



COMMISSION DE LA SANTÉ  
ET DES SERVICES SOCIAUX  
DES **PREMIÈRES NATIONS**  
DU QUÉBEC ET DU LABRADOR



# Good Practices in the Governance of Personal Information in First Nations Settings

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# Bill 25

Bill 25, titled *An Act to modernize legislative provisions as regards the protection of personal information*, aims to strengthen the protection of personal information in Quebec, in both the public and private sectors.

It imposes new responsibilities on organizations that collect, hold, use or communicate to third parties personal information “in the course of carrying on an enterprise within the meaning of article 1525 of the Civil Code.”

Article 1525,  
paragraph 3, of  
the *Civil Code  
of Québec*

...

“The carrying on by one or more persons of an organized economic activity, whether or not it is commercial in nature, consisting of producing, administering or alienating property, or providing a service, constitutes the operation of an enterprise.”

# Consequences?

There is currently no judicial decision confirming or denying that Bill 25 applies to Indigenous organizations.

The matter is still open to debate. In the circumstances, the best solution is to use good practices and avoid legal disputes that would be pointless for the communities.

# What is “personal information”?

Which of the following elements is personal information?

- Name
- Address
- Date of birth
- Medical information
- Parents’ contact information
- Photos
- Educational information

What is  
personal  
information?

Answer:  
ANY INFORMATION THAT CAN IDENTIFY A  
PERSON

What to do:  
Use seven good practices!



# 1. Appointment of a person responsible

The organization must appoint a person responsible for the protection of personal information. By default, management is responsible, unless another person is appointed in writing. The person must ensure compliance with the law, respond to requests, and manage confidentiality incidents.



I am the person responsible.  
What do I have to do?



Consult the [explanatory guide](#) from  
Quebec's Commission d'accès à  
l'information (CAI).

## 2. Development of a policy

The organization must adopt internal policies and practices for the collection, use, keeping and communication of personal information, security measures, rules governing access to files, and the management of confidentiality incidents.



I am the person responsible.  
What do I have to do?



Consult the [explanatory guide](#) from Quebec's Commission d'accès à l'information (CAI).

### **3. Minimal collection of personal information**

The information an organization collects must be necessary to provide services or meet its legal obligations. Collection must always have a specific and legitimate purpose.

## 4. Informed consent

The collection, use or communication of personal information requires the consent of the person concerned, except where otherwise provided by law. Consent must be clear and given for a specific purpose. Separate consent must be obtained for any secondary use.

## **5. Use of photographs and information technology**

The use of photographs, videos or digital platforms must be governed by clear rules. The person concerned must be informed. The organization must ensure that the data protection guarantees offered by the technology providers are sufficient.

## **6. Confidentiality incident management**

Confidentiality incidents must be properly managed. The organization must take necessary measures to deal with such incidents, notify the persons concerned where required, and prevent any recurrence.

## **7. Rights of persons and personnel**

Persons (clients) and personnel members have the right to access personal information that concerns them, request its correction, and obtain information about how it is used and kept.

## Important detail

The information management policy must be accessible.

It must provide a way to access or correct information.

**Discussion  
(answer in the  
Q&A section)**

Has your organization  
already set up some  
measures?



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# Questions?

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