

Major overhaul to the protection of personal information in Quebec to be adopted this fall



Bill 64 was adopted on September 21, 2021. The requirements contained in the bill introduce significant operational changes for private and public sector organizations with respect to their handling of personal information and the protection of privacy.

Underlying these changes is a desire to increase individuals' control over their personal information and increase transparency about organizations' personal information practices.

What are some of the practical requirements in the proposed legislation?



Provide, by default, the **highest level of confidentiality** for products and services



Augment existing **consent** management and expanding **individual rights** capabilities



Define **roles and responsibilities**: e.g., Appointing a Chief Privacy Officer (CPO)



Improve the incident response plan to account for **notification and reporting** obligations



Publish internal and external privacy notices in **plain language** to ensure transparency



Ensure appropriate safeguards for transfers of personal information **outside of Quebec**



Perform a **Data Privacy Impact Assessment (DPIA)** for new projects and data transfers



Penalties up to **\$25M** or **4% of global revenue** and increased likelihood of **class actions**

What are some of the compliance challenges with the most impact?

Accountability

Ensure the highest authority within an organization is responsible for compliance with the Act(s). This responsibility can be delegated in writing to a designated Privacy Officer (CPO).

Consent

Obtain specific consent for each business purpose. Consent must be explicit for sensitive information. Obtain consent from custodians for minors under the age of 14.

Transparency

Inform, prior to data collection, of the purpose, means of collection, individual rights and the right to withdraw consent in simple and clear language. Train staff to explain the scope of consent.

Privacy by design / default

Involve the CPO when launching new solutions offered to the public that collect or use personal information. Configure such solutions to offer the highest level of privacy by default, without additional user input.

Breach notification

Introduce processes to report data breaches to the *Commission d'accès à l'information*, to notify affected individuals and stakeholders in a timely manner, and to maintain records of breaches.

Privacy impact assessments

Perform a DPIA to identify and manage privacy risks of any information system, project, and initiative involving the collection and use of personal information. Perform DPIA prior to sharing information with third parties.

Out-of-Quebec data transfer

Perform a DPIA to determine if the destination jurisdiction provides adequate protection measures. Review data outsourcing agreements before disclosing personal information outside of Quebec.

Individual rights

Design mechanisms that allows individuals to access / rectify their information in a common tech format. Craft new systems with data portability in mind, as well as the right to de-index/re-index personal information.

Automated decisions

Inform individuals of decisions made exclusively by automated processing of their personal information. Disclose the reasons and parameters that led to the decision and provide them with a right to appeal for human review.

How to stand ready

Seize the opportunity

Although the provisions of the bill will come into force gradually, public and private organizations should strongly consider reviewing their personal information practices immediately and leverage the opportunity to identify gaps between future requirements and their current practices.



What can you do today to prepare your organization?

- Assess the state of personal information protection to identify regulatory strengths and gaps
- Assess risk of specific data processing activities with Privacy Impact Assessment (PIA) support
- Design an enhanced internal privacy governance and operating model to embed accountability
- Develop systems and processes to improve individual rights and consent management capabilities
- Perform data discovery and mapping exercises to help identify personal information and high-risk areas
- Review your business operations against your current privacy program or new legal requirements
- Deliver general and role-targeted privacy and data security training to your employees
- Review and refresh your privacy policies, notices and third-party contracts
- Build out your privacy program, e.g., draft internal policies and procedures, draft external notices
- Outsource information security management to a managed service from Deloitte
- Bolster your current data security posture with a cybersecurity maturity assessment
- Improve your incident response capabilities, including data classification and management

Deloitte's vision of privacy

Data privacy is a business enabler, not a compliance afterthought. Deloitte's approach to data privacy is predicated on trust being the new currency and data being the new oil.

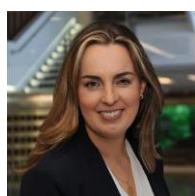
- When customers trust the organization, they are more likely to share their data, and less likely to leave the organization in the event of a data breach and other incidents
- Privacy is at the forefront of an organization's communication, and transparency will be key to enhancing public relations and ensuring consumer loyalty, and this will be truer than ever moving into hybrid and remote work
- Integrating data protection and privacy into company culture will allow for rapid deployment of new technologies and service lines that are increasingly data hungry and carry new risks

The Deloitte factor

At Deloitte, we are a one stop "specialized shop" with a multi-disciplinary team of privacy lawyers, data protection and privacy professionals, global incident responders, and business process and IT specialists with technical, industry and regulatory knowledge. We have you covered from every angle so you can focus on what you do best: running your organization.

- Recognized leader in privacy and cybersecurity in Canada and globally
- Extensive experience in handling some of the industry's most high-profile breaches
- International regulatory expertise with GDPR and CCPA implementations
- Unique holistic approach that aims to break down age old silos in the industry

For more information



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