Your Privacy Rights Under Quebec's Law 25

Quebec's Law 25 (*Loi modernisant des dispositions législatives en matière de protection des renseignements personnels*) strengthens privacy protections under the **Act respecting the protection of personal information in the private sector**[1] and the **Act respecting access to documents held by public bodies and the protection of personal information**[2]. It applies to many community settings and took effect in stages starting September 22, 2021.

WHO MUST COMPLY?

- **Private organizations:** Any "person carrying on an enterprise," whether for profit or not.[3]
- **Public bodies:** Includes schools, hospitals, municipalities, and government institutions.[4]

Exemptions:

- Federally regulated organizations (e.g., banks, airlines).[5]
- Personal or household use.[6]
- Journalistic, artistic, or literary use.[7]
- Certain police and national security activities.[8]
- Some HR data used strictly for internal purposes.[9]

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YOUR RIGHTS

1. **Right to be informed**: You must be told in plain language why, how, where, and with whom your personal data is used.[10]
2. **Right to access**: You may request access to your personal information.[11]
3. **Right to correct**: You may request corrections to incomplete or inaccurate data.[12]
4. **Right to erasure**: Data must be deleted if no longer needed or collected unlawfully.[13]
5. **Right to withdraw consent**: You can revoke consent unless required by law.[14]
6. **Right to data portability**: As of Sept 22, 2024, request your data in a structured format and/or that they be transferred elsewhere. [15]
7. **Right regarding automated decisions**: Must be informed if decisions are made by AI and can request reasoning and data used.[16]

ORGANIZATIONS' OBLIGATIONS

- **Appoint a Privacy Officer**: Must be designated or default to CEO; contact information must be public.[17]
- **Obtain your consent**: it must be clear, free, informed, specific, and separate for each purpose meaning every different use of your data.[18]
- **Transparency**: Policies must be accessible and clear.[19]
- **Security**: Must apply proportional safeguards to protect your data.[20]
- **Breach notification**: Report incidents posing serious harm to the Commission d'Accès à l'Information (CAI) and affected people; log them.[21]
- **Privacy Impact Assessments**: Required for sensitive projects and international data transfers.[22]
- **Privacy by Design**: Public tech tools must use highest privacy settings by default.[23]
- **Data retention**: Securely destroy or anonymize data when no longer needed.[24]

EVERYDAY SCENARIOS: WHAT YOU CAN EXPECT

If you're...	What you can expect
Going to a health clinic	The staff should explain how your health information will be used. You can ask to see your file or correct mistakes.
Meeting with a social worker	Your case notes are private. Ask how they're stored and whether they'll be shared with others.
Attending a YWCA workshop	Only necessary information should be collected (like your name or emergency contact). You can ask who sees it.
Talking to a lawyer or notary	Your information is confidential. They must explain how it will be protected and ask for your consent.
Signing up for a community program	You can ask why they need your information, how it's stored, and for how long.
Using an app or website	If your data is tracked or shared, you must be told. You can say no or ask for your data to be deleted.

PROTECT YOURSELF

- Ask why your information is needed and how it will be used
- Request to see privacy policies
- Only share what is necessary
- Be careful with public or online sharing
- Report issues to the Privacy Officer or the CAI: 1-888-528-7741 | cai.gouv.qc.ca

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WHEN TO BE CONCERNED

- No explanation is given for personal data requests
- Privacy policy isn't available
- You're pressured to overshare
- Your information is shared without your consent
- Suspicious messages or data loss occurs
- You're denied access or correction

WHAT TO DO

1. Ask questions
2. Say no to unnecessary data requests
3. Talk to the Privacy Officer
4. If your rights are denied, you have the right to complain, i.e. you can file a complaint with the CAI. [25]

WHAT HAPPENS IF LAW 25 IS IGNORED?

- CAI may impose fines up to $25M or 4% of global revenue.[26]
- Individuals may claim statutory damages of at least $1,000.[27]

Endnotes

1. Act respecting the protection of personal information in the private sector, CQLR c P-39.1.
2. Act respecting access to documents held by public bodies and the protection of personal information, CQLR c A-2.1.
3. Private Sector Act, s 1.
4. Access Act, s 3.
5. Constitution Act, 1867, ss 91(29), 92(10).
6. Private Sector Act, s 2.
7. Ibid, s 3.
8. Access Act, s 28; Private Sector Act, s 18.
9. CAI, Politique sur les exceptions au droit à la vie privée, 2023.
10. Private Sector Act, s 8.
11. Ibid, s 27.
12. Ibid, s 28.
13. Ibid, s 4.
14. Ibid, s 14.
15. Ibid, s 27.2 (in force Sept 22, 2024).
16. Ibid, s 12.1.
17. Ibid, s 3.1.
18. Ibid, s 14.
19. Ibid, s 8.
20. Ibid, s 10.
21. Ibid, s 3.5.
22. Ibid, s 3.3.
23. Ibid, s 8.2.
24. Ibid, s 23.
25. Ibid, ss 81-83.
26. Ibid, s 91.
27. Ibid, s 93.

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