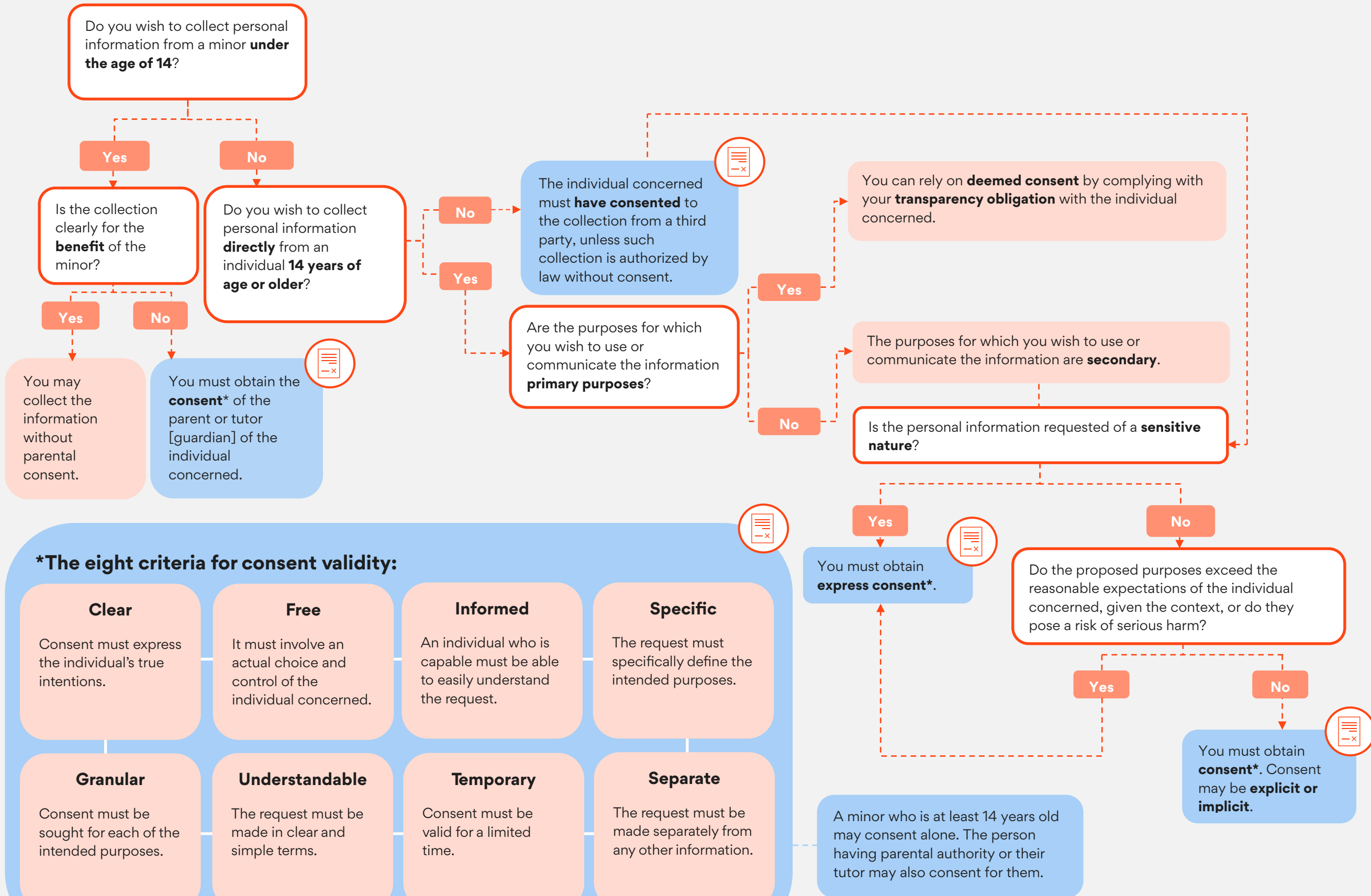


# Consent Under Québec Law

Based on the [CAI Guidelines for Obtaining Valid Consent](#) [available in French only]



## \*The eight criteria for consent validity:

|  |  |  |  |
|--|--|--|--|
| <b>Clear</b><br>Consent must express the individual's true intentions.       | <b>Free</b><br>It must involve an actual choice and control of the individual concerned. | <b>Informed</b><br>An individual who is capable must be able to easily understand the request. | <b>Specific</b><br>The request must specifically define the intended purposes.     |
| <b>Granular</b><br>Consent must be sought for each of the intended purposes. | <b>Understandable</b><br>The request must be made in clear and simple terms.             | <b>Temporary</b><br>Consent must be valid for a limited time.                                  | <b>Separate</b><br>The request must be made separately from any other information. |

## \*Exceptions to Consent

- Consent rules do not apply to information that is legally recognized as public or to business contact information.
- You may **use** personal information that you already have **without consent**, in particular if the use
- ✓ is for compatible purposes;
  - ✓ is clearly to the benefit of the individual concerned;
  - ✓ aims at preventing and detecting fraud;
  - ✓ aims at providing a product or service that the individual has requested;
  - ✓ is for study, research or statistical purposes and the information is de-identified.
- You may **communicate\*** personal information **without consent**, including
- ✓ due to an emergency situation that threatens the life, health or safety of the individual concerned;
  - ✓ to prevent an act of violence;
  - ✓ to a service provider;
  - ✓ to conclude a business transaction.

\*Some communications made without consent must be recorded in a **register**.

# Glossary

|                                       |  |
|---------------------------------------|--|
| <b>Express Consent</b>                | When the individual makes an express action (or statement) that clearly indicates their agreement, e.g., a check box, an affirmative answer to a question, a signature. This action or statement then serves no purpose other than to consent and is said to be positive: it indicates acceptance, not refusal. No doubt remains about the person's true intentions. The expression <i>opt in</i> also refers to this form of consent.   |
| <b>Implied Consent</b>                | Consent is implied if it is not expressly stated, e.g., a pre-checked box. The organization infers such consent through another act made by the individual concerned or by their silence/inaction. The individual concerned must be informed that such act, silence or inactivity will be interpreted as consent. The individual should have a meaningful opportunity to refuse to consent. The term <i>opt out</i> also refers to this form of consent.   |
| <b>Primary Purpose</b>                | Means a purpose that relates to the provision of a service or product or access to a job. It is announced at the time of collection.   |
| <b>Secondary Purpose</b>              | Means, by inference, any other purpose that does not concern the provision of a service or product or access to a job.   |
| <b>Transparency Obligation</b>        | Means informing the individual concerned, prior to or at the time of collection, of: <ul style="list-style-type: none"><li>✓ the purposes for which the personal information is collected;</li><li>✓ the means by which it is collected;</li><li>✓ information access and correction rights;</li><li>✓ the right to withdraw consent;</li><li>✓ and, if applicable:<ul style="list-style-type: none"><li>• the name of the third party for whom the information is being collected;</li><li>• categories of third parties to whom it is necessary to communicate the information;</li><li>• the possibility that the information may be communicated outside Québec; and</li><li>• the use of technology comprising functions for identifying, locating or profiling, and the means for activating them.</li></ul></li></ul> |
| <b>Personal Information</b>           | Refers to any information about an individual that may be used to identify that person directly or indirectly.   |
| <b>Sensitive Personal Information</b> | Refers to personal information that, because of its medical, biometric or other private nature, or because of the context in which it is used or communicated, gives rise to a reasonable expectation of privacy.  |