



Lyndsay A. Wasser

Co-Chair, Privacy & Data Protection
Co-Chair, Cybersecurity
Toronto

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lyndsay.wasser@mcmillan.ca

education and year of call

- Called to the Ontario bar - 2004
- Osgoode Hall Law School, Certificate in Pension Law - 2016
- Osgoode Hall Law School, LLB - 2003
- York University, Specialized Honours Bachelors Degree in Psychology (*summa cum laude*) - 2000

practice areas

privacy and data protection
cybersecurity
CASL - spam and other electronic threats
employment and labour relations
confidential information
employment law
employment litigation
executive compensation
harassment and discrimination
labour relations
freedom of information and access to information

industries

banking, finance and insurance
energy
life sciences
media, communications and entertainment

profile

Lyndsay is the Co-Chair of McMillan's Privacy & Data Protection Group and its Cybersecurity Group. She is a Certified Information Privacy Professional/Canada, and regularly advises and assists clients on a broad range of privacy and cybersecurity issues, including advising on access requests, legal requirements related to data security, workplace privacy issues (e.g. background checks, computer/video/phone monitoring, GPS tracking, drug and alcohol testing), handling personal health information, CASL compliance, and transferring personal information across borders, as well as helping organizations to develop privacy compliance programs, privacy and social media policies, data sharing agreements and consent forms.

Lyndsay has extensive experience advising and representing clients in connection with privacy and data breaches involving different types of information including payment card information, patient data, employee personal information, and sensitive identity information. She has assisted clients in a number of industries with risk assessment, breach response strategy, complying with notification obligations, communication with regulators and coordinating forensic investigations.

Lyndsay also advises and assists management with respect to all areas of employment, labour, pension and benefits laws, including advising on hiring, performance management, employment standards, human rights laws and employment terminations, as well as drafting or reviewing employment contracts, compensation plans and employment policies. Lyndsay advocates for clients in wrongful dismissal actions, human rights applications, workers' compensation claims, complaints to the Ministry of Labour, and matters before the Ontario Labour Relations Board and the Canada Industrial Relations Board.

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In addition, Lyndsay regularly provides advice and assistance to vendors and purchasers with respect to the privacy and employment aspects of corporate transactions, including negotiating the terms of purchase agreements, evaluating issues in the transactions, and drafting offer letters and other contracts for transferring employees.

Lyndsay regularly writes and speaks on privacy and employment-related topics, and is the co-author of Privacy in the Workplace, 4th ed. and the Privacy chapter in the Ultimate Corporate Counsel Guide (CCH).

directorships and professional associations

- International Association of Privacy Professionals
- Ontario Bar Association
- Canadian Bar Association
- Toronto Lawyers Association
- American Bar Association

representative matters

Corporate Transactions

- Acted for Roseburg Forest Products, in connection with its first international acquisition of Pembroke MDF, an Ontario MDF and molding facility.

Cases

- Harper v Ludlow Technical Products Canada Ltd, 2011 CanLII 73172 (ON LRB)
- Critical Path Couriers Ltd., 2011 CIRB 604 (CanLII)

awards and rankings

Lyndsay is the recipient of multiple Awards in Law, including the Bronze Medal and prizes for placing first in first year law at Osgoode Hall Law School. A complete list of her legal Awards is as follows:

- The Bronze Medal, Osgoode Hall Law School
- Carswell Prize – for placing first in first year law at Osgoode Hall Law School
- McCarthy Tetrault Prize – for placing first in first year law at Osgoode Hall Law School
- McMillan Prize in Contracts
- STEP Prize for Trusts and Estates
- Martin J. Rochweg Prize in Tax, Estates & Trusts Law
- Shibley Righton LLP Prize in Taxation

media mentions

- "[The Most Futuristic Developments We Can Expect in the Next 10 Years](#)", *Gizmodo*, October 24, 2019
- "[Anti-spam laws are overreaching, say lawyers](#)", by Julius Melnitzer, *Law Times*, April 29, 2019
- "[The battle over data localization](#)", *CBA National*, April 15, 2019
- "UK secures post-Brexit data flow deals with nine countries", by Laura Linkomies, *Privacy Laws & Business International Report*, April 2019
- "[Are you testing for drugs, or for alcohol?](#)", by John Dujay, *Canadian HR Reporter*, April 1, 2019
- "[Into the Breach](#)", by Julius Melnitzer, *Lexpert Business of Law*, November 13, 2018
- "[Rules tighten for reporting data breaches: If 'real risk of significant harm,' intrusions must be reported](#)", by Melissa Campeau, *Canadian HR Reporter*, November 5, 2018
- "CIBC class action could 'send a signal' on data privacy", by Megan O'Toole, *University of Kings College*, July 27, 2018
- "Will in-cab cameras survive privacy challenges?", by Jim Park, *Today's Trucking*, July 17, 2018
- "Smile? On-board cameras can offer in-cab insights", by Jim Park, *Today's Trucking*, July 17, 2018
- "[Uber hack raises disclosure concerns, calls for stronger data protection](#)", by Ian Bickis, *The Canadian Press*, November 23, 2017
- Erased from Posterity. Europe's General Data Protection Regulation will soon come into force, requiring major Canadian companies to carry new costs associated with a higher standard of data privacy", by Brian Burton, *Lexpert Magazine*, November/December 2017
- "[Privacy protection in the data room](#)", by Sandra Rubin, *Lexpert Business of Law*, November 13, 2017
- "[Former Equifax CEO before Congress: human, technical errors led to data breach](#)", *The Business of Law - BNN*, October 3, 2017
- "[European court decision highlights issues around workplace privacy. Monitoring email among challenges for employers](#)", by John Dujay, *Canadian HR Reporter*, October 2017
- "[Equifax to update Canadians this week, still mum on number impacted by hack](#)", by Armina Ligaya, *The Canadian Press*, September 18, 2017
- "[Equifax to reveal Canadian impact of data breach this week as executives face insider trading probe](#)", by Armina Ligaya,

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The Canadian Press, September 2017

- "[Equifax says it will update Canadians this week about cyberbreach](#)", *The Canadian Press*, September 2017
- "[Equifax hack: No numbers released yet as company promises Canadian update](#)", by Armina Ligaya, *The Canadian Press*, September 2017
- "[TerraLex Beacon Alert – A Global Perspective on Lessons from Equifax](#)" by Andrea Arteaga, *TerraLex News*, October 2017
- "[Canada: Suspension of CASL private right of action prevents “speculative class action litigation”](#)", by Kaveh Lahooti, *Data Guidance*, June 2017
- "[Canada: Genetic Non-Discrimination Act “limits an employer’s ability” to use genetic information](#)", by Kaveh Lahooti, *Data Guidance*, May 2017
- "[Beware of ransomware](#)", *The Business of Law - BNN*, February 3, 2017
- "[When good parties go bad: Employer liability for the office Christmas party](#)" *Business Day PM - BNN*, December 13, 2016
- "[Popular Pokémon GO app attracts criticism on cybersecurity](#)", *The Business of Law - BNN*, July 15, 2016
- "[Is your data safe?](#)" by Ann Macaulay, *CBA National*, May 2, 2016
- "[Why your iPhone security may soon be at risk](#)", *The Business of Law - BNN*, February 19, 2016
- Featured in LexisNexis "Faces Campaign", December 2016
- "[Cybersecurity Liability Come to the Boardroom](#)", by Sandra Rubin, *Lexpert*, October 5, 2015
- "[Disclosure inconsistent as Canada data breaches multiply](#)", by Gary Stoller, *Third Certainty*, October 1, 2015
- "[Are companies doing enough to avoid data breaches?](#)", *The Business of Law - BNN*, August 7, 2015
- "[Risks and rewards of social media employment screening](#)" by Liz Foster, *Canadian HR Reporter TV*, July 2015
- "[School's out for the summer...but teacher strikes loom](#)", *The Business of Law - BNN*, July 17, 2015
- "[Vital to balance employee privacy with security](#)" by Jennifer Brown, *Canadian Lawyer*, May 25, 2015
- "[Managing your privacy risk](#)" by Pablo Fuchs, *National Magazine*, April 2014
- "[Beware! Big Brother culture will have adverse effect on creativity, productivity](#)" by Dan Ovsey, *Financial Post*,

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February 26, 2014

- "[Privacy in the private sector workplace](#)" by Christine Sopora, *National Magazine*, February 14, 2014

publications

October 2019

International Comparative Legal Guide to: Cybersecurity 2020

September 2019

OPC Maintains Status Quo on Transborder Data Flows...At Least for Now!
Privacy Bulletin

June 2019

"Gonna stand my ground; And I won't back down"¹ – The OPC charges forward with its controversial consultation on transborder dataflows/transfers for processing
Privacy Bulletin

May 2019

Proposed Digital Charter Could Bring Sweeping Changes to Canadian Privacy Laws
Privacy Law Bulletin

April 2019

Is Data Residency Coming to Canada? The OPC Signals a Major Change to its Policy Position on Transborder Dataflows
Privacy Bulletin

January 2019

The Privacy Commissioner's Guide to Protecting Personal Information in Cannabis Transactions
Privacy Bulletin

July 2018

A \$250,000 Reminder that "CASL" is Not Just an Anti-Spam Law
Business Law Bulletin

May 2018

PIPEDA – How to Obtain "Meaningful" Consent, and When Consent is Not Enough
Privacy Bulletin

May 2018

PIPEDA's Breach Reporting Requirements Finalized, to Come Into Force November 1, 2018
Privacy Bulletin

April 2018

Employee Privacy Guidance Note - Canada
DataGuidance (Updated from May 2017)

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January 22, 2018

Employee Monitoring (Canada), Practice Note Practical Law
(Revised from May 11, 2017)

November 2017

Prying Eyes: Risk of Employee 'Snooping' and How to Reduce it
Privacy Bulletin

October 2017

Cybersecurity – The Legal Landscape in Canada
Cybersecurity Bulletin

June 2017

Supreme Court of Canada Turns the Other Cheek: Facebook's
"Terms and Conditions" – Forum Selection Clause
Unenforceable
Litigation and Privacy Bulletin

June 2017

CASL Private Right of Action Delayed; Enforcement by CRTC
Continues
Litigation, Business Law and Technology Bulletin

June 2017

Data protection in the field of employment in Canada
Employment Law and Data Protection Bulletin

May 2017

Privacy in the Workplace, 4th Edition
LexisNexis Canada

May 2017

Canada - Employee Privacy Guidance Note
DataGuidance

January 2017

Are You Ready for CASL's Private Right of Action?
Privacy and Class Action Bulletin

December 2016

Privacy Practice Note for LexisNexis Practice Advisor Canada

November 2016

Ontario's *Pooled Registered Pension Plans Act* Takes Effect
Employment and Labour Bulletin

November 2016

McMillan Cybersecurity Article Series
McMillan LLP

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August 2016

Speak Now: Consultation on Solvency Funding for Defined Benefit (DB) Pension Plans
Employment and Labour Bulletin

August 2016

The GDPR – Key Points for Canadian Businesses
Privacy Bulletin

June 2016

Privacy Alert: Proliferation of Access Requests as New Tools Automate Request Generation and Distribution
Privacy Bulletin

May 2016

Cybersecurity and the Internet of Things
Article reprinted from the May 2016, Volume 13, Number 6 issue of Canadian Privacy Law Review; This article was first published in Canadian Corporate Counsel, a Thomson Reuters Canada publication

April 2016

Privacy and Cybersecurity Issues in Canadian M&A Transactions
Cybersecurity Bulletin
Deal Points

February 2016

Introducing Safe Harbour 2.0: the EU-US Privacy Shield
Privacy Bulletin

February 2016

Can you keep a secret? The courts recognize a new tort for public disclosure of private facts
Privacy Bulletin
Internet and E-Commerce Law in Canada

October 2015

Safe Harbour Not Safe Enough: Data Transfers From E.U. To U.S. Out To Sea
Privacy Bulletin

October 2015

Ashley Madison – A new era in privacy class actions for Canada?
Privacy Bulletin
Canadian Corporate Counsel, Volume 24, Number 8

July 2015

Access Requests
Privacy Bulletin

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July 2015

Cloud Computing
Privacy Bulletin

July 2015

Flag on the Play?
Recent Disclosure of NFL Player's Medical Information Sparks
Allegations of Privacy Violations
Privacy Bulletin

July 2015

More Changes to Cyber Security Laws on the Horizon?
Privacy Bulletin

July 2015

McMillan Privacy Basics Bulletin Series
McMillan LLP

July 2015

Data Protection Agreements
Privacy Bulletin

July 2015

Ought We Fear the Time Of Year? Summer Dismissals May
Warrant Longer Notice Periods
Employment and Labour Bulletin

July 2015

Breach Response Plans
Privacy Bulletin

July 2015

Cybersecurity
Privacy Bulletin

June 2015

Privacy Training
Privacy Bulletin

June 2015

PIPEDA Changes Finally Pass
Privacy Bulletin

June 2015

Privacy Programs
Privacy Bulletin

June 2015

Privacy Policies
Privacy Bulletin

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June 2015

Bell Gets a Bad Rap for its RAP (Relevant Advertising Program)
Privacy Bulletin

May 2015

Monitoring the Mayor – B.C. Mayor alleges that computer
monitoring violated his privacy
Privacy Bulletin

May 2015

Off-Colour/Off-Duty – Termination of Hydro One Employee
Earns Media Attention
Employment and Labour Bulletin

July 2014

Three New Leaves for Ontario Workers to Take Effect October
29, 2014
Employment and Labour Bulletin

Spring 2014

Privacy Chapter
Author, Ultimate Corporate Counsel Guide for CCH

Spring 2014

Managing Your Privacy Risk, An In-House Guide
Contributor, CCCA (Canadian Corporate Counsel Association)
Magazine, author: Pablo Fuchs, Vol. 8, No. 1

March 2014

Age Discrimination in Benefit Plans - *Talos v Grand Erie District
School Board*
Employment and Labour Bulletin

February 2014

Are Contractual Termination Provisions Reliable?
Employment and Labour Bulletin

January 2014

Top Five Workplace Privacy Questions
Employment and Labour Bulletin
also presented at the International Association of Privacy
Professionals (IAPP) Canada Privacy Symposium 2013

December 2013

Privacy in the Workplace, 3rd Edition
Wolters Kluwer CCH

presentations

November 1, 2019

Data Breaches & Cybersecurity Incidents
Data Breaches & Cybersecurity Incidents: The Legal Guide to
Preparedness and Response - Osgoode Professional

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Development

May 2019

Designing an Employee Privacy Program
IAPP Canada Privacy Symposium 2019

February 7, 2019

General Data Protection Regulation (GDPR), Product Liability,
and Recalls
Product Liability Conference, Austin, TX

February 7, 2019

Privacy Laws & Enforcement
Product Liability Conference, Austin, TX

November 8, 2018

The Regulatory and Legal Landscape for Businesses
Cybersecurity for Business Leaders, The Globe and Mail's
Cybersecurity for Business Leaders Summit

October 29, 2018

Data Governance and Management: Collection, Storage &
Transfer of Data in Canada
2018 CAN-TECH LAW 22nd Annual Conference

October 25, 2018

Investing in the Canadian AI Ecosystem
The CANADA AI Summit

October 2, 2018

The Evolving Landscape of Cybersecurity Law in Canada: new
breach notification obligations and guidance from the regulators
Association of Corporate Counsel Conference

May 24, 2018

IAPP Canada Privacy Symposium 2018
Algorithms, Data and Bias: The Legal, Privacy and Ethical
Implications of AI, Toronto, Ontario

November 27, 2017

Cybersecurity
AI World Forum, Toronto, Ontario

November 14, 2017

Hot topics for Cybersecurity – Ransomware, Insurance
McMillan's Second Annual Privacy, Cybersecurity and Data
Protection Seminar, Toronto, Ontario

November 14, 2017

Breach Response
McMillan's Second Annual Privacy, Cybersecurity and Data
Protection Seminar, Toronto, Ontario

November 14, 2017

Updates on the Case Law
McMillan's Second Annual Privacy, Cybersecurity and Data

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Protection Seminar, Toronto, Ontario

October 26, 2017

FinTech Regulation and Privacy
Canadian Lenders Summit, Toronto

June 6, 2017

Privacy Law Update
2017 Ontario Connections Conference - Access, Privacy,
Security, Records Management, Toronto, Ontario

May 1, 2017

Legal Implications of Cybersecurity
ACFI Annual Fraud Conference, Toronto, Ontario

April 2017

Privacy Policies of the Future
Privacy Law Summit, Toronto, Ontario

June 7, 2016

Privacy Law Update
2016 Ontario Connections, Access, Privacy, Security & Records
Management Conference

May 31, 2016

Management Rights or Prying Eyes?: Disentangling the law of
workplace surveillance
Audio Conference, Lancaster House

May 16, 2016

Current Issues in Privacy Law and CASL
IT Law Spring Forum 2016

March 31, 2016

The latest legal and regulatory developments - implications for
the industry
2016 CLHIA Cyber Security Conference

February 4, 2016

Internet of Things - the Next Generation
Toronto Intellectual Property Group, Toronto, Ontario

November 19, 2015

Cybersecurity Landscape in 2015 – Recent Trends and
Developments
Toronto Computer Lawyers' Group, Toronto, Ontario

September 24, 2015

Drafting Employment Contracts
Association of Corporate Counsel Seminar, Toronto

January 16, 2014

Privacy in the Workplace
CCH Webinar with colleague Éloïse Gratton

December 9, 2013

Workplace Privacy - Social Media Checks



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Expert Seminar on Information Privacy and Data Protection