

Quebec Law 25

Overview of Key Legislative Changes

September 22, 2022



ACTION



DETAILS



IMPACT ON DIGITAL BUSINESS

Appointment of a Data Privacy Officer

Requirement to hold the position of Privacy Officer or to delegate it in writing to another person and to publish the contact information of the Privacy Officer.

Appointment of your data privacy officer and posting of his contact information on your website. Normally included in your privacy policy.

Mandatory reporting of privacy incidents

Requirement to notify the CAI and the individual of any privacy incident involving personal information that poses a serious risk of harm and to maintain a record to be provided to the Commission upon request.

None

Disclosure of personal information without consent

New framework for disclosure of personal information without consent:

- for study, research or statistical purposes
- in the context of a commercial transaction

None

Biometrics

Requirement to disclose any biometric feature or measurement database to CAI at least 60 days before it is put into service.

Requirement to disclose verification or confirmation of identity made using biometric features or measures.

Only if you use biometrics to allow access to so-called sensitive information about your customers.

The majority of the changes to privacy laws will come into effect in September 2023. Here is an overview of the changes below.



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IMPACT ON DIGITAL BUSINESS

Governance policies and practices

Requirement to develop and implement privacy policies to manage and protect personal information throughout organizational activities and publish detailed information about them.

Publication of detailed information about your policies and practices on your website.

Transparency obligations

New transparency obligations such as:

- publish its privacy governance rules
- publish a privacy policy in clear and simple terms if you collect personal information by technological means and notify the persons concerned of its updates
- inform the individual when a decision is made based solely on automated processing
- inform the individual when identification, location or profiling technology is used and the means available to activate these functions

When collecting personal information, provide details regarding the purpose of the collection, rights of access and rectification, right to withdraw consent, etc.

Write and post a simple and clear privacy policy.

If you use email marketing, provide an opportunity for recipients of your email to withdraw their consent.

Anonymization of personal information

Requirement to destroy personal information when the purpose for which it was collected or used is fulfilled, subject to a statutory retention period.

Privacy Impact Assessment in certain situations

Requirement to conduct a Privacy Impact Assessment (PIA) before disclosing personal information without consent for study, research or statistical purposes.

None



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Consent	Implementation of new rules governing the consent of individuals to the collection, disclosure or use of their personal information, such as requesting consent in clear and simple terms.	Add text and checkboxes to your consent forms and potentially link to your privacy policy.
Right to de-index (or right to be erased or forgotten)	As of September 22, 2023, individuals will be able to ask companies to stop sharing their personal information or to de-index any hyperlink to their name that provides access to information if the sharing is harmful to the individual or contravenes the law or court order (the right to erasure or to be forgotten).	<p>Make sure to include opt-out in email communications.</p> <p>Provide privacy officer contact information in your website privacy policies.</p> <p>Consider adding a form for this request</p>
Disclosure of personal information outside Quebec	Requirement to conduct a privacy impact assessment before disclosing personal information outside Quebec.	None
Facilitation of the grieving process	Authorization to disclose personal information about a deceased person to his or her spouse or immediate family member if the information would assist the deceased person in the grieving process, unless the deceased person has recorded in writing his or her refusal to grant such access.	None
Minor	Prohibited collection of personal information about a minor under the age of 14 without the consent of the parent or guardian, except where the collection will clearly benefit the minor.	<i>To be confirmed at a later date.</i>
Default privacy settings	Requirement to provide, by default, settings that ensure the highest level of privacy of the technological product or service offered to the public.	<i>To be confirmed at a later date.</i>
Administrative Monetary Penalties	Authority for the CAI to impose administrative monetary penalties. For example, administrative penalties could be as high as 2% of worldwide sales or \$10 million.	None

September 22, 2024

In September 2024, the right to portability will be the last provision to come into effect, in both the public and private sectors. It is important to prepare for this as soon as possible, as it may involve more structural changes on the part of organizations.



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Right of portability

As of September 22, 2024, if requested by the individual, organizations will be required to disclose computerized personal information collected from the individual in a structured, commonly used technological format. This disclosure may also be made to a person or body authorized to collect the information, at the request of the individual.

None

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