Daniel Girlando

Partner and Co-Leader, Healthcare Group

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Health Care Disputes
Class Action Defence
Cybersecurity, Privacy & Data Protection
Personal Health Information & Privacy
Privacy & Security Breaches
Compliance with Privacy & Data Protection
Crisis Management

Daniel represents healthcare facilities and staff involved in medical malpractice and class action litigation. He provides legal advice with respect to:

- privacy and security breach investigation and notification
- physician credentialing
- adverse event and risk management
- other diverse issues that arise in healthcare settings

Daniel regularly speaks on privacy and health law and, to give back to the profession, he teaches Health Law in Practice at Windsor University's Faculty of Law and co-chairs the Osgoode Certificate in Health Law. He also chairs the Legal Issues Committee of Egale, a national 2SLGBTQI+ advocacy organization. Daniel has been a member of the firm's Diversity and Inclusion Council for over 10 years and, in 2021, he joined the Toronto Office's Student Recruitment Committee.

Called to the bar in Ontario and Québec, Daniel obtained his law degree at McGill University, where he was actively engaged with the McGill Human Rights Working Group's Access to Medicine Campaign.

He also attended the National Law School of India University in Bangalore during a semester abroad, and interned for the UN Special Rapporteur on the Right to Health in Mumbai. Prior to law school, Daniel worked for two years at AIDS Community Care Montreal (ACCM). He is fluent in English and French.

Experience

- Defends hospitals and hospital staff in medical malpractice cases as counsel to the Healthcare Insurance Reciprocal of Canada, including in long trials and appeals (*Hemmings v Peng*, 2022 ONSC 2674, *Hemmings v. Peng*, 2024 ONCA 318).
- Represents organizations facing large privacy breach class actions and negotiated favourable settlements.
- Successfully defeated certification in privacy breach class actions arising out the inappropriate access or disclosure of personal health information by staff, had the decision upheld on appeal or was successful in having certification overturned on appeal (*Broutzas v. Rouge Valley Health System*, 2023 ONSC 1272 and *Stewart v. Demme*, 2022 ONSC 1790).
- Acted for employers in successfully defending contractual termination provisions and wrongful dismissal claim (*Oudin v. Centre Francophone de Toronto,* 2016 ONCA 514)
- Acted as co-counsel on the *Hopkins v. Kay*, 2015 ONCA 112 decision, which held that patients in Ontario have the option to sue for breach of privacy both under PHIPA and the common law tort of intrusion upon seclusion, and in the negotiation of the settlement of this class action, which was court approved in October 2023.
- Represented executive employee in wrongful dismissal claim, with successful motion to declare the contractual termination clause invalid and obtaining resolution (*Paquette c. Quadraspec,* 2014 ONCS 2431).
- Represents Egale Canada pro bono in court interventions that promote the rights and interests of the 2SLGBTQI community (*Ontario (Health Insurance Plan) v. K.S.*, 2024 ONSC 2061 and *Rainbow Alliance Dryden et al. v. Webster*, 2023 ONSC 7050).

Insights & Events

- Author, "Ontario court awards over $22 million in landmark clinic surveillance privacy class action", BLG Article, June 2026
- Author, "2026 Update to the new interpretation of the Canada Health Act", BLG Article, April 2026
- Author, "No need for access, theft or disclosure: encryption of data is notifiable under PHIPA and CYFSA", BLG Article, September 2025
- Author, "PHIPA Decision 298: First imposition of administrative monetary penalties", BLG Article, September 2025
- Author, "Court certifies class action against health authority arising from employee snooping into medical records", BLG Article, April 2024
- Author, "Appeal court upholds decision limiting intrusion upon seclusion tort to significant privacy breaches", BLG Article, February 2023
- Author, "Ontario Court of Appeal rules against plaintiffs in trilogy of privacy class actions", BLG Article, December 2022
- Author, "Failing to prevent a cyber attack is not intrusion upon seclusion", BLG Article, June 2021
- Author, "Recent amendments to the Personal Health Information Protection Act", BLG Article, May 2020
- Author, "COVID-19 privacy considerations for Ontario's health care sector", BLG Article, April 2020
- Author, "BLG Contributes to CBA Submissions on LGBTQ2 Health", BLG Article, May 2019
- Author, "Court Denies Certification in Privacy Class Action: Personal Information is Not Necessarily Private Information", BLG Article, February 2019
- Author, "Court Refuses to Certify a Class Action against Halifax for the Expropriation of Africville Residents", BLG Article, September 2018

- Author, "Nurse Disciplined for Unprofessional Posts on Social Media Loses Appeal", BLG Article, May 2018
- Author, "IPC releases guidance on communicating PHI by email", BLG Article, September 2016
- Author, "New Expanded Duty to Notify the College of Physicians and Surgeons of Ontario", BLG Article, August 2016
- Author, "BLG Wins Appeal for Employer in Contract Enforceability Case", BLG Article, August 2016
- Co-author, "Privacy Breach Class Actions," Advocates' Quarterly, 2016

Beyond Our Walls

Community Involvement

- Teaches Health Law in Practice at Windsor University's Faculty of Law
- Chairs the Osgoode Professional Development's Health Law Certificate
- Chair, Egale Canada's Legal Issues Committee

Awards & Recognition

- Recognized in the 2027 edition (and since 2025) of *The Best Lawyers in Canada* (Class Action Litigation, Health Care Law, Privacy and Data Security) and since 2024 (Medical Negligence).
- Recognized in the 2026, 2025 and 2021 editions of the *Canadian Legal Lexpert Directory* (Medical Negligence)
- Recognized in the 2026 edition of *Lexpert Special Edition: Technology*
- Recognized in the 2026 edition of *Lexpert Special Edition: Heatlh Sciences*

Bar Admission & Education

- Québec, 2011
- Ontario, 2011

- BCL/LLB, McGill University, 2009, (including a semester at India University in Bangalore)
- BA (Hons.), McGill University, 2004

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