

VLP Partner Melissa Krasnow Quoted in Law360 Article “Privacy Law Developments that Have Flown Under the Radar”

VLP Partner Melissa Krasnow was quoted in the Law360 article “Privacy Law Developments that Have Flown Under the Radar.”

The article reported that, in the absence of international standards to govern corporate cybersecurity practices, it is up to each country to chart its own regime. Each jurisdiction takes a different approach, and laws governing how to report data breaches and how to protect personal data are constantly evolving.

Ms. Krasnow was asked about Canada’s data privacy laws. The article noted that Canada’s personal data protection act is similar to the European Union’s privacy regime, which requires businesses to report breaches within 72 hours. But unlike the EU law, it lacks, among other things, the right to data portability.

Ms. Krasnow said comparing Canada's personal data protection statutes against the EU's "has the potential to be a very big issue," noting that the review could lead to significant changes to the privacy regime.

Ms. Krasnow also discussed Canada's Anti-Spam Legislation, which binds companies that send commercial electronic messages to or from a computer located in the country to a set of stringent notice and consent requirements. The requirements generally prohibit the transmission of a wide range of electronic communications unless a user has expressly agreed to receive the messages.

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