

Kirsten Thompson

Partner



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Toronto

D +1 416 863 4362

kirsten.thompson@dentons.com

Overview

Kirsten Thompson is a partner in our Corporate group in Toronto and is the national lead of the Transformative Technologies and Data Strategy group. She is also a key member of the Privacy and Cybersecurity group. She has both an advisory and advocacy practice, and provides privacy, data security and data management advice to clients in a wide variety of industries.

Kirsten's practice has a particular concentration in data-driven industries and disruptive technologies, and she is a leading practitioner in areas such as Fintech (including blockchain and "smart contracts"), digital identity, Open Data/Open Banking and PSD2 implementation, vehicle telematics and connected infrastructure, Big Data/data analytics applications and enterprise data strategy. She also helps clients prepare for and manage information crises, such as data breaches, investigations and class actions, and has advised financial institutions, insurers, health care providers and providers of critical infrastructure on cybersecurity preparedness and response planning. She has been lead Canadian counsel on some of the largest North American data breaches and has been selected as preferred cybersecurity counsel by a number of Canada's leading financial institutions and insurance providers.

In her advisory role, Kirsten assists clients in navigating the legal and privacy requirements of new products and technologies, and provides compliance advice both within and across jurisdiction. She counsels clients on issues raised by social media, surveillance, identification and authentication (including biometrics and electronic signatures), vehicle and device telematics (including unmanned vehicles, both aerial and land-based), online behavioural advertising, big data and data analytics, data monetization, and FinTech and open banking. She advises clients on the increasingly significant informational elements of business transactions.

She has extensive knowledge in "Open Banking" and the implications of PSD2 and related regulatory initiatives (e.g. competition, privacy, etc.) affecting the aggregation and use of customer information in the context of financial services.

Kirsten has also advised on enterprise-wide "Big Data" projects, from the initial collection, use, defensible destruction, digitization and data cleaning through to the development of legal and ethical frameworks to guide the use of data analytics (including predictive analytics). She is working with her colleagues on developing a similar framework for the uses of data in artificial intelligence applications.

Kirsten was an early supporter of blockchain, and has been engaged in a number of consultations and pilot projects involving the application of blockchain to identity and authentication issues (including sovereign identity), business

licencing processes, and tracking goods/food/drugs through global distribution chains. She has worked with several organizations on “smart contract” projects, and is interested in the possibilities of blockchain for payment security and commercial data security.

She has worked extensively in the “Internet of Things” area and has advised two leading automakers on the consumer-facing agreements with respect to their connected and semi-autonomous vehicles, and several companies in respect of their autonomous aerial vehicles (aka drones) and wearable devices.

Recognition

First recognized in 2016, Kirsten has been commended for her extensive knowledge and experience in the following respected publications:

- *The Canadian Legal Lexpert Directory: Technology Transactions*
- *The Best Lawyers in Canada: Privacy and Data Security Law*
- *Chambers Canada: Privacy & Data Protection*

Honors and Awards

- Recipient of the OBA Karen Spector Memorial Award for Excellence in Privacy Law – July, 2021
- Dentons wins *IT World Canada's* Digital Transformation Award for Dentons Data - July 27, 2020
- Named one of North America's Top 10 innovative lawyers by the *Financial Times* for her pioneering work developing Dentons Data - December 9, 2019

In the Media

- Featured in "Canada's Proposed Privacy Overhaul Leans Toward European-Style Rules," *The Wall Street Journal*, November 2020
- Featured in "Canadian privacy proposal mixes elements of GDPR and CCPA," *Global Data Review*, November 2020
- Quoted in "Privacy law will have penalties for companies that abuse Canadians' data ," *Toronto Star*, November 2020
- Featured in "Canada's data privacy overhaul: federal changes ," *Global Data Review*, October 2020
- Featured in "Canada's data privacy overhaul: the view from the provinces ," *Global Data Review*, October 2020
- Featured in "Solving complex technology law questions by going back to the basics," *Queen's Law Reports*, July 2020
- Quoted in "How Technology is Reshaping Privacy," *Lexpert Magazine*, May 2020
- Quoted in “Canadians concerned over ‘growing risks to their reputation’ in an online world: privacy commissioner,” *The Lawyer's Daily* , February 2018
- Quoted in "Proposed PIPEDA Regulations will raise corporate obligations," *Canadian Lawyer*, September 2017
- Quoted in “Getting ready for GDPR,” *Canadian Lawyer*, April 2017

Insights

- Co-Author, "Data protection & consent: Comparing and contrasting changes to American and Canadian privacy laws" *Lexpert*, May 20, 2021
- Co-author, "The European Union Publishes Proposed Law to Regulate Artificial Intelligence," *Dentons Data Blog*, April 22, 2021
- Co-author, "Québec's new privacy bill: a comparison of Bill 64, PIPEDA, and the GDPR ," *Dentons Data Blog*, July 9, 2020
- Co-author, "Privacy, the Competition Bureau, and the FTC: new risks, new approaches," *Dentons Data Blog*, June 26, 2020
- Author, "British Columbia Restaurants and Bars Must Keep Contact Info of Patrons," *Dentons Data Blog*, May 28, 2020
- Co-author, "The Competition Bureau Reviews Privacy Statements for “false or misleading” Representations, Levies \$9 Million Fine," *Dentons Data Blog*, May 22, 2020
- Co-author, "No Vicarious Liability of Employers for Data Breach – A Good News Story from the UK," *Dentons Data Blog*, April 9, 2020
- Author, "British Columbia Modifies Data Residency Requirements in Response to COVID-19," *Dentons Data Blog*, April 4, 2020
- Author, "Privacy During a Pandemic: Privacy Commissioners Issue Guidance," *Dentons Data Blog*, March 20, 2020
- Co-author, "Four of a kind: Ontario Recognizes the Fourth Privacy Tort – False Light," *Dentons Data Blog*, March 12, 2020
- Author, "Changes Coming to British Columbia's Privacy Law ," *Dentons Data Blog*, February 26, 2020
- Author, "Privacy Commissioner Issues Notice of Consultation on Artificial Intelligence," *Dentons Data Blog*, January 29, 2020
- Co-author, "Artificial Intelligence: Spotting Tomorrow's Trends Today," *Canadian Corporate Counsel Association Magazine*, Winter 2017
- Author, "A technician of the robot revolution," *National Magazine*, December, 2016
- Co-author, "Canadian Spam, Telemarketing and Privacy Handbook, 2016"
- Speaker, "Digital Identity Revealed" and "Open Banking – Opportunities and Challenges," *Payments Canada Summit*, May 9, 2018
- Speaker, "Transformative Technologies: Open Banking," April 25, 2018
- Speaker, "Transformative Technologies & the Law: A Three-Part Series - Part II: Big Data," October 18, 2017
- Speaker, "Transformative Technologies & the Law: A Three-Part Series - Part I - The Art of Artificial Intelligence: Introducing Key Issues in AI and the Law," September 12, 2017

Activities and Affiliations

- Former Board Member, Women's College Hospital
- Board Member, Canadian Technology Law Association
- Member, Canadian Bar Association
- Member, The Advocates' Society

- Member, International Association of Privacy Professionals

Presentations

- Co-Presenter, "Privacy modernization in Canada and its impact on employers," Dentons' Fall Employment and Labour Seminar, November 4, 2020
- Speaker, "Legislative and privacy update," Employment and Labour webinar series, April 9, 2020

Areas of focus

Practices

- Privacy and Cybersecurity
- Banking Regulation
- Intellectual Property and Technology
- Litigation and Dispute Resolution

Industry sectors

- Automotive
- Communications
- Life Sciences and Health Care
- Financial Institutions
- Technology
- Transportation
- Retail
- Life Sciences
- HealthTech

Issues and opportunities

- Transformative Technology and Data Strategy
- Global Smart Cities & Connected Communities Initiative and Think Tank

Education

- York University, 2007, LL.M.
- Queen's University, 1999, LLB
- University of Calgary, 1993, BSc, Zoology, Biochemistry
- Carleton University, 1990, Bachelor of Journalism, (Hons.)

Admissions and qualifications

- Member, Law Society of Ontario, 2000

Languages

- English