INFORMATION TECHNOLOGY LAW SPRING FORUM

CHAIRDED 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

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2015 IT.CAN CONFERENCE
TABLE OF CONTENTS

STREAM 1
Current Topics in IT Law

Social Media & e-Marketing Law . . . . . . . . . . . page 3
Mobile Payments & Payment Standards:
Structuring the Deal . . . . . . . . . . . . . . . . . . . . . . . . . page 4
Data Governance: Addressing the Big Data Challenge . . . . . page 5
Minimizing & Managing Cyberliability . . . . . . . . . . . . . . page 6
Best Practices for Data Security
and Data Breach Protocol . . . . . . . . . . . . . . . . . . . page 7

STREAM 2
Fundamental of IT Negotiation and Contracting

Negotiating Cloud Arrangements:
Key IT Legal Issues for the Financial Sector . . . . . . . page 8
Making your IT Contract Work:
Benchmarking & Audit Clauses
in Technology Agreements . . . . . . . . . . . . . . . . page 9
Handling an IT Project in Crisis . . . . . . . . . . . . . . . . . . page 10
Trends & Developments in IT Procurement . . . . . . . . . . . . page 11
Fundamentals of Technology Contracting. . . . . . . . . . . . . page 12

2015 IT.CAN CONFERENCE
IT.CAN PRICING

<table>
<thead>
<tr>
<th>IN CLASS SELECTION</th>
<th>NON-IT MEMBER</th>
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Registration fee includes the course, materials, breakfast, lunch and coffee breaks. Substitutions are granted with notification to Carswell Media Events.

WEBINAR PRICE CLARIFICATION
Please note, these prices are on a per-person basis. For payment of the price for one person, only one individual is allowed to be logged in, and viewing at a time. To inquire about Group Rates, please contact Carswell Media at 416.609.5868.

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**AGENDA**

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>8:00-9:00</td>
<td>Registration &amp; Breakfast</td>
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<tr>
<td>9:00-9:15</td>
<td>Introduction and Welcome</td>
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<tr>
<td>9:15-10:30</td>
<td>• Social Media &amp; e-Marketing Law</td>
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<td>• Negotiating Cloud Arrangements: Key IT Legal Issues for the Financial Sector</td>
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<tr>
<td>10:30-10:45</td>
<td>Refreshment Break</td>
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<td>10:45-12:00</td>
<td>• Mobile Payments &amp; Payment Standards: Structuring the Deal</td>
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<td>• Making your IT Contract Work: Benchmarking &amp; Audit Clauses in Technology Agreements</td>
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<td>12:00-1:00</td>
<td>Networking Lunch</td>
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<td>1:00-2:15</td>
<td>• Data Governance: Addressing the Big Data Challenge</td>
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<td>• Handling an IT Project in Crisis</td>
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<td>2:15-3:30</td>
<td>• Minimizing &amp; Managing Cyberliability</td>
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<td>• Trends &amp; Developments in IT Procurement</td>
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<td>3:30-3:45</td>
<td>Refreshment Break</td>
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<td>3:45-5:00</td>
<td>• Best Practices for Data Security and Data Breach Protocol</td>
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<td>• Fundamentals of Technology Contracting</td>
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<td>5:00</td>
<td>Conclusion</td>
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**ACCREDITATION**

**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.

**LAW SOCIETY OF UPPER CANADA (CPD)**
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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**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

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**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

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**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

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

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

MINIMIZING & MANAGING
CYBERLIABILITY

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

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
BEST PRACTICES FOR DATA SECURITY AND DATA BREACH PROTOCOL

SPEAKERS

SALIM HASHAM
PricewaterhouseCoopers

GABRIEL A.M. STERN
Fasken Martineau DuMoulin LLP

HIGHLIGHTS

- 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

NEGOTIATING CLOUD ARRANGEMENTS: KEY IT LEGAL ISSUES FOR THE FINANCIAL SECTOR

SPEAKERS

KAREN BURKE
BMO Financial Group

DAVID CRANE
McCarthy Tetrault LLP

ANAAR DHANJI
BMO Financial Group

HIGHLIGHTS

- 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