

AM 1
s. 1 (8)

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 1

AMENDMENT:

Amendment 1 has been withdrawn and renamed amendment a.

Sy

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 1

AMENDMENT:

Add at the end of the second paragraph of proposed section 8: "That person must be able to exercise them autonomously."

Adopté sri

AM 3
s. 1 (8.1)

Bill 64

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provisions as regards the protection of
personal information**

Section 1

AMENDMENT:

Insert “, a professional order” after “of a municipality” in the second paragraph of proposed section 8.1.

Adopté S91

Bill 64

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provisions as regards the protection of
personal information**

Section 3

AMENDMENT:

Replace by:

3. Section 43 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph:
“If it is in writing, it may be made in a technological format.”;

(2) by replacing “designated by him” in the third paragraph by “to
whom that function has been delegated”.

Adopté SM

Bill 64

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personal information**

Section 9

AMENDMENT:

In proposed section 53.1:

1. Replace “language and” in the first paragraph by “language. If the request for consent is made in writing, it must be presented”.
2. Replace the second paragraph by:

The consent of a minor under 14 years of age is given by the person having parental authority or by the tutor. The consent of a minor 14 years of age or over is given by the minor, by the person having parental authority or by the tutor.

Adopté SM

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personal information**

Section 9.1

AMENDMENT:

Insert after section 9:

9.1. Section 54 of the Act is amended by inserting “directly or indirectly” before “allows”.

Adopté S91

AM 7
s. 12 (59)

Bill 64

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provisions as regards the protection of
personal information**

Section 12

AMENDMENT:

Insert “, in particular its medical, biometric or otherwise intimate nature,” after
“nature” in the paragraph proposed by paragraph 3.

Adopté SM

Bill 64

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provisions as regards the protection of
personal information**

Section 14

AMENDMENT:

Add the following paragraph after the third paragraph of proposed section 63.3:

A government regulation may determine the content and terms of those rules.

Adopté SM

Bill 64

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provisions as regards the protection of
personal information**

Section 14

AMENDMENT:

In proposed section 63.5:

1. Replace “any information system project or electronic service delivery project” in the first paragraph by “any project to acquire, develop or overhaul an information system or electronic service delivery system”
2. Add the following paragraph at the end:

The conduct of a privacy impact assessment under this Act must be proportionate to the sensitivity of the information concerned, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.

Adopté SN

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Section 14

AMENDMENT:

Insert after proposed section 63.6:

“63.6.1. A public body that collects personal information when offering to the public a technological product or service having privacy settings must ensure that those settings provide the highest level of confidentiality by default, without any intervention by the person concerned.

The first paragraph does not apply to privacy settings for browser cookies.

Adopté SM

AM 11
s. 16 (64.1)

Bill 64

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personal information**

Section 16

AMENDMENT:

Insert “or of the tutor” after “person having parental authority” in proposed section 64.1.

Adopté SM

AM 12
s. 17 (65)

Bill 64

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provisions as regards the protection of
personal information**

Section 17

AMENDMENT:

Replace “and of” in the proposed second paragraph of section 65 by “, the name of the third persons to whom it is necessary to release the information for the purposes referred to in subparagraph 2 of the first paragraph, and”.

Adopté SM

AM 13
s. 18 (65.0.2)

Bill 64

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provisions as regards the protection of
personal information**

Section 18

AMENDMENT:

Insert “and its release” after “use” in proposed section 65.0.2.

Adopté SM

AM 14
s. 18 (65.0.1)

Bill 64

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provisions as regards the protection of
personal information**

Section 18

AMENDMENT:

Replace “deactivate” in subparagraph 2 of the first paragraph of proposed section 65.0.1 by “activate”.

Adopté SM

AM 15
s. 18 (65.0.1)

Bill 64

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provisions as regards the protection of
personal information**

Section 18

AMENDMENT:

Strike out “, if any,” in subparagraph 2 of the first paragraph of proposed section 65.0.1.

Adopte SN

AM 16
s. 19 (65.1)

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 19

AMENDMENT:

Add the following paragraph at the end:

A public body that uses de-identified information must take reasonable measures to limit the risk of someone identifying a natural person using de-identified information.”

Adopté SM

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provisions as regards the protection of
personal information**

Section 19

AMENDMENT:

Replace “auxquelles” in subparagraph 1 of the proposed second paragraph of section 65.1 in the French text by “pour lesquelles”.

Adopté SM

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provisions as regards the protection of
personal information**

Section 20

AMENDMENT:

Replace “must, at the time of or before the decision, inform the person concerned accordingly” in the first paragraph of proposed section 65.2 by “must inform the person concerned accordingly not later than at the time it informs the person of the decision”.

Adopté SM

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personal information**

Section 20

AMENDMENT:

Add the following paragraph after the second paragraph of proposed section 65.2:

The person concerned must be given the opportunity to submit observations to a member of the personnel of the public body who is in a position to review the decision.”

Adopté SM

AM 20
s. 21 (67)

Bill 64

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provisions as regards the protection of
personal information**

Section 21

AMENDMENT:

Withdraw.

Adopté s.m

Bill 64

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provisions as regards the protection of
personal information**

Section 27

AMENDMENT:

In proposed section 70.1:

1. In the first paragraph:

(a) Insert “, including those that are contractual,” after “measures” in subparagraph 3.

(b) Strike out “, including the legal framework’s degree of equivalency with the personal information protection principles applicable in Québec” in subparagraph 4.

2. Replace “protection equivalent to that afforded under this Act” in the second paragraph by “adequate protection”.

Adopté sn

SAM 1
AM 21
s. 27 (70.1)

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provisions as regards the protection of
personal information**

Section 27

AMENDMENT:

Replace subparagraph *b* of the amendment to proposed section 70.1 by:

(*b*) Replace “, including the legal framework’s degree of equivalency with the personal information protection principles applicable in Québec” in subparagraph 4 by “, including the personal information protection principles applicable in that State”.

Adopté SM

SAM 2
AM 21
s. 27 (70.1)

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personal information**

Section 27

AMENDMENT:

Insert “, in particular in light of generally recognized principles regarding the protection of personal information” after “adequate protection” in paragraph 2 of the amendment to proposed section 70.1.

Adopté SM

AM 22
s. 27 (70.2)

Bill 64

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provisions as regards the protection of
personal information**

Section 27

AMENDMENT:

Strike out proposed section 70.2.

Adopte SM

AM 23
s. 23 (67.2.2)

Bill 64

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provisions as regards the protection of
personal information**

Section 23

AMENDMENT:

Replace paragraph 2 of proposed section 67.2.2 by:

(2) enclose a detailed presentation of the research activities with the request;

Adopté SH

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personal information**

Section 23

AMENDMENT:

Insert “, with regard to the public interest,” after “outweighs” in subparagraph 3
of the second paragraph of proposed section 67.2.1.

Adopté SM

AM 25
s. 23 (67.2.3)

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provisions as regards the protection of
personal information**

Section 23

AMENDMENT:

In the first paragraph of proposed section 67.2.3:

1. Replace both occurrences of “in the research protocol” by “in the detailed presentation of the research activities”.
2. Replace “cross-matched” in subparagraph 3 by “matched”.

Adopté SM

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provisions as regards the protection of
personal information**

Section 25

AMENDMENT:

Replace subparagraph 3 of the paragraph proposed by paragraph 1 by:

(3) the objective for which the release of the information is required outweighs, with regard to the public interest, the impact of releasing and using the information on the privacy of the person concerned; and

Adopté 891

AM 27
s. 27 (Chap. III, Div. II.1, ss. 70.3–70.7)

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Section 27

AMENDMENT:

Withdraw proposed Division II.1, comprising sections 70.3 to 70.7.

Adopté S81

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provisions as regards the protection of
personal information**

Section 35.1

AMENDMENT:

Insert after section 35:

35.1. Section 104 of the Act is amended

(1) by replacing “five” and “a vice-chair” in the first paragraph by “six” and “two vice-chairs”, respectively;

(2) by inserting the following paragraph after the first paragraph:

“One of the vice-chairs is responsible for the oversight division and must have expertise in the field of information technology. The chair may designate another vice-chair to be responsible for the adjudicative division.”

(3) by replacing “vice-chair” in the second paragraph by “vice-chairs”.

Adopté SN

SAM 1
AM 28
s. 35.1 (104)

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personal information**

Section 35.1

AMENDMENT:

In proposed section 35.1, introduced by amendment:

1. Replace “. The chair may designate” and “to be” in paragraph 2 by “, and” and “is”, respectively.
2. Replace paragraph 3 by:
 - (3) by striking out “and the vice-chair” in the second paragraph.

Adopté SM

AM 29
s. 28 (73)

Bill 64

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personal information**

Section 28

AMENDMENT:

Insert “is reasonably foreseeable in the circumstances that it” after “if it” in the proposed second paragraph of section 73.

Adopté S01

SAM 1
AM 29
s. 28 (73)

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Section 28

AMENDMENT:

Insert “, at all times,” after “is” in the amendment to section 28.

Adopté 597

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personal information**

Section 28

AMENDMENT:

In section 28:

1. Replace paragraph 1 by:
 - (1) by inserting “, or anonymize it to use it for public interest purposes” after “destroy the information”;
2. Insert “and according to the criteria and terms determined by regulation” after “best practices” in the second paragraph proposed by paragraph 2.

Adopté SM

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Section 37

AMENDMENT:

In proposed section 110.0.1:

1. Replace “to the vice-chair” in the first paragraph by “to a vice-chair”.
2. Strike out the second paragraph.

Adopté s91

AM 32
s. 37 (110.0.2)

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Section 37

AMENDMENT:

In proposed section 110.0.2:

1. Replace “the vice-chair” in the introductory clause by “a vice-chair”.
2. Strike out paragraph 3.

Adopté s91

AM 33
s. 39.1 (122)

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personal information**

Section 39.1

AMENDMENT:

Insert after section 39:

39.1. Section 122 of the Act is replaced by the following section:

“122. The functions and powers of the Commission provided for in this division are exercised by the chair, the vice-chair responsible for the oversight division and the members assigned to that division.”

Adopté S01

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Section 41

AMENDMENT:

Insert after proposed paragraph 8:

(9) develop guidelines to facilitate the application of this Act and the Act respecting the protection of personal information in the private sector (chapter P-39.1).”

Adopté SM

SAM 1
AM 34
s. 41 (123)

Bill 64

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Section 41

AMENDMENT:

Insert “, in particular with regard to consent” after “in the private sector (chapter P-39.1)” in paragraph 9, inserted by amendment.

Adopté SM

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personal information**

Section 45

AMENDMENT:

Replace by:

45. Section 129 of the Act is amended

(1) by inserting the following paragraph after the second paragraph:

“Where the inquiry concerns an agreement sent under the law to the Commission, the Commission may make any order against a public body that is a party to the agreement that it considers appropriate for protecting the rights granted by this Act to the persons to whom the information relates”;

(2) in the third paragraph,

(a) by replacing “order it to” by “recommend or order that the public body”;

(b) by inserting “within the time limit the Commission specifies” at the end.

Adopté SM

AM 36
s. 45 (129)

Bill 64

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Section 45

AMENDMENT:

Insert “reasonable” before “time limit” in the third paragraph of section 129, as amended.

Adopté S01

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personal information**

Section 47

AMENDMENT:

Replace by:

47. Section 130.2 of the Act is amended

(1) by replacing “the third paragraph” in the first paragraph by “the third and fourth paragraphs”;

(2) in the second paragraph,

(a) by inserting “2,” after “paragraphs 1,”;

(b) by replacing “sections 123.1 and 125” by “section 123.1”.

Adopté SM

AM 38
s. 48.1 (134.1)

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personal information**

Section 48.1

AMENDMENT:

Insert after section 48:

48.1. Section 134.1 of the Act is replaced by the following section:

“134.1. The functions and powers of the Commission provided for in this division are exercised by the chair, the vice-chair responsible for the adjudicative division and the members assigned to that division.”

Adopté SY

AM 39
s. 44 (127.1)

Bill 64

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personal information**

Section 44

AMENDMENT:

Replace the first paragraph of proposed section 127.1 by:

The Commission may, by a formal demand notified by any appropriate method, require any person, whether subject to this Act or not, to file, within a reasonable time specified in the demand, any information or document to verify compliance with this Act or the regulations.

Adopté SM

AM 40
s. 59 (150)

Bill 64

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Section 59

AMENDMENT:

Add the following sentence at the end of the proposed paragraph: “However, on a motion heard and judged on an urgent basis, a judge of the Court of Québec may order otherwise because of the urgency of the situation or the risk of serious and irreparable injury.”

Adopté S91

Bill 64

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personal information**

Section 62

AMENDMENT:

In paragraph 2:

1. Insert after proposed subparagraph 4:

“(4.1) determine the content and terms of the governance rules provided for in section 63.3;

2. Insert after proposed subparagraph 6.1:

“(6.2) for the purposes of section 73, determine the criteria and terms applicable to the anonymization of personal information;”.

Adopté SM

AM 42
s. 64 (158)

Bill 64

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Section 64

AMENDMENT:

Replace paragraph 5 of proposed section 158 by:

(5) collects, uses, keeps or destroys personal information in contravention
of the law,

Adopté SM

Bill 64

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provisions as regards the protection of
personal information**

Section 64

AMENDMENT:

In proposed section 159:

1. Replace “\$50,000” by “\$100,000”.
2. Add after paragraph 5:

(6) does not take the security measures necessary to ensure the protection of personal information in accordance with section 63.1

Adopté S91

Bill 64

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personal information**

Section 64

AMENDMENT:

Insert after proposed section 159:

“160. In determining the penalty, the judge shall take into account the following factors, among others:

- (1) the nature, seriousness, repetitiveness and duration of the offence;
- (2) the sensitivity of the personal information concerned by the offence;
- (3) whether the offender acted intentionally or was negligent or reckless;
- (4) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (5) the offender’s attempts to cover up the offence or failure to try to mitigate its consequences;
- (6) whether the offender failed to take reasonable measures to prevent the commission of the offence;
- (7) whether the offender obtained or intended to obtain an increase in revenues or a decrease in expenses by committing the offence or by omitting to take measures to prevent it;
- (8) the number of persons concerned by the offence and the risk of injury to which they are exposed;
- (9) the measures taken by the offender to remedy the offence or mitigate its consequences; and

(10) the compensation offered by the offender, as restitution, to every person concerned by the offence.”

Adopté S91

SAM 1
AM 44
s. 64 (160)

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 64

AMENDMENT:

Withdraw proposed paragraphs 9 and 10 of section 160.

Adopté SM

AM 45
s. 65 (164.2)

Bill 64

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Section 65

AMENDMENT:

Replace “three” in proposed section 164.2 by “five”.

Adopté SR

Bill 64

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personal information**

Section 66

AMENDMENT:

Replace by:

66. Section 167 of the Act is replaced by the following section:

“**167.** Where the unlawful infringement of a right recognized by Chapter III causes injury and the infringement is intentional or results from a gross fault, the court shall award punitive damages of not less than \$1,000.”

Adapté SM

AM 47
s. 67 (171)

Bill 64

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Section 67

AMENDMENT:

Withdraw.

Adopté SM

AM 48
s. 72 (69.0.0.10)

Bill 64

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Section 72

AMENDMENT:

Withdraw.

Adopté S81

Bill 64

**An Act to modernize legislative
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personal information**

Section 76

AMENDMENT:

Replace by:

76. Section 67 of the Act is amended

(1) by replacing “authorized by the Commission d’accès à l’information” in the ninth paragraph by “or to a body to enable the person or body, in accordance with sections 67.2.1 to 67.2.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information,”;

(2) by inserting the following paragraph after the thirteenth paragraph:

“Nor does it prohibit the communication to the Health and Welfare Commissioner, in accordance with the conditions and formalities set out in the Act respecting Access to documents held by public bodies and the Protection of personal information, of the information necessary for the exercise of the Commissioner’s functions under the Act respecting the Health and Welfare Commissioner (chapter C-32.1.1).”

Adopté SM

SAM 1
AM 49
s. 76 (67)

Bill 64

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personal information**

Section 76

AMENDMENT:

Withdraw paragraph 2 of the amendment to section 76.

Adopté SM

Bill 64

**An Act to modernize legislative
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personal information**

Section 76.1

AMENDMENT:

Insert before section 77:

76.1. Section 44 of the Act to establish a legal framework for information technology (chapter C-1.1) is amended by replacing “, except with the express consent of the person concerned. Where consent is obtained, only” and “be recorded” in the first paragraph by “except where such verification or confirmation has been previously disclosed to the Commission d’accès à l’information and except with the express consent of the person concerned. Only” and “then be used”, respectively.

Adopté SM

AM 51
s. 91 (106)

Bill 64

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personal information**

Section 91

AMENDMENT:

Replace “with section 67.2.1” in proposed subparagraph 4 by “with sections 67.2.1 to 67.2.3”.

Adopté SM

AM 52
s. 92.1 (4)

Bill 64

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provisions as regards the protection of
personal information**

Section 92.1

AMENDMENT:

Insert after section 92:

92.1. Section 4 of the Act to prevent and fight sexual violence in higher education institutions (chapter P-22.1) is amended by adding the following paragraph at the end:

“At the request of a person who has filed a complaint, the educational institution must communicate to the person the information relating to the follow-up that has been given to the complaint, namely, whether or not a penalty has been imposed as well as the details and terms of the penalty, if applicable.”

Adopté S91

AM 53
s. 12 (59)

Bill 64

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personal information**

Section 12

AMENDMENT:

Replace “, 68 and 70.5” in subparagraph *d* of paragraph 2 by “and 68”.

Adopté SM

AM 54
s. 94.1 (2)

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 94.1

AMENDMENT:

Insert after section 94:

94.1. Section 2 of the Act is amended by inserting “directly or indirectly” before “allows”.

Adopté 5/11

AM 55
s. 95 (3.1)

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 95

AMENDMENT:

Replace “a personnel member” in the second paragraph of proposed section 3.1 by
“any person”.

Adopté s91

AM 56
s. 95 (3.2)

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 95

AMENDMENT:

Replace “These policies must be published” in the second paragraph of proposed section 3.2 by “Detailed information about those policies and practices, in particular as concerns the content required under the first paragraph, must be published in simple and clear language”.

Adopté S91

Bill 64

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personal information**

Section 95

AMENDMENT:

In proposed section 3.3:

1. Replace “any information system project or electronic service delivery project” in the first paragraph by “any project to acquire, develop or overhaul an information system or electronic service delivery system”
2. Add the following paragraph at the end:

The conduct of a privacy impact assessment must be proportionate to the sensitivity of the information concerned, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.

Adopté 591

AM 58
s. 96 (4.1)

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 96

AMENDMENT:

Insert “or of the tutor” after “person having parental authority” in proposed section 4.1.

Adopté SM

AM 59
s. 99 (8)

Bill 64

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provisions as regards the protection of
personal information**

Section 99

AMENDMENT:

Replace “and of” in the second paragraph of proposed section 8 by “, the name of the third persons to whom it is necessary to communicate the information for the purposes referred to in subparagraph 1 of the first paragraph, and”.

Adopté S81

AM 60
s. 99 (8.1)

Bill 64

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personal information**

Section 99

AMENDMENT:

Replace “, if any, to deactivate” in subparagraph 2 of the first paragraph of proposed section 8.1 by “to activate”.

Adopté SM

AM 61
s. 99 (8.3)

Bill 64

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Section 99

AMENDMENT:

Insert “and its communication” after “use” in proposed section 8.3.

Adopté SM

Bill 64

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personal information**

Section 102

AMENDMENT:

In proposed section 12:

1. Insert after subparagraph 2 of the second paragraph:

(2.1) if its use is necessary for the purposes of the enterprise's standard administrative practices; or

2. Insert after the third paragraph:

“For the purposes of subparagraph 2.1 of the second paragraph, the enterprise's standard administrative practices are

(1) providing or delivering a product or providing a service requested by the person concerned;

(2) preventing and detecting fraud;

(3) assessing and improving protection and security measures;

(4) planning, managing, assessing or controlling the enterprise's resources or services;

(5) establishing, managing or terminating an employment relationship between the person concerned and the enterprise; and

(6) any other standard administrative practice prescribed by regulation.

3. Insert “, in particular its medical, biometric or otherwise intimate nature,” after “nature” in subparagraph 2 of the fourth paragraph.

4. Insert the following paragraph at the end:

Every person carrying on an enterprise who uses de-identified information must take reasonable measures to limit the risk of someone identifying a natural person using de-identified information.

Adopté SN

SAM 1
AM 62
s. 102 (12)

Bill 64

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personal information**

Section 102

AMENDMENT:

Replace paragraphs 1 and 2 of the amendment to proposed section 12 by:

1. Insert after subparagraph 2 of the second paragraph:
 - (2.1) if its use is necessary for the purpose of preventing and detecting fraud or of assessing and improving protection and security measures;
 - (2.2) if its use is necessary for the purpose of providing or delivering a product or providing a service requested by the person concerned; or

Adopté ST

AM 63
s. 102 (12.1)

Bill 64

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personal information**

Section 102

AMENDMENT:

Replace “must, at the time of or before the decision, inform the person concerned accordingly” in the first paragraph of proposed section 12.1 by “must inform the person concerned accordingly not later than at the time it informs the person of the decision”.

Adopté sm

Bill 64

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personal information**

Section 102

AMENDMENT:

In proposed section 14:

1. Replace “language and” in the first paragraph by “language. If the request for consent is made in writing, it must be presented”.
2. Replace the second paragraph by:

The consent of a minor under 14 years of age is given by the person having parental authority or by the tutor. The consent of a minor 14 years of age or over is given by the minor, by the person having parental authority or by the tutor.

Adepta SH

AM 65
s. 103 (17)

Bill 64

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Section 103

AMENDMENT:

In proposed section 17:

1. In the first paragraph:

(a) Insert “, including those that are contractual,” after “measures” in subparagraph 3.

(b) Replace “, including the legal framework’s degree of equivalency with the personal information protection principles applicable in Québec” in subparagraph 4 by “, including the personal information protection principles applicable in that State”.

2. Replace “protection equivalent to that afforded under this Act” in the second paragraph by “adequate protection, in particular in light of generally recognized principles regarding the protection of personal information”.

Adopté 89

AM 66
s. 103 (17.1)

Bill 64

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Section 103

AMENDMENT:

Withdraw proposed section 17.1.

Adopté SM

Bill 64

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Section 107

AMENDMENT:

Replace the last paragraph of proposed section 18.4 by the following paragraph:

“For the purposes of this section, “commercial transaction” means the alienation or leasing of all or part of an enterprise or of its assets, a modification of its legal structure by merger or otherwise, the obtaining of a loan or any other form of financing by the enterprise or of a security taken to guarantee any of its obligations.”

Adopté SM

AM 68
s. 110 (21)

Bill 64

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personal information**

Section 110

AMENDMENT:

Insert “, with regard to the public interest,” after “outweighs” in subparagraph 3 of the second paragraph of proposed section 21.

Adopté S91

AM 69
s. 110 (21.0.1)

Bill 64

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Section 110

AMENDMENT:

Replace paragraph 2 of proposed section 21.0.1 by:

- (2) enclose a detailed presentation of the research activities with the request;

Adopté SM

AM 70
s. 110 (21.0.2)

Bill 64

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personal information**

Section 110

AMENDMENT:

In the first paragraph of proposed section 21.0.2:

1. Replace both occurrences of “in the research protocol” by “in the detailed presentation of the research activities”;
2. Replace “cross-matched” in subparagraph 3 by “matched”.

Adopté SM

Bill 64

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Section 111

AMENDMENT:

In proposed section 23:

1. Replace “destroy or anonymize the information” in the first paragraph by “destroy the information, or anonymize it to use it for serious and legitimate purposes”.
2. Insert “is, at all times, reasonably foreseeable in the circumstances that it” after “if it” in the second paragraph.
3. Insert “and according to the criteria and terms determined by regulation” after “practices” in the last paragraph.

Adopté S71

Bill 64

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Section 113

AMENDMENT:

Replace subparagraph 2 of the third paragraph of proposed section 28.1 by:

(2) the fact that the information concerns the person at the time the person is a minor;

Adopté S01

AM 73
s. 113 (28.1)

Bill 64

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personal information**

Section 113

AMENDMENT:

Insert the following sentence at the end of the last paragraph of proposed section 28.1: "When granting such a request, the person in charge of the protection of personal information shall attest, in his written reply under section 32, to the cessation of the dissemination of the personal information or to the de-indexation or the re-indexation of the hyperlink."

Adopté SM

Bill 64

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Section 132

AMENDMENT:

Add the following sentence at the end of the proposed last paragraph: “However, on a motion heard and judged on an urgent basis, a judge of the Court of Québec may order otherwise because of the urgency of the situation or the risk of serious and irreparable injury.”

Adopté S91

AM 75
s. 140 (79.1)

Bill 64

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personal information**

Section 140

AMENDMENT:

Add the following paragraph at the end of proposed section 79.1:

This section does not apply to personal information in a file established for the purposes of an inquiry to prevent, detect or repress a crime or statutory offence.

Adopté SH

Bill 64

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personal information**

Section 140

AMENDMENT:

Replace “may not keep” in proposed section 79.1 by “must destroy”.

Adopté S91

Bill 64

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personal information**

Section 144

AMENDMENT:

Replace the first paragraph of proposed section 81.2 by:

The Commission may, by a formal demand notified by any appropriate method, require any person, whether subject to this Act or not, to file, within a reasonable time specified in the demand, any information or document to verify compliance with this Act or the regulations.

Adopté SM

AM 78
s. 144 (81.1, 81.1.1)

Bill 64

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personal information**

Section 144

AMENDMENT:

Replace proposed section 81.1 by:

“**81.1.** It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, filed a complaint with the Commission or cooperated in an investigation.

It is also forbidden to threaten to take a reprisal against a person to dissuade him from filing a complaint or cooperating in an investigation.

“**81.1.1.** The demotion, suspension, dismissal or transfer of a person or any other disciplinary measure or measure that adversely affects a person’s employment or conditions of employment is presumed to be a reprisal within the meaning of section 81.1.

Adopté SR

Bill 64

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personal information**

Section 145

AMENDMENT:

Replace by:

145. Section 83 of the Act is amended

(1) by inserting the following paragraph before the first paragraph:

“The inquiries of the Commission are non-adversary investigations.”;

(2) by inserting “within the reasonable time limit the Commission specifies” at the end of the first paragraph;

(3) by striking out the second paragraph.

Adopté 591

AM 80
s. 149 (90)

Bill 64

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personal information**

Section 149

AMENDMENT:

Insert after proposed subparagraph 3.1:

“(3.1.1) for the purposes of section 23, determine the criteria and
terms applicable to the anonymization of personal information;

Adopté SM

Bill 64

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personal information**

Section 150

AMENDMENT:

In proposed section 90.1:

1. Replace paragraph 2 by:

(2) collects, uses, communicates, keeps or destroys personal information in contravention of the law;

2. Insert after paragraph 3:

(3.1) does not take the security measures necessary to ensure the protection of personal information in accordance with section 10;

3. Insert after paragraph 4:

(5) is a personal information agent and contravenes any of sections 70, 70.1, 71, 72, 78, 79 and 79.1.

4. Add at the end:

Following a failure referred to in the first paragraph, a person may, at any time, enter into an undertaking with the Commission to take the measures necessary to remedy the failure or mitigate its consequences. The undertaking must identify the acts or omissions constituting a failure and the provisions involved. It may also include the conditions the Commission considers necessary and contain a requirement to pay a sum of money.

If the undertaking is accepted by the Commission and is complied with, no monetary administrative penalty may be imposed on the person carrying on an enterprise with regard to the acts or omissions mentioned in the undertaking.

Adopté SM

AM 82
s. 150 (90.2)

Bill 64

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personal information**

Section 150

AMENDMENT:

Insert “and in the determination of the amount of the penalty” after “when a failure occurs” in subparagraph 2 of proposed section 90.2.

Adopté S91

AM 83
s. 151 (91)

Bill 64

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personal information**

Section 151

AMENDMENT:

In proposed section 91:

1. Replace “\$50,000” by “\$100,000”.
2. Replace paragraph 1 by:
 - (1) collects, uses, communicates, keeps or destroys personal information in contravention of the law,
3. Insert after paragraph 2:
 - (2.1) contravenes the prohibition set out in section 8.4,
 - (2.2) does not take the security measures necessary to ensure the protection of the personal information in accordance with section 10,

Adopté 591

AM 84
s. 151 (92.2)

Bill 64

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personal information**

Section 151

AMENDMENT:

Replace “three” in proposed section 92.2 by “five”.

Adopté S91

AM 85
s. 151 (92.3)

Bill 64

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personal information**

Section 151

AMENDMENT:

Insert after proposed section 92.2:

“**92.3.** In determining the penalty, the judge takes into account the following factors, among others:

- (1) the nature, seriousness, repetitiveness and duration of the offence;
- (2) the sensitivity of the personal information concerned by the offence;
- (3) whether the offender acted intentionally or was negligent or reckless;
- (4) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (5) the offender’s attempts to cover up the offence or failure to try to mitigate its consequences;
- (6) whether the offender failed to take reasonable measures to prevent the commission of the offence;
- (7) whether the offender obtained or intended to obtain an increase in revenues or a decrease in expenses by committing the offence or by omitting to take measures to prevent it;
- (8) the number of persons concerned by the offence and the risk of injury to which they are exposed.”

Adapté SR

Bill 64

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Section 152

AMENDMENT:

Replace proposed section 93.1 by:

“**93.1.** Where the unlawful infringement of a right conferred by this Act or by articles 35 to 40 of the Civil Code causes an injury and the infringement is intentional or results from a gross fault, the court shall award punitive damages of not less than \$1,000.”

Adopté SM

AM 87
s. 159 (175)

Bill 64

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personal information**

Section 159

AMENDMENT:

Replace paragraph 2 by:

(2) by replacing the second paragraph by the following paragraph:

“The authorization is granted in accordance with sections 67.2.1 to 67.2.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

Adopté 591

AM 88
s. 159.1 (36)

Bill 64

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personal information**

Section 159.1

AMENDMENT:

Insert after section 159:

PUBLIC HEALTH ACT

159.1. Section 36 of the Public Health Act (chapter S-2.2) is amended by replacing “which is within the purview of the Commission d’accès à l’information” in the second paragraph by “which must be the subject of an agreement sent to the Commission d’accès à l’information”.

Adopté S91

Bill 64

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Section 160

AMENDMENT:

Withdraw.

Adopté 501

Bill 64

**An Act to modernize legislative
provisions as regards the protection of
personal information**

Section 161

AMENDMENT:

Replace by:

161. Section 19.2 of the Act is amended by replacing the first sentence of the second paragraph by the following sentence: “Before granting such authorization, the director must, however, ascertain that it is consistent with sections 67.2.1 to 67.2.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

Adopté s81

Bill 64

**An Act to modernize legislative
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personal information**

Section 162

AMENDMENT:

Replace paragraph 2 by:

(2) by replacing “that the criteria determined under section 125 of the Act are satisfied” by “that it is consistent with sections 67.2.1 to 67.2.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)”.

Adopté SM

Bill 64

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Section 162.1

AMENDMENT:

Insert after section 162:

CREDIT ASSESSMENT AGENTS ACT

162.1. Section 108 of the Credit Assessment Agents Act (2020, chapter 21) is amended by renumbering section 8.1 of the Act respecting the protection of personal information in the private sector (chapter P-39.1) that it enacts, which becomes section 8.4.

Adopté sur

AM 93
s. 162.2 (111)

Bill 64

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personal information**

Section 162.2

AMENDMENT:

Insert after section 162.1, inserted by amendment:

162.2. Section 111 of the Act is repealed.

Adopté SM

AM 94
s. 164

Bill 64

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personal information**

Section 164

AMENDMENT:

Withdraw.

Adopté SM

AM 95
s. 30 (84)

Bill 64

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personal information**

Section 30

AMENDMENT:

Insert “, and not created or inferred using personal information concerning him,”
after “applicant” in the first sentence of the proposed third paragraph.

Adopté S81

Bill 64

**An Act to modernize legislative
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personal information**

Section 112

AMENDMENT:

Insert “, and not created or inferred using personal information concerning him,”
after “applicant” in the first sentence of the proposed third paragraph.

Adopté s91

Bill 64

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personal information**

Section 86

AMENDMENT:

Replace by:

86. Section 13.5 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011), enacted by section 71 of chapter 15 of the statutes of 2021, is replaced by the following section:

“**13.5.** Designated information is communicated for research purposes by the Institut to a researcher attached to a public body in accordance with this chapter despite sections 67.2.1 to 67.2.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

Adopté SM

Bill 64

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Section 86.1

AMENDMENT:

Insert after section 86, as replaced by amendment:

86.1. Section 13.6 of the Act, enacted by section 71 of chapter 15 of the statutes of 2021, is amended by striking out “the first paragraph of” in the introductory clause.

Adopté SM

Bill 64

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Section 100

AMENDMENT:

Replace proposed section 9.1 by:

“9.1. Any person carrying on an enterprise who collects personal information when offering to the public a technological product or service having privacy settings must ensure that those settings provide the highest level of confidentiality by default, without any intervention by the person concerned.

The first paragraph does not apply to privacy settings for browser cookies.”

Adopté SM

Bill 64

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Section 150

AMENDMENT:

Add after subparagraph *f* of paragraph 2 of proposed section 90.2, as amended:

(g) the ability to pay of the person in default, given such considerations as the person's assets, turnover and revenues;

Adopté SM

Bill 64

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personal information**

Section 36.1

AMENDMENT:

Insert after section 36:

36.1. Section 108 of the Act is replaced by:

“108. If the chair is absent or unable to act or if the office of chair is vacant, the President of the National Assembly may, with the consent of the Prime Minister and the Leader of the Official Opposition in the Assembly and after consulting the other leaders of the parliamentary groups within the meaning of the Standing Orders of the National Assembly, designate a vice-chair of the Commission or, if there is no vice-chair or the vice-chairs are absent or unable to act, another member of the Commission to act in the place of the chair for the duration of the absence or inability to act or, if the office is vacant, for a period not exceeding 18 months.

If a vice-chair of the Commission is absent or unable to act or if the office of the vice-chair is vacant, the President of the National Assembly may, with the consent of the Prime Minister and the Leader of the Official Opposition in the Assembly and after consulting the other leaders of the parliamentary groups within the meaning of the Standing Orders of the National Assembly, designate another member of the Commission to act in the place of the vice-chair for the duration of the absence or inability to act or, if the office is vacant, for a period not exceeding 18 months.”

Adopté SM

Bill 64

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Section 36.2

AMENDMENT:

Insert after section 36.1 inserted by amendment:

36.2. Section 109 of the Act is amended

(1) by inserting “and after consulting the other leaders of the parliamentary groups within the meaning of the Standing Orders of the National Assembly” after “in the Assembly” in the first paragraph;

(2) by replacing “second” in the second paragraph by “third”.

Adopté SM

Bill 64

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Section 81

AMENDMENT:

Replace proposed section 127.22 by:

“127.22. Subject to any provision that is inconsistent with this Act, the Act respecting the protection of personal information in the private sector (chapter P-39.1), except sections 4, 5, 12, 23 and 27 to 60, applies to the personal information of electors held by a political party, an independent Member or an independent candidate.

Every political party shall designate, from among its officers, the person who is to exercise the function of person in charge of the protection of personal information.

For the purposes of the Act respecting the protection of personal information in the private sector and of this Title, the party authority is considered to form an integral part of a political party.

Adopté SM

AM 104
s. 81 (127.23)

Bill 64

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personal information**

Section 81

AMENDMENT:

Replace proposed section 127.23 by:

“127.23. A political party, an independent Member and an independent candidate may collect only the personal information of electors that is necessary for election or political financing purposes, or for the purposes of a political activity within the meaning of section 88, in accordance with this Act. They may use such personal information only for those same purposes.

In addition, they may not collect or use personal information without the consent of the person concerned.

Adopté SM

AM 105
s. 81 (127.24)

Bill 64

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personal information**

Section 81

AMENDMENT:

Withdraw proposed section 127.24.

Adopte SH

Bill 64

**An Act to modernize legislative
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personal information**

Section 80.1

AMENDMENT:

Insert after section 80:

80.1. Section 40.42 of the Act is amended

(1) by replacing “the second paragraph” in the first paragraph by “the second and fourth paragraphs”;

(2) by adding the following paragraph at the end:

“The Chief Electoral Officer may enter into an agreement, in accordance with sections 67.2.1 to 67.2.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), to communicate personal information contained in the permanent list of electors to a person or body wishing to use the information for study or research purposes or for the production of statistics.”

Adopté SM

AM 107
s. 93 (1)

Bill 64

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personal information**

Section 93

AMENDMENT:

Replace paragraph 2 by:

(2) by inserting “and to that held by a political party, an independent Member or an independent candidate to the extent provided for by the Election Act (chapter E-3.3)” after “(chapter C-26)” in the third paragraph;

Adopté SM

AM 108
s. 142.1 (80.1.1)

Bill 64

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personal information**

Section 142.1

AMENDMENT:

Insert after section 142:

142.1. The Act is amended by inserting the following section after section 80.1:

“**80.1.1.** For the purposes of subdivisions 4.1 and 5, a political party is considered a natural person.”

Adopté SM

Bill 64

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personal information**

Section 165

AMENDMENT:

Replace by:

165. The provisions of this Act come into force on *(insert the date that is two years after the date of assent to this Act)*, except

(1) paragraph 2 of section 38 and sections 69, 148, 162.1 and 162.2, which come into force on *(insert the date of assent to this Act)*;

(2) sections 1, 3 and 7, subparagraph *c* of paragraph 2 of section 12, subparagraph *d* of that paragraph insofar as it concerns sections 63.7 and 67.2.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), section 14 insofar as it enacts sections 63.7 to 63.10 of the Act respecting Access to documents held by public bodies and the Protection of personal information, section 23, section 24 insofar as it concerns section 67.2.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information, paragraph 2 of section 33, sections 35.1 to 37, paragraph 1 of section 38, sections 39 to 49 and 52 to 61, section 62, except subparagraphs 4.1 and 6.2 of the first paragraph of section 155 of the Act respecting Access to documents held by public bodies and the Protection of personal information enacted by paragraph 2 of that section, sections 63, 76 to 77, 80.1, 85 to 86.1, 91 and 92.1, section 95 insofar as it enacts sections 3.1 and 3.5 to 3.8 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), subparagraph *c* of paragraph 1 of section 104 insofar as it concerns section 18.4 of the Act respecting the protection of personal information in the private sector, subparagraph *d* of that paragraph, section 107 insofar as it enacts section 18.4 of the Act respecting the protection of personal information in the private sector, sections 110, 124, 125, 127 to 134, 141, 142 and 144 to 147, section 149 insofar as it enacts subparagraphs 3 and 3.1 of the first paragraph of section 90 of the Act respecting the protection of personal information in the private sector, and

sections 155, 156, 159, 161 and 162, which come into force on *(insert the date that is one year after the date of assent to this Act)*;

(3) section 30, and section 112 to the extent that it enacts the third paragraph of section 27 of the Act respecting the protection of personal information in the private sector, which come into force on *(insert the date that is three years after the date of assent to this Act)*;

(4) section 151 insofar as it enacts paragraph 2.1 of section 91 of the Act respecting the protection of personal information in the private sector, which comes into force on the date of coming into force of section 108 of the Credit Assessment Agents Act (2020, chapter 21).

Adopté SM