



Protection of personal information

This procedure is designed to ensure that damage insurance and claims adjustment firms and professionals are familiar with and respect the principles set forth, in particular, in the [Act respecting the protection of personal information in the private sector](#).

The Act provides that any person carrying on an enterprise must put in place measures to protect the personal information he holds relating to other persons. These measures apply to each of the stages in the “life cycle” of personal information: collection, communication, use, keeping, preservation and destruction.

The Collection and Communication of Personal Information

When collecting personal information, you must inform the person concerned regarding the object of the file, the use that will be made of his personal information, the persons who will have access to the file, the place where it will be kept, and his rights to access and rectify the personal information in his file.

The Act provides that a firm and its professionals may establish a file on an insured in which they record personal information on this person. However, the following parameters must be respected:

- You must precisely define the purposes for which the information was collected before or during collection and enter it into the file. In so doing, you are specifying the object of the file. For example, claims adjusters collect personal information in order to investigate and process claims;
- You may only collect necessary information, in other words, information that is indispensable to achieving the object of the file, for instance purchasing insurance or processing a claim;
- You must collect the personal information from the person concerned except if you have obtained his authorization to collect it from a third party (in other words, another person or another business). You must also obtain the consent of the person concerned before verifying his personal information with a third party.

Consent to collect, communicate or use personal information must be manifest, free and enlightened and given for specific purposes and for a set period of time.

In order to respect these requirements, every request for consent must clearly state the following four points:

1. The **identity of the persons or businesses** from which the insured authorizes collection or communication of personal information, for example the *Automobile Claims Database* of the Groupement des assureurs automobiles;
2. The **nature of the information** exchanged, for example, the insured’s automobile insurance claims record;
3. **How** the information collected or communicated **will be used**, for instance to set the insurance premium;
4. The **period of validity** of the consent, for example, one year.



Please note: using a written consent form enables you to comply with the requirements of the Act and makes your work easier.

The Use of Personal Information

You may only use personal information for the purposes for which you have obtained it. You must therefore obtain a new consent from the person concerned before the information collected is used for a new purpose or communicated to someone new, for example, when you propose home insurance to a client to whom you already provide automobile insurance, or if you transfer your clients to a new insurer and continue to use automatic debits.

At all times, you must make every possible effort to restrict the consultation of information contained in your files, be they in hard copy or electronic format. You must thus only allow your colleagues to access information that they require to perform their duties. For example, an accounting department employee should only have access to information required for billing and not have access to the entire file that was created by the damage insurance representative.

Keeping and Preserving Personal Information

You must take all steps necessary—both concrete and administrative—to always ensure the protection and confidentiality of the personal information that is in your possession. This obligation remains intact, even if your mandate has ended and the person concerned is no longer your client.

You must ensure that the information is protected, no matter where it is kept or what its format. For example:

- Avoid leaving files that contain personal information in plain sight of the public, office colleagues who have no involvement with the file, or residents of your home. Put them away in closed, locked filing cabinets;
- Use the appropriate technology: confidential passwords, data encryption systems, firewalls, etc.;
- Locate the office fax machine in a place that is far from prying eyes. Ensure that only those who are authorized to know personal information have access to it.

It is also recommended that you have all non-certified employees who have access to your files sign a confidentiality agreement; it is understood that certified employees are bound by their codes of ethics and must respect the confidentiality of personal information. If you deal with a document archiving firm, make sure your contract includes this type of agreement.

Finally, you must also maintain the confidentiality of information that you have received verbally. For example, your home office should not be located in an open area where your confidential business phone calls might be overheard.

Destruction of Personal Information

Firms and professionals must keep their files in their entirety until five years have elapsed since the last transaction recorded in the file.

Then, both hard copies and electronic files must be safely destroyed.

If you destroy your files yourself, shred those that are in hard copy format before putting them in the recycling box and permanently erase electronic files from the hard drive.



If you decide to hire a specialized firm to destroy your files, make sure your contract contains a confidentiality agreement and require that it be signed by all those who may come in contact with your documents.

Procedures and Exercising the Right to Access Personal Information for the Person Concerned

Barring certain exceptions, anyone has the right to access a file containing personal information that concerns him. A person also has the right to ask for the rectification of incorrect, incomplete or ambiguous personal information contained in the file and to have information whose collection was not authorized under the Act removed. All requests for access must be processed within 30 days of receiving a written request to this effect.

To find out more about the contents of a client-file, please read the procedure entitled "[Tenue de dossiers clients et notes aux dossiers](#)" (available in French only).