



Dan Michaluk is a partner in Hicks Morley's Toronto office who acts for management in information security, cyber security, data management and privacy and freedom of information matters. Dan works extensively in the Canadian post-secondary education sector and the public and broader public sectors. He is regularly engaged to help 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, environmental safety and privacy related operational issues.

Dan has maintained a privacy and security practice since 2003 and has acted as a security incident “coach” since 2006. He has been recognized by Best Lawyers, Chambers Canada, Who’s Who Legal and Lexpert, has authored and contributed to privacy and e-discovery texts and has represented clients in significant privacy, security and freedom of information litigation, including litigation at the Ontario Court of Appeal and Supreme Court of Canada.

Practice Areas

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



Industries

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

Awards & Recognition

The Legal 500 Canada (2020)

'Next Generation Partner' - Data Security and Privacy

Who's Who Legal: Data (2020)

Data Privacy & Protection

Best Lawyers in Canada (2014-2020)

Privacy and Data Security Law

Lexpert Zenith Award (2018)

Celebrating Mid-Career Excellence in Computer and IT Law

Best Lawyers Global Business Edition (2018)

Privacy and Data Security Law

Chambers Canada (2017-2020)

Privacy and Data Protection

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

“Cybersecurity Defence, Response and Litigation” CCCA Webinar (Winter 2020)

“Protecting Colleges and Universities from Cyber Threats” 2019 Higher Education Summit (December 2, 2019)

“Cybersecurity in Higher Education: Preparing and Improving to Mitigate Risk” CAUBO/CUCCIO (November 27, 2019)

“Privacy and Security Implications of AI, Big Data, and Predictive Analytics” HRP A 2019 LegalEase Conference (November 12, 2019)

“Data Breaches” The Bagg Group Breakfast Brief (October 29, 2019)

“Mandatory Breach Reporting and Incident Response” 2019 CAIR All Member Meeting & Forum (October 24, 2019)

“Institutional Accountability” 2019 Sexual Assault on Campus Canada (October 23, 2019)

“Conduct Approaches, Law and Policy, Next Steps” 2019 CACUSS Law & Policy Institute (October 18, 2019)

“Privacy Interests in Administrative Adjudication After Toronto Star” International Association of Privacy Professionals (IAPP) Canada Privacy Symposium 2019 (May 24, 2019)

“Litigation Update” NetDiligence Cyber Risk Summit (April 4, 2019)

“Legal Obligations Relating to Free Speech Conflicts” National Freedom of Speech on Campus Conference (April 1, 2019)

“Labour Arbitration Advocacy: Focus on Evidence” The Advocates’ Society (March 1, 2019)

“9th Annual In-House Counsel Summit” Law Society of Ontario (February 20, 2019)

“The Osgoode Certificate in Regulatory Compliance and Legal Risk Management for Financial Institutions” Osgoode Professional Development (February 12, 2019)

“Colleges’ Ontario Conduct COP Workshop: Legal Update for Student Conduct Professionals” Seneca (January 29, 2019)

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

“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.