of Canada's leading experts in the areas of IT and outsourcing and he has led the procurement, negotiation, implementation, renegotiation and resolution of disputes in many of Canada's most complex outsourcing transactions. Richard is recognized as a leading Canadian lawyer in numerous publications including: *The Legal 500 Canada – Leading Individual, Technology, Media and Telecoms*, Chambers Global's *Guide to the World's Leading Lawyers for Business* (Information Technology: Band 1 ranking), *The Lexpert /American Lawyer Guide to the Leading 500 Lawyers in Canada*, *The Canadian Legal Lexpert Directory*, *The Lexpert Guide to the Leading US/Canada Cross-border Corporate Lawyers in Canada*, Legal Media Group's *The Best of the Best*, *The Best Lawyers in Canada*; Law Business Research's *The International Who's Who of Business Lawyers* in the areas of Internet, E-Commerce & Data Protection; and the Lexpert Canada's *Leading Energy Lawyers*.

Richard obtained an LLM from Yale Law School in 1991, his LLB from Osgoode Hall Law School in 1989 (Silver Medallist) and clerked for Chief Justice McLachlin at the Supreme Court of Canada. He is a frequent speaker at professional conferences and seminars on outsourcing, technology, cleantech, and

renewable energy-related topics. Richard is a member of the Board of Directors of Canadian IT Law Association (IT.CAN) and the Board Secretary for the Centre for Outsourcing Research and Education (CORE). He is a member of a number of associations relating to Information Technology, outsourcing, renewable energy and his other interests.

David Fraser

McInnes Cooper

David Fraser, a partner with McInnes Cooper, is Canadian privacy and internet law counsel to some of the world's best known brands. He regularly advises a range of clients – from start-ups to Fortune 100 companies – on all aspects of technology and privacy laws. David also acts for complainants and respondents in matters referred to the Office of the Privacy Commissioner. A significant portion of David's practice is devoted to working with American and multi-national businesses in addressing Canadian privacy law issues. This often includes contract negotiations, policy reviews, pre-launch product reviews, addressing complaints and advising with respect to data breaches. For example, David regularly advises Google Inc. and has represented the company before the Privacy Commissioner of Canada in connection with a range of matters, including Google's inadvertent collection of WiFi payload information when driving Street View cars in Canada.

In addition, David is the Past President of the Canadian IT Law Association and the former Chair of National Privacy and Access Law Section of the Canadian Bar Association. David was honoured to be included in the inaugural (2006) and each subsequent edition of The Best Lawyers in Canada in the category of Information Technology law. He is listed among the world's leading lawyers in Internet and eCommerce Law in the International Who's Who of Business Lawyers. In the spring of 2006, David was a recipient of an Outstanding Young Canadian Award by the Junior Chamber of Commerce International – Halifax Chapter. In 2009, David was named as one of Canada's "Top 40 Lawyers Under 40" by Lexpert, and is listed in Lexpert's guide to leading lawyers in Canada. In 2011, David was named by The Lawyers Weekly as one of Canada's top 24 legal social media influencers. In 2013, David was among the finalists for Canadian Lawyer magazine's most influential Canadian lawyers.

David has served on the Research Ethics Board of the Capital District Health Authority. He is currently a member of the Joint Data Access Committee of the IWK Health Centre for Women and Children in Halifax, which reviews applications for research access to personal health information. In 2002, David was invited to be an associate of the Institute of Law and Technology. He is a member of the faculty of Dalhousie Law School, where he teaches Internet and Media Law, Law and Technology, and Law and Policy for Electronic Commerce. He is on the editorial board of the Canadian Journal of Law and Technology and is a regular contributor to the Canadian IT Law Association's newsletter. Active in the Halifax technology community, David is secretary and director of Digital Nova Scotia (formerly ITANS).

Don Johnston

Aird & Berlis LLP

Don Johnston is a well-known technology lawyer with broad experience as a corporate and commercial lawyer. His experience covers health law, health informatics, information technology, health care privacy law, biotech and pharmaceuticals law, technology financing, telecommunications, procurement and outsourcing. Don has over two decades of expertise in technology procurements, licensing and related transactions. He has acted for numerous technology developers and has been involved in major technology projects (including nuclear and oil and gas), acquisitions, financing and development projects (including P3 projects) in both Canada and the United States.

Don is immortalized in three Who's Who Legal publications: The International Who's Who of Information Technology Lawyers, The International Who's Who of Business Lawyers and Who's Who Legal: Canada. He is named as a top practitioner in the Legal Media Group Guide to the World's Leading Technology, Media & Telecommunications Lawyers and is recognized in The Best Lawyers in Canada in the fields of Information Technology Law and Technology Law. He also appears in The

Canadian Legal Lexpert Directory as a leading practitioner in the area of Computer & IT Law. Don is funnier than George Takach but nowhere near as good looking or intelligent.

Amy-Lynne Williams

Deeth Williams Wall LLP

For over 30 years, Amy-Lynne's areas of practice have included outsourcing transactions, electronic payments agreements, systems acquisition, distribution, licensing, technology transfers, e-commerce, privacy and software development. She represents both producers and users of information technology in private industry and government.

Amy-Lynne has been:

- recognized in Best Lawyers in Canada "Toronto Information Technology Law Lawyer of the Year" for 2012 and 2014, and "Toronto Technology Law Lawyer of the Year" for 2013 and 2016;
- Listed in *Expert Guides Best of the Best* list as one of only four Canadian lawyers in the world's leading lawyers for Information Technology Law;
- identified as "Most Frequently Recommended" in the Lexpert Canadian Legal Directory in Technology Transactions; and
- listed in Lexpert/American Lawyer Guide to "The Leading 500 Lawyers in Canada"; Best Lawyers in Canada; and Lexpert Guide to the Leading 100 Canada-US Cross Border Corporate Lawyers in Canada.

Amy-Lynne is the Past-President of the International Technology Law Association and Past-President of the Canadian IT Law Association (IT.Can).

Moderator

Richard Austin

Deeth Williams Wall LLP

Richard practices corporate and commercial law as Counsel to Deeth Williams Wall with a focus on information technology and business process outsourcing, applications development and systems implementation projects. Prior to returning to private practice, Richard was General Counsel at EDS Canada for 18 years where he headed a team of lawyers and contract professionals with responsibility for the legal aspects of EDS' business in Canada. Richard's responsibilities at EDS Canada included providing strategic advice on and negotiating IT and business process outsourcing transactions with public and private sector entities.

Richard is a frequent speaker on technology law issues including on outsourcing, identity management, privacy, cloud computing, social media and software development. Richard is a member of the Executive Education Faculty of the Centre for Outsourcing Research and Education (CORE) and is a former Director and President of the Canadian IT Law Association. Richard is AV® Peer Review Rated by Martindale-Hubbell as Preeminent, its highest level of professional ranking, in Technology and Science, Computers and Software and Labour and Employment and is listed in in The Best Lawyers in Canada 2014, 2015 and 2016 in Information Technology Law.