

Quebec Privacy Law reform: A list of Law 25 provisions setting out obligations for a “Person Carrying on an Enterprise” or a “Person or Body”

As stated in the [Controller vs. Processor](#) section of our [comparison of the GDPR and the Quebec Privacy Law, as amended by Law 25](#), while many provisions in Law 25 refer to “persons carrying on an enterprise” (a concept that may be synonymous with data controller), there are multiple provisions drafted with reference to a “person” or a “person or body”. In some cases, it is clear that the reference to a “person” or “person or body” applies only to a data processor – e.g. [s. 16](#) regarding referring requests for access or rectification and [s. 18.3](#) regarding the communication of personal information for performance of a contract. In other cases, the reference to a “person” or “person or body” may be interpreted as applying to both data controllers and data processors.

The following two tables list which provisions relate to “persons carrying on an enterprise” and “a person or body”.

Provision relating to any “person carrying on an enterprise”

Pinpoint	Provision Text
Section 3.1	<p>Any person carrying on an enterprise is responsible for protecting the personal information held by the person.</p> <p>Within the enterprise, the person exercising the highest authority shall see to ensuring that this Act is implemented and complied with. That person shall exercise the function of person in charge of the protection of personal information; he may delegate all or part of that function in writing to any person.</p> <p>The title and contact information of the person in charge of the protection of personal information must be published on the enterprise’s website or, if the enterprise does not have a website, be made available by any other appropriate means.</p>

Pinpoint	Provision Text
Section 3.2	<p>Any person carrying on an enterprise must establish and implement governance policies and practices regarding personal information that ensure the protection of such information. Such policies and practices must, in particular, provide a framework for the keeping and destruction of the information, define the roles and responsibilities of the members of its personnel throughout the life cycle of the information and provide a process for dealing with complaints regarding the protection of the information. The policies and practices must also be proportionate to the nature and scope of the enterprise's activities and be approved by the person in charge of the protection of personal information.</p> <p>Detailed information about those policies and practices, in particular as concerns the content required under the first paragraph, must be published, in simple and clear language, on the enterprise's website or, if the enterprise does not have a website, made available by any other appropriate means.</p>
Section 3.3	<p>Any person carrying on an enterprise must conduct a privacy impact assessment for any project to acquire, develop or overhaul an information system or electronic service delivery system involving the collection, use, communication, keeping or destruction of personal information.</p> <p>For the purposes of such an assessment, the person must consult the person in charge of the protection of personal information within the enterprise from the outset of the project.</p> <p>The person must also ensure that the project allows computerized personal information collected from the person concerned to be communicated to him in a structured, commonly used technological format.</p> <p>The conduct of a privacy impact assessment under this Act must be proportionate to the sensitivity of the information concerned, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.</p>

Pinpoint	Provision Text
Section 3.5	<p>Any person carrying on an enterprise who has cause to believe that a confidentiality incident involving personal information the person holds has occurred must take reasonable measures to reduce the risk of injury and to prevent new incidents of the same nature.</p> <p>If the incident presents a risk of serious injury, the person carrying on an enterprise must promptly notify the Commission d'accès à l'information established by section 103 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). He must also notify any person whose personal information is concerned by the incident, failing which the Commission may order him to do so. He may also notify any person or body that could reduce the risk, by communicating to the person or body only the personal information necessary for that purpose without the consent of the person concerned. In the latter case, the person in charge of the protection of personal information must record the communication of the information.</p> <p>Despite the second paragraph, a person whose personal information is concerned by the incident need not be notified so long as doing so could hamper an investigation conducted by a person or body responsible by law for the prevention, detection or repression of crime or statutory offences.</p> <p>A government regulation may determine the content and terms of the notices provided for in this section.</p>
Section 3.7	<p>In assessing the risk of injury to a person whose personal information is concerned by a confidentiality incident, a person carrying on an enterprise must consider, in particular, the sensitivity of the information concerned, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes. The person must also consult the person in charge of the protection of personal information within the enterprise.</p>

Pinpoint	Provision Text
Section 3.8	<p>A person carrying on an enterprise must keep a register of confidentiality incidents. A government regulation may determine the content of the register.</p> <p>A copy of the register must be sent to the Commission at its request.</p>
Section 4	<p>Any person carrying on an enterprise who, for a serious and legitimate reason, collects personal information on another person must, determine the purposes for collecting the information before doing so.</p>
Section 9.1	<p>Any person carrying on an enterprise who collects personal information when offering to the public a technological product or service having privacy setting must ensure that those settings provide the highest level of confidentiality by default, without any intervention by the person concerned.</p> <p>The first paragraph does not apply to privacy settings for browser cookies.</p>
Section 10	<p>A person carrying on an enterprise must take the security measures necessary to ensure the protection of the personal information collected, used, communicated, kept or destroyed and that are reasonable given the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.</p>

Pinpoint	Provision Text
Section 11	<p>Every person carrying on an enterprise must ensure that any personal information held on another person is up to date and accurate when used to make a decision in relation to the person concerned.</p> <p>The information used to make such a decision is kept for at least one year following the decision.</p>
Section 12	<p>Unless the person concerned gives his consent, personal information may not be used within the enterprise except for the purposes for which it was collected. Such consent must be given expressly when it concerns sensitive personal information.</p> <p>Personal information may, however, be used for another purpose without the consent of the person concerned, but only</p> <ol style="list-style-type: none">(1) if it is used for purposes consistent with the purposes for which it was collected;(2) if it is clearly used for the benefit of the person concerned;(3) if its use is necessary for the purpose of preventing and detecting fraud or of assessing and improving protection and security measures;(4) if its use is necessary for the purpose of providing or delivering a product or providing a service requested by the person concerned; or

Pinpoint	Provision Text
	<p>(5) if its use is necessary for study or research purposes or for the production of statistics and if the information is de-identified.</p> <p>In order for a purpose to be consistent within the meaning of subparagraph 1 of the second paragraph, it must have a direct and relevant connection with the purposes for which the information was collected. However, commercial or philanthropic prospection may not be considered a consistent purpose.</p> <p>For the purposes of this Act, personal information is</p> <ol style="list-style-type: none">1. de-identified if it no longer allows the person concerned to be directly identified;2. sensitive if, due to its nature, in particular its medical, biometric or otherwise intimate nature, or the context of its use or communication, it entails a high level of reasonable expectation of privacy. <p>Every person carrying on an enterprise who uses de-identified information must take reasonable measures to limit the risk of someone identifying a natural person using de-identified information.</p>

Pinpoint	Provision Text
Section 12.1	<p>Any person carrying on an enterprise who uses personal information to render a decision based exclusively on an automated processing of such information must inform the person concerned accordingly not later than at the time it informs the person of the decision.</p> <p>He must also inform the person concerned, at the latter's request,</p> <ol style="list-style-type: none">1. of the personal information used to render the decision;2. of the reasons and the principal factors and parameters that led to the decision; and3. of the right of the person concerned to have the personal information used to render the decision corrected. <p>The person concerned must be given the opportunity to submit observations to a member of the personnel of the enterprise who is in a position to review the decision.</p>
Section 16	<p>Any person holding personal information on behalf of a person carrying on an enterprise may refer to the latter every request for access or rectification received from a person to whom such information relates.</p>
Section 17	<p>Before communicating personal information outside Québec, a person carrying on an enterprise must conduct a privacy impact assessment. The person must, in particular, take into account</p> <ol style="list-style-type: none">(1) the sensitivity of the information;

Pinpoint	Provision Text
	<p>(2) the purposes for which it is to be used;</p> <p>(3) the protection measures, including those that are contractual, that would apply to it; and</p> <p>(4) the legal framework applicable in the State in which the information would be communicated, including the personal information protection principles applicable in that State.</p> <p>The information may be communicated if the assessment establishes that it would receive adequate protection, in particular in light of generally recognized principles regarding the protection of personal information. The communication of the information must be the subject of a written agreement that takes into account, in particular, the results of the assessment and, if applicable, the terms agreed on to mitigate the risks identified in the assessment.</p> <p>The same applies where the person carrying on an enterprise entrusts a person or body outside Québec with the task of collecting, using, communicating or keeping such information on its behalf.</p> <p>This section does not apply to a communication of information under subparagraph 7 of the first paragraph of section 18.</p>
Section 18	<p>A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information he holds on that person</p> <p>(1) to his attorney;</p> <p>(2) to the Director of Criminal and Penal Prosecutions if the information is required for the purposes of the prosecution of an offence under an Act applicable in Québec;</p>

Pinpoint	Provision Text
	<p>(3) to <u>a person or</u> body responsible, by law, for the prevention, detection or repression of crime or statutory offences who requires it in the performance of his duties, if the information is needed for the prosecution of an offence under an Act applicable in Québec;</p> <p>(4) to a person to whom it is necessary to communicate the information under an Act applicable in Québec or under a collective agreement;</p> <p>(5) to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) which, through a representative, collects such information in the exercise of its functions or the implementation of a program under its management;</p> <p>(6) to a person or body having the power to compel communication of the information if he or it requires it in the exercise of his or its duties or functions;</p> <p>(7) to a person to whom the information must be communicated by reason of the urgency of a situation that threatens the life, health or safety of the person concerned;</p> <p><u>(7.1) to a person or body in accordance with sections 18.1 to 18.4</u></p> <p>(8) to a person who <u>may</u> use the information for study, research or statistical purposes in accordance with section 21 or a person authorized pursuant to section 21.1;</p> <p>(9) to a person who is authorized by law to recover debts on behalf of others and who requires it for that purpose in the performance of his duties;</p> <p>(9.1) to a person if the information is needed for the recovery of a claim of the enterprise;</p>

Pinpoint	Provision Text
	<p>A person carrying on an enterprise must make an entry of every communication made under subparagraphs 6 to <u>9.1</u> of the first paragraph.</p> <p>The persons referred to in subparagraphs 1, 9 and 9.1 of the first paragraph who receive communication of information may communicate the information to the extent that such communication is necessary, in the performance of their duties, to achieve the purposes for which they received communication of the information.</p> <p>The holder of a security guard agency licence or investigation agency licence issued under the Private Security Act (chapter S-3.5) or a body having as its object the prevention, detection or repression of crime or statutory offences and a person carrying on an enterprise may, without the consent of the person concerned, communicate among themselves the information needed for conducting an inquiry for the purpose of preventing, detecting or repressing a crime or a statutory offence. The same applies in respect of information communicated among persons carrying on an enterprise, if the person who communicates or collects such information has reasonable grounds to believe that the person concerned has committed, or is about to commit, a crime or statutory offence against one or other of the persons carrying on an enterprise.</p>
Section 18.1	<p>In addition to the cases referred to in section 18, a person who carries on an enterprise may also communicate personal information the person holds on another person, without the consent of the persons concerned, in order to prevent an act of violence, including a suicide, where there is reasonable cause to believe that there is a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency.</p> <p>The information may in such case be communicated to any person exposed to the danger or that person's representative, and to any person who can come to that person's aid.</p>

Pinpoint	Provision Text
	<p>A person carrying on an enterprise who communicates information pursuant to this section may only communicate such information as is necessary to achieve the purposes for which the information is communicated.</p> <p>Where information is so communicated by a person carrying on an enterprise, the person must make an entry of the communication.</p> <p>For the purposes of the first paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well- being of a person or an identifiable group of persons.</p>
Section 18.2	<p>A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information concerning another person to an archival agency if the archival agency is a person carrying on an enterprise whose object is the acquisition, preservation and distribution of documents for their general informational value and if the information is communicated as part of the transfer or deposit of the archives of the enterprise.</p> <p>A person carrying on an enterprise may also communicate personal information to any person without the consent of the person concerned if the document containing the information is more than 100 years old or if more than 30 years have elapsed since the death of the person concerned. However, no information relating to a person’s health may be communicated without the consent of the person concerned unless 100 years have elapsed since the date of the document.</p> <p>Notwithstanding the first and second paragraphs, the information may be communicated for research purposes, without the consent of the person concerned, before the time specified has elapsed if the documents containing the information are not structured so as to allow retrieval by reference to a person’s name or identifying code or symbol and the information cannot be retrieved by means of such a reference. The person to whom the information is communicated</p>

Pinpoint	Provision Text
	<p>must preserve the confidentiality of the personal information throughout the period during which it may not be communicated without the consent of the person concerned.</p>
Section 18.3	<p>A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information to any person or body if the information is necessary for carrying out a mandate or performing a contract of enterprise or for services entrusted to that person or body by the person carrying on an enterprise.</p> <p>In such a case, the person carrying on an enterprise must</p> <ol style="list-style-type: none">(1) entrust the mandate or contract in writing; and(2) specify in the mandate or contract the measures the mandatary or the person performing the contract must take to protect the confidentiality of the personal information communicated, to ensure that the information is used only for carrying out the mandate or performing the contract and to ensure that the mandatary or person does not keep the information after the expiry of the mandate or contract. A person or body carrying out a mandate or performing a contract of enterprise or for services referred to in the first paragraph must notify the person in charge of the protection of personal information without delay of any violation or attempted violation by any person of any obligation concerning the confidentiality of the information communicated, and must also allow the person in charge of the protection of personal information to conduct any verification relating to confidentiality requirements. <p>Subparagraph 2 of the second paragraph does not apply if the mandatary or the person performing the contract is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a member of a professional order.</p>

Pinpoint	Provision Text
Section 19	<p>Every person carrying on an enterprise having as its object entering into a credit contract, a long-term contract of lease of goods or a contract involving sequential performance for a service provided at a distance, who consults credit reports or recommendations as to the solvency of natural persons prepared by a personal information agent, must inform such persons of their right of access and rectification in relation to the personal information held by the agent and indicate to them the manner in which and the place where they may have access to the reports or recommendations and cause them to be rectified, where necessary.</p> <p>The person carrying on such an enterprise must communicate to a natural person, on request, the content of any credit report or recommendation he has consulted for the purpose of making a decision concerning the person. The person must also inform the natural person who so requests that</p> <ol style="list-style-type: none">(1) the refusal to enter into a contract referred to in the first paragraph or the entering into such a contract with less advantageous conditions for the natural person, or(2) the refusal to increase the credit extended under a credit contract or the increasing of the credit with less advantageous conditions for the natural person <p>is based on the consultation of such a report or recommendation.</p> <p>For the purposes of this section:</p> <ol style="list-style-type: none">(1) credit that is the subject of a contract has the meaning assigned by subparagraph f of the first paragraph of section 1 of the Consumer Protection Act (chapter P-40.1);(2) long-term contract of lease of goods has the meaning assigned by section 150.2 of that Act; and

Pinpoint	Provision Text
	<p>(3) contract involving sequential performance for a service provided at a distance is a contract to which Division VII of Chapter III of Title I of that Act applies.</p>
Section 21	<p>A person carrying on an enterprise may communicate personal information without the consent of the persons concerned to a person or body wishing to use the information for study or research purposes or for the production of statistics.</p> <p>The information may be communicated if a privacy impact assessment concludes that</p> <ol style="list-style-type: none">(1) the objective of the study or research or of the production of statistics can be achieved only if the information is communicated in a form allowing the persons concerned to be identified;(2) it is unreasonable to require the person or body to obtain the consent of the persons concerned;(3) the objective of the study or research or of the production of statistics outweighs, with regard to the public interest, the impact of communicating and using the information on the privacy of the persons concerned;(4) the personal information is used in such a manner as to ensure confidentiality; and(5) only the necessary information is communicated.

Pinpoint	Provision Text
Section 22	<p>Any person carrying on an enterprise who uses personal information for commercial or philanthropic prospection purposes must identify himself to the person whom he is addressing and inform that person of his right to withdraw his consent to the personal information concerning him being used for such purposes.</p> <p>If the person concerned withdraws his consent regarding such use, the personal information must cease to be used for those purposes.</p>
Section 23	<p>Where the purposes for which personal information was collected or used are achieved, the person carrying on an enterprise must destroy the information, or anonymize it to use it for serious and legitimate purposes, subject to any preservation period provided for by an Act.</p> <p>For the purposes of this Act, information concerning a natural person is anonymized if it is, at all times, reasonably foreseeable in the circumstances that it irreversibly no longer allows the person to be identified directly or indirectly.</p> <p>Information anonymized under this Act must be anonymized according to generally accepted best practices and according to criteria and terms determined by regulation.</p>
Section 27	<p>Every person carrying on an enterprise who holds personal information on another person must, at the request of the person concerned, confirm the existence of the personal information, communicate it to the person and allow him to obtain a copy of it.</p>

Pinpoint	Provision Text
	<p>At the applicant's request, computerized personal information must be communicated in the form of a written and intelligible transcript.</p> <p>Unless doing so raises serious practical difficulties, computerized personal information collected from the applicant, and not created or inferred using personal information concerning him, must, at his request, be communicated to him in a structured, commonly used technological format. The information must also be communicated, at the applicant's request, to any person or body authorized by law to collect such information.</p> <p>If the person concerned is handicapped, reasonable accommodation must be provided on request to enable the person to exercise the right of access provided for in this division.</p>
Section 28.1	<p>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.</p> <p>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:</p> <p>(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;</p> <p>(2) the injury is clearly greater than the interest of the public in knowing the information or the interest of any person in expressing himself freely; and</p>

Pinpoint	Provision Text
	<p>(3) the cessation of dissemination, re-indexation or de-indexation requested does not exceed what is necessary for preventing the perpetuation of the injury.</p> <p>In assessing the criteria set out in the second paragraph, the following, in particular, must be taken into account:</p> <ul style="list-style-type: none">(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 restriction on the accessibility of records of the courts of justice. <p>Sections 30, 32 and 34 apply, with the necessary modifications, to a request made under this section.</p> <p>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.</p>

Pinpoint	Provision Text
Section 29	<p>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.</p>
Section 33	<p>Access to the personal information shall be free of charge.</p> <p>However, a reasonable charge may be required from a person requesting the transcription, reproduction or transmission of such information.</p> <p>Any person carrying on an enterprise who intends to require a charge under this section must inform the applicant, in advance, of the approximate amount that will be charged for the transcription, reproduction or transmission of information.</p>
Section 40	<p>Any person carrying on an enterprise must refuse to give communication of personal information to a person to whom it relates where disclosure would be likely to reveal personal information about a third person or the existence of such information and the disclosure may seriously harm that third person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.</p>

Pinpoint	Provision Text
Section 40.1	A person carrying on an enterprise may communicate personal information that he holds concerning a deceased person to the spouse or a close relative of the person if knowledge of the information could help the applicant in the grieving process and if the deceased person did not record in writing his refusal to grant such a right of access.
Section 41	Subject to section 40.1 a person carrying on an enterprise must refuse to communicate personal information to the liquidator of the succession, to a beneficiary of life insurance or of a death benefit, or to the heir or successor of the person to whom the information relates, unless the information affects their interests or rights as liquidator, beneficiary, heir or successor.
Section 46	A person carrying on an enterprise who holds personal information on others may request authorization from the Commission to disregard applications that are obviously improper by reason of their number or their repetitious or systematic nature or applications that, in the opinion of the Commission, are not consistent with the object of this Act. The person may also request the Commission to limit the scope of the applicant's request or extend the time limit within which he must reply. A request made under the first paragraph must be sent to the Commission within the same time limit as would be applicable to the processing of a request under section 32, from the date the applicant's most recent request was received.
Section 83.1	Every person carrying on an enterprise must, at the request of the Commission, provide it with any information it requires on the carrying out of this Act.

Provisions relating to "Person or body"

Pinpoint	Provision Text
Section 1.1	<p>For the purposes of this Act, any person who collects personal information relating to another person for a serious and legitimate reason is deemed to be establishing a file within the meaning of the Civil Code and the rights concerning such a file conferred by articles 35 to 40 of that Code apply to the personal information collected.</p> <p>See articles 35 to 40 of the Code below.</p>
Section 5	<p>Any person collecting personal information on another person may collect only the information necessary for the purposes determined before collecting it.</p> <p>Such information must be collected by lawful means.</p>
Section 6	<p>Any person collecting personal information relating to another person may collect such information only from the person concerned, unless the latter consents to collection from third persons.</p> <p>However, he may, without the consent of the person concerned, collect such information from a third person if the law so authorizes.</p>

Pinpoint	Provision Text
	<p>He may also do so if he has a serious and legitimate reason and either of the following conditions is fulfilled:</p> <ol style="list-style-type: none"><li data-bbox="443 456 1978 521">(1) the information is collected in the interest of the person concerned and cannot be collected from him in due time;<li data-bbox="443 561 1978 594">(2) collection from a third person is necessary to ensure the accuracy of the information.
Section 7	<p>Any person collecting personal information from another person carrying on an enterprise must, at the request of the person concerned, inform the latter of the source of the information.</p> <p>This section does not apply to a file established for the purposes of an inquiry to prevent, detect or repress a crime or statutory offence.</p>
Section 8	<p>Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person</p> <ol style="list-style-type: none"><li data-bbox="443 1243 1978 1276">(1) of the purposes for which the information is collected;<li data-bbox="443 1308 1978 1341">(2) of the means by which the information is collected;

Pinpoint	Provision Text
	<p>(3) of the rights of access and rectification provided by law; and</p> <p>(4) of the person’s right to withdraw consent to the communication or use of the information collected.</p> <p>If applicable, the person concerned is informed of the name of the third person for whom the information is being collected, the name of the third persons or categories of third persons to whom it is necessary to communicate the information for the purposes referred in subparagraph 1 of the first paragraph, and the possibility that the information could be communicated outside Québec.</p> <p>On request, the person concerned is also informed of the personal information collected from him, the categories of persons who have access to the information within the enterprise, the duration of the period of time the information will be kept, and the contact information of the person in charge of the protection of personal information.</p> <p>The information must be provided to the person concerned in clear and simple language, regardless of the means used to collect the personal information.</p>
Section 8.1	<p>In addition to the information that must be provided in accordance with section 8, any person who collects personal information from the person concerned using technology that includes functions allowing the person concerned to be identified, located or profiled must first inform the person</p> <p>(1) of the use of such technology; and</p> <p>(2) of the means available, to activate the functions that allow a person to be identified, located or profiled.</p>

Pinpoint	Provision Text
	<p>“Profiling” means 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.</p>
Section 8.2	<p>Any person who collects personal information through technological means must publish on the enterprise’s website, if applicable, a confidentiality policy drafted in clear and simple language and disseminate it by any appropriate means to reach the persons concerned. The person must do the same for the notice required for any amendment to such a policy.</p>
Section 9	<p>No person may refuse to respond to a request for goods or services or to a request relating to employment by reason of the applicant’s refusal to disclose personal information except where</p> <ul style="list-style-type: none">(1) collection of that information is necessary for the conclusion or performance of a contract;(2) collection of that information is authorized by law; or(3) there are reasonable grounds to believe that the request is not lawful. In case of doubt, personal information is deemed to be non-necessary.

Pinpoint	Provision Text
Section 13	<p>No person may communicate to a third person the personal information he holds on another person, unless the person concerned consents to, or this Act provides for, such communication.</p> <p>Such consent must be given expressly when it concerns sensitive personal information.</p>
Section 16	<p>Any person holding personal information on behalf of a person carrying on an enterprise may refer to the latter every request for access or rectification received from a person to whom such information relates.</p> <p>Nothing in this section limits a person’s right to obtain, from a personal information agent, access to, or rectification of, personal information concerning him held by that agent.</p>
Section 18.4	<p>Where the communication of personal information is necessary for concluding a commercial transaction to which a person carrying on an enterprise intends to be a party, the person may communicate such information, without the consent of the person concerned, to the other party to the transaction.</p> <p>An agreement must first be entered into with the other party that stipulates, among other things, that the latter undertakes</p> <ol style="list-style-type: none">(1) to use the information only for concluding the commercial transaction;(2) not to communicate the information without the consent of the person concerned, unless authorized to do so by this Act;

Pinpoint	Provision Text
	<p>(3) to take the measures required to protect the confidentiality of the information; and</p> <p>(4) to destroy the information if the commercial transaction is not concluded or if using the information is no longer necessary for concluding the commercial transaction.</p> <p>Where the commercial transaction has been concluded and the other party wishes to continue using the information or to communicate it, that party may use or communicate it only in accordance with this Act. Within a reasonable time after the commercial transaction is concluded, that party must notify the person concerned that it now holds personal information concerning him because of the transaction.</p> <p>For the purposes of this section, “commercial transaction” means the alienation or leasing of all or part of an enterprise or of its assets, a modification of its legal structure by merger or otherwise, the obtaining of a loan or any other form of financing by the enterprise or of a security taken to guarantee any of its obligations.</p>
Section 19.1	<p>Every person who consults a recommendation or credit report referred to in section 19 or other document sent by a credit assessment agent on which the notice referred to in the first paragraph of section 10 of the Credit Assessment Agents Act (chapter A-8.2) appears or is otherwise notified by that agent must take reasonable measures to ensure that the person from whom consent was obtained to obtain the recommendation, report, document or personal information concerning him is actually the person who is the subject of the recommendation, report, document or personal information, the representative of that person or the person having parental authority over that person before entering into a contract with that person.</p>

Pinpoint	Provision Text
Section 21.0.1	<p>A person or body wishing to use personal information for study or research purposes or for the production of statistics must</p> <ul style="list-style-type: none">(1) request it in writing;(2) enclose a detailed presentation of the research activities with the request;(3) state the grounds supporting fulfillment of the criteria set out in subparagraphs 1 to 5 of the second paragraph of section 21;(4) mention all the persons and bodies to whom or which the person or body is making a similar request for the purposes of the same study or research or production of statistics;(5) if applicable, describe the different technologies that will be used to process the information; and(6) if applicable, send the documented decision of a research ethics committee relating to the study or research or the production of statistics.
Section 21.0.2	<p>A person who communicates personal information in accordance with section 21 must first enter into an agreement with the person or body to whom or which the information is to be sent that stipulates, among other things, that the information</p> <ul style="list-style-type: none">(1) may be made accessible only to persons who need to know it to exercise their functions and who have signed a confidentiality agreement;

Pinpoint	Provision Text
	<p>(2) may not be used for purposes other than those specified in the detailed presentation of the research activities;</p> <p>(3) may not be matched with any other information file that has not been provided for in the detailed presentation of the research activities; and</p> <p>(4) may not be communicated, published or otherwise distributed in a form allowing the persons concerned to be identified.</p> <p>The agreement must also</p> <p>(1) specify the information that must be provided to the persons concerned if personal information concerning them is used to contact them to participate in the study or research;</p> <p>(2) provide for measures for ensuring the protection of the personal information;</p> <p>(3) determine a preservation period for the personal information;</p> <p>(4) set out the obligation to notify the person who communicates the personal information of its destruction; and</p> <p>(5) provide that the person who communicates the personal information and the Commission must be informed without delay</p> <p>(a) of non-compliance with any condition set out in the agreement;</p> <p>(b) of any failure to comply with the protection measures provided for in the agreement; and</p> <p>(c) of any event that could breach the confidentiality of the information.</p>

Pinpoint	Provision Text
	The agreement must be sent to the Commission and comes into force 30 days after it is received by the Commission.
Section 53	In the case of a disagreement relating to a request for rectification, the person holding the personal information must prove that it need not be rectified, unless the information in question was communicated to him by the person concerned or with the latter's consent.
Section 87	A person directly interested may contest an order issued by the Commission's oversight division. The contestation is subject to the rules set out in sections 61 to 69.
Article 35 (Quebec Civil Code)	Every person has a right to the respect of his reputation and privacy. The privacy of a person may not be invaded without the consent of the person or without the invasion being authorized by law.
Article 36 (Quebec Civil Code)	The following acts, in particular, may be considered as invasions of the privacy of a person: (1) entering or taking anything in his dwelling;

Pinpoint	Provision Text
	<p>(2) intentionally intercepting or using his private communications;</p> <p>(3) appropriating or using his image or voice while he is in private premises;</p> <p>(4) keeping his private life under observation by any means;</p> <p>(5) using his name, image, likeness or voice for a purpose other than the legitimate information of the public;</p> <p>(6) using his correspondence, manuscripts or other personal documents.</p>
Article 37 (Quebec Civil Code)	<p>Every person who establishes a file on another person shall have a serious and legitimate reason for doing so. He may gather only information which is relevant to the stated objective of the file, and may not, without the consent of the person concerned or authorization by law, communicate such information to third persons or use it for purposes that are inconsistent with the purposes for which the file was established. In addition, he may not, when establishing or using the file, otherwise invade the privacy or injure the reputation of the person concerned.</p>
Article 38 (Quebec Civil Code)	<p>Except as otherwise provided by law, any person may, free of charge, 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.</p>

Pinpoint	Provision Text
Article 39 (Quebec Civil Code)	<p>A person keeping a file on a person may not deny him access to the information contained therein unless he has a serious and legitimate reason for doing so or unless the information may seriously injure a third person.</p>
Article 40 (Quebec Civil Code)	<p>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.</p> <p>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.</p>