



The Privacy Challenge for Ontario Hospitals

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Table of Contents

An Overview of The Privacy Challenge For Ontario Hospitals Tab 1

How to Implement a Set of Best Privacy Practices Tab 2

How McMillan Binch LLP Can Complement Your Team’s Privacy Efforts Tab 3

Privacy Checklist Tab 4

Health Privacy Team Tab 5

Professional Profiles

- Graham W.S. Scott, Q.C.
- Lydia Wakulowsky
- Sarah Diamond
- H.P. (Hal) Rolph
- Stéphane Thiffault
- Simon Chester

**TAB 1 - AN OVERVIEW OF THE PRIVACY
CHALLENGE FOR ONTARIO HOSPITALS**

The Privacy Challenge For Ontario Hospitals

An Overview

A patient's right of privacy has been acknowledged since at least the 5th century BC, when Hippocrates formulated the oath that all physicians know. Since then, physicians have observed their professional codes of conduct and other laws concerning health privacy. The privacy principle is neither new nor complicated.

Maintaining privacy and the security of personal health information used to be fairly straightforward. This is no longer the case. Privacy has become harder to protect, as two recent privacy challenges demonstrate:

University Health Network Example

In May 2002, two well-known individuals checked into the University Health Network for treatment. In accordance with its confidentiality policy, UHN ran audits on accesses by staff and other users of the clinical information system to these individuals' health records. The results showed that most accesses to the health records were for job-related purposes. However, the results also showed that a small number of UHN staff and medical residents, unable to contain their curiosity about these prominent patients, had also accessed these records, even though they were not involved in the patients' care. A Globe & Mail reporter published an article about the privacy breaches, even though UHN dealt with them appropriately and expeditiously. The privacy challenge at issue here was unauthorized access.

ISM Canada Inc. Example

In January 2003, a computer hard-disk drive went missing from ISM Canada Inc., one of Canada's largest providers of information management services for governments and private companies and a subsidiary of IBM Canada Ltd. The disk contained confidential information, including confidential health information, on almost one million Canadians. Many newspaper articles were published about this situation, which was described as "the Exxon Valdez of privacy breaches". A class action lawsuit was launched which alleged, among other things, a violation of privacy and negligence in securing the confidential information. The disk was later recovered from an employee. The privacy challenge at issue here was security.

Ontario hospitals are facing new and significant privacy challenges.

Recent studies, including those commissioned by the CMA and Canada Health Monitor, indicate that maintaining the privacy of personal health information has become a matter of increasing concern to Canadians because of:

- the proliferation of information technology, including the creation of information systems and comprehensive databases and the ability to transfer and link personal health information;
- recent hospital amalgamations and networks which have led to the expansion of health information systems and the number of individuals accessing these systems;
- the reliance of health reform initiatives on access to health information and the use of information technology;
- the federal government's announcement of a \$50 million dollar national strategy for a National Health Information System; and
- the formation of various public/private partnerships involved in health information management.

Privacy has become harder to protect, in part, because of legislative approaches to its protection. Canadian legislatures have historically addressed health privacy in a piecemeal fashion – as the numerous statutes affecting health privacy in Ontario demonstrate:

STATUTES AFFECTING HEALTH PRIVACY IN ONTARIO:

Aeronautics Act

Cancer Act

Charitable Institutions Act

Child and Family Services Act

Coroners Act

Evidence Act

Freedom of Information and Protection of Privacy Act

Health Cards and Numbers Control Act

Health Care Consent Act

Health Insurance Act

Health Protection and Promotion Act

Highway Traffic Act

Homes for the Aged and Rest Homes Act

Independent Health Facilities Act

Long-Term Care Act

Medicine Act

Mental Health Act

Municipal Freedom of Information and Protection of Privacy Act

Nursing Homes Act

Personal Information Protection and Electronic Documents Act

Public Hospitals Act

Regulated Health Professions Act

Substitute Decisions Act

Vital Statistics Act

More recently, Canadian policymakers have muddied the waters. The federal government enacted the *Personal Information Protection and Electronic Documents Act* (“**PIPEDA**”), which deals with the privacy of personal information, including personal health information. PIPEDA applies to commercial activities, but does not apply to hospitals in respect of their provision of health care (a not-for-profit activity). Ontario policymakers were crafting comprehensive privacy legislation to deal with the health sector and to close the gap left wide open by PIPEDA. This legislation was intended

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to be “substantially similar” to PIPEDA. They had drafted over 30 versions of a Bill, when political factors, including a 2003 election, stalled its release.

Where does this leave us? In a policy vacuum! The federal government cannot act. The Ontario government has not acted.

Although the Ontario government’s privacy initiative has stalled, in today’s environment Ontario hospitals need to implement a set of best practices for health privacy in accordance with existing legislation, public expectations and internationally accepted fair information practices. This privacy effort will go a long way in ensuring compliance with any future Ontario legislation. This effort will also help avoid negative publicity and ensure the perception that your organization strongly supports and respects privacy.

**TAB 2 - HOW TO IMPLEMENT A SET OF BEST
PRIVACY PRACTICES**

The Privacy Challenge For Ontario Hospitals

How to Implement a Set of Best Privacy Practices

There are a number of steps involved in implementing a set of best privacy practices.

Step 1 – Privacy Principles

Familiarize yourself with the ten internationally accepted fair information practices, which form the privacy principles of PIPEDA. They are set out in the attached Schedule A.

Step 2 – Privacy Officer

Appoint a Privacy Officer(s) who will be responsible for overseeing the implementation of the hospital's privacy efforts. The hospital should assign this role to someone who is in senior management in order to lend credibility to this position. The hospital's Health Records, Human Resources and IT departments need to play a prominent role in privacy. Perhaps the Privacy Officer could come from one of these departments. In any event, the individual assigned the role should have an interest in and commitment to the hospital's privacy efforts. This person will garner support for the hospital's privacy initiative and will be the arbiter, along with other officers, of any privacy issues.

Step 3 – Privacy Team

Strike up a Privacy Team composed of representatives from each area of the hospital that deals with personal information (e.g., Admissions, Health Records, Risk Management, Medical Staff Association, In-House Legal, IT, Human Resources and Public Relations). The Privacy Team will be responsible for participating in the Privacy Audit and for ensuring that the hospital's privacy efforts are implemented.

Step 4 – Privacy Audit

The Privacy Audit answers the following questions:

- What personal information do we collect?
- Why do we collect it?
- How do we use it?
- How do we store it?
- For how long do we store it?
- To whom is it disclosed?

The Privacy Audit serves a number of functions. First, it provides the hospital with the specific information required to draft a tailored Privacy Policy. Second, it identifies “gaps” in privacy compliance and generates issues for examination. Third, it provides an opportunity for Privacy Team members to become sensitive to privacy issues so that they can spot issues and seek guidance before an incident arises. Finally, it provides an opportunity for the hospital to amend its practices to reflect the privacy principles.

Despite the thoroughness of the Privacy Audit, it is probably unrealistic to expect that all privacy issues will be identified. The collection and use of personal information is so pervasive that having well trained and well sensitized Privacy Team members in the hospital will prove to be an invaluable resource.

Step 5 – Privacy Policy

Draft a tailored Privacy Policy upon completion of the Privacy Audit. At a minimum, the Privacy Policy should set out:

- the type of personal information the hospital collects;
- the purposes for its collection;
- how the hospital will use and disclose the personal information; and
- how the hospital will obtain consent for its collection, use and disclosure.

The Privacy Audit may reveal areas where the hospital needs to revise its practices to better reflect the privacy principles. Similarly, the drafting of the Privacy Policy will generate issues and require the hospital to take a position on them. Circulation of a draft Privacy Policy to management and the Privacy Team members will advance consideration of the privacy commitments the hospital is prepared to make.

Once completed, the Privacy Policy should be posted and otherwise made available to all hospital stakeholders, including patients, hospital and medical staff, volunteers, third-party suppliers, agents and the public.

Step 6 – Ongoing Training

Formal training of hospital personnel will help to ensure ongoing accountability for privacy of personal information. Once the Privacy Audit has been completed and the Privacy Policy has been drafted, the hospital needs to train its personnel (including hospital and medical staff, management, volunteers and contractors) on its privacy policies and procedures.

Hospital personnel should be trained on issues specific to their respective roles. For example, the training provided to medical staff may differ substantially from that provided to the admissions, health records, risk management, in-house legal, IT, human resources and public relations staff. Training should be appropriate to the audience’s responsibilities, privileges, job descriptions and information needs.

Periodic security reminders issued by management will help to demonstrate the ongoing nature of the privacy effort. If hospital personnel are well sensitized to privacy issues, many issues will be spotted and resolved without incident.

Step 7 – Continuous Auditing

Your privacy efforts should not end. Your operations may change from time to time, as may your staff and volunteers. Different areas or departments of the hospital should be selected for periodic privacy audits to ensure compliance with the hospital's Privacy Policy and to identify any new privacy issues that may arise.

Schedule A

The Privacy Principles of PIPEDA

Principle 1 - Accountability

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

Principle 2 - Identifying Purposes

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

Principle 3 - Consent

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

Principle 4 - Limiting Collection

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

Principle 5 - Limiting Use, Disclosure, and Retention

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.

Principle 6 - Accuracy

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

Principle 7 - Safeguards

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

Principle 8 - Openness

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

Principle 9 - Individual Access

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Principle 10 - Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

**TAB 3 - HOW McMILLAN BINCH LLP CAN
COMPLEMENT YOUR TEAM'S PRIVACY EFFORTS**

The Privacy Challenge For Ontario Hospitals

How McMillan Binch LLP Can Complement Your Team's Privacy Efforts

We would be pleased to assist you in any of the following ways:

Privacy Officer

- ❑ Prepare a job description for your Privacy Officer
- ❑ Provide advice in respect of the appointment of your Privacy Officer
- ❑ Train your Privacy Officer on job requirements

Privacy Team

- ❑ Prepare Terms of Reference for your Privacy Team
- ❑ Provide advice in respect of the composition of your Privacy Team
- ❑ Train your Privacy Team members on their mandate

Privacy Audit

- ❑ License the McMillan Binch LLP Hospital Privacy Audit Tool as part of a Privacy Audit
- ❑ Support your Privacy Audit
- ❑ Evaluate results of your Privacy Audit
- ❑ Develop appropriate best privacy practices for your specific privacy issues

Privacy Policy

- ❑ Prepare a Privacy Policy for your internal use
- ❑ Prepare a Staff Discipline Policy (for your hospital and medical staff)
- ❑ Amend your Medical Staff By-Laws, if necessary
- ❑ Prepare a Privacy Code and other written materials for your distribution to the public
- ❑ Prepare a Sample Consent Form

- ❑ Prepare a Privacy Agreement with a third party
- ❑ Review your existing agreements for privacy compliance issues
- ❑ Respond to any privacy compliance issues that may arise
- ❑ Prepare a Pledge of Confidentiality for your staff

Ongoing Training

- ❑ Provide advice on the best training approach for your hospital
- ❑ Provide awareness training to your management
- ❑ Develop training programs for your various personnel
- ❑ Train your personnel or your trainers
- ❑ Review periodic security reminders for distribution in your hospital

Ongoing Compliance

- ❑ Provide advice on your self-audit program to make sure your privacy efforts are working
- ❑ Update your policies and provide advice on your practices, as required
- ❑ Review your communications with personnel, patients and the public about your ongoing privacy efforts prior to release
- ❑ Provide updates on new developments in Ontario privacy law and practice

TAB 4 - PRIVACY CHECKLIST

Privacy Checklist

Task	Planned Completion Date	Completed
Familiarize yourself with the ten privacy principles		
Prepare a job description for the Privacy Officer		
Appoint a Privacy Officer		
Train the Privacy Officer		
Prepare terms of reference for the Privacy Team		
Strike up a Privacy Team		
Train the Privacy Team		
Conduct a Privacy Audit		
Develop an action plan from Privacy Audit results		
Draft a Privacy Policy (for internal use)		
Draft a Privacy Code (for external use)		
Establish appropriate privacy practices, e.g.:		
◆ identify and document purposes for collection of personal information		
◆ consent, further consent, withdrawal of consent		
◆ security safeguards (administrative, technical and physical)		
◆ tracking disclosures		
◆ information retention and disposal		
◆ privacy agreements with third parties		
◆ access to personal information requests		
◆ correction of personal information		
◆ complaints by employees or the public		
◆ documentation		
Train staff (hospital and medical), volunteers and others to adhere to Privacy Policy and practices		
Draft necessary forms to implement privacy practices (i.e. consent		

form, employee privacy pledge, privacy clauses and agreements)		
Evaluate which relationships with outside contractors require a privacy agreement		
Enter into a privacy agreement with these contractors		
Establish an employee discipline process for privacy violations		
Develop and implement a self-audit program to make sure compliance efforts are working		
Update training as required		
Update Privacy Policy and practices as required		
Issue ongoing privacy awareness reminders and updates		
Periodically communicate with staff and the public about your ongoing privacy efforts		

TAB 5 - HEALTH PRIVACY TEAM

Health Privacy Team

Professional Profiles

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Heather A. Brown	416.865.7815	heather.brown@mcmillanbinch.com
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Professional Experience:

Graham Scott is the managing partner of McMillan Binch LLP and partner-in-charge of the firm's public policy and government issues practice. He was born in Nova Scotia and received his law degree from the University of Western Ontario in 1966. He joined McMillan Binch LLP as a partner in January 1984 and has been managing partner since 2000.

Graham is a former Deputy Minister in the Province of Ontario, in the Ministries of Environment and Health.

- From 1988 to 1992 the Ontario Ministry of Health and the Ontario Medical Association jointly retained Graham as the Chair of the Task Force on the Use and Provision of Medical Services.
- In 1994 he was an independent fact finder for the Ministry of Health, the Ontario Medical Association and the Ontario Hospital Association and presented a report on "Small Rural Hospital Emergency Departments Physician Service" (Scott Report).
- In 1995 he was appointed Chair of the Transition Team for Cancer Care Ontario.
- Chaired the Governance Committee and advised the Steering Committee for the Hillcrest/Queen Elizabeth Hospital merger.
- Served as the independent Chair of the Bloorview Children's Hospital/Hugh MacMillan Rehabilitation Centre Transition Team.
- Chaired the Merger Steering Committee for The Wellesley Central Hospital.
- In 1996 he advised the Nova Scotia government on rural physician policy.
- Between 1996 and 1999, with Maureen Quigley of Maureen Quigley & Associates, he served as Co-Chair of nine hospital amalgamation projects involving 26 hospitals in Ontario.
- In 1996, with Maureen Quigley, was appointed by the HSRC to facilitate discussions between the Sudbury Hospitals to develop a governance plan for the establishment of the Sudbury Regional Hospital Corporation.
- In 1998, he was appointed Chair of the Physicians Complement Committee charged with reviewing the approved physician complement in designated areas of Northern Ontario.

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- In 2000 and 2002, Graham was a witness to the Standing Senate Committee on Social Affairs, Science and Technology on the subject of The Health of Canadians – The Federal Role.
- In association with Maureen Quigley, he co-facilitated the Federal/Provincial/Territory Deputy Ministers of Health Retreat.
- With Maureen Quigley, has conducted readiness surveys related to the implementation of alternative funding plans in Ontario Academic Health Sciences Centres including facilitation of a forum on AFPs.
- With Maureen Quigley, he was appointed by the Canadian Health Services Research Foundation to ascertain health services and policy research priorities of the Federal/Provincial/Territories Deputy Ministers and the structures and processes in place in the F/P/T jurisdictions to organize and manage health research.
- Served as Interim President and Chief Executive Officer of Cancer Care Ontario in July 2001-April 2002.
- In 2003, Graham was appointed by the Minister of Health and Long-Term Care as Supervisor of the Hôpital Régional de Sudbury Regional Hospital.
- In 2003, he was appointed to the Health Capital Review Expert Panel to advise the Ontario Government to consider how to improve the Province's health capital planning processes.

Graham is a Director of Aventis Pasteur Limited. He serves on the Board of Baycrest Centre for Geriatric Care, the Salvation Army Advisory Board and serves as President of the Friends of H.M.C.S. Haida. Graham also is a Trustee of the Forum for Young Canadians. He is a former Chairman of Organ Donation Ontario and a former Chairman of the Public Policy Forum, a non-profit, non-partisan organization dedicated to promoting greater collaboration between the public and private sectors.

Education and Year of Call:

- Called to the Ontario Bar – 1968
- University of Western Ontario, LL.B. - 1966
- University of Western Ontario, B.A. - 1965

Honours and Awards:

- University of Western Ontario Honour Award
- Commemorative Medal for 125th Anniversary of Canadian Confederation



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Professional Experience:

Lydia Wakulowsky practises corporate and commercial law, focussing on the health sector. She has significant experience working with Ontario hospitals, community care access centres, long-term care facilities, pharmaceutical companies, private laboratories and other private and public health care organizations.

In addition to her health law practice Lydia has considerable experience in general corporate/commercial law, including involvement in a number of significant transactions. She was also in-house counsel to a publicly traded company. This means that Lydia has seen the practice of law from a number of different vantage points, including that of the client.

Publications and Presentations:

Lydia has written:

- two chapters of *A Physician's Legal Manual*, a textbook edited by Sandra Kidd and published by Carswell (1996)
- a paper entitled "Release of Health Records With Patient Consent; Release Without Consent", presented at a conference organized by the Medical Educational Services
- several articles for a bulletin regularly published by the Canadian Orthopaedic Association, including:
 - "Perils and Pitfalls of Documenting Consent: Establishing Practices that Minimize your Risk of Liability"
 - "Mandatory Reporting of Child Abuse and Neglect"
 - "Protecting Patient Privacy: Are you Ready for 2004?"

Lydia recently made a presentation on the subject of privacy of personal health information and health research at the Ontario Bar Association conference "Patients' Rights: The Balancing Act Continues".

Education and Year of Call:

- Called to the Ontario Bar – 1995
- University of Ottawa, LL.B. – 1993
- University of Toronto, B.A. – 1990

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Representative Legal Services:

Lydia has:

Affiliation/Partnership Agreements

- worked with groups of rural and northern hospitals to assist them in developing the networks mandated by the Ministry of Health and Long-Term Care; in this regard, she negotiated and drafted joint executive committee, partnership, network, affiliation and alliance agreements and provided advice on governance structures and responsibilities

Private/Public Joint Venture Agreements

- participated in the establishment of public-private joint ventures, including those relating to the provision of laboratory and diagnostic, rehabilitation, cancer care, private ambulance, pharmacy, food and laundry services

Ministry of Health and Long-Term Care Agreements

- negotiated and drafted alternate payment plan agreements between the Ministry of Health and Long-Term Care and hospitals and ancillary agreements between hospitals and emergency physicians

Physician and other Health Professionals Agreements

- negotiated and drafted various physician and other health care provider services agreements, including: anaesthetist, clinical associate, emergentologist, medical director, midwifery program, nuclear medicine, nurse practitioner, occupational medicine physician, palliative care, pathologist, radiologist, recruitment/scholarship/residency/training and specialist on-call agreements

Other Agreements

- negotiated and drafted medical equipment and supplies purchase agreements, shared services agreements, cost sharing agreements, shared health information agreements, CCAC services provider agreements and management services agreements

Health Research

- provided advice on research ethics matters and negotiated and drafted clinical trial agreements, including associated agreements for monitors and investigators, conflict of interest, consent and privacy guidelines and REB terms of reference and policies

Hospital Law

- developed and amended hospital administrative and medical staff by-laws and provided advice in respect of the credentialling and mid-term revocation process
- provided advice on conflicts of interest, composition of Medical Advisory Committees, confidentiality of health information (including shared computer systems and ownership of health information, confidentiality, access and disclosure, retention, etc.) and credentialling of nurse practitioners



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Professional Experience:

Sarah is an associate in the firm's Corporate Commercial Group and practices in all areas of corporate commercial law. She has been involved in a number of private mergers and acquisitions transactions, and advises clients on corporate governance and regulatory matters. Sarah is also involved in the areas of health and privacy.

Prior to joining McMillan Binch, Sarah held a variety of positions at both the federal and provincial levels of government. From this experience, she brings a solid understanding of policy development, administration and communications strategy to her practice.

Publications and Presentations:

- "Ontario Changes Government - the Meaning of a Liberal Landslide", *Ontario Elections Bulletin*, October 2003
- "Law, Regulations and Procedures for Listing Exploration and Mining Companies on Canadian StockExchanges", April 2003

Professional Associations:

- Canadian Bar Association

Education and Year of Call:

- Called to the Ontario Bar - 2003
- University of Windsor, LL.B.- 2002
- Queen's University, B.A.(Honours) - 1996



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Professional Experience:

Hal represents and advises employers with respect to terminations and wrongful dismissal actions, labour arbitrations, Labour Relations Board proceedings, human rights complaints, collective bargaining, occupational health and safety prosecutions and appeals, judicial review proceedings, workers compensation appeals and general labour and employment advice.

Hal has had extensive experience in representing hospitals in labour and employment matters. He acted for The Wellesley Hospital and then The Wellesley Central Hospital until after its take-over by St. Michael's Hospital. He represented the Wellesley Central Hospital in both rights and interest arbitrations, wrongful dismissal actions and provided advice in respect of a broad range of labour and employment matters including merger and restructuring matters.

Hal currently acts for and advises North York General Hospital ("NYGH") in respect of labour and employment matters. He was heavily involved with the labour and employment issues arising out of NYGH's take-over of the hospital functions of North York Branson Hospital. He has represented NYGH in labour arbitrations and in proceedings under the Public Sector Labour Relations Transition Act, 1997 (Bill 136).

In the broader health sector, he also represents and advises the Scarborough Community Care Access Centre ("Scarborough CCAC") in respect of a broad range of employment and labour matters. His representation has included representing the Scarborough CCAC in collective bargaining, negotiation of a Divestment Agreement in respect of its direct care staff and labour arbitrations. He provides the Scarborough CCAC with ongoing labour and employment advice.

Hal previously represented the Nobleton Ambulance Association until it was restructured. He also has provided advice to Toronto East General Hospital with respect to professional matters relating to doctors.

Hal is a former Chair of the Executive of the Labour Law Section of the Canadian Bar Association (Ontario). Immediately prior to joining McMillan Binch in 1986, He spent over five years as Legal Counsel at the Ontario Ministry of Labour where he acted for the Ministry in hearings under the *Employment Standards Act*, the *Human Rights Code* and the *Occupational Health and Safety Act*. From time to time Hal provides advice and representation to various ministries of the Ontario government.

Education and Year of Call:

- Middlebury College, Vermont, B.A. – 1972, *Magna cum laude, Phi Beta Kappa*
- Osgoode Hall Law School, LL.B. – 1975
- Called to the Ontario Bar – 1978



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Professional Experience:

Stéphane practises in all areas of labour and employment law at both the federal and provincial level. He advises and represents management with respect to termination, hiring, wrongful dismissal, employment standards, employment contracts, employment policies, human rights, grievance arbitration, negotiation and administration of collective agreements, workers' safety and insurance, disability policies, occupational health and safety issues and Canada Labour Code complaints.

Stéphane has presented at a number of seminars and conferences on issues ranging from employment law to workforce safety and insurance.

Prior to joining McMillan Binch, Stéphane worked as a labourer in a number of industries, including mining, where he gained practical insight of the many facets of labour relations, which he brings to his practice.

Stéphane is fluent in French and English. He graduated from the University of Ottawa where he was awarded the Faculty of Law's Silver Medal and various other awards for outstanding academic achievements.

Professional Associations:

- Canadian Bar Association
- Association des juristes d'expression française de l'Ontario

Education and Year of Call:

- Called to the Ontario Bar – 2001
- University of Ottawa, LL.B. – 1999 (Silver Medalist)
- University of Ottawa, B.Soc.Sc. (Criminology) – 1996



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Professional Experience:

- Group Leader, Privacy Project
- Practises in the KNOW^{law}™ Group, with expertise in privacy, access to information, international law, electronic commerce, and intellectual property
- Director of Research
- Formerly Executive Counsel to the Deputy Attorney General of Ontario
- Former Faculty member Osgoode Hall Law School

Offices and Directorships:

- Trustee and College of Law Practice Management
- Chair, New Media and Internet Board, American Bar Association, Law Practice Management Section
- Founder, Legal Research Network
- Management Committee, Legal Technology Roundtable
- Former Chair, ABA Techshow™
- Former Chair, Curriculum Committee, Canadian Institute for Advanced Legal Studies
- Former Governor, Canadian Law Information Council

Education and Year of Call:

- Post Graduate Studies, Osgoode Hall Law School, LL.M. (E-Business) – 2003
- Elected Fellow, College of Law Practice Management – 1996
- Solicitor — Law Society of England and Wales – 1988
- Called to the Bar of Ontario – 1982
- University College Oxford, B.A. – 1971, M.A. – 1979
- Canadian Rhodes Trust Foundation Scholarship

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Speaking and Teaching:

Simon has often testified before Commons and Senate Committees and is a frequent speaker at American, Canadian and European conferences on public policy, technology, international law and law practice management issues, including:

- Canada Bar Association, 2004, *Privacy in the Purchase and Sale of a Business*
- Law Society of Upper Canada, 2003, *Understanding and Avoiding Security and Privacy SNAFUs*
- Law Society of Upper Canada, 2003, *Zapping the Paparazzi - Litigating Privacy*
- ROBTV, 2003, *Interview on Privacy Class Action*
- Information and Privacy Commissioner of Ontario 2002, *Privacy for Multinationals*
- CFAR Radio Calgary, Hot Line Radio Broadcast on Privacy
- Canadian Corporate Counsel Association, 2002. *The Privacy Challenge for Corporations*
- University of Strathclyde, Scotland, Tenth Anniversary Ross Priory Retreat, 2002, *The Evolution of Knowledge Management*
- Pacific Legal Technology Conference, 2002, *Innovation, Technology and the Billable Hour Paradox*
- Department of Justice 2001, *Knowledge Management in Government*
- LegalSysTech, Singapore, 2000, *The Internet Challenge*
- Canadian Bar Association 2000, *Corporate Governance Global Theory and Practice*
- Insight Conference 2000, *The New Global Privacy Landscape*
- American and Canadian Bar Associations 2000, *Law and Lawyers in a Time of Change*
- Canadian Institute 2000, *Where in the World is Here? Jurisdiction in Cyberspace*
- Association of Legal Administrators 2000, *Dancing on Shifting Sands*
- Strategy Institute, Toronto, 2000, *Privacy - The Global Context*
- Strategy Institute, Toronto, 1999, *The Web Goes to Market*
- American Association of Law Libraries, Washington, 1999, *Legal Resources at the Cross Roads*
- Schulich School of Business York University and University of Toronto Rotman Business School, 2000 and 1999, *Multinational Corporate Governance*
- Alcan, Legal Officers Conference, Montreal, 1998, *The Internet and the Global Corporation*
- Association of Continuing Legal Administrators, Closing Plenary 1998, *Technology and the Future of the Legal Profession*
- International Bar Association, 50th Annual Meeting, New Delhi, 1997, *Torts in Cyberspace*
- Scottish Society for Law and Computers, Glasgow, 1997, *Nationalism, Law and Global Information*
- University of Strathclyde, Ross Priory Retreat, Loch Lomond, 1997, Keynote Speaker, *A Challenge for the Profession*
- Legal Marketing Association, New York, 1997, *Technology in the Law Firm of 2002*
- Canadian Bar Association Mid-Winter Meeting, Quebec, 1997, *The Law Firm of the Future*
- He has also led law firm retreats for Shook Hardy and Bacon, (Kansas City), Winston & Strawn, (Chicago), Holme Roberts & Owen, (Denver), Perkins Coie (Seattle), and Cox Downie (Halifax).

Publications:

- Duties & Confidentiality - New Developments, 2003
- Privacy and Competition Compliance, 2003
- Privacy and Your Clients, *LawPro*, 2003
- Zapping the Paparazzi - Litigating Privacy, *Advocates Quarterly* 2003 (forthcoming)
- Learning about Privacy, 2002
- Privacy Challenge, Canadian Corporate Counsel Convention Materials, 2002
- Privacy Set to Become Constitutional Battleground, *Lawyers Weekly*, 2002
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- Regular contributor to *Binchmarks*, the legal column for *Playback* magazine and *Computing Canada*
- Articles in *American Lawyer*, *International Business Lawyer*, *International Financial Law Review*, *Law Practice Management*, *CAMagazine*, *CBA National*, *Business Law International* and *ABA Journal*
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