

Protecting Personal Information in Québec

By passing the **Act to modernize legislative provisions as regards the protection of personal information (Law 25)** in September 2021, Québec has established a modernized and rigorous legal framework for protecting personal information. This Act, which amends existing Québec laws such as the *Act respecting the protection of personal information in the private sector*, imposes stricter requirements than those set out in the federal legislation, known as PIPEDA, and is closely aligned with international standards such as the European Union's General Data Protection Regulation (GDPR). While compliance with Québec's privacy legislation requires a certain effort on the part of organizations, it also gives them an advantage when expanding their operations into other jurisdictions, such as the EU, where privacy protection is subject to stricter rules.

Now that the legislation is fully in force, organizations must:

- appoint a “person in charge of the protection of personal information” or privacy officer (PO) and make their contact information accessible ;
- issue an up-to-date privacy policy that is clear and accessible ;
- ensure that consent obtained for the collection, use and disclosure of personal information is express, free and informed ;
- conduct a privacy impact assessment (PIA) for any project to acquire, develop or overhaul an information system or electronic service delivery system that involves personal information, including its transfer outside Québec ;
- maintain a register of confidentiality incidents and notify the *Commission d'accès à l'information* (CAI) and the persons concerned if an incident presents a risk of serious injury.

Expanded Rights for Individuals

Law 25 also introduces new rights for individuals, including:

- › the right to data portability, enabling individuals to obtain a copy of their personal information in a structured, commonly used technological format
- › an enhanced right to information that requires companies to be transparent about their data handling practices

Stricter Penalties for Organizations

In the event of non-compliance, administrative fines of up to \$10 million or, if greater, 2% of the worldwide turnover of the preceding fiscal year may be imposed, as well as criminal penalties of up to \$25 million or, if greater, 4% of the worldwide turnover of the preceding fiscal year. These penalties are intended to foster an organizational culture focused on privacy.

Need Support ?

Understanding and applying the requirements of Law 25 can be complex. Fasken's teams support organizations at every stage of their compliance journey, from drafting policies to managing privacy incidents. For more information, consult our [Resource Centre dedicated to Law 25](#).



Contact



**Jocelyn
AUGER**
Partner | Information Technology

Montréal
T. +1 514 397 7694
jauger@fasken.com