



Dan Michaluk is a lawyer in Hicks Morley's Toronto office who regularly acts for management in a range of matters related to information security, cyber security and data management, anti-spam (CASL), privacy and freedom of information. He also works extensively in the post-secondary education sector on student, privacy and employment matters.

Dan provides strategic, practical and legal advice on the implementation of new systems, the use of system information for business and security-related purposes, data incident response and internal investigations. He is a leading "breach coach" – helping Hicks Morley clients to respond to data security incidents and recover stolen information from 2006.

Dan also provides advice and representation to organizations in response to privacy complaints and claims, and to public institutions in respect of complex and sensitive freedom of information requests and appeals.

In 2012, Dan appeared at the Supreme Court of Canada in the landmark workplace privacy case *R v Cole*.



## Practice Areas

[Information, Data Security & Privacy Litigation](#)

## Industries

[Arts & Sports Colleges Education Government Ministries & Agencies \(Federal and Provincial\) Municipalities & Municipal Agencies Universities](#)

## Awards & Recognition

### 2018 Lexpert Zenith Award

Celebrating Mid-Career Excellence in Computer and IT Law

### Best Lawyers® in Canada (2014-2019)

Privacy and Data Security Law

### Chambers Canada (2017-2019)

Privacy and Data Protection (Canada)

## Memberships & Affiliations

Advocate's Society – Member

Canadian Association of Counsel to Employers – Member

Canadian Bar Association – Member

Ontario Bar Association – Member (Administrative Law, Civil Litigation, Class Actions Law Privacy and Access to Information Law Sections)

Canadian Association of University Solicitors

American Bar Association – Member

## Select Publications & Presentations

“Tricks of the Trade 2019” The Advocate’s Society (January 25, 2018)

“Cybersecurity and Privacy Law for Litigators” The Advocate’s Society (November 9, 2018)

“Ontario School Boards’ Insurance Exchange (OSBIE) Risk Management Seminar” OSBIE (October 19, 2018)

“Canadian Association of University Solicitors (CAUS) Conference 2018” CAUS (September 27 – 29, 2018)

“Freedom of Expression on Campus: Examining the issues and reviewing Canadian case law” Canadian Association of College & University Student Services (July 19, 2018)

“Ontario Regional Event” The Association of Canadian Pension Management (June 20, 2018)

“OCCCIO Conference 2018” Ontario College Council of Chief Information Officers (May 15-17, 2018)

“OASBO 75th Annual Conference & Education Industry Show” Ontario Association of School Business Officials (May 10, 2018)

“The Osgoode Certificate in Regulatory Compliance and Legal Risk Management for Financial Institutions” Osgoode Professional Development (March 27, 2018)

“Security Solutions for Emerging Breach Trends” NetDiligence’s Cyber Risk Summit (February 23, 2018)

“Campus Sexual Assault for Higher Education Administrators” 3rd Annual National Conference (December 7 – 8, 2017)

“CIAA/CICMA/CDL” Fourth Annual Joint Seminar (November 14, 2017)

“Cybersecurity and the Workplace: Prevention, Response and Liability” American Bar Association Section of Labor & Employment Law – National Symposium on Technology in Labor and Employment Law (April 7, 2017)

“Current Requirements of Legislation and Implications of Getting it Wrong” The Osgoode Certificate in Regulatory Compliance and Legal Risk Management for Financial Institutions (March 30, 2017)

“State of Litigation” NetDiligence Cyber Risk Summit 2017 (February 16, 2017)

“Incident Response, Containment and Communications” Ontario Hospital Association (OHA) Privacy – Sharing and Implementing as a Collective (January 25, 2017)

“The Role of the Hospital Board” Ontario Hospital Association (OHA): A Shared Commitment to Privacy Webcast Series (November 23, 2016)

“Clarify Legal Responsibilities – What Institutions Must Do” 2nd Annual National Conference on Campus Sexual Assault for Higher Education Administrators (November 10 – 11, 2016)

“A Legal Overview of Employee Medical Information in Accommodation” OHA Employee Privacy in Accommodation Webinar (October 31, 2016)

“Logging, Auditing and Monitoring Access” Ontario Hospital Association (OHA): A Shared Commitment to Privacy Webcast Series (October 19, 2016)

“Effective Training for Health Care Staff” Ontario Hospital Association (OHA): A Shared Commitment to Privacy Webcast Series (September 22, 2016)

“Privacy Law Update” CAUS (Canadian Association of University Solicitors) Conference (September 15 – 17, 2016)

Melanie R. Bueckert & Daniel J. Michaluk, *The Law of Employee Monitoring in Canada*, 2nd ed (Toronto: LexisNexis Canada Inc., 2016)

“Privacy Law Update,” CAUS (Canadian Association of University Solicitors) Conference, Cape Breton, NS ( September 2016)

“What to do in the Event of a Privacy Breach” Ontario Hospital Association (OHA): A Shared Commitment to Privacy Webcast Series (August 17, 2016)

“Managing Risks Around Unauthorized Access” Ontario Hospital Association (OHA): A Shared Commitment to Privacy Webcast Series (July 13, 2016)

“Privacy 101 – The Essentials” Ontario Hospital Association (OHA): A Shared Commitment to Privacy Webcast Series (June 20, 2016)

“State of Litigation: Data Breach and Coverage Litigation Update,” NetDiligence Cyber Risk Summit, Toronto, ON (April 2016)

“Privacy in the Workplace: Developments since *R v Cole*” The Canadian Institute’s 13th Annual

Privacy Law & Compliance Forum (March 30 – 31, 2016)

“The Other Side of the Balance: Employer Interests, Work Systems and *R v Cole*,” (2015) 18 *Can. Lab. & Emp. Law Jnl.* 459

C. Popa general ed., *Managing Personal Information: Insights on Corporate Risk and Opportunity for Privacy – Savvy Leaders*. Toronto: Carswell, 2011 (chapter on information governance)

S. Wortzman and S. Nickle general eds., *E-Discovery in Canada*, 2nd Ed. Toronto: Lexis Nexis, 2011 (chapter on privacy in e-discovery and chapter on accessing employee electronic information)

B.J. Bowlby, D. Michaluk and J. Wootton Regan, *An Educator’s Guide to Human Rights*, 2nd Ed. Toronto: Canada Law Book, 2009

D. Michaluk, “Employer access to employee e-mails in Canada,” (2009) 6:10 *Canadian Privacy Law Review*

D. Michaluk, “A Lawyer’s Perspective on Records Retention and Destruction,” in Ronald M. Anson-Cartwright et al., *Records Retention: Law and Practice* (Toronto: Thompson Reuters Canada Limited, 2007) at App. AA.

D. Michaluk, “Cloud Computing, Second Life and the University” (September 17, 2008)

D. Michaluk, “Protect your domain name from rogue departing employees” (July 10, 2008)

D. Michaluk, “Privacy law, students at risk and the safe campus” (Summer 2008) *University Manager*

D. Michaluk, “Understanding Church and State – The Occupational Health and Safety Department and PHIPA,” (2007) 9:1 *Eye on Privacy*

## Education

Queen’s University, B.Comm., LL.B.