



Law 25 is the latest and most significant privacy legislation development in Canada. It follows the 2021 adoption of Bill 64, an Act to modernize legislative provisions as regards the protection of personal information, which enacted significant changes to the requirements governing the collection, use, and communication of personal information.

Who Is Impacted by Law 25?

With some exemptions, most organizations established in Québec and/or doing business in Québec that are collecting, using, or disclosing personal information of individuals located in the province will be impacted. In particular, note, “*and/or doing business in Québec.*” Thus, if your organization has a website in which citizens of Québec purchase products or services, you may be required to comply with this law.



What are the main requirements of Law 25?

Under the provisions of Law 25 in effect as of September 22, 2022, it is mandatory for organizations operating in Québec to:

- **Designate Accountability:** Designate a person in charge of the protection of personal information, such as a Chief Privacy Officer.
- **Report Breaches:** Report “confidentiality incidents” to Québec’s privacy regulator.
- **Receive Express Consent for Biometric Data:** Receive express consent from individuals to process biometric data and disclose the creation of such databases to the CAI.
- **Facilitate Data Subject Rights:** Provide individuals the ability to access and correct their personal information.
- **Disclose** when personal information is used for research purposes

However, the vast majority of requirements within Law 25 go into effect on September 22, 2023. These requirements include:

- **Operationalizing Governance Policies:** Establishing and implementing governance policies and practices regarding personal information such as defining the roles and responsibilities of employees to personal information that the organization processes.
- **Conducting Privacy Assessments:** Conducting a privacy impact assessment for projects involving the collection, use, communication, keeping, or destruction of personal information.
- **Performing Cross-Border Transfer Assessments:** Performing privacy impact assessments for any transmission of personal information outside of Québec.
- **Establishing Privacy Policies:** Transparently communicating the purposes, means, and rights of access to the personal information collected and used, such as through a clear and simple privacy policy (“confidentiality policy”).
- **Receiving and Managing Consent:**
 - » Receiving clear, free, and informed consent given for specific purposes from individuals to process their personal information for certain purposes;
 - » Receiving opt-in consent for the processing of sensitive personal information;
 - » Providing individuals the ability to withdraw consent to the processing of personal information; and,
 - » Receiving consent from the person having parental authority (or “tutor”) to process the personal information of minors.
- **Deleting Personal Information:**
 - » Destroying or irreversibly anonymizing personal information where the purposes for which it was collected were achieved; and,
 - » Facilitating an individual’s right to delete their personal information and to be forgotten.



Penalties for Non-compliance with Law 25

Under Law 25, private-sector organizations can be subject to fines ranging from \$15,000 to \$25,000,000 CAD, or an amount corresponding to 4% of worldwide turnover for the preceding fiscal year (whichever is greater).

Also of note, Law 25 provides a private right of action for individuals to sue organizations for damages.

Exterro Solutions Can Help You Comply with Law 25

Law 25 Requirement	Exterro Products
Mandatory Breach Reporting	Exterro Smart Data Inventory Exterro Data Discovery Exterro Incident and Breach Management Exterro Smart Breach Review
Website Notice	Exterro Consent Exterro Smart Data Inventory
Privacy Impact Assessments	Exterro Smart Data Inventory
Consent Management	Exterro Consent
Cross Border Transfer Assessments	Exterro Smart Data Inventory
Data Deletion	Exterro Data Subject Access Request Exterro Data Retention Exterro Data Discovery
Data Subject Rights	Exterro Data Subject Access Request Exterro Data Discovery