Openness and Transparency

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Openness – general provisions	**4.8 Principle 8 - Openness** An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information. **4.8.1** Organizations shall be open about their policies and practices with respect to the management of personal information. Individuals shall be able to acquire information about an organization's policies and practices without unreasonable effort. This information shall be made available in a form that is generally understandable.	**s. 6(1)** (1) An organization must develop and follow policies and practices that are reasonable for the organization to meet its obligations under this Act. (2) If an organization uses a service provider outside Canada to collect, use, disclose or store personal information for or on behalf of the organization, the policies and practices referred to in subsection (1) must include information regarding (a) the countries outside Canada in which the collection, use, disclosure or storage is occurring or may occur, and (b) the purposes for which the service provider outside Canada has been	**s. 5** An organization must (a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act, (b) develop a process to respond to complaints that may arise respecting the application of this Act, and (c) make information available on request about (i) the policies and practices referred to in paragraph (a), and (ii) the complaint process referred to in paragraph (b).	**s. 3.2** 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. […] **8.** Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person (1) of the purposes for which the information is collected; (2) of the means by which the information is collected; (3) of the rights of access and rectification provided by law; and

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		authorized to collect, use or disclose personal information for or on behalf of the organization. (3) An organization must make written information about the policies and practices referred to in subsections (1) and (2) available on request.		(4) of the person's right to withdraw consent to the communication or use of the information collected. […] **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.
Service provider outside Canada	**N/A**	**s. 6(2)** If an organization uses a service provider outside Canada to collect, use, disclose or store personal information for or on behalf of the organization, the policies and practices referred to in subsection (1) must include information regarding (a) the countries outside Canada in which the collection, use, disclosure or storage is occurring or may occur, and	**N/A**	**s. 8** […] 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 to in subparagraph 1 of the first paragraph, and the possibility that the information could be communicated outside Québec. […]

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		(b) the purposes for which the service provider outside Canada has been authorized to collect, use or disclose personal information for or on behalf of the organization.		
Specific information to be made available	**Principle 4.8.2** The information made available shall include (a) the name or title, and the address, of the person who is accountable for the organization's policies and practices and to whom complaints or inquiries can be forwarded; (b) the means of gaining access to personal information held by the organization; (c) a description of the type of personal information held by the organization, including a	**N/A**	**s. 4(5)** An organization must make available to the public (a) the position name or title of each individual designated under subsection (3) or delegated under subsection (4), and (b) contact information for each individual referred to in paragraph (a).	**3.1** […]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. **3.2** 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. […]

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	general account of its use; (d) a copy of any brochures or other information that explain the organization's policies, standards, or codes; and (e) what personal information is made available to related organizations (e.g., subsidiaries).			**8.** Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person (5) of the purposes for which the information is collected; (6) of the means by which the information is collected; (7) of the rights of access and rectification provided by law; and (8) of the person's right to withdraw consent to the communication or use of the information collected. 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 to in subparagraph 1 of the first paragraph, and the possibility that the information could be communicated outside Québec. 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.[…]

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				8.1 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 (1) of the use of such technology; and (2) of the means available to activate the functions that allow a person to be identified, located or profiled. "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. **8.2** 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.

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				12.1 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. He must also inform the person concerned, at the latter's request, (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; and (3) of the right of the person concerned to have the personal information used to render the decision corrected. […] **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.
Specific methods for making	**Principle 4.8.3**	**N/A**	**N/A**	**3.1**

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information on policies and practices available	An organization may make information on its policies and practices available in a variety of ways. The method chosen depends on the nature of its business and other considerations. For example, an organization may choose to make brochures available in its place of business, mail information to its customers, provide online access, or establish a toll-free telephone number.			[…] 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. **3.2** […] 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. **8** Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person (1) of the purposes for which the information is collected; (2) of the means by which the information is collected; (3) of the rights of access and rectification provided by law; and (4) of the person's right to withdraw consent to the communication or use of the information collected. […]

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				The information must be provided to the person concerned in clear and simple language, regardless of the means used to collect the personal information. **8.2** 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.