



Éloïse Gratton Ad. E.

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Éloïse is recognized internationally as a pioneer in the field of **privacy** and she co-leads the firm's national Privacy and Data Protection practice. She offers strategic advice relating to best business practices relevant to the monetization of **big data** and the use of **artificial intelligence**, in addition to providing support in **crisis management** situations (e.g. **security breaches**, **privacy commissioners' investigations**, **class actions**) both nationally and internationally. She also advises companies and their board of directors on the management of **personal information** and the protection of privacy, including on issues relating to compliance, risk management, ethics and data governance.

Éloïse's publications are consulted in Canada and abroad, used in law courses and cited in academic journals as well as in landmark privacy decisions by the Supreme Court of Canada. She authored *Internet and Wireless Privacy: A Legal Guide to Global Business Practices*, one of the first technology and privacy book in Canada (CCH, 2003). Her recent works include *Managing Privacy in a Connected World* (LexisNexis 2020), *Privacy in the Workplace, 4th edition* (LexisNexis, 2017), *Practical Guide to e-Commerce and Internet Law* (LexisNexis 2015) and *Understanding Personal Information: Managing Privacy Risks* (LexisNexis, 2013). In addition to being a sought-after lecturer and speaker, she is a regular commentator on current issues that affect privacy in Canada and the United States (Wall Street Journal, Fast Company). She is recognized as a leading expert in her field by privacy commissioners as well as by the federal and provincial governments. She has testified before the House of Commons' Standing Committee on Access to Information, Privacy and Ethics (ETHI) and Standing Committee

on Industry, Science and Technology (INDU). She was recently appointed a member of the Canadian Chamber of Commerce Innovations & IP Committee. The Government of Canada also selected her as a member of the COVID-19 Exposure Notification App Advisory Council.

She is nominated by her peers in the IT law and privacy category of *Best Lawyers in Canada* and recognized by *Chambers* as a leading lawyer (Band 1) in the area of privacy and data protection year after year. She was recently honored by *Canadian Lawyer* magazine as a forward thinker in an article about the country's 25 most influential lawyers, as well as selected as one of Canada's Top 100 Most Influential Women by the Women's Executive Network (WXN) in the "CIBC Trailblazers & Trendsetters" category.

Experience

- Advised a consumer credit company in the response to a global security breach, including providing assistance relating to privacy regulators' investigation.
- Conducted global compliance assessments and implementation programs for Fortune 300 clients in the technology, media, financial services.
- Assisted a Fortune 300 in the management of a large security incident involving ransomware.
- Developed a framework for SOQUIJ to manage privacy risks when developing new solutions and products relying on Artificial Intelligence (referenced in the recent 2018 Quebec AI Committee report).
- Conducted a comprehensive review of the client data privacy and security practices for one of Canada's largest retailers.
- Provided a legal opinion for a Fortune 300 financial institution business practice involving big data analytics and the development of consumer scores.
- Led investigation of sophisticated cyberattack for a financial services company and its board of directors.
- Defended a global technology company that specializes in Internet-related solutions relating to privacy class actions.
- Assisted a large media company to comply with privacy law when deploying cutting-edge marketing strategies.

Insights & Events

- Cybersecurity incident response – Tips from the trenches
- A Canadian privacy perspective on the commercial use of anonymous video analytics in public settings
- The right to erasure of personal information in Canada: Between fact and fiction
- Le projet de loi n° 95 : un pas en avant pour faciliter l'accès aux données gouvernementales
- Trends to watch in 2021 – Privacy: issues in a hyper-connected world
- Canada's Consumer Privacy Protection Act: Impact for businesses
- Anonymous video analytics' future uncertain after Canadian privacy regulators' investigation
- OPC lays groundwork for a Canadian right to be forgotten in recent RateMDs privacy decision
- Summary of special consultations and public hearings on Québec's Bill 64
- Manufacturers of internet of things devices: guidance from the Canadian Federal Privacy Commissioner
- Canadian Competition Bureau takes enforcement action against misleading privacy claims
- Proposed amendments to Québec privacy law: Impact for businesses
- [Presenter, "Back to Business with BLG: Navigating Risk and Effective Business Management", Webinar, Toronto Region Board of Trade, June 2020](#)
- Managing privacy and cyber risks during a pandemic
- COVID-19 Legal Perspectives

- Managing Privacy in a Connected World
- Interviewed, "[WXN/CIBC Trailblazers and Trendsetters.](#)" February 2020
- Privacy Commissioners' Report of Findings on Aggregate IQ : Challenges with Position on Service Providers' Obligations
- When is it legal to repurpose publicly available information for commercial purposes?
- Benchmarking Businesses' Privacy Framework: Highlights from the 2019 IAPP-EY Annual Privacy Governance Report
- OPC Maintains Status Quo as it Concludes Consultation on Cross-Border Dataflows
- BLG Highlights Industry Concerns in Response to OPC Consultation on Cross-Border Dataflows
- Security incident: The Québec Superior Court confirms that the mere fact of being the victim of an incident is insufficient to support a claim for damages
- Important Privacy Commissioner Consultation Impacting Cross-Border Dataflows and Outsourcing
- Frequently Asked Questions — Compliance with PIPEDA's Security Breach Obligations

Beyond Our Walls

Professional Involvement

- Board Member, Fédération de natation du Québec (FNQ)
- Member, COVID-19 Exposure Notification App Advisory Council (Government of Canada)
- Member, Canadian Chamber of Commerce Innovations & IP Committee
- Researcher, Centre de recherche en droit public and Regroupement Droit changements et gouvernance, Université de Montréal
- Member, Canadian Technology Law Association (CAN-TECH Law)
- Member, International Association of Privacy Professionals

Awards & Recognitions

- Recognized in the 2021 and previous editions of *Chambers Canada — Canada's Leading Lawyers for Business* (Privacy & Data Protection)
- Recognized in the 2021 edition of *The Best Lawyers in Canada®*- Lawyer of the Year (Privacy and Data Security Law).
- Recognized in the 2021 and 2020 edition of *Lexpert Special Edition: Technology*
- Recognized in the 2016-2021 editions *The Best Lawyers in Canada®* for information technology law and the 2018-2019 and 2021 editions for privacy and data security law
- Recognized in the 2020 edition of *Who's Who Legal* (Data & Privacy Protection).
- 2019 Québec Businesswoman Award (Prix Femmes d'affaires du Québec) in the Executive, Manager or Professional, Private Company category
- Recognized in Acritas Stars 2019: Independently Rated Lawyer (Nominated as a stand-out lawyer by senior in-house counsel)
- Selected as one of Canada's Top 100 Most Influential Women in Canada by the Women's Executive Network (WXN) in the "CIBC Trailblazers & Trendsetters" category for 2018
- Recognized in the 2021 and previous editions of *The Canadian Legal Lexpert® Directory* (Computer and IT Law) and 2021 edition (Advertising & Marketing Law)
- Recognized by *Lexpert®* with a 2017 Zenith Award —Celebrating Women in Law

- Recognized as "Information Technology and Privacy and Data Security Lawyer of the Year — Montréal" in the 2019 and in the 2021 editions of *The Best Lawyers in Canada*®
- Recognized in the 2019 edition of the *Lexpert Special Edition - Canada's Leading Infrastructure Lawyers*.
- Honored by *Canadian Lawyer* magazine as a one of the 25 most influential lawyers in 2016
- Awarded a Clawbies Canadian Legal Blog Award in 2014 for the best new legal blog for [her blog on privacy and IT law](#)

Bar Admission & Education

- Québec, 1998
- LLM, Université de Montréal, (IT law), 2002
- LLB, Université de Montréal, 1997

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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