

Bill 64, now Law 25, is a legislative act that overhauled the privacy regime in Quebec. It was introduced by the provincial government in Quebec in June 2020 and was formally adopted into law in September 2021. The Bill includes a range of new requirements for businesses in the region to contend with that came into effect across a three-year period starting in 2022. Some of the major updates Law 25 makes to privacy law in Quebec include strengthened privacy rights for individuals, including Consent and several controller requirements, such as privacy policies, risk assessments, and data breach notification.

Timeline for Law 25's Key Provisions

- September 2022: Breach notification requirements
- September 2022: Privacy officer appointment
- September 2023: Privacy Impact Assessments
- September 2023: Updated privacy policies
- September 2023: Offer a right to restrict processing
- September 2023: Offer a right to erasure
- September 2023: Enhanced consent requirements
- September 2024: Offer a right to data portability

Key privacy requirements of Quebec's Bill 64 (Law 25)

Law 25 provides extensive revisions to the privacy regime in Quebec. New requirements will mean that organizations covered by Law 25's scope will be obliged to amend their existing privacy program to accommodate stricter provisions for valid consent, extended privacy rights, and data breach notification, among other things.

- Breach notification
Law 25 requires organizations to make data breach notifications to Le Commission d'accès à l'information du Québec, as well as to any affected individuals.
- DPO appointment
Businesses are required to designate an employee responsible for compliance with Law 25.
- Privacy Impact Assessment (PIA)
Law 25 adds a requirement for organizations to conduct a Privacy Impact Assessment (PIA)
- Privacy notices
Law 25 requires businesses to provide certain information to individuals via Website
- Subject rights
Subject rights under Law 25 resemble those found under the EU General Data Protection Regulation (GDPR). Privacy officers should respond to requests within 30 days of receipt, with the possibility of an extension.
- Enhanced consent
The act defines certain enhanced rules relating to individuals' consent required prior to the collection, use, or distribution of personal information.

Conclusion

Due to the requirements of Enhanced Consent and Data Portability, Anteriad will exclude and request data providers, with immediate effect, to exclude the Province of Quebec data defined by Law 25 for inclusion in Anteriad B2B to comply with cut-off date of September 22nd, 2024.

Implications

Organizations will face newly introduced penalties of between \$5,000 and \$50,000, in the case of a natural person. In all other cases, fines can range between \$15,000 and \$25,000,000 or 4% of worldwide turnover for the previous year, whichever is greater.

Source: OneTrust