Information to be provided prior to the collection of personal information

As a company representative, you must show transparency toward the people whose personal information you collect. The implementation of the transparency principle is essential to the protection of their privacy: you must provide a clear and simple explanation of how their information will be used and disseminated, in order for them to exercise control over it. Individuals can exercise their rights with full knowledge of the facts.

The Privacy Act specifies what information you must provide, either by default or on request, whenever you collect someone's personal information.

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Information to be provided in all cases

Prior to collection

The following table lists the information you must provide to the persons concerned **prior to collection** (and upon request thereafter) and specifies, **in bold**, the changes introduced as of September 22, 2023.

Currently	**As of September 22, 2023**
1. Purpose for w the information is being collected; 2. How the information will be used; 3. Categories of persons who will have access to the information within the company; 4. Where the information will be kept 5. Right to access and correct information pursuant to the Act.	1. Purpose for which the information is being collected; 2. **Means by which the information is collected (e.g., a form, video recording)** 3. Right to access and correct information pursuant to the Act; 4. **Right to withdraw consent to disclose or use the collected information.** **If applicable, the following information must** also **be provided:** **5. Name of third party for whom the information is being collected:** For instance, if you are collecting the information on behalf of a corporate client, you must mention it;

	6. Name of third party or third-party category to whom the information must be disclosed consistent with the purpose of the collection: If, for example, another company manages your payments, you must name the company. If contracts vary or still have to be drawn up, you can indicate a more general category. **7. Potential disclosure of information outside Quebec:** For example, if you store the information with a cloud provider in Ontario, you have to mention it.

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Note that you cannot collect personal information from a third party without the consent of the individual or a legal exception. However, you may do so if you have an important and legitimate interest, in one of the following two cases:

- The information is collected for the benefit of the person concerned and cannot be collected from that person in a timely manner
- Collection from a third party is necessary to ensure the accuracy of the information

Before collecting personal information using certain technologies

You will need to provide additional information to the persons concerned if you are collecting their information using technology that can:

- Identify these persons
- Locate them
- Allow them to be profiled

Profiling is defined as:

- The "collection and use of personal information to assess certain characteristics of a natural person, in particular for the purpose of analyzing that person's work performance, economic situation, health, personal preferences, interests or behaviour"

In such a case, you will need to inform these people:

- That you are using this kind of technology
- About the methods available to **activate** the identification, location or profiling functions

Therefore, you cannot activate these functions by default. The person concerned must be able to do so voluntarily.

Information to be provided upon request

You must also provide the following information to the person concerned who requests it:

- Personal information that is collected from them
- Categories of persons who have access to the information within the company
- How long the personal information is kept
- Contact information for the privacy officer

The Commission's view on transparency

The Commission encourages you to be as transparent as possible when collecting personal information, whether directly from individuals or from a third party. Even if the persons concerned do not request it, provide them with the relevant optional information for the situation.

Regardless of the means or technology used for the collection, you benefit from being proactive in communicating with the public. The information you provide must be clear, understandable, accessible and suitable for the medium.

Automated decisions

Companies can make automated decisions using personal information, including through artificial intelligence. Such as in order to:

- Grant credit
- Assess an application for financial assistance
- Prioritize a request

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When these decisions are based **exclusively on automated processing**, i.e., no human intervention is involved, the legislation provides for transparency obligations and a right of review for the persons concerned.

Information to be provided

A company that makes fully automated decisions must inform the person concerned no later than when the decision is communicated to them. Upon request from the person, the company must also share with them:

- The personal information used to make the decision
- The reasons for the decision, along with key factors and parameters
- The person's right to correct the personal information used to make the decision

Right to make representations

When a fully automated decision is made, a company must give the person concerned an opportunity to make representations to a staff member of the organization who can review the decision. This right thus allows the person to demand human intervention in the situation.

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