



LEGISLATION EXCERPTS

AGENTS, BROKERS,
CLAIMS ADJUSTERS

Protection of personal information Legislation - Excerpts

[The Act respecting the Protection of personal information in the private sector](#)

Establishing a File

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.

This 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.

Such information must be collected by lawful means.

Collection of Information

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.

However, he may, without the consent of the person concerned, collect such information from a third person if the law so authorizes.

He may also do so if he has a serious and legitimate reason and either of the following conditions is fulfilled:

- 1) the information is collected in the interest of the person concerned and cannot be collected from him in due time;
- 2) collection from a third person is necessary to ensure the accuracy of the information.

Information

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.



Prohibition

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.

Manifest 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.

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

Consent Not Required

20. In the carrying on of an enterprise, authorized employees, mandataries or agents or any party to a contract for work or services may have access to personal information without the consent of the person concerned only if the information is needed for the performance of their duties or the carrying out of their mandates or contracts.

Other Relevant Excerpts

Regulation respecting the Keeping and preservation of books and registers

15. All firms, independent representatives or independent partnerships shall preserve client records for a period of at least 5 years from the last of the following events:
- 1) the final closing of the client record;
 - 2) the date the last service was rendered to the client;
 - 3) the expiration without renewal or the replacement of the last product sold to the client, as the case may be.

Code of Ethics of damage insurance representatives

23. A damage insurance representative must respect the secrecy of any personal information that he obtains about a client and use the personal information for the purposes for which he obtained it, unless he is relieved of that obligation by a provision of an act or any order of a competent court.

Code of Ethics of claims adjusters

22. Claims adjusters must respect the confidentiality of all personal information obtained about a client and use the information for the purposes for which it was obtained, unless relieved of that obligation by a provision of a law or an order of a competent court.