



## Daniel J. Michaluk

### National Co-Leader, Privacy & Cybersecurity

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[Cybersecurity, Privacy & Data Protection](#)

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Dan is a well-recognized cybersecurity, privacy and information management lawyer, with significant experience working with education and public sector organizations in Canada. Dan helps organizations:

- respond optimally to security and cyber incidents
- defend security and privacy complaints, claims and grievances
- handle complex freedom of information matters and appeals
- address security and other operational issues while minimizing privacy risks

Dan has maintained a privacy and security practice since 2003 and has acted as a security incident “coach” since 2006. He has represented clients in significant privacy, security and freedom of information litigation, including at the Ontario Court of Appeal and Supreme Court of Canada.

Dan has been recognized by *Best Lawyers*, *Chambers Canada*, *Who’s Who Legal* and *Lexpert*, and has authored and contributed to privacy and e-discovery texts.

## Experience

- Defended two grievances on behalf of universities whose unions challenged the outsourcing of email systems to the cloud.
- Represented a legal publisher in two “right to be forgotten” cases brought by individuals challenging the publisher’s right to publish case law on privacy grounds.

- Helped an educational institution obtain an Anton Piller order and recover data stolen by student hackers.
- Helped a municipality obtain injunctive relief to address the theft and misuse of confidential information by a public official and resolve related privacy breach claims.

## Insights & Events

- Author, "LifeLabs: Court considers privilege claims over cybersecurity investigation materials", BLG Article, May 2024
- Author, "Bill 194 - The new Enhancing Digital Security and Trust Act, 2024 and changes to Ontario's Freedom of Information and Protection of Privacy Act", BLG Article, May 2024
- Author, "SCC decision: Deliberative secrecy and disclosure of Cabinet mandate letters", BLG Article, February 2024
- Author, "IPC requests feedback on draft Digital Privacy Charter for Ontario Schools", BLG Article, November 2023
- Author, "The Vancouver Island University audit report – board oversight of cybersecurity risk management", BLG Article, September 2023
- Author, "Business email compromise incidents: Takeaways from IPC PHIPA Decision 205", BLG Article, July 2023
- Author, "Province releases cyber incident response standard for Ontario school boards", BLG Article, April 2023
- Author, "Ransomware attacks – Tips from the trenches", BLG Article, April 2023
- Author, "Cyber incidents: the role of legal counsel and the first 24 hours ", BLG Article, January 2023
- Author, "Freedom of information requests for faculty records", BLG Article, November 2022
- Author, "The transparency imperative: Challenges of public sector cyber incident response", BLG Article, November 2022
- Author, "Custody and control of an Institution's affiliate records under M/FIPPA: Lessons from the York University decision", BLG Article, November 2022
- Author, "Ontario introduces sexual abuse legislation for Ontario colleges and universities", BLG Article, October 2022
- Author, "Appellate court's decision on teachers' privacy rights in Ontario", BLG Article, July 2022
- Author, "Canada's Consumer Privacy Protection Act (Bill C-27): Impact for businesses", BLG Article, June 2022
- Author, "Bill C-26: New Canadian critical infrastructure cyber security law", BLG Article, June 2022
- Author, "The cyber incident response plan: The power is in the process", BLG Article, May 2022
- Author, "Mind your spreadsheets: Tips to improve your data governance before an incident", BLG Article, May 2022
- Author, "Ontario introduces electronic monitoring legislation", BLG Article, March 2022
- Author, "Top 10 commercial decisions of 2021", BLG Article, February 2022
- Author, "Healthcare cyber attacks: Lessons for Canada from Ireland's HSE attack", BLG Article, January 2022
- Author, "Ontario court dismisses cyber attack class action: Why 'intrusion upon seclusion' didn't work", BLG Article, September 2021
- Author, "Ontario moves forward with privacy legislation initiative", BLG Article, June 2021
- Author, "Cybersecurity incident response – Tips from the trenches", BLG Article, June 2021
- Author, "Online proctoring: Privacy and risk management considerations for schools", BLG Article, April 2021

## Beyond Our Walls

### Professional Involvement

- Member, Advocates' Society
- Member, The Canadian Association of University Solicitors
- Member, Canadian Bar Association
- Member, Ontario Bar Association
- Member, American Bar Association
- Canadian Association of University Solicitors
- Member, International Association of Privacy Professionals (IAPP)

## Awards & Recognition

- Recognized in the 2024 edition (and since 2014) of *The Best Lawyers in Canada* (Privacy and Data Security Law)
- Recognized in the 2024 edition (and since 2016) of *Chambers Canada – Canada's Leading Lawyers for Business* (Privacy & Data Protection (Nationwide))
- Recognized in the 2024 (and since 2022) of *The Canadian Legal Lexpert Directory* (Data Protection & Privacy) and in the 2023 edition (and since 2022) (Employment Law - Employer).
- Recognized as the 2023 'Lawyer of the Year' in Toronto by *The Best Lawyers in Canada* (Privacy and Data Security Law)
- Recognized in the 2023 edition (and since 2022) of *The Canadian Legal Lexpert Directory* (Data Protection & Privacy; Employment Law - Employer).
- Recognized in the 2023 edition (and since 2022) of *Lexpert Special Edition: Technology & Health Sciences*
- Recognized in the 2023 edition (and in 2020) of *Who's Who Legal: Data – Data Privacy & Protection*
- Recognized in the 2020 edition of *The Legal 500 Canada – 'Next Generation Partner,' Data Security and Privacy*
- Recognized in the 2018 edition of *Best Lawyers Global Business Edition – Privacy and Data Security Law*
- Recipient of the *Lexpert Zenith Award – Celebrating Mid-Career Excellence in Computer and IT Law* (2018)

## Bar Admission & Education

- Ontario, 2001
- LLB, Queen's University, 1997
- B.Comm, Queen's University, 1994



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