

Chantal Bernier

Of Counsel



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Overview

Chantal Bernier leads Dentons' Canadian Privacy and Cybersecurity practice group. She is also a member of the Firm's Government Affairs and Public Policy group. Chantal advises leading-edge national and international companies as they expand into Canada and Europe, enter the e-commerce space, adopt data analytics and roll out data-based market initiatives. Her clients include ad tech companies, financial institutions, biotech companies, data analytics firms and government institutions.

Thanks to Chantal, Dentons is proud to be the only law firm in Canada that has a former privacy regulator on board as a practicing lawyer. During her nearly six years at the helm of the Office of the Privacy Commissioner of Canada (OPC), Chantal led national and international privacy investigations in the public and private sectors, as well privacy audits, privacy impact assessment reviews, technological analysis, and privacy policy development and research.

In her Government Affairs and Public Policy practice, Chantal leverages her many years in high-ranking positions at the Government of Canada to provide her clients with strategic counsel. Her experience as a senior executive also uniquely positions her to understand corporate management challenges in both the public and private sectors to find solutions that serve corporate interests and comply with the law. She serves clients in French, English, Italian and Spanish, and is very active at the international level.

Appointments

- Statistics Canada, Advisory Council on the Modernization of Microdata Access
- Standards Council of Canada, Steering Committee on Canadian Data Governance Standardization Collaborative
- Advisory Panel, Business Council of Canada, Data Driven Economy Project

Experience

- **Waterfront Toronto:** Providing privacy analysis of Sidewalk Labs' proposal for a "Smart City" in Quayside
- **Equifax:** Representing in the investigation of the 2017 data breach

- **Shopify:** Developing privacy policies
- **CARE:** Developing privacy policies and procedures for data protection in the field and with donors

Confidential clients

Health Sciences:

- Developing worldwide privacy program for users and employees
- Auditing legacy privacy programs in the merger of two multinational health companies

Financial Services:

- Auditing agility in compliance with privacy laws;
- Providing privacy advice on analytics and advertising

App developers:

- Advising on privacy requirements and development

Adtech:

- Developing privacy programs and data processing agreements throughout the data flow

Governments:

- Auditing data management
- Advising on privacy rights in the context of public safety

Recognition

First recognized in 2017, Chantal has been commended for her extensive knowledge and experience in a variety of respected publications, including:

- *Acritas: Acritas Star TM*
- *Chambers Canada: Privacy & Data Protection*
- *The Best Lawyers in Canada: Privacy and Data Security Law; FinTech Practice*

Honors and Awards

- In 2012, Chantal received the Queen Elizabeth II Diamond Jubilee Medal for significant contributions and achievements

In the Media

- Quoted in “La protection des renseignements personnels n’est pas qu’une question technologique ,” *Les Affaires*, December 2020
- Quoted in “Long-awaited privacy reform welcomed by lawyers, could help bring national consistency,” *Canadian Lawyer*, December 2020

- Quoted in “Overhaul of privacy laws includes new data protections, hefty fines for non-compliance,” *Lawyer’s Daily*, November 2020
- Quoted in "Données personnelles : 12 programmes de récompenses évalués", *Protégez-vous*, September 2020
- Quoted in “Renseignements personnels: à la recherche d’une protection parfaite,” *Le Devoir*, November 2019
- Quoted in "The smart cities challenge," *Canadian Lawyer*, July 2019
- Quoted in "Facial recognition technology raises concerns," *Law Times*, March 2019
- Quoted in "Privacy protection at issue in pot purchases," *Law Times*, March 2019
- Quoted in "Privacy watchdog will assess planned StatsCan questions on sex, gender, lawyer says," *The Lawyer’s Daily* , January 2019
- Quoted in "Re-examine Huawei security issues, former federal privacy commissioner says," *Prince George Citizen*, December 2018
- Quoted in "Plan to re-imagine Toronto’s waterfront: How much does public know about it?," *Rabble.ca*, December 2018
- Featured in “When choosing AI, think of the client’s privacy first ,” *CPA The ONE National Conference*, October, 2018
- Quoted in "Who's rating doctors on RateMDs? The invisible hand of ‘reputation management’," *CBC News*, October 2018
- Quoted in "Sidewalk Toronto subject to strong existing privacy laws, principles," *Toronto Star*, October 2018
- Quoted in "Did a Sidewalk Labs ‘misunderstanding’ about privacy lead to Cavoukian’s resignation," *IT World*, October 2018
- Quoted in "Privacy expert Ann Cavoukian resigns from Sidewalk Toronto smart-city project: ‘I had no other choice’," *Globe and Mail*, October 2018
- Quoted in "Supreme Court declines leave to appeal in TREB case," *Law Times*, September 2018
- Panelist on “Privacy in the Digital Age,” *The Sixth Estate*, June 2018
- Quoted in "Lawyers preparing for mandatory data-breach reporting," *Law Times*, May 2018
- Quoted in "Ashley Madison may provide clue to regulations around data breach," *Canadian Underwriter*, April 2018
- Quoted in "Mandatory breach requirements effective November 1. Here’s what to do.," *Canadian Underwriter*, April 2018
- Quoted in "'It's going to change the world': Giant fines await companies as tough European privacy regulation looms," *Financial Post*, April 2018
- Featured in "Power and Politics March 27, 2018," *CBC*, March 2018
- Mentioned in "Why Is Google Secret Smart City Making People Anxious," *DazeInfo*, March 2018
- Featured in "Primetime Politics," *CPAC*, March 2018
- Featured in "Canada’s privacy laws must cover political parties: former privacy commissioner ,” *Global News*, March 2018
- Featured in "Privacy czar looking into potential improper access of Canadians' Facebook data," *CTV’s Power Play*, March 2018

- Quoted in "Facebook data mining scandal raises 'serious privacy concerns' for Canadians too, watchdog warns," *Financial Post*, March 2018
- Quoted in "Statistics Canada loses, mishandles hundreds of sensitive census, employment files," *CBC News*, March 2018
- Quoted in "Parliamentary report recommends modernizing Canada's privacy law ," *The Globe and Mail*, March 2018
- Quoted in "Let's not go sour so soon on the Sidewalk Labs' urban-improvement project in Toronto ," *The Globe and Mail*, March 2018
- Featured in "Former privacy commissioner offers tip on reporting data breaches," *Canadian Underwriter*, February 2018
- Quoted in "Europe's new data protection rules export privacy standards worldwide ," *Político*, February 2018
- Quoted in "Calls grow for Canada to modernize privacy laws amid EU changes," *The Globe and Mail*, July 2017
- Quoted in "Privacy experts call for rules on government monitoring social media," *CBC*, January 2017
- Featured in "Chantal Bernier of Dentons Canada - Preparing for the challenges ahead," *International Cyber Risk Management Conference*, January 2017

Insights

- Co-author, "Despite best intentions, Bill C-11 misses the mark on fostering innovation in Canada," *The Globe and Mail*, February 2021
- "Governance for Innovation and Privacy: The Promise of Data Trusts and Regulatory Sandboxes," *CIGI*, February 2021
- "C-11 – An Act to enact the Consumer Privacy Protection Act: Five top measures to get ready," *Dentons Insights*, December 17, 2020
- "Vie privée et gestion des pandémies: les balises juridiques," *La Presse*, April 2020
- "Nos droits fondamentaux en temps de pandémie," *La Presse*, April 2020
- "Personal Data Governance under Unprecedented Pressure: The specific challenge of Crown Corporations," *Canadian Institute Crown Corporate Governance Forum*, January 2020
- "Effective Data Protection Enforcement: An empirical look through the Canadian Experience," *iTech 2019 European Conference*, October 2019
- "Canada's Digital Charter on the crosswalk between privacy and competition law," *CBA Competition Law Fall Conference*, October 2019
- "The increasingly critical role of the Data Protection Authority," *IAPP Canadian Privacy Symposium*, May 2019
- "A XXIst Century Challenge: Optimising Data while Respecting Privacy," *Community Safety & Well-Being in Canada: Taking Stock and Looking Forward*, May 2019
- "The legal boundaries of data analytics in financial services in Canada," *Dentons Insights*, April 2019
- "The best tool to integrate privacy: Privacy Impact Assessments (PIAs) and "The future of public transit," *Ontario Transportation Expo*, April 2019
- "Privacy in smart cities: A deep dive," *International Association of Privacy Professionals*, March 2019

- "CETA – The privacy angle," *Dentons Insights*, March 2019
- "Creating customer trust and demonstrating due diligence with a corporate privacy protection plan," *Dentons Insights*, January 2019
- "New mandatory data breach notification requirements come into force," *Dentons Insights*, November 8, 2018
- "Cybersecurity," *Boardroom Advisor*, November 2018
- "The lawyer's role in cybersecurity," *2018 Great-West Life / Investors Group Continuing Legal Education Conference*, May 2018
- "The GDPR from a Canadian Perspective," *Privacy in Germany (PinG)*, April 2018
- "Why a guide on privacy protection for non-profits?," *Introduction to IAPP Nonprofit Guide*, February 2018
- "Dentons Guide to the General Data Protection Regulation (GDPR)," *IAPP Toronto KnowledgeNet International Data Privacy Day*, January 2018
- "Data protection clauses in free trade agreements," *IAPP Toronto KnowledgeNet International Data Privacy Day*, January 2018
- "The call for public policy on the privacy implications of new technologies," *3rd Annual Clerks and Cabinet Secretaries Conference on Policy Innovation*, November 2017
- "The rule of law and national security: Shaping the privacy obligations of the private sector," *International Commission of Jurists Canada*, October 2017
- "Modern state of cyber-risk and the governance of cybersecurity," *Canadian Centre for Cyber Risk Management Cyber Symposium*, October 2017
- "Bernier warns Canada could lose EU adequacy standing," *International Association of Privacy Professionals*, July 2017
- "Social acceptance is key in exercising the right to privacy," *Privacy Laws & Business International Report*, June 2017
- "Privacy implications of a registry of beneficial ownership under the Canadian legal framework," *Transparency International Canada Day of Dialogue*, May 2017

Activities and Affiliations

- Fellow, The Information Accountability Foundation, 2014 – present
- Member, International Association of Privacy Professionals, Bar Section Committee, 2015 – 2019

Community Involvement and Pro Bono

Current:

- Outgoing President, International Crime Prevention Centre
- Member, Board of Directors, International Commission of Jurists, Canada
- Chair, United Way Ottawa Transformational Gifts & Majors Donors Task Force Committee

Prior:

- Council member, The Royal College of Physicians and Surgeons of Canada

- Member, Board of Directors, International Defense and Aid Fund to Southern Africa
- Member, Board of Directors, Children's Aid Society of Ottawa
- Member, Board of Directors, United Way Ottawa
- Member, Board of Directors, Crime Prevention Ottawa

Teaching Roles

- Honorary Senior Fellow, Graduate School of Public and International Affairs, University of Ottawa

Presentations

- "L'accès aux données et à l'information", 6ième Conférence internationale sur l'observation de la criminalité, November 5, 2019
- "Enforcement: A transatlantic Conversation", 2019 ITech Law European Conference, October 31, 2019
- "Canada's Digital Charter on the Crosswalk between Privacy and Competition Law", CBA Competition Law Fall Conference, October 17, 2019
- "Privacy by design, surveillance by design: what models for a democratic use of data", Urban Expedition to Toronto, September 25, 2019
- "Privacy and Security for Smart and Critical Infrastructure", Global Smart Cities & Communities Summit, July 31, 2019
- "Searching for clarity on data trusts", University of Toronto Faculty of Law, June 18, 2019
- "Regulating the internet. Really?", *International Commission of Jurists/Dentons*, June 11, 2019
- "Dealing with regulators", *IAPP Canada Privacy Symposium*, May 22, 2019
- "A XXIst century challenge: Optimising data while respecting privacy, *Community Safety & Well-Being in Canada: Taking Stock and Looking Forward*, May 16, 2019
- "Working across borders: Partnering and vetting, *IAPP Global Privacy Summit 2019*, May 1, 2019
- "Data and privacy critical update: The legal framework", *Osgoode 1st Annual Essential 1-Day Update in Regulatory Compliance & LRM for Financial Institutions*, April 25, 2019
- "Integrating privacy to the future of public transit", April 15, 2019
- "Smart cities: a privacy deep dive", *IAPP Smart Cities Symposium*, March 27, 2019
- "Future directions in ethics and accountability – Focus on privacy", Telfer Centre for Executive Leadership, January 17, 2019
- "What does PIPEDA mean to my business in 2018?", Webinar, November 20, 2018
- "Le RGPD et le flux EU-Canada des données – quelques précisions et quelques incertitudes", Université de Montréal, November 6, 2018
- "Privacy regulation in Canada – A new landscape for digitization and the media industry", Northwind Media Forum, October 25, 2018
- "Using AI for predictive analytics in a privacy aware world", Techstars Montréal AI Incubator, October 23, 2018
- "Le RGPD en quelques points pratiques", Dentons, October 23, 2018
- "Reform of the Access to Information Act – a soft turn / La réforme de la Loi sur l'accès à l'information – un

virage en douceur”, Federal Court of Appeal Seminar, October 18, 2018

- “Canadian privacy law for global companies – what you need to know”, Privacy + Security Forum, October 4, 2018
- “Using AI for predictive analytics in a privacy aware world”, Chartered Public Accountants of Canada, October 1, 2018
- “Privacy and data protection in the digital economy”, Dentons, June 14, 2018
- “Regulatory framework and policy update: Interview with a policy maker”, ICRMC, April 11, 2018
- “Staffing the DPO Role – Internal or External – Attorney or No?” IAPP Webinar, March 6, 2018
- "Data Localization: The Current Landscape", IAPP Webinar, June 27, 2017
- "CETA and GDPR – Will the marriage last?", IAPP, Toronto, May 17, 2017
- "Current Privacy Dilemmas?" Ottawa/Haifa Law Course, University of Ottawa, Ottawa, May 8, 2017
- “Transparency for the 21st Century”, Transparency for the 21st Century Conference, Ottawa, March 23, 2017
- "Crisis Communication", Graduate School of Public and International Affairs, University of Ottawa, Ottawa, March 13, 2017
- "Cyberrisk management – challenges ahead", ICRMC 2017, Toronto, March 2-3, 2017

Areas of focus

Practices

- Privacy and Cybersecurity
- Public International Law
- Public Policy and Regulation
- Advocacy and Government Affairs

Industry sectors

- HealthTech

Issues and opportunities

- Global Smart Cities & Connected Communities Initiative and Think Tank

Region

- Canada

Education

- London School of Economics and Political Science, LL.M.
- Université de Sherbrooke, LLB

Admissions and qualifications

- Québec
- Ontario

Languages

- English
- French
- German
- Italian
- Spanish