



Daniel Girlando

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[Health Care Disputes](#)
[Class Actions](#)
[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.

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 hospital staff in medical malpractice as counsel to the Healthcare Insurance Reciprocal of Canada
- Represents hospitals facing large privacy breach class actions
- Acted for hospital and successfully defended certification motion arising out the disclosure by former employees of patients' contact information to RESP sales representative ([Broutzas v. Rouge Valley Health System](#), 2018 ONSC 6315)
- 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
- 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)

Insights & Events

- Failing to prevent a cyber attack is not intrusion upon seclusion
- Recent amendments to the Personal Health Information Protection Act
- COVID-19 privacy considerations for Ontario's health care sector
- BLG Contributes to CBA Submissions on LGBTQ2 Health
- Court Denies Certification in Privacy Class Action: Personal Information is Not Necessarily Private Information
- Court Refuses to Certify a Class Action against Halifax for the Expropriation of Africville Residents
- Nurse Disciplined for Unprofessional Posts on Social Media Loses Appeal
- IPC releases guidance on communicating PHI by email
- New Expanded Duty to Notify the College of Physicians and Surgeons of Ontario
- BLG Wins Appeal for Employer in Contract Enforceability Case
- 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
- Member of Egale Canada's Legal Issues Committee
- Member of BLG's Diversity and Inclusion Council

Awards & Recognitions

- Recognized in the 2021 edition of the Canadian Legal Lexpert Directory (Medical Negligence)

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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