



IAPP Canada Symposium 2026

Privacy | AI governance | Cybersecurity law

Conference 4-5 May

Workshops 6 May

Training 6-7 May

TORONTO

#IAPPSymposium26

Privacy Legal Update:

Recent and Upcoming Privacy Law
Developments



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WELCOME AND INTRODUCTIONS



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Alex is widely recognized as one of Canada's leading cybersecurity and privacy lawyers. He is consistently sought out in these areas by clients from all industry sectors, including numerous Fortune 100 and 500 companies. He has helped his clients respond to large-scale cybersecurity attacks and data breaches. Alex has also acted as lead counsel in defence of some of the most significant data breach class action litigation matters in Canada. In recognition of his expertise, Alex has received a doctoral degree in the field of privacy law and prestigious commissions from the Office of the Privacy Commissioner of Canada. He is consistently ranked in the highest band in the legal rankings guides Chambers, Who's Who Legal, Canadian Legal Lexpert Directory and The Best Lawyers in Canada.

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Overview

- Intrusion legacy
- Privacy class actions
- IPC Ontario decisions
- Multi-factor authentication
- Miscellaneous

Intrusion legacy

- *Jones v Tsigie*, 2012 ONCA 32 - intrusion upon seclusion:
 - Defendant's conduct must be intentional
 - Defendant must invade, without lawful justification, private affairs/concerns; and
 - Invasion must be objectively highly offensive, causing distress, humiliation, or anguish.
- Moral damages up to \$20,000

Intrusion legacy

- Examples of recent cases:
 - *Farah v. Toronto Police Services Board*, 2026 ONSC 41
 - *McCarrell v. McCarrell*, 2025 ONSC 6369
 - *E.L.R. v. D.M.S.*, 2026 ONSC 914
 - *Saulnier v Postma*, 2025 ONSC 3569
 - *Chen v. Huang*, 2025 ONSC 3406
 - *Dugas v. Canada*, 2025 FC 842
 - *Kelly v. London Health Sciences Centre* (ON)
 - *Cleaver v Cadillac Fairview*, 2025 BCSC 910

Privacy class actions

- Key appellate court decisions:
 - 2022 - the “Trilogy”:
 - *Owsianik v Equifax*, 2022 ONCA 813
 - *Obodo v TransUnion*, 2022 ONCA 814
 - *Winder v Marriott*, 2022 ONCA 815
 - 2023: *Setoguchi v Uber*, 2023 ABCA 45
 - 2024: *Del Giudice v Thompson*, 2024 ONCA 70

Privacy class actions

- *Privacy Act*, R.S.B.C. 1996, c. 373

1(1) It is a tort, actionable without proof of damage, for a person, **wilfully** and **without a claim of right**, to **violate** the **privacy** of another.



Privacy class actions

- Alleged misuse cases
 - *RateMDs Inc. v. Bleuler*, 2025 BCCA 329
 - *Cleaver v Cadillac Fairview*, 2025 BCSC 910
 - *Donegani v. Facebook*, 2025 ONSC 6020
 - *Trueman v Rogers*, 2025 ONSC 5972
 - *Lam v Flo Health*, 2025 BCSC 993
 - *Hvitved v Home Depot*, 2026 BCCA 39
 - *Moon v. IATSE*, 2025 BCSC 2238

Privacy class actions

- Third party breach cases:
 - *G.D. v South Coast BC Transportation Authority*, 2026 BCSC 773
 - *Tucci v Peoples Trust*, 2025 BCSC 816
 - *Litvin v. Mackenzie Financial*, 2025 ONSC 6138

Privacy class actions

- Claims against service providers
 - InvestorCOM (BC)
 - Blackbaud (ON)
 - Cencora/Innomar (ON, BC, QC)
 - CDK Global (QC)
 - Powerschool (AB)
 - BGRS and SIRVA (BC)

Privacy class actions

- Class action damages
 - *ICBC v Ari*, 2025 BCCA 131
- Individual awards
 - *E.L.R. v. D.M.S.*, 2026 ONSC 914
 - *Saulnier v Postma*, 2025 ONSC 3569
 - *Chen v. Huang*, 2025 ONSC 3406

Privacy class actions

- Settlements
 - LifeLabs
 - Yahoo!
 - Facebook
 - 23andme
 - Sweet
 - MGM

IPC Ontario decisions

- Aftermath of PHIPA 253, 254, CYFSA 19, MR21-00090 and PHIPA 255:
 - PHIPA 284
 - Hospital for Sick Children v. Ontario IPC, 2025 ONSC 5208

Multi-factor authentication

- Inadequate MFA carries significant risks:
 - Security
 - Financial
 - Reputational
 - Operational
 - Regulatory
 - Insurance
 - Litigation

Miscellaneous

- *Clearview AI cases:*
 - 2026 BCCA 67
 - 2025 ABKB 287
- *Facebook v. Privacy Commissioner of Canada* SCC File 41538
- *Bill C-8 – An Act respecting cyber security*
- *Bill C-22 - An Act respecting lawful access*

What we covered

- Intrusion legacy
- Privacy class actions
- IPC Ontario decisions
- Multi-factor authentication
- Miscellaneous

How Did Things Go? (We Really Want To Know)

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