



The Year in Cybersecurity Law

Presentation by David Fewer, General Counsel
Samuelson-Glushko Canadian Internet Policy
and Public Interest Clinic (CIPPIC)

Outline

1. Things we work on
2. The year in Cybersecurity Law
3. The need for continued civil engagement



1. Things we work on



COPYRIGHT



PRIVACY



**TELECOM
POLICY**



**ELECTRONIC
SURVEILLANCE**



**OPEN
INFORMATION**



**DIGITAL
EXPRESSION**



**CONSUMER
PROTECTION**

Advocacy: Judicial Interventions



Image ©Johann Kwan (Used with permission)

Legislative Advocacy



Image by EFF (CC by 3.0 US)

Investigations & Projects



Image by Niabot (CC BY SA 3.0)

Client Services



Image by Sandor Weisz (CC BY-NC 2.0)



uOttawa



2. The year in Cybersecurity Law

Cybersecurity and the Courts

In the SCC



SUPREME COURT OF CANADA

CITATION: R. v. Reeves, 2018 SCC 56

APPEAL HEARD: May 17, 2018

JUDGMENT RENDERED: December 13, 2018

DOCKET: 37676

BETWEEN:

Thomas Reeves
Appellant

and

Her Majesty The Queen
Respondent

- and -

**Director of Public Prosecutions, Director of Criminal and Penal Prosecutions,
Attorney General of British Columbia, Criminal Lawyers' Association (Ontario)
and Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic**
Interveners

CORAM: Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown,
Rowe and Martin JJ.

REASONS FOR JUDGMENT: Karakatsanis J. (Wagner C.J. and Abella, Gascon, Brown,
(paras. 1 to 69) Rowe and Martin JJ. concurring)

CONCURRING REASONS: Moldaver J.
(paras. 70 to 103)

CONCURRING REASONS: Côté J.
(paras. 104 to 141)



SUPREME COURT OF CANADA

CITATION: *R. v. Jarvis*, 2019 SCC 10

APPEAL HEARD: April 20, 2018

JUDGMENT RENDERED: February 14, 2019

DOCKET: 37833

BETWEEN:

Her Majesty The Queen

Appellant

and

Ryan Jarvis

Respondent

- and -

**Attorney General of British Columbia, Samuelson-Glushko Canadian Internet
Policy and Public Interest Clinic, Privacy Commissioner of Canada, Canadian
Civil Liberties Association, Ontario College of Teachers, Information and
Privacy Commissioner of Ontario, Women's Legal Education and Action Fund
Inc. and Criminal Lawyers' Association (Ontario)**
Interveners

CORAM: Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown,
Rowe and Martin JJ.

REASONS FOR JUDGMENT:
(paras. 1 to 92)

Wagner C.J. (Abella, Moldaver, Karakatsanis, Gascon and
Martin JJ. concurring)

CONCURRING REASONS:
(paras. 93 to 148)

Rowe J. (Côté and Brown JJ. concurring)

NOTE: This document is subject to editorial revision before its reproduction in final
form in the *Canada Supreme Court Reports*.

Cybersecurity and Parliament

Before the regulators

Royal Assent

Her Excellency the Governor General having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting national security matters (*Bill C-59, Chapter 13, 2019*)



Office of the
Privacy Commissioner
of Canada

Commissariat
à la protection de
la vie privée du Canada



For individuals

For businesses

For federal institutions

Report a concern

OPC actions and decisions

About the OPC

[Home](#) → [Privacy topics](#) → [Business privacy](#) → [Safeguards and breaches](#) → [Privacy breaches](#) → [Respond to a privacy breach at your business](#)

What you need to know about mandatory reporting of breaches of security safeguards

As of November 1, 2018, organizations subject to *The Personal Information Protection and Electronic Documents Act* (PIPEDA) will be required to:

- report to the Privacy Commissioner of Canada breaches of security safeguards involving personal information that pose a real risk of significant harm to individuals
- notify affected individuals about those breaches, and
- keep records of all breaches.

This guidance will provide an overview of what you need to know about these obligations.

EQUIFAX

Investigation into Equifax Inc. and Equifax Canada Co.'s compliance with PIPEDA in light of the 2017 breach of personal information

PIPEDA Report of Findings #2019-001

April 9, 2019

Overview

1. On September 7, 2017 Equifax Inc. publically announced that an attacker had accessed the personal information of more than 143 million individuals, ¹ including personal information for certain UK and Canadian residents. The number of affected Canadians ² was later estimated by Equifax Inc. to be 19,000, almost all of whom had their social insurance number, along with other accompanying identifiers, compromised.

Compliance Agreement

- Express consent for cross-border data flow
- Specific process fixes
- detailed timelines for corrective measures regarding consent, safeguards and accountability
- third-party audit reports
- 6 years of oversight

Security Breach

In the news

December

200 M users worldwide

accounts hacked

accounts audio-
recorded

in-game currency



May

4.9 M subscribers

100 K delivery people
had their driver's
license numbers
stolen



June 2019

2.7 M people, 40 % of
Desjardin's clients

173 K businesses

Source of breach: a
single individual, an
"ill-intentioned
employee"



July 2019

6 M Canadians

140,000 social insurance numbers, credit scores and limits, and some transaction data revealed.

Estimated that 10% were former, not current customers



Ransomware

In the news

September 2019

Michael Garron
Hospital (Toronto)

Listowel Wingham
Hospitals Alliance

Ransomware: "Ryuk"

Report: no data left
the system, no ransom
paid



Listowel
Wingham

HOSPITALS ALLIANCE

Enriching Life's Journey Together

September 2018

Region of Mekinac, QC

10 municipalities,
13K people

\$65,000 demanded,
\$30,000 paid

Region's servers
disabled for 2 weeks

Identity of hackers
still unknown



April 2019

City of Stratford, ON

10 Bitcoins worth
\$75,000 paid

(\$60,000 covered by
insurance)



Security Certification

In the news

Cybersecure Canada
certification program

raising cyber
security baseline
among Canadian SMEs

increase consumer
confidence in the
digital economy

Promote international
standardization

Better position SMEs
to compete globally



National Security

In the news

Cameron Ortis

RCMP official charged under the Security of Information Act and the Criminal Code

preparing to share terabytes of vital sensitive information with a foreign entity or terrorist organization.

source: "serious spy s-t."

THE GLOBE AND MAIL 

RCMP charge senior intelligence official with breaching Canada's official secrets law

DANIEL LEBLANC > AND MARIEKE WALSH >

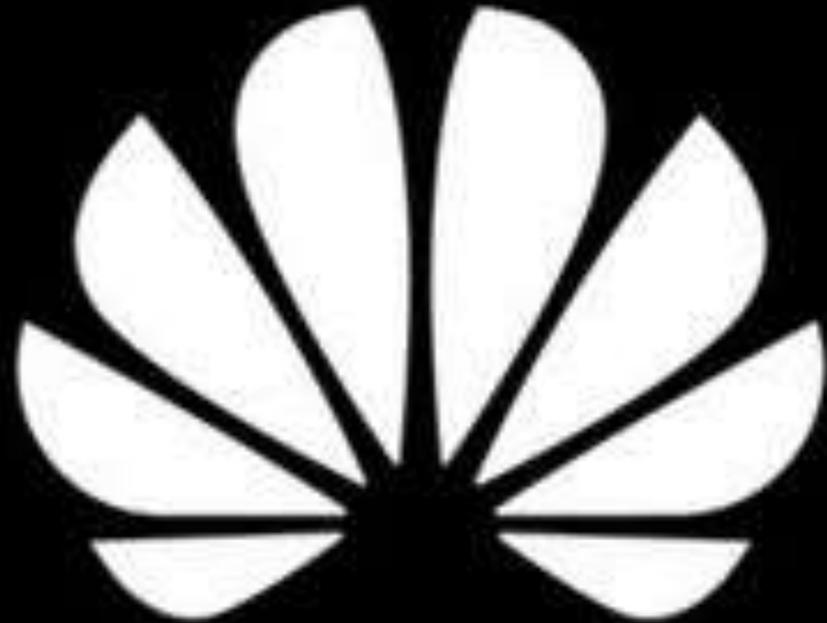
PUBLISHED SEPTEMBER 13, 2019

Meng Wanzhou

Extradition hearing

Arrested by RCMP at
the border at the
request of US

Wanted in US for bank
fraud connected to
violation of trade
sanctions against
Iran



HUAWEI

“Going Dark”

In the news



Canadian Security
Intelligence Service

Service canadien du
renseignement de sécurité



/// 2018
CSIS
PUBLIC
REPORT

SHINING A LIGHT ON THE ENCRYPTION DEBATE: A CANADIAN FIELD GUIDE

JOINT RESEARCH PUBLICATION, MAY 2018
BY THE CITIZEN LAB AND THE CANADIAN
INTERNET POLICY & PUBLIC INTEREST CLINIC

LEX GILL
TAMIR ISRAEL
CHRISTOPHER PARSONS



UNIVERSITY OF
TORONTO



Encryption is a free speech and human rights issue



Electoral Security

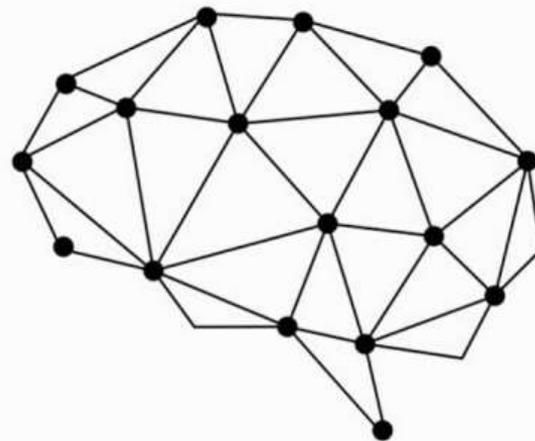
In the news

Fake News

Foreign
Interference

Political micro-
targeting

Social media data
mining



Cambridge
Analytica

Canada Elections Act Amendments

New registry
requirements for
political ads on
online platforms





political ad registry canada



A D S

Ads About Social Issues, Elections or Politics

BASICS

[About ads about social issues,
elections or politics](#)

About the Ad Library

The authorization process for advertisers running ads about social issues, elections or politics is gradually rolling out in several countries. Learn more about the availability of the ad authorization process in your country. Currently, you can only set up and manage ad authorizations from a computer.

Political Parties and Voter Privacy

BC law requires consent

Data Brokers a source

Voter profiling

Voter profiling of
occurs when parties
disclose voter
information to
Facebook to find and
target individuals

Consent, accuracy
issues



INVESTIGATION REPORT P19-01

Full Disclosure:
Political parties, campaign data, and voter consent

Michael McEwen
Information and Privacy Commissioner
for British Columbia

February 6, 2019
Case# Cite: 2019 BCIPC 07
Quicklaw Cite: [2019] B.C.I.P.C.D. No. 07

“Canada’s Digital
Charter,” overseen
by the Privacy
Commissioner

“data security”

“Data Commissioner” -
oversee new
regulations for large
digital companies



“Canada Cyber Safe”
certification

cabinet committee
on cybersecurity

“Clear language”
consent



Work with
international
allies to deal with
threats to national
security, including
cyber crime



protect against
fraud and theft in
cryptocurrencies

Strengthen digital
privacy laws

Implement a “robot
tax”



green
PARTY OF CANADA

3. Why civil society engagement is important



Thank you!