



Protection of personal information Legislation – Excerpts

This information sheet is complementary to the [Protection of personal information procedure](#). Only excerpts from the legal texts most often applicable to the professional practice of certified professionals have been included here.

This document is only a tool. It has no legal value and does not replace the official versions of laws published by *Les Publications du Québec*.

The sections of the law contained in this procedure reflects the amendments made to the *Act respecting the protection of personal information in the private sector* (ARPPIPS) by the [Act to modernize legislative provisions as regards the protection of personal information](#), in force as of September 22, 2023.

THE ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

Responsibility of the company's privacy officer

3.1 Any person carrying on an enterprise is responsible for protecting the personal information held by the person.

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.

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.

Collection of personal information

4. 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.



5. Any person collecting personal information on another person may collect only the information necessary for the purposes determined before collecting it.

Such information must be collected by lawful means.

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 to be provided at the time of collection

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.

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.

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



Confidentiality of personal information and sensitive personal information

12. 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.

Personal information may, however, be used for another purpose without the consent of the person concerned, but only:

- (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
- (5) if its use is necessary for study or research purposes or for the production of statistics and if the information is de-identified.

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.

For the purposes of this Act, personal information is

- (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.

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.

Prohibition

13. 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.

Such consent must be given expressly when it concerns sensitive personal information.



Manifest Consent

14. Consent under this Act must be clear, free and informed and be given for specific purposes. It must be requested for each such purpose, in clear and simple language. If the request for consent is made in writing, it must be presented separately from any other information provided to the person concerned. If the person concerned so requests, assistance is provided to help him understand the scope of the consent requested.

[...]

Consent is valid only for the time necessary to achieve the purposes for which it was requested.

Consent not given in accordance with this Act is without effect.

Consent Not Required

20. In the carrying on of an enterprise, authorized employees or agents 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.

27 al.1). 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.

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.

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 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.

This section does not limit the communication of personal information to the person concerned or the rectification of that information as a result of a service to be provided to the person.



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 law or an order of a competent court.

24. A damage insurance representative must not disclose personal or confidential information he has obtained, other than in accordance with the Act, and he must not use such information to the detriment of his client or with a view to obtaining a benefit for himself or for another person.

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.

23. Claims adjusters must not disclose, other than in accordance with the law, personal or confidential information obtained nor use such information to the detriment of one of the parties involved or with a view to obtaining a benefit for themselves or another person.