

Technology, Privacy & Data Management

Understanding and using technology effectively is a critical component of any successful business today. If you are a developer of technology, you need lawyers who understand the unique nature and value of your products. If you are a user of technology, you need lawyers who understand the business issues involved in negotiating the development and use of mission-critical technology components. If you are a buyer or seller of technology companies, you need lawyers who understand the valuation metrics for intangible assets. No matter what your participation in the technology field, you need lawyers who monitor the constant changes to the complex array of laws and regulations governing information technology.

This combination of expertise crosses legal disciplines, which is why Torkin Manes' Technology Group combines corporate/commercial, technology, privacy, health, employment and litigation expertise—to protect your assets and your best interests. We have particular expertise in the unique challenges of cloud computing, with its questions of data security, ownership, and jurisdiction.

Our clients range from emerging technology innovators, to well-established companies who are leaders in their fields, to investors in technology. We understand and service the entire life-cycle of technology businesses, from their inception, through the growth stages (through financings and channel growth) to exit. We ensure that clients setting up new companies are protected by the right business structures for the technology field. Our Group excels in preparing and negotiating the complete range of agreements necessary for licensing, developing, distributing, commercializing, using, and maintaining technology. We have significant experience in the purchase, sale and financing of technology and technology-enabled companies, both at home and abroad. We routinely advise on technology development and procurement transactions, business process outsourcing transactions and systems development transactions.

Some of our many Technology services include:

- Internet-related, mobile-commerce and electronic-commerce agreements, including website development and maintenance agreements, online retail agreements, online storage agreements, hosting agreements, infrastructure services agreements, online payment agreements, website terms and conditions
- Cloud-based agreements (SaaS/PaaS/IaaS/Storage as a Service)
- Agreements for licensing, reselling, distributing, developing, outsourcing, maintenance and support of technology
- Agreements for master services, consulting and services
- CASL compliance advice
- Intellectual property protection
- Joint venture arrangements
- Procurement matters

- Purchase and sale of technology companies or assets

Privacy & Data Management

With the growth of electronic/mobile commerce and data storage, privacy and data management issues have become major factors of doing business.

Canada and other jurisdictions have responded to consumer concerns with an array of legislative protections for personal information. Compliance with such legislative changes as Canada's Anti-Spam Legislation (CASL) has become a top priority for organizations that gather and store customers', members', or employees' personal information as part of their business.

Torkin Manes' multidisciplinary Privacy & Data Management Group concentrates on giving clients timely, balanced and practical advice. We assist Canadian and international clients with privacy compliance programs, data breach management, and privacy training. We often advise national and international clients on privacy issues in the course of corporate transactions and negotiations, trans-border data transfers, and intra-corporate data transfers. We assist in privacy due diligence in cross-border and cross-provincial transactions.

Our Group has special expertise in health-related privacy issues. We routinely advise clients, including pharmaceutical companies, long-term care and retirement facilities, insurers, and employers, on compliance with all aspects of Ontario's *Personal Health Information Protection Act*, *Personal Information Protection and Electronic Documents Act* and the *Freedom of Information and Protection of Privacy Act*, including how to respond to requests for disclosure of personal health information.

We assist clients with the preparation and implementation of data retention policies, workplace privacy policies and procedures and management of employee privacy issues. We represent clients involving claims of breach of privacy and intrusion upon seclusion. Members of our Privacy & Data Management Group are also intimately familiar with the various private sector federal, provincial and municipal privacy acts that make up the Canadian privacy landscape.

Some of our many Privacy and Data Management services include:

- Managing data breaches
- CASL compliance
- Managing privacy compliance across borders
- Crafting Data management policies, data retention policies and privacy policies
- Online/social media privacy issues
- Privacy due diligence
- Protecting health information
- Staff training
- Workplace privacy protection

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