



# Collection and communication of personal information

## during the process of claims adjustment

The purpose of this procedure is to ensure that the consent form used by claims adjusters when collecting and communicating personal information concerning the insured-claimant complies with the requirements of the Act respecting the protection of personal information in the private sector (henceforth referred to as the Act).

Article 6 of the Act makes the use of the form mandatory. This article stipulates that 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.

The requirements pertaining to consent are found in article 14 of the Act. Consent to the collection, communication or use of personal information must be manifest, free, and enlightened, and must be given for specific purposes. Furthermore, this consent is only valid for the length of time needed to achieve the purposes for which it was requested.

Finally, it is compulsory to provide the following information, as stipulated in article 8 of the Act: the object of the file, the use which will be made of the information and the place where the file will be kept.

A claims adjustment firm must ensure that the consent form it uses complies with the Act.

If a claim involves co-insureds, the claims adjuster must use a separate form for each co-insured.

The consent form used must contain all the elements listed below:

- The object of the file;
- The identity of third parties or companies from whom the insured-claimant authorizes the collection of personal information;
- The identity of third parties or companies to whom the insured-claimant authorizes the communication of personal information;
- The use that will be made of information collected or communicated;
- The nature of the information exchanged;
- The period during which the consent is valid;
- The place where the file thus constituted will be kept;
- The right to access and rectify the file.



**EXCERPTS FROM THE ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR**

**Collection of personal information**

4. Any person carrying on an enterprise who may, for a serious and legitimate reason, establish a file on another person must, when establishing the file, enter its object.

Entry.

The entry is part of the file.

Necessary information.

5. Any person collecting personal information to establish a file on another person or to record personal information in such a file may collect only the information necessary for the object of the file. [...]
6. 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. [...]

Obligation to inform.

8. A person who collects personal information from the person concerned must, when establishing a file on that person, inform him
- 1) of the object of the file;
  - 2) of the use which will be made of the information and the categories of persons who will have access to it within the enterprise;
  - 3) of the place where the file will be kept and of the rights of access and rectification.

Consent.

13. No person may communicate to a third person the personal information contained in a file he holds on another person, or use it for purposes not relevant to the object of the file, unless the person concerned consents thereto or such communication or use is provided for by this Act.

Validity of consent.

14. Consent to the collection, communication or use of personal information must be manifest, free, and enlightened, and must be given for specific purposes. Such consent is valid only for the length of time needed to achieve the purposes for which it was requested.

Validity without effect.

Consent given otherwise than in accordance with the first paragraph is without effect.