

Agenda Item 5(d)
October 15/20 Board Meeting

Briefing Document on Quebec Bills 53 and 64

Quebec Bill 53

Key Features of Bill 53

Quebec Bill 53, the “Credit Assessment Agents Act,” regulates credit agencies, their commercial practices and their interactions with Quebec consumers. “With this bill, Quebec moves from being an underperformer to a high achiever in credit agency oversight in Canada,” said Geneviève Mottard, CPA, CA, President, Chief Executive Officer and Secretary of the Quebec CPA Order. “By finally giving consumers control over their credit files, the government is helping them take charge of their personal finances in a meaningful way.”¹

Comments by CAFII Director from Desjardins André Langlois on Bill 53

In an August 26, 2020 email to CAFII Co-Executive Directors Brendan Wycks and Keith Martin, CAFII Director André Langlois suggested that Bill 53 is part of a broader initiative by the Quebec government to provide a new framework for the credit industry, specifically by developing a three-layer framework through Bill 53, Bill 64, and work on digital identity. Desjardins supports this Bill and the broader initiative around a new framework.

CLHIA Will Not Make a Submission on Bill 53

In an 25 August, 2020 email to CAFII Co-Executive Director Brendan Wycks, CLHIA/ACCAP staff executive Michèle Hélie advised that while CLHIA would be making a submission on Quebec Bill 64, there was no interest among its members to make a submission on Bill 53; hence, no submission on the Bill will be made by the Association.

Quebec Bill 64

Key Provisions of Bill 64

A table detailing the key provisions of Bill 64 and its relationship to federal Personal Information Protection and Electronic Documents Act (PIPEDA) can be found in Appendix B.

Law Firm Gowling reports that

On June 12, 2020, the Quebec government introduced the highly anticipated Bill 64, An Act to modernize legislative provisions as regards the protection of personal information. In presenting the Bill, the province's Minister of Justice, Sonia LeBel, noted that Quebec's current data protection laws have become outdated and no longer adequately regulate new and evolving digital technologies.

¹ Source: <https://cpaquebec.ca/en/media-centre/news-and-publications/credit-agency-oversight-c-quebec-takes-the-lead/>

Ms. LeBel noted that the current pandemic has highlighted the central role that information technology now occupies in our society, and that our laws must stay apace of this reality.²

Law firm McCarthy Tétrault notes that 25 years ago, Quebec had the country's most progressive privacy laws (known as the Private Sector Act), but that is no longer the case:

However, subsequent legislation adopted by the federal government and technological advances in recent years have meant that the Private Sector Act is no longer adapted to the current context and, moreover, is not consistent either with Canadian federal laws and equivalent legislation in other provinces, nor with the European Union's General Data Protection Regulation ("GDPR"), which seems increasingly to be becoming a de facto international standard of reference.³

Most of the changes being introduced in Bill 64 appear to be inspired by the existing European legislation (GDPR) and, in fact, law firm Torys refers to the new regime as "European-style privacy obligations for both the public and private sector."⁴

The following is a high-level summary of the key provisions of Bill 64, Quebec's new privacy legislation, provided by law firm McCarthy Tétrault:

- *Significant administrative sanctions may be imposed by the Commission d'accès à l'information ("CAI") of up to \$10 million or 2% of worldwide turnover, whichever is greater, and penal sanctions of up to \$25 million or 4% of worldwide turnover.*
- *The possibility for a company to be sued for damages.*
- *The requirement to appoint a Chief Privacy Officer and establish governance policies and practices.*
- *New obligations when a data breach incident occurs.*
- *New rights for individuals with regard to data portability, the right to be forgotten, and the right to object to automated processing of their personal information.*
- *The creation of an exception allowing the disclosure of personal information in the course of a business transaction without the prior consent of the individuals concerned.*
- *The removal for businesses of the possibility of communicating, without the consent of the persons concerned, nominative lists and new rules governing the use of personal information for commercial or philanthropic prospecting purposes.*
- *The obligation for companies to ensure that pre-established settings for their technology products and services ensure the highest levels of confidentiality by default. (privacy by design).⁵*

² Source: <https://gowlingwlg.com/en/insights-resources/articles/2020/quebec-to-introduce-the-most-punitive-privacy-laws/>.

³ Source: <https://www.mccarthy.ca/en/insights/blogs/techlex/bill-64-overhaul-quebecs-privacy-law-regime-implications-business>

⁴ Source: <https://www.torys.com/insights/publications/2020/06/quebecs-bill-64-proposes-sweeping-changes-to-its-privacy-regime>

⁵ Source: <https://www.mccarthy.ca/en/insights/blogs/techlex/bill-64-overhaul-quebecs-privacy-law-regime-implications-business>

Law firm Gowling notes that the new law, if passed, has very high penalties for non-compliance:

Private sector entities will be subject to fines ranging from \$15,000 to \$25,000,000, or an amount corresponding to 4% of worldwide turnover for the preceding fiscal year, whichever is greater. This represents a dramatic increase from the current maximum penalty of \$50,000, and would make the Private Sector Act the most punitive privacy law in Canada—with a potential fine exceeding those available under the Competition Act, or the Anti-Spam Law, CASL.⁶

If passed into law, Bill 64 would also allow for private rights of action and punitive damages, whereby individuals could bring a claim for damages for injury resulting from unlawful infringement of a right conferred by the Private Sector Act. Bill 64 will also introduce a “privacy by design” approach where any enterprise which collects personal information must ensure that the good or service provide the highest level of confidentiality by default.

Gowling also reports that until now, Quebec has been one of the few Canadian jurisdictions where reporting of data security incidents has not been mandatory. While data breach notification has long been the subject of voluntary guidelines, Bill 64 will require that both public and private entities report incidents to both the Commission d'accès à l'information and to the persons whose data is affected where the incident “presents a risk of serious injury”.⁷

Bill 64 will also require that consent be “clear, free and informed” and given for specific purposes, one of the components that has caused some private sector companies to be concerned about the restrictions it will create on the use of personal information. Following the trend of including “right to be forgotten” provisions in privacy legislation, Bill 64 will afford Quebec individuals the right to demand the deletion of certain personal data.

Bill 64 also imposes more stringent requirements on enterprises or public bodies wishing to communicate personal information outside of Quebec. Before releasing personal information outside of the province, an entity will be required to conduct an assessment of privacy-related factors. Under Bill 64, both public and private sector entities who collect personal information using technology that allows a person to be “identified, located or profiled” must first inform the person of the use of such technology and of the means available, if any, to deactivate the function that allows the person to be “identified, located or profiled”.⁸

⁶ Source: <https://gowlingwlg.com/en/insights-resources/articles/2020/quebec-to-introduce-the-most-punitive-privacy-laws/>.

⁷ Source: <https://gowlingwlg.com/en/insights-resources/articles/2020/quebec-to-introduce-the-most-punitive-privacy-laws/>.

⁸ Source: <https://gowlingwlg.com/en/insights-resources/articles/2020/quebec-to-introduce-the-most-punitive-privacy-laws/>.

Law firm McMillan feels that the following are some of the most onerous provisions of the new bill:

One of the Bill's most far-reaching provisions is the requirement that the cross-border communication of personal information be preceded by an informal assessment of privacy protection, taking into consideration a number of factors, namely: (i) the sensitivity of the information; (ii) the purposes for which it is to be used; (iii) the safeguards that would apply to it; and (iv) the legal framework 14 Sections 96 and 102 of Bill 64, adding the new section 4.1 to the Act and amending section 14. 15 Section 101 of Bill 64, amending section 11 of the Act. 16 Section 102 of Bill 64, adding the new section 12.1 to the Act. Page 7 McMillan LLP / mcmillan.ca LEGAL_34405436.2 applicable in the jurisdiction to which the information would be communicated. This requirement would apply to the processing of information outside of Québec, including storage and hosting.⁹

Next Steps in the Implementation of Bill 64

Law Firm Torys opines that

It is unlikely that the proposed amendments outlined in Bill 64 would come into effect prior to 2022. Bill 64 has been referred to the consultation stage at the Québec National Assembly, which is currently in recess and only comes back in September, and the transitional provisions provide that Bill 64 will come into force one year after the date of its assent. That said, organizations doing business in Québec should be prepared for significant changes to Québec's privacy landscape in the near future.

If passed, several of the amendments will make compliance with Québec's regime more onerous than complying with the federal regime. This means that organizations governed by PIPEDA that previously voluntarily complied with substantially similar provincial regimes may need to look more closely at the jurisdictional analysis. Many organizations will need to assess the risks, costs and benefits of either bringing their nationwide compliance program in line with the new Québec requirements, designing different protocols for Québec, or taking a firm stance that they are not subject to provincial laws and therefore do not need to depart from their existing data management program.¹⁰

Comments by CAFII Director from Desjardins André Langlois on Bill 64

In an August 26, 2020 email to CAFII Co-Executive Directors Brendan Wycks and Keith Martin, André Langlois, CAFII Board member from Desjardins Insurance, that Bill 64 has been strongly influenced by developments in Europe which has a different privacy model than most of North America, and was further influenced by the significant customer data breach that occurred in late 2019 at Desjardins. Mr. Langlois noted that "Option Consommateurs" is in favour of Bill 64, and is mostly supportive of the provisions that require that data breaches be publicly disclosed. Desjardins is supportive of the Bill and its key provisions.

⁹ Source : https://www.mcmillan.ca/Files/223787_Bill_64_-_Modernizing_Quebec's_Privacy_Regime.pdf

¹⁰ Source: <https://www.torys.com/insights/publications/2020/06/quebecs-bill-64-proposes-sweeping-changes-to-its-privacy-regime>.

Industry Association of Canada (IIAC) Expresses Deep Concerns around Bill 64

The Investment Industry Association of Canada, or IIAC, has said that it is deeply concerned about certain provisions of Bill 64,¹¹ saying that elements of the Bill are inconsistent with privacy regulations and “are also extremely burdensome, virtually impossible to operationalize, and do not provide individuals with meaningful protection of their data.”

The Association was especially concerned about the Bill’s requirements around informed consent:

Given the vast amount of data that is collected and used in increasingly novel and unanticipated ways as technology evolves, the principle of obtaining specific and detailed consent for each use of data that may be involved in the provision of a product or service, is unworkable and ineffective, and would be virtually impossible to operationalize.

On this matter, IIAC goes on to state

Rather than requiring specific consent, we believe that it is more appropriate to rely on the principle of accountability, both for the entity for which the data is being acquired and used, and entities that are used by that entity for processing the data. These principles underpin the federal PIPEDA legislation, negating the need for specific consent for transfers for processing purposes only, and for transborder data flows. It is more appropriate to create a consent exemption that relates to standard business practices for the provision of the services for which the client has contracted. This framework for client data protection is consistent with the reasonable expectations of clients.

IIAC further states in its submission that

A foundational premise of the Personal Information Protection and Electronic Documents Act (“PIPEDA”), is the recognition of the need to balance individuals’ privacy rights with business needs for the use of data, in order to encourage the development of the digital economy and technological solutions that are critical to creating a strong and competitive economy. Unlike PIPEDA and the European General Data Protection Regulation (“GDPR”), the Bill does not articulate a similar foundational objective.

We urge the Québec Government to work with the Department of Innovation, Science and Economic Development Canada (“ISED”) and the relevant provincial regulators in British Columbia, Alberta, and Ontario to develop a harmonized privacy regulatory framework applicable across Canada. Currently, the provincial and federal privacy laws are relatively consistent in terms of content and results. Introducing inconsistencies increases uncertainty, creates inefficiencies, and increases the cost of compliance for Canadian entities operating within Canada, and foreign entities seeking to do business in Canada. A harmonized approach also facilitates a simplified interface with the GDPR and other international regulatory regimes that recognize the regulatory approach of other jurisdictions in respect of compliance with their own regulation.

¹¹ The article about this submission can be found at: <https://www.investmentexecutive.com/news/from-the-regulators/quebec-privacy-bill-gets-pushback-from-iiac/>.

Appendix A—Source Documents Cited in this Report

| Author | Topic | Source link |
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| McCarthy Tetrault | Bill 64: An Overhaul of Quebec's Privacy Law Regime – Implications for Business | https://www.mccarthy.ca/en/insights/blogs/techlex/bill-64-overhaul-quebecs-privacy-law-regime-implications-business |
| Gowling | Quebec to Introduce the Most Punitive Privacy Laws in Canada—With Fines of up to \$25 Million | https://gowlingwlg.com/en/insights-resources/articles/2020/quebec-to-introduce-the-most-punitive-privacy-laws/ |
| Investment Executive | Quebec Privacy Bill Gets Pushback from IIAC | https://www.investmentexecutive.com/news/from-the-regulators/quebec-privacy-bill-gets-pushback-from-iiac/ |
| Investment Industry Association of Canada | IIAC Submission to the National Assembly of Quebec | https://iiac.ca/wp-content/uploads/IIAC-response-to-Bill-64.pdf |
| Torys | Quebec Bill 64 Proposes Sweeping Changes to its Privacy Regime | https://www.torys.com/insights/publications/2020/06/quebecs-bill-64-proposes-sweeping-changes-to-its-privacy-regime |
| McMillan | Modernizing Quebec's Privacy Regime | https://www.mcmillan.ca/Bill-64-Modernizing-Quebecs-Privacy-Regime?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration%0d |
| KPMG | How to Assess Suitability and Appropriateness under the IDD | https://blog.kpmg.lu/how-to-assess-suitability-and-appropriateness-under-the-idd/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration |
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Appendix B—Torys Table of Key Features of Quebec Bill 64 and Their Alignment with Federal PIPEDA

| Key Feature Summary | Alignment with PIPEDA | Private Sector | Public Sector |
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| <ul style="list-style-type: none"> Consent. Bill 64 proposes more onerous consent requirements. In particular, consent “must be requested for each [specific] purpose, in clear and simple language and separately from any other information provided to the person concerned.” Further, the bill requires express consent with respect to “sensitive” personal information. Information is considered “sensitive” if, due to its nature or the context of its use or communication, it entails a high level of reasonable expectation of privacy. For minors under 14 years of age consent must be obtained from the person having parental authority. | <ul style="list-style-type: none"> The proposal to separate consent for each purpose from other terms significantly departs from PIPEDA. The expectation of express consent for sensitive information and parental consent for minors is consistent with existing interpretations and practice under PIPEDA, although drafted more explicitly. | ✓ | ✓ |
| <ul style="list-style-type: none"> Service provider exemption. Organizations may, without the consent of individual, disclose information to a third party “if the information is necessary for carrying out a mandate or performing a contract of enterprise or for services” as long as the mandate is in writing and a written agreement outlines accountability measures around the personal information that is shared, including a description of the service provider’s safeguards and an obligation on the service provider to notify the controlling organization’s privacy officer of actual or attempted confidentiality violations. | <ul style="list-style-type: none"> This aligns with PIPEDA, although the federal regulator has recently pushed against service provider sharing without consent. | ✓ | ✓ ¹ |
| <ul style="list-style-type: none"> Business transaction exemption. Organizations may share information without prior consent for the purpose of carrying out a commercial transaction. | <ul style="list-style-type: none"> This is similar to PIPEDA’s business transaction exemption. | ✓ | N/A |
| <ul style="list-style-type: none"> Secondary purposes and internal analytics exemptions. Organizations may use personal information without prior consent for: | <ul style="list-style-type: none"> There is no analogous exemption under PIPEDA³. | ✓ | ✓ |

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| <ul style="list-style-type: none"> Secondary purposes. The bill introduces a secondary purpose exemption, which enables organizations to use personal information for a secondary purpose, as long as: <ul style="list-style-type: none"> The use is for purposes consistent (i.e., direct and relevant) with the purposes for which it was collected²; or It is used clearly for the benefit of the person concerned. Internal Research and Analytics. This exemption allows organizations to use personal information without prior consent as long as use is necessary for internal research or production of statistics, and the information is de-identified. | | | |
| <ul style="list-style-type: none"> Professional contact information exclusion. The bill introduces a full exclusion for professional contact information, defined as “personal information concerning the performance of duties within an enterprise by the person concerned, such as the person’s name, title and duties, as well as the address, email address and telephone number of the person’s place of work”. | <ul style="list-style-type: none"> This is more generous than PIPEDA, which excludes business contact information only when used to communicate with an individual for business purposes. | ✓ | ✓ |
| <ul style="list-style-type: none"> Mandatory privacy impact analysis. Under the bill, organizations are required to conduct privacy impact assessments of any information system or electronic services delivery project that involves personal information. | <ul style="list-style-type: none"> This is not a PIPEDA requirement, but has long been required of federal public sector agencies. | ✓ ⁴ | ✓ |
| <ul style="list-style-type: none"> Cross-border adequacy and accountability requirements. Bill 64 requires organizations to conduct an assessment of privacy-related factors prior to transferring or disclosing any personal information outside Québec. Further, Bill 64 requires that | <ul style="list-style-type: none"> PIPEDA contains no rules prohibiting cross-border personal information transfers. When transferring personal information cross border, the organization that transfers the personal information remains accountable. Post | ✓ | ✓ |

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| <p>information may only be communicated outside of Québec if:</p> <ul style="list-style-type: none"> the organization's assessment establishes that it would receive the same level of protection as afforded under Québec's privacy laws⁵; and the organization enters into a written agreement with the entity to which the information is disclosed or transferred to ensure accountability. | <p>the OPC's <i>Equifax</i> findings and consultations on cross-border transfers, OPC requires organizations to be able to "demonstrate accountability", including through contractual means similar to those outlined in Bill 64. However, PIPEDA does not contain an adequacy requirement.</p> | | |
| <ul style="list-style-type: none"> Mandatory breach notification and record keeping. Under Bill 64, organizations will be required to notify the Commission and impacted individuals, and may notify any relevant third-party, if the organization believes there is a "confidentiality incident" involving personal information that presents a "risk of serious injury"⁶. Organizations would also be required to maintain a register of confidentiality incidents. | <ul style="list-style-type: none"> This requirement in line with PIPEDA's breach notification. Interestingly, the bill does not require breach notification within 72 hours (as required under GDPR) but "promptly". Further unlike PIPEDA's requirement to keep records for a minimum of 2 years, there is no minimum prescribed period under the bill. | ✓ | ✓ |
| <ul style="list-style-type: none"> New monetary administrative penalties. Through this new procedure, the Commission would be required to issue a notice urging the organization to remedy a breach without delay and provide it with the opportunity to submit observations and documents. Thereafter, Bill 64 provides the Commission with the ability to impose monetary administrative penalties of up to \$10,000,000 or, if greater, the amount corresponding to 2% of the organization's worldwide turnover for a variety of contraventions, including for failure to report a breach, processing of personal information in contravention of the Québec private sector privacy act, and failure to inform individuals about automated processing. Such fines would be subject to review by the Commission's oversight division and further review before the Court of Québec. | <ul style="list-style-type: none"> The OPC currently does not have such enforcement powers. | ✓ | X |
| <ul style="list-style-type: none"> Penal regime. The bill proposes a penal regime whereby any organization that: | <ul style="list-style-type: none"> Fines under PIPEDA are more limited in scope and quantum. Under | ✓ | X |

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| <ul style="list-style-type: none"> Collects, holds, communicates to third parties or uses personal information in contravention of the Act, Fail's to report a breach, Attempts to re-identify an individual without authorization where their information is de-identified, Impedes the Commission's investigation, Fails to comply with an order of the Commission <p>Commits an offence and is liable to a fine of: \$15,000 to \$25,000,000, or, if greater, the amount corresponding to 4% of the organization's worldwide turnover for the preceding year. Currently, only the Attorney General of Québec can institute penal proceedings for breaches of the act and fines are, in most circumstances, limited to a maximum of \$10,000 for a first offence.</p> | <p>PIPEDA, failure to comply with the breach notification provisions is an offence and organizations may be liable for fines up to \$100,000.</p> | | |
| <ul style="list-style-type: none"> Penal regime for public sector organizations. The Commission can impose two tiers of fines, as part of a finding of a penal offence: <ul style="list-style-type: none"> Between \$3,000 and \$30,000; or Between \$15,000 and \$150,000. | <ul style="list-style-type: none"> Under the federal <i>Privacy Act</i> the maximum penalty fine is a \$1000. | X | ✓ |
| <ul style="list-style-type: none"> Private right of action. Bill 64 introduces: <ul style="list-style-type: none"> statutory damages for "injury resulting from the unlawful infringement of a right" under the Québec private or public sector privacy acts, unless it results from superior force (i.e. force majeure). In addition, private sector organizations | <ul style="list-style-type: none"> Under PIPEDA, individuals can apply to the Federal Court after receiving the OPC's report or notice that an investigation is discontinued. The Federal Court, on a <i>de novo</i> review, can award damages. However, there are no statutory punitive damages under PIPEDA. | ✓ | ✓ |

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| <p>may be liable pursuant to the <i>Civil code of Québec</i>⁷; and</p> <ul style="list-style-type: none"> statutory punitive damages of at least \$1000 where the infringement is “intentional or results from a gross fault”. Accordingly, organizations may face increased exposure to privacy-related claims, including claims for punitive damages, and increased class action risks if Bill 64 is adopted as drafted. | | | |
| <ul style="list-style-type: none"> Increased director liability. Currently, Québec’s private sector privacy act provides that directors and representatives of an organization who ordered, authorized, or consented to an offence, are liable for a penalty under the penal provisions. While this would remain the case, under Bill 64, directors would bear the risk of liability for substantially increased fines. | <ul style="list-style-type: none"> Directors may be found guilty of an offence and fined up to \$100,000 if they knowingly fail to report breaches. | ✓ | N/A |
| <ul style="list-style-type: none"> Rights in relation to automated decision making. An organization that uses personal information to render a decision based exclusively on automated processing of the information must, at the time of or before the decision, inform the person concerned. On request, the organization must also inform the person of the personal information used to render the decision, the reasons, and the principal factors that led to the decision, and the person’s right to correct the information. The organization would also be required to allow the person to submit observations for review of the decision. | <ul style="list-style-type: none"> PIPEDA currently does not provide data subjects such a right. The federal government is considering introducing such a right as part of its efforts to modernize PIPEDA (for more read our bulletin here). | ✓ | ✓ |
| <ul style="list-style-type: none"> Rights in relation to profiling. An organization that collects personal information using technology that has the ability to identify, locate or profile⁸ the person whose information is collected must inform the individual of such technology and the means available, if any, to deactivate such technology. | <ul style="list-style-type: none"> PIPEDA currently does not provide data subjects such a right. The federal government is considering introducing such a right as part of its efforts to modernize PIPEDA. | ✓ | ✓ |

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| <ul style="list-style-type: none"> Right to be forgotten. Bill 64 would require organizations to destroy or anonymize personal information when the purposes for which it was collected or used are achieved. Bill 64 would also provide individuals with the right to require organizations to cease disseminating personal information or to “de-index” any hyperlink attached to their name, that provides access to information by technological means, provided that conditions set forth in the Québec private sector privacy act are met. | <ul style="list-style-type: none"> The federal government’s proposal to modernize PIPEDA has noted that the federal government, at this time, will not be considering the “right to be forgotten” because the matter is currently before the Federal Court. | ✓ | X |
| <ul style="list-style-type: none"> Right to request source of information. Organizations that collect personal information from another person or organization, when requested, must inform the person of the source of the information. | <ul style="list-style-type: none"> PIPEDA does not provide for such a right. | ✓ | X |
| <ul style="list-style-type: none"> Right to data portability. Under the current Québec public and private sector privacy acts, every organization that holds a file on another person must, at their request, confirm its existence and communicate to them any personal information that concerns them. Bill 64 would broaden this right by allowing the person to obtain a copy of the information in a written and intelligible transcript. The bill also allows individuals to request that organizations provide them with computerized personal information in a structured, commonly used technological format. The organization would also be required to release, at the individual’s request, such information to any person or body authorized by law to collect such information. | <ul style="list-style-type: none"> PIPEDA currently does not provide data subjects such a right. The federal government is considering introducing such a right as part of its efforts to modernize PIPEDA. | ✓ | ✓ |
| <ul style="list-style-type: none"> Privacy by design. Bill 64 introduces a “privacy by design” approach that has been adopted under GDPR (Article 25). Bill 64 would require organizations that collect personal information when offering a technological product or service to ensure that the parameters provide the “highest level | <ul style="list-style-type: none"> There is no such requirement under PIPEDA. However, the federal regulator has been pushing organizations to consider adopting a privacy by design philosophy. | ✓ | X |

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| of confidentiality” by default, without intervention by the person concerned. | | | |
| <ul style="list-style-type: none"> Data protection officer. Organizations are required to designate a person “exercising the highest authority” who would be accountable for the organization’s protection of personal information and to ensure that the organization complies with its statutory privacy law requirements. | <ul style="list-style-type: none"> This is similar to PIPEDA’s stipulation to designate an individual who is accountable for its compliance with the Act, and to GDPR’s requirement to designate a data protection officer under Article 37. | ✓ ⁹ | ✓ ¹⁰ |
| <ul style="list-style-type: none"> Heightened data governance. To enhance transparency, Bill 64 requires organizations to establish and implement governance policies and practices regarding personal information that ensure that must ensure the protection of the information. The bill requires organizations to establish and implement governance policies and practices regarding personal information. Additionally, organizations that collect personal information through technological means are obligated to publish a “confidentiality policy” on their website. The content and terms of such a policy will be determined by a government regulation. | <ul style="list-style-type: none"> This is in line with PIPEDA’s openness and accountability requirements but goes further by prescribing that organizations publish those policies on their websites. There is no comparable requirement under PIPEDA to draft and publish a “confidentiality policy”. | ✓ | ✓ |