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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 68

**An Act respecting the protection of  
personal information in the private  
sector**

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**Introduction**

**Introduced by  
Mr Lawrence Cannon  
Minister of Communications**

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## EXPLANATORY NOTES

*The object of this bill is to establish, with respect to the exercise of the rights and obligations resulting from the provisions of the Civil Code of Québec concerning the protection of personal information, special rules applicable to personal information on other persons that is collected, held, used or communicated to third persons by a person in the course of operating an enterprise in the private sector.*

*With regard to the collection of personal information on other persons, the bill imposes on persons who collect personal information, in particular, the obligation to use lawful means and, where information is collected from the person to whom it relates, prescribes what information must be provided to him. In addition, a person operating an enterprise is prohibited from refusing to supply goods or services to another person on the grounds that the latter has refused to communicate information to him, except where the information is relevant or its communication is authorized by law.*

*Under the bill, persons operating an enterprise have an obligation to ensure that any personal information held and used by them remains confidential. The communication of such information to third persons is prohibited without the consent of the person concerned, except in certain exceptional cases set out in the bill. The bill authorizes the communication of a nominative list for purposes of commercial or philanthropic prospection, subject to the right of persons to whom the information relates to require that information concerning them be deleted from the list.*

*Consent to the communication of information to third persons must, in order to be valid, be given in accordance with the conditions of form and content set out in the bill. Where information is collected from third persons, consent to such collection may be validly given by the person to whom the information relates.*

*The bill establishes the conditions and procedure according to which a person may consult and rectify a file established on him by*

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*another person in the course of operating an enterprise. It also provides that a disagreement relating to the application of a provision of any Act concerning the protection of the types of personal information covered by this bill may be submitted, by any interested person, to the Commission d'accès à l'information. A decision of the Commission in such matters will be final as to issues of fact, but may be appealed to the Court of Québec on issues of law or jurisdiction.*

*The Commission d'accès à l'information will have responsibility for informing the public of the rights and obligations resulting from the provisions of the bill and for inquiring into compliance with the Act should the need arise. It will also report to the National Assembly, every five years, on the implementation of the Act.*

*The bill lays down particular rules in respect of personal information agents who establish files on other persons and prepare and communicate credit reports to third persons. Such agents will be required in the future to register with the Commission and make their activities known to the public by means of notices published periodically in the press.*

*Lastly, the bill prescribes penal sanctions and ensures concordance of its provisions with the legislation currently in force.*

#### **ACTS AMENDED BY THIS BILL:**

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Act respecting market intermediaries (R.S.Q., chapter I-15.1);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Real Estate Brokerage Act (1991, chapter 37).



## Bill 68

### **An Act respecting the protection of personal information in the private sector**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### DIVISION I

##### APPLICATION AND INTERPRETATION

**1.** The object of this Act is to establish, for the exercise of the rights conferred by articles 35 to 41 of the Civil Code of Québec concerning the protection of personal information, particular rules with respect to personal information relating to other persons which a person collects, holds, uses or communicates to third persons in the course of carrying on an enterprise within the meaning of article 1525 of the Civil Code of Québec.

The Act applies to such information whatever the nature of its medium and whatever the form in which it is accessible, whether written, graphic, taped, filmed, computerized, or other.

Nothing in this Act is intended to restrict the lawful use of personal information for a legitimate public information purpose.

**2.** Personal information is any information which relates to a natural person and allows that person to be identified.

**3.** This Act does not apply to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

## DIVISION II

## COLLECTION OF PERSONAL INFORMATION

**4.** A person carrying on an enterprise must, when establishing a file on another person state therein the purpose of the file.

Any compilation of personal information whether computerized or not, concerning the same natural person is considered to be a file.

**5.** Any person establishing a file may collect only information that is relevant to the purpose of the file.

Such information must be collected by lawful means.

**6.** No person collecting personal information concerning another person may collect such information otherwise than from the person concerned.

However, personal information may be collected from a third person provided that the collection is carried out without revealing to that third person any information of which the communication is prohibited by law.

**7.** No person may collect personal information from the person concerned unless he has identified himself and informed the person of

(1) the name and address of his place of business;

(2) the purpose of the file;

(3) the use which will be made of the information and the categories of persons who will have access to the information within the enterprise;

(4) the rights of consultation and rectification;

(5) the consequences for the person concerned of refusing to supply the information.

This section does not apply to the collection of information in connection with the supply of goods or the provision of a service if it is limited to the usual information collected in such circumstances.

**8.** No person may refuse to procure goods or services to a person because of that person's refusal to communicate personal information

except if its communication is authorized by law or relevant to the conclusion or execution of the contract.

In cases of doubt, personal information is considered to be irrelevant.

### DIVISION III

#### CONFIDENTIALITY OF PERSONAL INFORMATION

##### § 1.—*Retention, use and non-communication of information*

**9.** Every person carrying on an enterprise who collects, holds, uses or communicates personal information about other persons must establish and apply such safety measures as are appropriate to ensure the confidentiality of the information.

**10.** Every person carrying on an enterprise who holds, uses or communicates to third persons personal information about other persons must record all consultations of files by third persons and communications to third persons of information contained in the files.

**11.** Every person who carries on an enterprise must ensure that the files he holds on other persons are up to date, accurate and complete so as to serve the purpose for which they were established.

The person may retain the personal information contained in a file for the time necessary to achieve the purpose of the file.

**12.** No person may communicate to a third person the personal information contained in a file he holds on another person, or use it for purposes incompatible with those of the file, unless that other person consents thereto or such communication or use is provided for by this Act.

**13.** Consent to the communication or use of personal information must be given in accordance with the following rules:

- (1) the consent must be evidenced in a writing;
- (2) the writing must include the designation of the person who holds the information;
- (3) the consent must be given for a reasonably limited period of time;
- (4) the writing must indicate the person to whom the communication may be made or from whom it may be requested or

the cases in which, and purposes for which, the information may be used;

(5) the writing must be given, in the form of a copy, to the person concerned.

Consent given otherwise than in accordance with the first paragraph is without effect.

**14.** Consent to the communication of personal information by a third person may be given by the person concerned to the person who collects the information from the third person.

**15.** Under pain of nullity of the contract, consent to the communication to a third person of personal information, or its use, may in no case be required as a condition for the conclusion of a contract, unless such communication or use is relevant to achieving the purpose of such a contract.

**16.** A person who collects, holds, uses or communicates personal information on behalf of another person is bound by the same obligations as the latter and any person to whom such personal information relates may exercise in his respect the same rights as those he may exercise in respect of the person on whose behalf the activities are carried on.

#### § 2.—*Communication to third persons*

**17.** A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information contained in a file he holds on that person

(1) to his attorney;

(2) to a person who, by law, is responsible for the prevention, detection or repression of crime or statutory offences, if the information is required for the prosecution of an offence under an Act applicable in Québec;

(3) to a person to whom the information must be communicated for the purposes of an Act, a regulation, an order in council, a collective agreement or an order;

(4) to a public body, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of

personal information (R.S.Q., chapter A-2.1), which, through a representative, collects such information in the exercise of its functions or the implementation of a program under its management;

(5) to a person or body having the power to compel communication of the information if he or it requires it in the exercise of his or its functions;

(6) to a person to whom the information must be communicated by reason of the urgency of a situation that threatens the life, health or safety of the person concerned;

(7) to a person who is authorized to use the information for study, research or statistical purposes in accordance with section 19;

(8) to a person with whom he is bound by an information service contract and who is authorized by law to collect debts on behalf of others;

(9) in the case of a nominative list, to a person in accordance with section 20.

A detective or security agency holding a permit issued under the Act respecting detective or security agencies (R.S.Q., chapter A-8) may, without the consent of the person concerned, communicate personal information it holds on another person to its principal or its authorized representatives.

**18.** Every authorized employee or mandatary of a person carrying on an enterprise may have access to personal information, without the consent of the person concerned, where the information is necessary for the performance of his duties or the execution of his mandate.

**19.** The Commission d'accès à l'information, established by section 103 of the Act respecting Access to documents held by public bodies and the Protection of personal information may, on written request, grant a person authorization to receive communication of personal information for study, research or statistical purposes, without the consent of the persons concerned, if it is of the opinion that

(1) the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in a form allowing persons to be identified;

(2) the information will be used in a manner that will ensure its confidentiality.

Such authorization is granted for the period and on the conditions fixed by the Commission. It may be revoked before the expiry of the period for which it is granted, if the Commission has reasons to believe that the person authorized does not respect the confidentiality of the information communicated to him or does not respect the other conditions.

**20.** A person carrying on an enterprise may, without the consent of the persons concerned, communicate a nominative list or information to be used for the establishment of such a list to a third person, provided that the communication is made pursuant to a contract which includes a stipulation preventing the third person from using or communicating the list or the information for purposes other than commercial or philanthropic prospection.

A nominative list is a list of the names, addresses or telephone numbers of natural persons.

**21.** Every person who, on the basis of a nominative list, engages in commercial or philanthropic prospection through postal or telecommunications channels, must identify himself and inform the person to whom he is addressing himself of the latter's right to have the personal information concerning him deleted from the list that he holds.

**22.** Any person wishing to have personal information concerning him deleted from a nominative list may, at any time, by means of a request made orally or in writing to any person holding or using the list, obtain that the information be deleted.

**23.** On receiving a request under section 22, the person who holds or, as the case may be, uses the nominative list must, with diligence, delete from the list any information relating to the person concerned.

#### DIVISION IV

##### ACCESS BY PERSONS CONCERNED

##### § 1.—*General provisions*

**24.** Every person carrying on an enterprise who holds a file on another person must, at the request of the person concerned, confirm the existence of the file and indicate its purpose.

He must also inform the person of the provisions of law concerning the consultation and rectification of personal information contained in the file and the procedure for exercising those rights.

**25.** Every person carrying on an enterprise who holds files on other persons must take the necessary steps to ensure the exercise by a person concerned of the rights provided under articles 37 to 40 of the Civil Code and the rights conferred by this Act. The person must in particular designate a person in charge of files containing personal information and make that person's identity known to the persons concerned together with the times at which he will be available to reply to requests.

**26.** No request for access or rectification may be considered unless it is made in writing by a person who proves that he is the person concerned or the representative, heir or successor of that person, the administrator of the succession or the person having parental authority.

**27.** The spouse and the direct ascendants and descendants of a deceased person are entitled to receive, in accordance with the procedure provided for in section 26, communication of information relating to the cause of death contained in the person's medical file, unless the deceased person recorded in writing, in his file, his refusal to grant such right of access.

Notwithstanding the first paragraph, the blood relatives of a deceased person are entitled to receive communication of the information contained in that person's medical file to the extent that such communication is necessary to ascertain the existence of a genetic or family disease.

**28.** Any person carrying on an enterprise must, at the request of any natural person in whose respect he is about to make, or has made within the previous six months, a negative decision regarding employment or a commercial transaction, indicate to that person the source of any personal information concerning him obtained from a third person and recorded in his file that was, or will be, taken into consideration in making the decision.

**29.** The person holding a file that is the subject of a request for access or rectification by the person concerned must respond to that request with diligence and not later than thirty days after the date of the request.

**30.** A person who refuses to grant a request for access or rectification from a person concerned must inform the latter of his refusal in writing, and give reasons.

If the person fails to respond to a request within thirty days, he is deemed to have refused to grant the request.

**31.** Where the person holding a file grants a request for rectification, he must issue free of charge to the person who made the request a copy of any personal information modified or added or, as the case may be, an attestation that personal information has been deleted.

**32.** The person holding information that is the subject of a request for access or rectification must, if he does not grant the request, retain the information for such time as is necessary to allow the person concerned to exhaust the recourses provided by law.

#### § 2.—*Restrictions on access*

**33.** A person carrying on a professional service enterprise in the field of health may refuse, for a time, to allow a person to consult his medical file if, in the opinion of a physician, consultation of the file would result in serious harm to the person's health.

The person who carries on another type of enterprise and holds such information may refuse to allow consultation thereof, provided he offers the person concerned the possibility of designating a physician of his choice to receive communication of the information and communicates the information to such physician.

The physician shall determine the time at which consultation may take place and inform the person concerned thereof.

**34.** No person of less than fourteen years of age may demand to be informed of the existence of information of a medical or social nature concerning him and contained in a file established on him, or receive communication of such information, except through his advocate in the context of judicial proceedings.

Nothing in the first paragraph is intended to restrict normal communication between a health care or social services professional and his patient, or the right of access of the holder of parental authority.

**35.** A person carrying on an enterprise may refuse to communicate to a person personal information concerning him in a file

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that he holds where the information is contained in an opinion or recommendation given by a director, employee, consultant or adviser of the enterprise on matters under their jurisdiction until the final decision on the matter to which the opinion or recommendation relates has been rendered.

The same rule applies where the disclosure of the information would be likely to affect judicial proceedings.

**36.** Any person carrying on an enterprise who holds a file on another person must refuse to give communication of personal information to a person to whom it relates where disclosure would be likely to reveal personal information about a third person or the existence of such information and the disclosure may seriously harm that third person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

**37.** Any person carrying on an enterprise who holds a file on another person must refuse to give communication of personal information to the administrator of the succession of the person to whom the information relates, his heir, or his successor, unless such communication concerns the interests or rights of the person requesting it in his capacity as administrator, heir or successor.

## DIVISION V

### RECOURSE

#### § 1.—*Examination of disagreements*

**38.** Every interested person may submit to the Commission d'accès à l'information any disagreement relating to the application of any provision of an Act concerning the protection of personal information to the collection, holding, use, communication, consultation or rectification of personal information to which this Act applies.

Where the disagreement results from a refusal to grant a request or the lack of a response within the time prescribed by law, the person concerned must submit the disagreement to the Commission within thirty days of the refusal or the expiry of the time allowed to respond unless the Commission, on reasonable ground, releases the person concerned from any failure to submit his disagreement within that time.

**39.** Any party who wishes to submit a disagreement to the Commission for examination must apply therefor in writing.

The application shall state briefly the reasons which justify examination of the disagreement by the Commission.

Notice of an application made by one party shall be given by the Commission to the other party.

**40.** A group of persons having an interest in the same subject of disagreement may submit an application to the Commission through a representative.

**41.** A person carrying on an enterprise who holds personal information on others may request authorization from the Commission to disregard requests that are obviously improper by reason of their number or their repetitious or systematic nature or requests that, in the opinion of the Commission, are not consistent with the object of this Act.

**42.** The members of the personnel of the Commission must lend their assistance to any interested person requiring it in the drawing up of an application for the examination of a disagreement.

**43.** Where an application for the examination of a disagreement has been brought before it, the Commission may entrust a person it designates to attempt to bring the parties to an agreement and report to it on the result of the attempt within the time it determines.

**44.** If the Commission is of the opinion that no agreement is possible between the parties, it shall examine the subject of the disagreement according to the procedure it determines.

It must give the parties an opportunity to present their observations.

**45.** A member of the Commission may, on behalf of the Commission, examine a disagreement alone and render a decision.

**46.** The Commission has all the powers necessary for the exercise of its jurisdiction; it may make every order it considers appropriate to protect the rights of the parties and rule on every issue of fact or of law.

**47.** Every person must furnish to the Commission any information it requires for the examination of a disagreement.

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**48.** The Commission may refuse or cease to examine a matter if it has reasonable grounds to believe that the application is frivolous or made in bad faith or that its intervention would clearly serve no purpose.

**49.** In the case of a disagreement relating to a request for rectification, the person holding the file must prove that the file need not be rectified, unless the information in question was communicated to him by the person concerned or with the latter's consent.

§ 2.—*Decision by the Commission*

**50.** The Commission shall render, in respect of every application submitted to it, a decision in writing giving the reasons on which it is based, and shall send a copy to the parties by registered or certified mail or by any other means providing evidence of the date of receipt.

**51.** The Commission may, in deciding an application, take such remedial measures as it deems appropriate. It may in particular order a party

(1) to carry out a certain act;

(2) to cease or refrain from doing a certain act;

(3) to make known publicly, according to the procedure determined by the Commission, the order and the means by which compliance will be effected.

**52.** A decision by the Commission ordering a party to carry out a certain act is executory on the expiry of thirty days after the date on which the decision is received by the party concerned.

A decision ordering a party to cease, or refrain from, doing a certain act is executory upon being transmitted to the party concerned.

**53.** A decision by the Commission becomes executory as a judgment of the Superior Court and has all the effects of such a judgment from the date of its homologation by the Superior Court.

Homologation of the decision is obtained by the filing, by the Commission or one of the parties, of a true copy of the decision at the office of the prothonotary of the Superior Court of the district in which the domicile or the residence or principal place of business of the person affected by the decision is situated.

**54.** A decision of the Commission on a question of fact coming under its jurisdiction is final and no appeal lies therefrom.

**55.** The Commission may declare an application for examination of a disagreement perempted if one year has elapsed since the last useful proceeding was filed.

Articles 266 to 269 of the Code of Civil Procedure, adapted as required, apply to peremption of suit.

### § 3.—*Appeal*

**56.** Any person having a direct interest may bring an appeal to the Court of Québec, with the leave of one of its judges, from a final decision of the Commission on any question of law or jurisdiction.

No appeal may be brought except with leave from a judge of the Court of Québec. The judge shall grant leave if in his opinion the question ought to be examined in appeal.

**57.** The jurisdiction conferred by this division on a judge of the Court of Québec is exercised by only the judges of that Court that are appointed by the chief judge.

**58.** The motion for leave to appeal must specify the questions of law or jurisdiction which ought to be examined in appeal and, after notice to the parties and to the Commission, must be filed in the office of the Court of Québec, at Montréal or at Québec, within thirty days after the date of receipt of the decision of the Commission by the parties.

The costs of the motion are at the discretion of the judge.

The decision authorizing the appeal must mention only the questions of law or jurisdiction that will be examined in appeal.

**59.** The filing of the motion for leave to appeal suspends the execution of the decision of the Commission until the decision referred to in section 64 is rendered, except in the case of an appeal from a decision ordering a person to abstain from doing something.

**60.** The appeal is brought by filing with the Commission a notice to that effect served on the parties, within ten days from the date of the decision giving leave for the appeal.

The filing of the notice is in lieu of service on the Commission.

**61.** The secretary of the Commission shall immediately send the notice of appeal to the office of the Court of Québec, at Montréal or at Québec, at the option of the appellant.

The secretary shall send two copies of the decision appealed from, the documents related to the contestation and the decision authorizing the appeal, to the office of the Court, in place of the joint record.

**62.** The appeal is governed by articles 491 to 524 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required. The parties are not required, however, to file a statement of their claims.

**63.** The Court of Québec may, in the manner prescribed under the Courts of Justice Act (R.S.Q., chapter T-16), make the rules of practice judged necessary for the carrying out of this division.

**64.** The decision of the judge of the Court of Québec is without appeal.

## DIVISION VI

### PERSONAL INFORMATION AGENTS

**65.** Every personal information agent carrying on an enterprise in Québec must be registered with the Commission.

Any person who, personally or through the agency of a representative, establishes files on other persons and prepares and communicates to third parties credit reports bearing on the character, reputation or solvency of the persons to whom the information contained in such files relates is a personal information agent.

**66.** Applications for registration shall be filed according to the procedure determined by the Commission. An application shall contain, in particular, the following information:

(1) the name and address of the agent and, in the case of a legal person, the address of its head office and the names and addresses of its administrators;

(2) the address and telephone number of each establishment of the agent in Québec;

(3) the address and telephone number of every office where persons concerned may apply to consult or obtain copies of information relating to them.

Every personal information agent must inform the Commission with diligence of any change in the information referred to in the first paragraph.

**67.** The Commission shall register an agent who files an application in conformity with the provisions of section 66.

**68.** The Commission shall keep a current register of personal information agents containing the information filed under section 66 and any relevant decisions rendered by the Commission in respect of registered agents.

**69.** The register shall be available for public consultation during the regular business hours of the Commission.

The Commission shall furnish, free of charge, to any person who so requests any extract from the register concerning a personal information agent.

**70.** The Commission shall publish annually, in a newspaper having general circulation, a list of the personal information agents.

**71.** Every personal information agent must establish, apply within his enterprise and disseminate rules of conduct having as their object to allow any person to whom information in a file held by him relates to have access thereto free of charge, either by making the file accessible for consultation at a place in the region in which the person is domiciled during the regular business hours of his place of business, or by sending to the person a copy of the file by mail.

**72.** Every personal information agent must, not later than 60 days after the coming into force of this section and every two years thereafter, inform the public, by means of a notice published in a newspaper having general circulation in each region of Québec in which he does business, of

(1) the fact that he holds files on other persons, that he gives communication of credit reports bearing on the character, reputation or solvency of the persons to whom the information in the files relates to persons with whom he is bound by contract, and that he receives from the latter personal information relating to other persons;

(2) the rights of consultation and rectification that may be exercised according to law, by persons to whom the information relates, in respect of the files he holds;

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(3) the name, address and telephone number of the person, in each region, to whom the persons to whom the information relates may apply to consult their file, and the procedure for consultation.

## DIVISION VII

### APPLICATION OF THIS ACT

#### § 1.—*Rules of proof and procedure*

**73.** The Commission may, by regulation, prescribe rules of proof and procedure for the examination of applications which may be brought before it. Such regulations shall be submitted to the Government for approval.

#### § 2.—*Information*

**74.** The Commission is responsible for informing the public of the rights and obligations resulting from the provisions of this Act and any matter relating to the protection of personal information.

**75.** The Commission may draw up and propose to persons carrying on an enterprise who collect, hold, use or communicate personal information to third persons, models of internal codes of conduct furthering the carrying out of this Act.

It may, in addition, lend assistance to persons wishing to adopt such codes.

#### § 3.—*Inquiry*

**76.** The Commission may, on its own initiative or following a complaint by an interested person, inquire into or entrust a person with inquiring into any matter relating to the protection of personal information as well as into the practices of a person who carries on an enterprise and who collects, holds, uses or communicates such information to third persons.

**77.** Following an inquiry into the practices of a person with respect to the collection, retention, communication or use of personal information in the carrying on of his enterprise, the Commission may, after having given the person the opportunity to present his observations, recommend or order the application by that person of such remedial measures as are appropriate to ensure the protection of personal information or to allow access to that information by the persons concerned.

It may fix time limits for the implementation of the measures it orders.

**78.** If, within a reasonable time after issuing an order in respect of a person who carries on an enterprise, the Commission considers that appropriate measures have not been taken in response, it may publish, in the manner it determines, a notice to inform the public thereof.

**79.** The Commission, and any person entrusted by it with making an inquiry for the purposes of this Act, are vested for the inquiry with the powers and immunity provided for in the Act respecting public inquiry commissions (R.S.Q., chapter C-37) except the power to order imprisonment.

**80.** Any order issued by the Commission following an inquiry becomes executory in the same manner as a decision under section 53.

#### § 4.—*Reports*

**81.** The Commission must, not later than (*insert here the date occurring five years after the date of coming into force of this section*) and every five years thereafter, submit a report to the Government on the implementation of this Act.

The report shall be tabled, within fifteen days of being submitted, before the National Assembly if it is sitting, or, if it is not sitting, deposited with the President.

**82.** The Committee on the National Assembly shall designate, as soon as possible, the committee which will study the report concerning the carrying out of this Act.

Within the year following the tabling of the report before the National Assembly, the designated committee must examine the advisability of maintaining this Act in force as it stands, or, if the need arises, of amending it, and shall hear the representations of interested persons and bodies on such matters.

#### § 5.—*Penal provisions*

**83.** Every person who collects, holds, communicates to third persons or uses personal information on other persons otherwise than in accordance with every provision of Divisions II, III and IV of this Act is liable to a fine of \$1 000 to \$5 000 and, for a subsequent offence, a fine of \$5 000 to \$10 000.

**84.** Any personal information agent who contravenes any provision of section 65, 66, 71 or 72 of this Act is liable to a fine of \$3 000 to \$5 000 and, for a subsequent offence, a fine of \$5 000 to \$10 000.

**85.** Where an offence under this Act is committed by a legal person, the administrator, director, officer or representative of the legal person who ordered or authorized the act or omission constituting the offence, or who consented thereto, is a party to the offence and is liable to the prescribed penalty.

## DIVISION IX

### MISCELLANEOUS PROVISIONS

**86.** The provisions of this Act have precedence over those of any subsequent general or special Act which would be contrary thereto, unless the latter Act expressly provides that it applies despite this Act.

However, they do not have the effect of limiting the protection of personal information or access to that information by a person concerned pursuant to another Act, a regulation, an order in council, a collective agreement, an order or a practice established before the coming into force of this section.

**87.** Where, in respect of a matter referred to in sections 74 to 76 of this Act, the jurisdiction of the Commission overlaps that of a public body or government department, the Commission may, with the approval of the Government, conclude an agreement with that body or department for the purpose of coordinating the activities of each.

**88.** Any association or partnership that holds personal information on its members or on third persons has, in respect of its members and such third persons, the same rights and the same obligations as a person carrying on an enterprise.

**89.** The Minister of Communications is responsible for the administration of this Act.

## DIVISION X

## AMENDING PROVISIONS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION  
OF PERSONAL INFORMATION

**90.** Section 88.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended

(1) by inserting the words “to the administrator of the succession or” after the word “information” in the first line;

(2) by inserting the word “administrator,” after the word “an” in the third line.

**91.** Section 89.1 of the said Act is amended

(1) by inserting the words “by the administrator of the succession or” after the word “filed” in the second line;

(2) by inserting the word “administrator,” after the word “an” in the fourth line.

**92.** Section 94 of the said Act is amended by inserting the words “administrator of the succession or the” after the word “the” in the fourth line of the first paragraph.

**93.** Section 118 of the said Act is amended by adding, at the end, the following paragraph:

“The report must also deal with the application of the Act respecting the protection of personal information in the private sector (1992, chapter *insert here the chapter number of Bill 68 in the volume of statutes for 1992*).”

**94.** Section 122 of the said Act is amended by adding, at the end, the following paragraph:

“The Commission shall also exercise the functions conferred on it under the Act respecting the protection of personal information in the private sector.”

**95.** The said Act is amended by inserting, after section 146, the following section:

**“146.1** The Commission may declare an application for review of an agreement perempted if one year has elapsed since the last useful proceeding was filed.

Articles 266 to 269 of the Code of Civil Procedure, adapted as required, apply to peremption of suit.”

**96.** Section 148 of the said Act is amended by striking out the words “and the senior associate chief judge, within the limits of their respective territorial jurisdictions” in the third and fourth lines:

**97.** Section 151 of the said Act is amended by replacing the word “four” in the first line of the second paragraph by the word “two”.

**98.** Section 174 of the said Act is replaced by the following section:

**“174.** The Minister of Communications is responsible for the administration of this Act.”

SAVINGS AND CREDIT UNIONS ACT

**99.** Section 196 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended by inserting the words “, where applicable,” after the word “and” in the fourth line.

ACT RESPECTING MARKET INTERMEDIARIES

**100.** Section 25 of the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is repealed.

CONSUMER PROTECTION ACT

**101.** Sections 260.1 to 260.4 of the Consumer Protection Act (R.S.Q., chapter P-40.1) are repealed.

REAL ESTATE BROKERAGE ACT

**102.** Section 21 of the Real Estate Brokerage Act (1991, chapter 37) is repealed.

DIVISION XI

FINAL PROVISIONS

**103.** Every personal information agent must, in the year following the coming into force of this section, inform every person

concerned by a file that he holds of the existence of the file and of the right of access and rectification that the person may exercise, where applicable.

**104.** The provisions of this Act will come into force on the date or dates determined by the Government.