Health Law Group Spotlight: New Partner Daniel Girlando

April 05, 2019

The Health Law Group is pleased to welcome its newest partner — Daniel Girlando. Daniel is a graduate of McGill University and has a long history with our firm. He articled with BLG in 2010-2011 before joining the Health Law Group in 2011.

Daniel specializes in representing healthcare organizations facing large privacy breach class actions and assisting them with privacy policy and practice improvement. He also works with organizations in general litigation defence, physician privileging matters before Ontario tribunals and both employees and employers in wrongful dismissal matters.

We asked Daniel a few questions about his practice and the world of health law and have shared his responses with you below. If you would like to speak to Daniel about any issues your organization is currently facing, he is always happy to assist at DGirlando@blg.com or 416.367.6516.

1. What has been the most significant change in health law during your years in practice?

I'll name two important changes. (1) Privacy. While privacy has always been a core concern of patients and health care providers, it has become an especially hot topic in recent years. The shift toward the use of electronic medical records and electronic health systems has brought a number of challenges, including privacy or security breach litigation. (2) Patient Safety. There has been a significant move by organizations to embrace the patient safety movement (*e.g.* conducting more quality reviews of patient safety events, moving towards greater transparency with patients and the adopting a just culture approach). This is particularly interesting because it comes at the same time as organizations are facing increasing medical malpractice litigation and scrutiny from the public.

2. You have recently been involved in a significant hospital privacy class action victory, what would you say is the most significant trend in privacy class actions at the moment?

In previous years, the trend was that a proposed class action would almost immediately follow any large breach of information, regardless of the nature of that information and whether it was considered private. In the majority of cases, the courts have certified these class actions, partly because the threshold for certification is low and the test is not meant to involve an analysis of the merits of the plaintiffs' allegations. The recent decision in *Broutzas v. Rouge Valley Health System*, however, tells us that the nature of the information accessed is important in determining whether there is "intrusion upon seclusion" or breach of privacy. In that case, highlighted in January's newsletter, the court found that not all breaches or wrongful uses of personal information — in this case, patients' name and contact information — amount to breaches of privacy that give rise to a right to sue for damages. The decision also highlights that one person may consider information as private and confidential while others would readily share that same information freely and broadly. That different individuals can have significantly varying views about privacy suggest that class actions may not always be the best vehicle to deal with large breaches of information.

3. What do you think health sector organizations should keep in mind for 2019?

The Ontario government's plan to reform the healthcare sector focuses on integration and harmonization of healthcare services on the one hand and quality of care on the other. There are opportunities for organizations to take a leadership role in the implementation of the reform and in designing health teams that will better address current challenges in patient care.

4. Do you foresee any "hot topics" in health law over the next five years?

Artificial intelligence (AI) in medicine has the potential to radically change how diagnosis are made, images interpreted, treatment recommended and patients monitored. AI brings a huge promise to improve the delivery of health care services and an important challenge in the next few years will be how to incorporate this technology in our systems. Because the technology is so new, health care administrators, clinicians and health lawyers will have to grapple with the novel ethical and legal questions and challenges.

5. And just for fun: what is your favourite book you've read in the past year?

André Aciman's *Enigma Variations*. I loved *Call Me by Your Name*, both the book and the movie, so I took Aciman's new novel with me on vacation last summer. *Enigma Variations* tells the story of formative, all-consuming and yet passing romances. It's one of those books you cannot put down once you've started reading it!

Expertise

Health Care & Life Sciences

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 800 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.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.