



## Lisa R. Lifshitz

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Lisa is a partner in our Business Law Group, specializing in the areas of information technology and business law and is the leader of the firm's Technology, Privacy & Data Management Group and Emerging Technology Group.

Lisa has particular expertise in preparing and negotiating technology agreements, including Internet-related, m-commerce and e-commerce agreements, cloud computing agreements (SaaS, PaaS, IaaS), cloud retail agreements, cloud storage agreements, app development agreements, hosting agreements, mobile payment agreements, reseller, distribution, outsourcing, system acquisition, maintenance and support agreements, master services agreements and consulting and services agreements. She provides technology-related advice on financings and acquisitions, including export control on cross-border deals. She also provides guidance on IoT, AI/smart contracts, blockchain and open source legal matters. Lisa has considerable experience helping non-Canadian companies, especially American entities, create appropriate legal agreements for their entry into the Canadian marketplace.

Lisa also practices in the area of privacy and information management, advising both Canadian and international clients on compliance with Canadian privacy and cybersecurity requirements. She routinely advises clients on trans-border data transfers, data breach management, privacy compliance in corporate transactions and negotiations, and privacy due diligence in connection with information technology transactions. She frequently provides privacy advice in the healthcare and long-term care sector. She also advises on compliance relating to Canada's anti-spam legislation.

### Services

- Business Law
- Emerging Technology
- International & Cross-Border Business
- Technology, Privacy & Data Management

### Education

- LL.B. and B.C.L., McGill University Faculty of Law, 1993
- M.A. in Soviet and Eastern European Studies, Carleton University, 1991
- B.A. (High Honours), Carleton University, 1987

### Credentials

- Called to the Ontario Bar, 1995

### Recognition

- *The Best Lawyers in Canada - Privacy and Data Security Law, Technology Law (2015-2018)*
- *Chambers Global - Information Technology (2015-2018)*
- *Chambers Canada Guide - Information Technology (2015-2018)*
- *Who's Who Legal:* Selected as a leading lawyer in Data Privacy and Protection, Data Security and Information Technology (2018)
- *Who's Who Legal Thought Leaders:* Leading lawyer in Data (2018)
- *Who's Who Legal: Canada - Leading lawyer in Telecommunications, Media & Technology Law*

(2015-2018)

#### Recognition (con'td)

- *Who's Who Legal*: Selected as a leading lawyer in Technology Media & Telecommunications: Information Technology (2015-2017)
- *The Canadian Legal Lexpert Directory* - "Repeatedly Recommended/Leading Lawyer" in the fields of Computer & IT law and Technology Transactions (2014 - present)
- *IAM Licensing 250 – The World's Leading Patent & Technology Licensing Lawyers* - ranked as a Leading lawyer in Patent and Technology Licensing in Canada (2012)
- *The International Who's Who of Business Lawyers* - Selected as a leading lawyer in Internet & e-Commerce Law (2011- 2017 and 2009)
- *Who's Who Legal: Canada* - Selected as a leading lawyer in Internet & e-Commerce Law (2010-2017)
- Ranked by *Chambers Global* as a "Notable Practitioner" (Band 3) for Information Technology Law in Canada (2010)

#### Publications & Presentations

- **"Dark Cloud"** Canadian Lawyer Online (April 16, 2018) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/dark-cloud-15600/>
- **"Time to say goodbye: Dealing with legacy software"** Canadian Lawyer Online (March 12, 2018) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/time-to-say-goodbye-dealing-with-legacy-software-15445/>
- **"Lesson from VTech"**, Canadian Lawyer Online (February 12, 2018) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/lesson-from-vtech-15325/>
- **"Draft Canadian Security Breach Regulations Finally Unveiled"**, American Bar Association, *Business Law Today*, January 15, 2018
- **"And the nominees are . . . reviewing statements of work, part II"**, Canadian Lawyer Online (January 15, 2018) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/and-the-nominees-are-reviewing-statements-of-work-part-ii-15177/>
- **"Cracking down on a bad coin offering"**, Canadian Lawyer Online (December 11, 2017) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/cracking-down-on-a-bad-coin-offering-15064/>
- **"How to design a privacy-compliant autonomous vehicle"**, Canadian Lawyer Online (November 22, 2017) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/how-to-design-a-privacy-compliant-autonomous-vehicle-14950/>
- **"Dark cloud: the threat of ransomware"**, Canadian Lawyer Online (October 30, 2017) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/dark-cloud-the-threat-of-ransomware-14840/>
- Program Chair, **"Wait, Now I Need to Learn IT Too? Meeting the Ethical Duty of Technological Competence"**, American Bar Association Business Law Section Annual Meeting (September 15, 2017).
- **"Ottawa's draft PIPEDA amendments highlight the importance of security safeguards"** Canadian Lawyer Online (September 18, 2017) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/ottawas-draft-pipeda-amendments-highlight-the-importance-of-security-safeguards-13673/>
- **"(Ain't) gonna fly now: European court rejects EU-Canadian PNR deal"** Canadian Lawyer Online (August 21, 2017) available at <http://www.canadianlawyermag.com/author/lisa-r-lifshitz/aint-gonna-fly-now-european-court-rejects-eu-canadian-pnr-deal-13574/>
- **"Statements of what? Reviewing SOWs"** Canadian Lawyer Online (July 17, 2017) available at <http://www.canadianlawyermag.com/6507/Statements-of-what-Reviewing-SOWs.html>
- **"Procurement blues: well-run process did not avoid fraud"**, Canadian Lawyer Online (June 19, 2017) available at <http://www.canadianlawyermag.com/6473/Procurement-blues-well-run-process-did-not-avoid-fraud.html>
- Speaker, **"Risk Allocation in Cloud Computing Agreements"**, IT.Can Spring Forum (May 18, 2017)

- **"Bad games"**, Canadian Lawyer Online (May 15, 2017) available at <http://www.canadianlawyermag.com/6442/Bad-games.html>
- **"Beware CASL's new private right of action requirements!"**, Canadian Lawyer Online (April 17, 2017) available at <http://www.canadianlawyermag.com/6410/Beware-CASLs-new-private-right-of-action-requirements.html>
- **"Smart toys: smart or just creepy?"**, Canadian Lawyer Online (March 13, 2017) available at <http://www.canadianlawyermag.com/6377/Smart-toys-smart-or-just-creepy.html>
- **"Bad security has bad consequences"**, Canadian Lawyer Online (February 13, 2017) available at <http://www.canadianlawyermag.com/6339/Bad-security-has-bad-consequences.html>
- **"Star Trek fan-fiction copyright suit tests 'fair use' defence"**, Canadian Lawyer Online (January 16, 2017) available at <http://www.canadianlawyermag.com/6306/Star-Trek-fan-fiction-copyright-suit-tests-fair-use-defence.html>
- **"Not their finest hour: the U.K. surveillance law"**, Canadian Lawyer Online (December 12, 2016) available at <http://www.canadianlawyermag.com/6258/Not-their-finest-hour-the-U.K.-surveillance-law.html>
- **"Avoiding the storm clouds with good cloud computing policies"**, Canadian Lawyer Online (November 7, 2016) available at <http://canadianlawyermag.com/6222/Avoiding-the-storm-clouds-with-good-cloud-computing-policies.html>
- **"Bad vibrations: Sex toy class action comes to Canada"**, Canadian Lawyer Online (October 17, 2016) available at <http://canadianlawyermag.com/6199/Bad-vibrations-Sex-toy-class-action-comes-to-Canada.html>
- **"Buyer beware . . . Lessons learned from the Ashley Madison hack"**, Canadian Lawyer Online (September 26, 2016) available at <http://www.canadianlawyermag.com/6181/Buyer-beware-.-.-.Lessons-learned-from-the-Ashley-Madison-hack.html>
- **"The dangers of patio thinking"**, Canadian Lawyer Online (August 15, 2016) available at <http://www.canadianlawyermag.com/6126/The-dangers-of-patio-thinking.html>
- **"CASL – How to Send E-mails to Canadians Safely"**, Business Law Today, American Bar Association, June 2016
- **"Don't post that rhino pic"**, Canadian Lawyer Online (June 20, 2016) available at <http://www.canadianlawyermag.com/6062/Dont-post-that-rhino-pic.html>
- **"People being people equals lots of data breaches"**, Canadian Lawyer Online (May 16, 2016) available at <http://www.canadianlawyermag.com/6029/People-being-people-equals-lots-of-data-breaches.html>
- **"Hold the champagne..."**, Canadian Lawyer Online (April 18, 2016) available at <http://www.canadianlawyermag.com/5990/Hold-the-champagne.html>
- **"Welcome to the new EU-US Privacy Shield"**, Torkin Manes LegalPoint (April 2016)
- **"Hello? It's not just e-mail..."**, Canadian Lawyer Online (March 28, 2016) available at <http://www.canadianlawyermag.com/5970/Hello-lts-not-just-e-mail.html>
- **"Shield or sword? The new EU-U.S. Privacy Shield"**, Canadian Lawyer Online (February 15, 2016) available at <http://www.canadianlawyermag.com/5920/Shield-or-sword-The-new-EU-U.S.-Privacy-Shield.html>
- **"IoT, Big Data, and the Cloud"**, American Bar Association's 2016 Internet of Things (IoT) National Institute, March 2016
- **"New year resolutions"**, Canadian Lawyer Online (January 18, 2016) available at <http://www.canadianlawyermag.com/5893/New-year-resolutions.html>

- **“Ultrasonic, cross-device tracking is here, beware”**, Canadian Lawyer Online (December 14, 2015) available at <http://www.canadianlawyermag.com/5848/Ultrasonic-cross-device-tracking-is-here-beware.html>
- **“Cloud 2.0 - Drafting and Negotiating Effective Cloud Computing Agreements”**, Course Developer, Co-Chair & Speaker, Lexpert, (December 2016)
- **“Demystifying cloud service levels”**, Canadian Lawyer Online (November 16, 2015) available at <http://www.canadianlawyermag.com/5825/Demystifying-cloud-service-levels.html>
- **“Managing Cybersecurity Risk 2015”**, Course Developer, Co-Chair & Speaker, Lexpert (December 2015)
- **“Internet of Things: How to Overcome the Legal Obstacles”**, Ontario Bar Association (November 2015)
- **“Cloud 2.0 - Drafting and Negotiating Cloud Computing Agreements”**, Course Developer, Co-Chair & Speaker, Lexpert (October 2015)
- **“Negotiating the (successful) exit”**, Canadian Lawyer Online (October 26, 2015) available at <http://www.canadianlawyermag.com/5794/Negotiating-the-successful-exit.html>
- **“Consumers must demand action on unified security standards”**, Canadian Lawyer Online (September 21, 2015) available at <http://www.canadianlawyermag.com/5759/Consumers-must-demand-action-on-unified-security-standards.html>
- **“The Internet of Everything is here - and it’s scary!”** Canadian Lawyer Online (August 17, 2015) available at <http://www.canadianlawyermag.com/5696/The-Internet-of-Everything-is-here-%E2%80%93-and-its-scary.html>
- **“CASL lessons learned”**, Canadian Lawyer Online (July 20, 2015) available at <http://www.canadianlawyermag.com/5663/CASL-lessons-learned.html>
- **“Moving in the right direction”**, Canadian Lawyer Online (June 15, 2015) available at <http://www.canadianlawyermag.com/5625/Moving-in-the-right-direction.html>
- **“Why tech deals fail”**, Canadian Lawyer Online (May 25, 2015) available at <http://www.canadianlawyermag.com/5601/Why-tech-deals-fail.html>
- Chair, **2015 Information Technology Law Spring Forum**, IT.Can/Lexpert (May 2015)
- **“Is cyber-liability insurance the answer to data breaches?”**, Canadian Lawyer Online (April 27, 2015) available at <http://www.canadianlawyermag.com/5566/Is-cyber-liability-insurance-the-answer-to-data-breaches.html>
- **“Think before you click”**, Canadian Lawyer Online (March 23, 2015) available at <http://www.canadianlawyermag.com/5519/Think-before-you-click.html>
- **“Privacy at the Crossroads”**, The Canadian Institute (February 2015)
- **“Getting some respect: OSS out of the shadows”**, Canadian Lawyer Online (February 16, 2015) available at [http://www.canadianlawyermag.com/5471/Getting-some-respect-OSS-out-of-the-shadows.html?utm\\_source=responssys&utm\\_medium=email&utm\\_campaign=CLNewswire\\_20150217](http://www.canadianlawyermag.com/5471/Getting-some-respect-OSS-out-of-the-shadows.html?utm_source=responssys&utm_medium=email&utm_campaign=CLNewswire_20150217)
- **“Practising Outside the Technology Box”**, Canadian Lawyer Online (January 19, 2015) available at <http://www.canadianlawyermag.com/5423/Practising-outside-the-technology-box.html>
- **“What do cloud vendors want pt. 2?”**, Canadian Lawyer Online (December 15, 2014) available at <http://www.canadianlawyermag.com/5394/What-do-cloud-vendors-want-pt.-2.html>
- **“Legal Considerations for Cloud Computing”**, Federated Press’ 9th Internet Law Course, December 2014

- **“What do cloud vendors want pt. 1?”**, Canadian Lawyer Online (November 10, 2014) available at <http://www.canadianlawyermag.com/5343/What-do-cloud-vendors-want-pt.-1.html>
- **“Evolution of IT Licensing From Software Licensing to Software as a Service”**, The 18th Annual Canadian IT Law Association Conference, October 2014
- **“The skies are watching you”**, Canadian Lawyer Online (October 20, 2014) available at <http://www.canadianlawyermag.com/5322/The-skies-are-watching-you.html>
- Chair & Speaker, **2014 Cloud Computing Forum**, Thomson Reuters, September 2014
- **“The view from over The pond”**, Canadian Lawyer Online (September 15, 2014) available at <http://www.canadianlawyermag.com/5279/The-view-from-over-the-pond.html>
- **“Car hacking is the new car jacking”**, Canadian Lawyer Online (August 18, 2014) available at [http://www.canadianlawyermag.com/5234/Car-hacking-is-the-new-car-jacking.html?utm\\_source=responsys&utm\\_medium=email&utm\\_campaign=CLNewswire\\_20140818](http://www.canadianlawyermag.com/5234/Car-hacking-is-the-new-car-jacking.html?utm_source=responsys&utm_medium=email&utm_campaign=CLNewswire_20140818)
- **“Big data, big problems”**, Canadian Lawyer Online (July 21, 2014) available at <http://www.canadianlawyermag.com/5205/Big-data-big-problems.html>
- **“CASL: Still Muddy Waters”**, Canadian Lawyer Online (June 16, 2014) available at <http://www.canadianlawyermag.com/5174/CASL-still-muddy-waters.html>
- Chair, **Privacy & Data Security Forum**, The IT.CAN – LSUC IT Law Spring Forum 2014, June 2014
- **“How To Avoid Losing Control Of The “Message”: Managing User-Generated Content Risks”**, Federated Press’ 5th Social Media Risks Conference, May 2014
- **“Licensing blues”**, Canadian Lawyer Online (April 21, 2014) available at <http://www.canadianlawyermag.com/5097/Licensing-blues.html>
- **“CASL: Canada’s New Anti-Spam Legislation - What you need to know”**, Torkin Manes LLP presentation, Online Revealed 2014 Conference, April 2014
- **“Online Privacy & Data Security Soup to Nuts: A Primer and Update on important Developments for the Business Lawyer”**, American Bar Association Business Law Institute, Spring Meeting, April 2014, Los Angeles
- **“Service Provider Selection, Service Levels & Business Continuity”**, Federated Press’ 7th Cloud Computing Law, March 2014
- **“Canada’s New Anti-Spam Legislation - What you need to know”**, Torkin Manes Seminar, March 2014
- **“Check your own house”**, Canadian Lawyer Online (March 17, 2014) available at <http://www.canadianlawyermag.com/5050/Check-your-own-house.html>
- Co-Editor, **“The SciTech Lawyer Espionage Issue”**, March 2014
- **“Eyes everywhere: what duties of confidentiality do lawyers owe to their clients?”**, Canadian Lawyer Online (February 17, 2014) available at <http://www.canadianlawyermag.com/5012/Eyes-everywhere-what-duties-of-confidentiality-do-lawyers-owe-to-their-clients.html>
- **“CASL: Clear As Mud”**, Canadian Lawyer Online (January 20, 2014) available at <http://www.canadianlawyermag.com/4959/CASL-clear-as-mud.html>
- **“Online Privacy and Security”**, Co-Lecturer, Federated Press’ 8th Internet Law Course, December 2013
- **“Legal Update from Canada and the US”**, “The Life Cycle of Pharmaceuticals: Adding Value at Each Stage”, Lexpert, December 2013

- **“Cloud Computing: A Practical Approach”**, Course Developer, Moderator and Speaker, Lexpert, November 2013
- **“Privacy and Data Security in the Global Cloud”**, Security and the Cloud: Key Tips to Managing Your Risks in Cloud Computing Agreements, Program Chair and Speaker, ABA “In the Know” webinar, November 2013
- **“Insolvency and the Cloud”**, Co-author, Corporate Risk Canada, Volume 2, No. 4, October 2013
- **“Mobile Contracting: Current Laws, Practical Considerations-Part 4”**, Internet and Ecommerce Law in Canada”, (2012-13) 13 I.E.C.L.C. (14:6), October, 2013
- **“The Canadian Approach to Data Breach Notification”**, Co-author, Consumer Finance Law Quarterly Report, Vol. Nos. 3&4, 2012
- **“Mobile Contracting: Current Laws, Practical Considerations-Part 3”**, Internet and Ecommerce Law in Canada”, (2012-13) 13 I.E.C.L.C. (14:5), September 2013
- **“Privacy and Data Security in the Global Cloud”**, Security and the Cloud: Key Tips to Managing Your Risks in Cloud Computing Agreements, Program Chair and Speaker, American Bar Association Annual Meeting (Business Law Section), August 2013, San Francisco
- **“Mobile Contracting: Current Laws, Practical Considerations-Part 2”**, Internet and Ecommerce Law in Canada”, (2012-13) 13 I.E.C.L.C. (14:4), August 2013
- **“Mobile Contracting: Current Laws, Practical Considerations-Part 1”**, Internet and Ecommerce Laws in Canada”, (2012-13) 13 I.E.C.L.C. (14:3), July 2013
- **“RFID In Canada”**, Chapter co-author, of the American Bar Association’s RFIDs, Near-Field Communications, and Mobile Payments: A Guide for Lawyers book, published July 2013
- **“Practising IT/Tech Law”**, CanadianLawyer4 Students, Fall 2013
- **“Mobile Contracting: Licensing Issues in the Brave New Mobile World”**, IT.Can and the Law Society of Upper Canada, The 2013 Information Technology Law Spring Forum, June 2013
- **“Warranties, Indemnification and Limitation of Liability: Allocating Risks in the Cloud”**, The Federated Press’ 6th Cloud Computing Conference, March 2013
- **“Privacy Requirements in the Era of Cloud Computing”**, Business Beat, Volume 23, No. 1, Ontario Bar Association, February 2013
- **“How To Avoid Losing Control Of The “Message”: Managing User-Generated Content Risks”**, The Federated Press’ Social Media Risks Conference, February 2013
- **“Privacy Law Update”**, Presentation to the Magnes Group, January 2013
- **“Online Privacy and Security in the Cloud”**, Federated Press’ 7th Internet Law Course, December 2012
- **“Cloud Computing: A Practical Approach”**, Course Developer, Moderator and Speaker, Lexpert, December 2012
- **“Privacy Law”**, Chapter Co-author, Advertising Law in Canada book (4th edition), LexisNexis Canada, October



2012

- **“Internet Law in Canada”**, Chapter Co-author, Internet Law for the Business Lawyer book, American Bar Association, August 2012
- **“Social Media, Online and Mobile Commerce Issues”**, Moderator and Program Chair, The 2012 Information Technology Law Spring Forum, Canadian IT Law Association/Law Society of Upper Canada, June 2012

## Memberships

- American Bar Association, Business Law Section, Council Member
- American Bar Association, Science and Technology Section, Council Member
- American Bar Association, Member, ABA Cybersecurity Legal Task Force; co-author Vendor Contracting Project: Cybersecurity Checklist (2017)
- American Bar Association, Business Law Section, Cyberspace Law Committee, Co-Chair of the Robotics and Artificial Intelligence Subcommittee
- American Bar Association, Business Law Liaison to the ABA Standing Committee on Technology and Information Systems (SCOTIS)
- American Bar Association - Science and Technology Section, Editorial Board, The Sci-Tech Lawyer
- Canadian Technology Law Association, Past President and Director, October 2013 - October 2017
- American Bar Association, Member, American Bar Association - Business Law Section, Past Chair, Technology Committee, August 2014 - August 2017
- American Bar Association - Business Law Section, Cloud & IT Services Subcommittee, Cybersecurity Subcommittee, August 2016 - August 2017
- American Bar Association - Business Law Section, Past Member, Editorial Board, Business Law Today, August 2014 - August 2017
- American Bar Association, Past Liaison to the Science and Technology Section and the Business Law Section, August 2011 - August 2014
- American Bar Association, Past Vice-Chair, Cyberspace Law Committee, August 2008 - August 2011
- Toronto Computer Lawyers Group, Past Treasurer, Chair and Vice-Chair, Toronto Computer Lawyers' Group, 1999 - 2002
- Ontario Bar Association, Past Chair of the Executive of the Information Technology and Electronic Commerce Section, 2006 - 2007
- ITechLaw (formerly the Computer Law Association), Past Director, 2001 - 2007
- ITechLaw (formerly the Computer Law Association), Co-Chair of the Publications Committee, 2002 - 2006
- ITechLaw (formerly the Computer Law Association), Member, Planning Advisory Committee, ITechLaw 2003 World Computer and Internet Law Congress 2002 - 2003

## Community Involvement

- Director, Jane Goodall Institute of Canada, 2015 - 2017
- Director, SIM-one, Ontario Simulation Network, 2013 - 2014
- Honourary Past Chair, Corporate Cabinet, The Shoppers Drug Mart Weekend to End Women's Cancer

& Torkin Manes LLP Team Captain, 2011 - 2015

- Director, Bruce Trail Association, Toronto Section, 2011 - 2014
- eHealth Ontario, Director, 2009 - 2010
- Past President of the Board of Directors, Children's Aid Society of Toronto (CAST), 2007 - 2009
- Director-at-large and member of the Executive Committee, Ontario Society for the Prevention of Cruelty to Animals (O.S.P.C.A.), 1997 - 2004