



Mitch Koczerginski

Toronto

416.865.7262

mitch.koczerginski@mcmillan.ca

admission au Barreau et formation

- Ontario - 2015
- University of Ottawa, J.D., *cum laude* - 2014
- Michigan State University, J.D., *cum laude* - 2014
- University of Western Ontario, B.A. (Philosophy) - 2010

domaines de pratique

protection des renseignements
personnels

litiges en droit des affaires

diffamation

freedom of information and access to
information

cybersécurité

différends en matière de franchisage
et de contrats de distribution

litige

location immobilière

industries

immobilier commercial

franchisage et distribution

industries manufacturières, distribution
et commerce du détail

profil

Mitch is an associate in the Advocacy and Litigation Group. He practices complex corporate and commercial litigation with a focus on franchising, construction and privacy related disputes. He has experience in handling franchise and distributorship disputes, construction disputes, internet disputes, product liability disputes and a wide range of contractual and business relationship disputes.

Mitch has a strong background in privacy and technology law and regularly advises and represents clients in connection with privacy and data breaches involving payment card information, personal information, health information and sensitive business information.

Further to his litigation work, Mitch also assists clients by drafting privacy policies, conducting privacy impact assessments and responding to access to information requests. For example, he has made a number of submissions to various provincial Privacy Commissioners as well as the Privacy Commissioner of Canada on a variety of matters, including breach reporting and access to information appeals.

Mitch joined the firm as a summer student and articulated with the firm before his call to the Ontario bar in 2015. He received his BA from the University of Western Ontario and a JD from both the University of Ottawa and Michigan State University.

mandats représentatifs

Representative litigation matters that Mitch has been involved in:

- Representing a subcontractor in a construction dispute against a general contractor and municipal owner.
- Representing a Canadian business in a dispute regarding

Mitch Koczerzinski
t: 416.865.7262
mitch.koczerzinski@mcmillan.ca

the sale of livestock to a U.S. purchaser.

- Defending a corporation and certain officers and directors in an oppression action commenced by a director and shareholder.
- Defending a general contractor in a construction dispute regarding the alleged non-return of rental equipment at the conclusion of a construction project.
- Defending a general contractor in a construction dispute regarding the alleged non-payment of extras charged in connection with a construction project.
- Representing an employer in a dispute against its employee benefits provider for charges incurred by non-employees.
- Representing a creditor in a dispute against a debtor for enforcement of a demand promissory note.
- Representing a subcontractor in a dispute against a general contractor for non-payment following the failure of a municipality to grant necessary permits in connection with a development.
- Defending a manufacturer in a product liability dispute regarding alleged product defects resulting in significant damage to personal property.
- Defending a mining company in a dispute regarding royalties allegedly due pursuant to a Net Smelter Royalty Agreement.
- Defending an owner and general contractor in a construction lien action commenced by a subcontractor alleging damages resulting from a change in the scope of the subcontract.
- Representing an auto-recycling company in a dispute against a seller of auto parts that were not as valuable as initially represented.
- Defending a franchisor against a franchisee purporting to rescind the franchise agreement on the basis that the franchisor provided a deficient disclosure document.
- Representing a Canadian distributor against a US supplier following the termination of the distribution agreement without providing sufficient notice of termination.

Representative privacy matters that Mitch has been involved in:

- Conducting privacy impact assessments to evaluate whether the business processes of an organization comply with FIPPA.
- Representing a government institution in an appeal before the Information and Privacy Commissioner of Ontario regarding an access to information request.
- Representing a corporation in an appeal before the

Mitch Koczerzinski
t: 416.865.7262
mitch.koczerzinski@mcmillan.ca

Information and Privacy Commissioner of Ontario regarding an access to information request.

- Representing a government institution in an appeal before the Office of the Privacy Commissioner of Canada regarding an access to information request.
- Representing a corporation in an appeal before the Information and Privacy Commissioner of Ontario regarding an access to information request.
- Reviewing and drafting privacy policies for organizations conducting business in Canada.
- Representing the purchaser in its acquisition of a company in respect of privacy provisions in the share purchase agreement.

prix et palmarès

- University of Ottawa Faculty of Law, Dean's list
- Michigan State University College of Law, Dean's list


publications

Août 2020

Amendment to Ontario Franchising Legislation
(seulement disponible en anglais)
Franchise and Distribution Bulletin

Juin 2020

Vers une « nouvelle normalité » : traçage des contacts et protection de la vie privée au Canada

Éditions Yvon Blais - Thomson Reuters 

28 Mai 2020

Vers une « nouvelle normalité » : traçage des contacts et protection de la vie privée au Canada
Bulletin sur la protection de la vie privée et des données

13 Mai 2020

9 Things You Should Do Right Now to Protect Your Franchise System During the COVID-19 Pandemic
(seulement disponible en anglais)
Franchise and Distribution Bulletin

Mars 2020

Caught by Release: Franchisees Can't Have Their Cake and Eat It Too
(seulement disponible en anglais)
Franchise and Distribution Bulletin

Janvier 2020

Franchising in Canada: 2019 Year in Review

Mitch Kocerginski
t: 416.865.7262
mitch.kocerginski@mcmillan.ca

(seulement disponible en anglais)



Novembre 2019

One-Year Anniversary of Mandatory Data Breach Reporting:
Lessons the OPC Has Learned and What Businesses Need to
Know

(seulement disponible en anglais)

Privacy and Cybersecurity Bulletin

Octobre 2019

Data Protection and Cybersecurity in Canada
Franchise Law Journal, Vol.39, No1, summer 2019

(seulement disponible en anglais)



Janvier 2019

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

(seulement disponible en anglais)

Privacy Bulletin

Novembre 2018

A Word of Warning to Franchisors – ADR Provisions May
Postpone the Limitation Period for Rescission

(seulement disponible en anglais)

Franchise and Distribution Bulletin

Novembre 2018

Trick or...Breach? PIPEDA's Breach Reporting Requirements
Come Into Force on November 1, 2018

(seulement disponible en anglais)

Privacy Law Bulletin

Août 2018

Is your Privilege Protected? Ontario Court Revisits Doctrine of
"Implied Waiver of Privilege" in Recent Decision

(seulement disponible en anglais)

Litigation Bulletin

Juin 2018

SCC Says Judges Have No Business Reviewing Decisions of
Voluntary Associations

(seulement disponible en anglais)

Litigation and Administrative Law Bulletin

Mai 2018

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

(seulement disponible en anglais)

Privacy Bulletin

Mitch Koczerzinski
t: 416.865.7262
mitch.koczerzinski@mcmillan.ca

Avril 2018

Recent Privacy Concerns Call for Increased Transparency and Control

(seulement disponible en anglais)

Privacy and Data Security Bulletin

Mars 2018

If Online Reputation is Everything, Who Wants a Do-Over?

(seulement disponible en anglais)

Privacy Bulletin

Octobre 2017

Cybersecurity – The Legal Landscape in Canada

(seulement disponible en anglais)

Cybersecurity Bulletin

Septembre 2017

Sneak Peek at PIPEDA's Breach Reporting Requirements - Proposed Regulations Released for Comment

(seulement disponible en anglais)

Cybersecurity Bulletin

Août 2017

Compétence à l'égard d'un défendeur étranger –

L'emplacement du serveur n'est pas déterminant

Bulletin de litige

Juillet 2017

Libère-moi : la Cour d'appel de l'Ontario précise quand les franchiseurs peuvent faire appliquer une libération

Bulletin de litige

Juin 2017

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

Unenforceable

(seulement disponible en anglais)

Litigation and Privacy Bulletin

Juin 2017

Ontario Court of Appeal to Franchisors: "Comply with your disclosure requirements, or else..."

(seulement disponible en anglais)

Litigation, Franchise and Distribution Bulletin

Mai 2017

Changing Workplaces Review Final Report – Who Must Bargain with Franchise Employees?

(seulement disponible en anglais)

Business Law, Labour and Employment, Franchising and Distribution Bulletin

Mitch Kocerginski
t: 416.865.7262
mitch.kocerginski@mcmillan.ca

Janvier 2017

Are You Ready for CASL's Private Right of Action?
(seulement disponible en anglais)
Privacy and Class Action Bulletin

Décembre 2016

The Cybersecurity Implications of Driverless Cars
(seulement disponible en anglais)
Cybersecurity Bulletin

Novembre 2016

"Going Dark" – No Easy Answers on the Cybersecurity Horizon
(seulement disponible en anglais)
Cybersecurity Bulletin Canadian Corporate Counsel, Volume 25, Number 7 Watch a video synopsis of this article here

Août 2016

A Good Liability Exclusion Clause Can Protect You From A Bad Termination Of Contract
(seulement disponible en anglais)
Litigation Bulletin

Mai 2016

Cybersecurity and the Internet of Things
(seulement disponible en anglais)
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

Mars 2016

Decrypting the iPhone - Everybody's Got Something to Hide, Except Me and My Monkey
(seulement disponible en anglais)
Privacy and Cybersecurity Bulletin

Février 2016

Introducing Safe Harbour 2.0: the EU-US Privacy Shield
(seulement disponible en anglais)
Privacy Bulletin

Février 2016

The Privacy Commissioner's Annual Report on the *Privacy Act*
(seulement disponible en anglais)
Privacy Bulletin

Février 2016

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

Mitch Koczerzinski
t: 416.865.7262
mitch.koczerzinski@mcmillan.ca

Décembre 2015

Who Drives Whom? Driverless Car Pilot Project to Hit the Road in Ontario in 2016
(seulement disponible en anglais)
Automotive Bulletin

Novembre 2015

Does "Privilege of the Law of Evidence" Include Solicitor-Client Documents?
(seulement disponible en anglais)
Privacy Bulletin

Novembre 2015

Bring Your Own Device ("BYOD") Programs: Strategic Considerations to Reconcile Security and Privacy Issues
(seulement disponible en anglais)
Privacy Bulletin

Octobre 2015

Safe Harbour Not Safe Enough: Data Transfers From E.U. To U.S. Out To Sea
(seulement disponible en anglais)
Privacy Bulletin

Mai 2015

Monitoring the Mayor – B.C. Mayor alleges that computer monitoring violated his privacy
(seulement disponible en anglais)
Privacy Bulletin

présentations

4 Février 2020

2019 Year in Review: Privacy, Data Protection & Cybersecurity
McMillan LLP, Toronto
(seulement disponible en anglais)

19 Novembre 2019

Access to Information Requests and Practical Considerations for Not-for-Profit and Charitable Organizations
(seulement disponible en anglais)
OBA Charity and Not-For-Profit Law Program

14 Novembre 2017

Updates on the Case Law
(seulement disponible en anglais)
McMillan's Second Annual Privacy, Cybersecurity and Data Protection Seminar, Toronto, Ontario