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JOIN US FOR THE
2015
INFORMATION TECHNOLOGY
LAW SPRING FORUM

CHAired BY

Lisa R. Lifshitz, Partner, Torkin Manes LLP
Anaar Dhanji, Senior Counsel, Legal, Corporate &
Compliance Group, BMO Financial Group

St. Andrew's Club & Conference Centre
150 King Street West 16th Floor, Toronto ON, M5H 1J9

MAY 4, 2015 | WWW.IT-CONFERENCE.CA

PRESENTED BY
l'Association canadienne du droit
des technologies de l'information
IT.CAN
Canadian IT Law Association

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Current Topics in IT Law

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STREAM 2

Fundamental of IT Negotiation and Contracting

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2015 IT.CAN CONFERENCE IT.CAN PRICING

	NON-IT MEMBER		IT MEMBER DISCOUNT
IN CLASS SELECTION	REGULAR PRICE	EARLY BIRD PRICE	REGULAR PRICE
Full Access (5 In-class, 5 Webinar Archives)	\$2,495.00	\$2,195.00	\$1,995.00
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LAW SOCIETY OF BRITISH COLUMBIA

This program has been accredited by the Law Society of British Columbia for 6.25 hours towards the professional development requirement for certification.

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This program can be applied towards the 9 Substantive Hours of Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that this program is not accredited for Professionalism hours or for the New Member Requirement. Total hours 6.25

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This program has been accredited by the Law Society of New Brunswick for 6.25 hours towards the mandatory continuing professional development requirement.

LAW SOCIETY OF ALBERTA

For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.

MEMBERSHIP

The Canadian IT Law Association ("IT.CAN") is currently accepting memberships for 2015. For more information about joining IT.CAN please visit our website at www.it-can.ca or contact Executive Director Lisa Ptack at lisa.ptack@rogers.com. Please note the special introductory membership rate of \$100 for new members.

L'Association canadienne du droit
des technologies de l'information



Canadian IT Law Association

AGENDA

8:00-9:00

Registration & Breakfast

9:00-9:15

Introduction and Welcome

9:15-10:30

- Social Media & e-Marketing Law
- Negotiating Cloud Arrangements:
Key IT Legal Issues for the Financial
Sector

10:30-10:45

Refreshment Break

10:45-12:00

- Mobile Payments & Payment
Standards: Structuring the Deal
- Making your IT Contract Work:
Benchmarking & Audit Clauses in
Technology Agreements

12:00-1:00

Networking Lunch

1:00-2:15

- Data Governance:
Addressing the Big Data Challenge
- Handling an IT Project in Crisis

2:15-3:30

- Minimizing & Managing
Cyberliability
- Trends & Developments in IT
Procurement

3:30-3:45

Refreshment Break

3:45-5:00

- Best Practices for Data Security
and Data Breach Protocol
- Fundamentals of Technology
Contracting

5:00

Conclusion

SOCIAL MEDIA & E-MARKETING LAW



TIME

9:15-10:30

SPEAKERS

DANIEL COLE
Gowling Lafleur Henderson LLP

JOHN SALLOUM
Hoskin & Harcourt LLP

HIGHLIGHTS

- e-Marketing in a CASL context
- Brand protection and reputation management
- Social media contests
- Managing the risks of engaging consumers
- Is it safe to retweet that?
- Online retargeting/remarketing:
 - » Compliance considerations for online behavioural advertising
- Leveraging analytics in marketing contexts

FUNDAMENTALS OF TECHNOLOGY CONTRACTING



TIME

3:45-5:00

SPEAKERS

FRASER MANN
Mann Symons LLP

JAY SAFER
IBM Canada Ltd.

BARRY SOOKMAN
McCarthy Tetrault LLP

HIGHLIGHTS

- Warranties and indemnities
- Support and services agreements: Critical terms
- Software licensing models: Scope of rights
- Termination/transition issues
- Cross border contracts
- Limitations of liability and indemnities/damages

TRENDS & DEVELOPMENTS IN IT PROCUREMENT



TIME

2:15-3:30

SPEAKERS

PAUL EMMANUELLI
Procurement Law Office

HIGHLIGHTS

- Flexible negotiated RFP formats for technology procurement: Cross Canada survey
- Latest case law developments impacting the use of negotiated RFPs
- Guiding principles for the implementation of NRFPs for proper IT project design planning
- Procurement confidentiality issues

MOBILE PAYMENTS & PAYMENT STANDARDS: STRUCTURING THE DEAL



TIME

10:45-12:00

SPEAKERS

DAVID MA
Blaney McMurtry LLP

JEFFREY ROODE
Barrister & Solicitor

HIGHLIGHTS

- What to look for in a mobile payments contract
- Structuring a mobile payments deal:
 - » Who has access to the data?
 - » How do fees, expenses and incentives work?
- Consent issues for mobile devices
- Security issues for the mobile wallet
- Architecture of NFC based payment systems and applicable standards
- Compliance with Payment Card Industry, Data Security Standards and other payment card network rules
- Canadian Bankers Association Mobile Payments Guidelines

DATA GOVERNANCE: ADDRESSING THE BIG DATA CHALLENGE



TIME

1:00-2:15

SPEAKERS

DR. ANN CAVOUKIAN
Ryerson University

ADAM KARDASH
Osler, Hoskin & Harcourt LLP

HIGHLIGHTS

- Demystifying the concept of Big Data
- Big Data processing and fair information practices
- Legal and ethical challenges posed by Big Data
- Emerging standards and frameworks to address the risks
- Privacy by Design embedded into Big Data analytics
- The role of de-identification
- Leveraging Big Data

HANDLING AN IT PROJECT IN CRISIS



TIME

1:00-2:15

SPEAKERS

BARRY FISHER
ADR Institute of Canada

PETER RUBY
Goodmans LLP

ELISABETH SYMONS
Mann Symons LLP

HIGHLIGHTS

- Understanding why IT projects can fail
- Techniques for trying to save a failing IT project
- Options when facing a failing IT project:
 - » Effective strategies for dispute resolution, urgent relief
 - » When and how to terminate
- Important initial moves in arbitration and litigation of IT disputes

MAKING YOUR IT CONTRACT WORK: BENCHMARKING & AUDIT CLAUSES IN TECHNOLOGY AGREEMENTS



TIME

10:45-12:00

SPEAKERS

ANDREW ALLEYNE
Fasken Martineau
DuMoulin LLP

RICHARD AUSTIN
Deeth Williams Wall

KENNETH SILVERMAN
IBM Canada Limited

HIGHLIGHTS

- Benchmarking price and performance
- Compliance with pricing and service level parameters
- Privacy and security audit clauses
- CSAE 3416 and other assurance audits
- Implications for the Cloud

MINIMIZING & MANAGING CYBERLIABILITY



TIME

2:15-3:30

SPEAKERS

KATIE ANDRUCHOW
Aon Risk Solutions

JOHN DANIELE
KPMG LLP

CHRISTINE ING
Blake, Cassels &
Graydon LLP

HIGHLIGHTS

- Understanding the hackers, motivators and cyber threats
- Cyber risk management: What successful organizations are doing to prepare?
- The contract and beyond: Strategies to manage third party and supply chain risk
- Cyber liability insurance:
 - >> What is covered: Third party liability and first party costs
 - >> Actual claim payouts and loss statistics
 - >> Current trends/future considerations
- New technologies and testing for vulnerability and penetration
- Security incident response: Effective strategies to proactively prepare



3:45-5:00

SALIM HASHAM
PricewaterhouseCoopers

GABRIEL A.M. STERN
Fasken Martineau DuMoulin LLP

- Improving data security: Current risks and challenges for business
- Recent major data breaches and what we can learn
- Effective risk management strategies to reduce vulnerability
- Developing a crisis management plan and a multi-disciplinary incident response team as part of governance framework
- Notification requirements: PIPEDA amendments
- Liability issues: key contract terms and conditions
- Business disaster recovery



9:15-10:30

KAREN BURKE
BMO Financial Group

DAVID CRANE
McCarthy Tetrault LLP

ANAAR DHANJI
BMO Financial Group

- Contracting for outsourced cloud computing services from the vendor and purchaser perspective
- Due diligence considerations prior to engaging outsourced cloud services
- Private cloud considerations
- Negotiating the contractual requirements
- Vendor perspective on B-10 compliance
- Managing cross border data transfer, privacy breach and security risk
- Best practices for IT due diligence, risk mitigation, compliance and contracting