

Cybersecurity Legal Considerations

Cybersecurity Symposium: A Proactive Approach to Risk Management

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Data breach litigation on the rise

<i>Albilta v. Apple</i> 2013 QCCS 2805	Class action certified alleging Apple collected and shared users' personal information without consent.
<i>Chitrakar v. Bell</i> , 2013 FC 1103	\$21,000 awarded for unauthorized credit check during application for satellite TV service and "royal runaround".
<i>MacEachern v. Ford</i> , CV-13-18955-CP	\$14 million proposed class action alleging Ford uploaded 10,000 employees' information to an unsecured site.
<i>People's Trust</i> , 2013	\$13 million proposed class action against online banking firm alleging hack into online application database.
<i>Montfort Hospital</i> , 2013	\$40 million proposed class action arising from alleged lost USB (later recovered) affecting 25,000 patients.
<i>Maksimovic v. Sony</i> 2013 CanLII 41305	\$1 billion class action arising from Sony PlayStation hack. Court approved settlement reached.
<i>Hopkins v. Kay</i> , 2014 ONSC 321	\$7 million proposed class action arising from alleged snooping and disclosure of 280 patient files.
<i>Doe v. The Queen</i> , Fed. Ct. T-1931-13	Proposed class action for letters to individuals with "Marihuana Medical Access Program" on envelope.
<i>Condon v Canada</i> , 2014 FC 250	Class action certified alleging lost drive with 583,000 individuals' information, including name, SIN, DOB.
<i>Douez v. Facebook</i> 2014 BCSC 953	Class action certified alleging Facebook used personal information for "Sponsored Stories" without consent.
<i>Evans v. Scotia</i> , 2014 ONSC 2135	Class action certified alleging employee stole information of 643 customers, resulting in 138 cases of fraud.
<i>Sofio c. IIROC</i> 2014 QCCS 4061	\$52 million class action arising from lost laptop affecting 52,000 individuals not certified due to lack of harm.
<i>Broutzas v. Rouge Valley</i> 2014	\$412 million proposed class action alleging employees sold 8,300 patients' information to RESP companies.
<i>Home Depot</i> , 2014	\$500 million proposed class action regarding recent alleged credit card breach and resulting fraud.

More than privacy legal issues



Cyber threats put energy sector on

red alert

CYBER SECURITY – THE TROUBLE FOR SME'S

Massive cyber attack on oil and energy

industry in Norway

Energy sector a prime target for cyber attacks

Experts say the nation's critical infrastructure remains woefully vulnerable



By Taylor Armerding Follow
CSO | Feb 21, 2014 7:00 AM PT

Energy companies need insurance cover for cyber attack 'time bomb'

BY MICHAEL SZABO

LONDON | Tue Apr 8, 2014 11:44am EDT

NEWS

30,000 Machines Infected In Targeted Attack On Saudi Aramco

News

Operation "Night Dragon": A Data Breach Illuminated



by Sharon D. Nelson and John W. Simek
More posts by Sharon D. Nelson »

Hackers and cybercriminals have been having a field day recently. Even big oil companies with expansive security budgets can't keep the bad guys out. In an operation dubbed "Night Dragon" by

TECH 7/10/2014 @ 3:22PM | 3,444 views

Hacking Gets Physical: Utilities At Risk For Cyber Attacks

Oil and gas companies 'waking up' to cyber threats



Following high-profile data breaches of Middle East energy firms and NSA surveillance of Brazilian national oil firm Petrobras, it's time to 'step up and be proactive'.

Cyber espionage campaign targets energy companies

Sians suggest remote access trojan by group that attacked RSA

NEWS

SMEs failing to prioritise cyber security, study shows

Key legal considerations

- Liability can arise under statutes, common law, and contract
- Vicarious liability, reckless conduct and waiver of tort are key
- Key compliance tips:
 - do not promise what you cannot deliver
 - limit collection and retention of information
 - safeguards (administrative, physical, technical)
 - implement policies, procedures and training
 - incident response plan
 - outsource with care
- Be aware of securities class action risks

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