Correction of Personal Information

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Correction: Rights and Obligations	**Principle 4.9** **4.9.5** When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, the organization shall amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question.	**Section 25** **(1)** An individual may, in accordance with section 26, request an organization to correct an error or omission in the personal information about the individual that is under the control of the organization. **(2)** If there is an error or omission in personal information in respect of which a request for a correction is received by an organization under subsection (1), the organization must, subject to subsection (3), (a) correct the information as soon as reasonably possible, and (b) where the organization has disclosed the incorrect information to other	**Section 24** **(1)** An individual may request an organization to correct an error or omission in the personal information that is (a) about the individual, and (b) under the control of the organization. **(2)** If an organization is satisfied on reasonable grounds that a request made under subsection (1) should be implemented, the organization must (a) correct the personal information as soon as reasonably possible, and	**Section 28-29** **28.** In addition to the rights provided under the first paragraph of article 40 of the Civil Code, any person may, if personal information concerning him is inaccurate, incomplete or equivocal, or if collecting, communicating or keeping it are not authorized by law, require that the information be rectified. **29.** Every person carrying on an enterprise who holds personal information on other persons must take the necessary steps to ensure the exercise by a person concerned of the rights provided under articles 37 to 40 of the Civil Code and the rights conferred by this Act. In particular, he must inform the public of the place where, and manner in which, access to the personal information may be granted. **CCQ arts. 38, 40-41** **38.** Except as otherwise provided by law, any person may, free of charge,

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		organizations, send a notification containing the corrected information to each organization to which the incorrect information has been disclosed, if it is reasonable to do so. **(3)** If an organization makes a determination not to make the correction under subsection (2)(a), the organization must annotate the personal information under its control with the correction that was requested but not made. **(4)** On receiving a notification under subsection (2)(b) containing corrected personal information, an organization must correct the personal information in its custody or under its control. **(5)** Notwithstanding anything in this section, an organization shall not correct	(b) send the corrected personal information to each organization to which the personal information was disclosed by the organization during the year before the date the correction was made. **(3)** If no correction is made under subsection (2), the organization must annotate the personal information under its control with the correction that was requested but not made. **(4)** When an organization is notified under subsection (2) of a correction of personal information, the	examine and cause the rectification of a file kept on him by another person with a view to making a decision in his regard or to informing a third person; he may also cause a copy of it to be made for a reasonable cost. The information contained in the file shall be made accessible in an intelligible transcript. […] **40.** Every person may cause information which is contained in a file concerning him and which is inaccurate, incomplete or equivocal to be rectified; he may also cause obsolete information or information not justified by the purpose of the file to be deleted, or deposit his written comments in the file… **41.** Where the law does not provide the conditions for and manner of exercising the right of examination or rectification of a file, the court, upon application, determines them.

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		or otherwise alter an opinion, including a professional or expert opinion.	organization must correct the personal information under its control.	Similarly, if a difficulty arises in the exercise of those rights, the court settles it, upon application.
Ceasing dissemination and de-indexing: rights and obligations	N/A	N/A	N/A	**Section 28.1** The person to whom personal information relates may require any person carrying on an enterprise to cease disseminating that information or to de-index any hyperlink attached to his name that provides access to the information by a technological means, if the dissemination of the information contravenes the law or a court order. The person may do likewise, or may require that the hyperlink providing access to the information be re-indexed, where the following conditions are met: 1. the dissemination of the information causes the person concerned serious injury in relation to his right to the respect of his reputation or privacy; 2. the injury is clearly greater than the interest of the public in knowing the information or

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				the interest of any person in expressing himself freely; and 3. the cessation of dissemination, re-indexation or de-indexation requested does not exceed what is necessary for preventing the perpetuation of the injury. In assessing the criteria set out in the second paragraph, the following, in particular, must be taken into account: 1. the fact that the person concerned is a public figure; 2. the fact that the information concerns the person at the time the person is a minor; 3. the fact that the information is up to date and accurate; 4. the sensitivity of the information; 5. the context in which the information is disseminated; 6. the time elapsed between the dissemination of the information and the request made under this section; and 7. where the information concerns a criminal or penal procedure, the obtaining of a pardon or the application of a

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				restriction on the accessibility of records of the courts of justice…
Process of requesting correction and responding to a request	**Principle 4.9** **4.9.5** When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, the organization shall amend the information as required. […] **4.9.6** When a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge shall be recorded by the organization. When appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the information in question.	**Section 26, 28, 29(3), 32(2)** **26(1)** A request under section 24(1) or 25(1) must (a) be in writing, and (b) include sufficient detail to enable the organization, with a reasonable effort, to identify any record in the custody or under the control of the organization containing the personal information in respect of which the request is made. **28.** Subject to this section, an organization must respond to an applicant not later than (a) 45 days from the day that the	**Section 27** **27** For an individual to obtain access to his or her personal information or to request a correction of his or her personal information, the individual must make a written request that provides sufficient detail to enable the organization, with a reasonable effort, to identify the individual and the personal information or correction being sought. **28** An organization must make a reasonable effort	**Sections 28.1, 30, 32, 34-36** **28.1** …Sections 30, 32 and 34 apply, with the necessary modifications, to a request made under this section ***[request to cease disseminating and/or de-index information]***. When granting such a request, the person in charge of the protection of personal information shall attest, in his written reply under section 32, to the cessation of the dissemination of the personal information or to the de-indexation or the re-indexation of the hyperlink. […] **30.** No request for access or rectification may be considered unless it is made in writing by a person who proves that he is the person concerned or the representative, heir or successor of that person, the liquidator of the succession, a beneficiary of life

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		organization receives the applicant's written request referred to in section 26, or (b) the end of an extended time period if the time period is extended under section 31. […] **29(3)** In response to a request made under section 25(1), the organization must inform the applicant (a) of the action taken under section 25, (b) of the name of the person who can answer on behalf of the organization the applicant's questions about the request for correction, and (c) that the applicant may ask for a review under section 46. **32(2)** An organization may not charge a fee in respect of a request made under section 25(1).	(a) to assist each applicant, (b) to respond to each applicant as accurately and completely as reasonably possible […] **29(1)** Subject to this section, an organization must respond to an applicant not later than (a) 30 days after receiving the applicant's request […]	insurance or of a death benefit, the person having parental authority even if the minor child is deceased, or the spouse or a close relative of the deceased person in accordance with section 40.1. Such a request must be addressed to the person in charge of the protection of personal information. If the request is not sufficiently precise or if a person requires it, the person in charge must assist in identifying the information sought. […] **32.** The person in charge of the protection of personal information must reply in writing to the request for access or rectification, promptly and not later than 30 days after the date the request is received. Failure to respond within 30 days of the receipt of a request is deemed to be a refusal to grant the request. […]

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				34. The person in charge of the protection of personal information must give the reasons for any refusal to grant a request and indicate the provision of law on which the refusal is based, the remedies available to the applicant under this Act and the time limit for exercising them. If the applicant so requests, the person in charge must also help him understand the refusal. **35.** Where the person in charge of the protection of personal information grants a request for rectification, he must, in addition to the obligations prescribed in the second paragraph of article 40 of the Civil Code, issue free of charge to the person who made the request a copy of any personal information modified or added or, as the case may be, an attestation of the deletion of personal information. **36.** The person holding information that is the subject of a request for access or rectification must, if he does not grant the request, retain the information for such time as is necessary to allow the person

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				concerned to exhaust the recourses provided by law. **CCQ art 40** **40.** […] Notice of the rectification is given without delay to every person having received the information in the preceding six months and, where applicable, to the person who provided that information. The same rule applies to an application for rectification, if it is contested.