

Quebec's Law 25



What You Need to Know About Quebec's Law 25 - The Privacy Legislation Modernization Act

Law 25 is the latest and most substantial privacy law developed in Quebec, Canada, and will likely set the stage for similar regulations across the country. Phase one came into effect on September 22, 2021. The Act was followed up with additional requirements on September 22, 2022 and more are coming into effect on September 22, 2023 and in September 2024. Companies need to understand this new legislation in order to stay compliant and avoid severe penalties.

What Is Law 25 and What Is Its Purpose?

Law 25 grants new data protection rights to individuals residing in Quebec, along with increased obligations for the public and private organizations that handle their personal information. The organizations do not need to be based in Quebec for this law to affect them; if a company does business with residents of Quebec, they are subject to this law.

Law 25 covers any information which relates to a person and allows that person to be identified. Situations where this material might be collected include, but are not limited to:

- ▶ A potential prospect fills out a form on your company's webpage and provides their first and last name, as well as their email address or phone number
- ▶ A customer fills out financial or legal paperwork for the purchase or lease of an asset managed by your company
- ▶ HR paperwork filled out by a new hire that collects personal address, social insurance number, and other personal information

Currently, under Law 25 it is mandatory for organizations to:

- ▶ Designate a privacy officer to oversee the handling of personal information (this role will default to a company's highest ranked employee in the absence of a dedicated privacy officer). The privacy officer's contact information needs to be clearly accessible
- ▶ Notify the Commission d'accès à l'information (CAI) and affected individuals of any confidentiality incidents, including privacy data breaches and the unauthorized access/use/disclosure of personal information
- ▶ Keep a record of all security incidents for a period of five years (subject to regulation's adoption)

In September 2023, phase 2 of regulatory changes will be implemented, including:

- ▶ Conduct Privacy Impact Assessments (PIA)
 - ▶ Roll-out updated privacy policies
 - ▶ Establish privacy rights:
 - ▶ Offer a right to restrict processing
 - ▶ Offer a right to erasure
 - ▶ Enhanced consent and collection practices
- The law also emphasizes privacy by design principles and the right to be forgotten.

In September 2024, phase 3 of regulatory changes will be implemented, including:

- ▶ Organizations will have to provide personal information about individuals in a structured, commonly used technological format to individuals upon request
- ▶ Organizations will also be required to disclose the information to another authorized organization to collect personal information at a person's request (for example, if an individual seeks to change service providers)

Penalty for non-compliance of Law 25

- ▶ Law 25 increases the fines for non-compliance with privacy legislation. Private-sector entities are subject to fines ranging from \$15,000 to \$25,000,000 CAD, or an amount corresponding to four percent of worldwide turnover for the preceding fiscal year (whichever is greater).

Shred-it® Can Help

While Law 25 does not specify technical requirements governing data destruction, there are best practice recommendations for all businesses and institutions when establishing record retention and data destruction policies.

Our trained consultants work with every customer to develop a custom, effective, and affordable document destruction program designed to help protect their confidential information.



Regularly-Scheduled Document Destruction

Service that helps ensure that your confidential information is secure when it is discarded. All unwanted documents go into our locked containers, conveniently placed throughout your workplace until pick-up day.



Proof of Service

Upon collection you will receive proof of service to confirm that we have collected your materials.



Customizable Workplace Privacy Policy Templates

The complementary customizable workplace privacy policy templates help you develop policies for your employees to practice responsible document management practices.



Employee Training

The My Shred-it® Customer Portal gives you access to resources that help your employees understand the need for document security and help you ensure your private information stays out of the wrong hands.

Sources:

<https://www.quebec.ca/gouvernement/ministeres-et-organismes/institutions-democratique-acces-information-laicite/acces-documents-protection-renseignements-personnels/pl64-modernisation-de-la-protection-des-renseignements-personnels>

<https://www.cmq.org/en/the-chambre-and-your-protection/news-press-room/protection-des-renseignements-personnels-entree-en-vigueur-prochaine-de-la-loi-25/>

<https://www.lapresse.ca/affaires/2022-12-10/commission-d-acces-a-l-information/la-presidente-veut-plus-d-argent-pour-faire-appliquer-les-nouvelles-lois.php>