

DIRECTIVE RESPECTING ROLES AND RESPONSIBILITIES IN CASE OF A CONFIDENTIALITY INCIDENT

Department responsible: General Administration	Approved by: _____ Director General
Effective date: October 21, 2025	Amended:
References: CC 2025-2026-11	

1. PURPOSE AND OBJECTIVES OF THE DIRECTIVE

The purpose of this directive is to ensure the implementation of the obligations of Kativik Ilisarniliriniq (hereinafter “KI”) that stem from sections 63.8 to 63.11 of the *Act respecting Access to documents held by public bodies and the Protection of personal information* (CQLR, c. A-2.1) in relation to confidentiality incidents.

The objectives of this directive are as follows:

- set out the principles underlying the protection of personal information collected, used, released, and retained by KI;
- establish a process for reporting confidentiality incidents that may occur;
- inform employees about confidentiality incidents;
- identify the roles and responsibilities of persons covered by this directive.

2. FIELD OF APPLICATION

This directive applies to all KI personnel. It also applies to the members of the Council of Commissioners, Executive Committee, Education Committees (including the parents and volunteers serving on these committees), and the trainees. This directive applies with the necessary modifications to the external partners as well.

This directive must be read in conjunction with the various directives and policies in effect at KI regarding the protection of personal information.

3. DEFINITIONS

The terms used in this directive are those of the *Act respecting Access to documents held by public bodies and the Protection of personal information* and other applicable legal frameworks, unless otherwise specified.



To facilitate the understanding of this directive, these terms are defined as follows:

Committee on Access

KI's Committee on Access to Information and the Protection of Personal Information.

Confidentiality incident

1. Access not authorized by law to personal information
2. Use not authorized by law of personal information
3. Release not authorized by law of personal information
4. Loss of personal information
5. Any other breach of the protection of such information

Declarant

A person who has knowledge of a possible confidentiality incident.

Person

A person covered by the field of application of this directive acting on behalf of KI or within the scope of their duties.

Personal information

Information concerning a natural person that allows the person to be identified directly or indirectly.

Person in Charge

The person designated as the Person in charge of the protection of personal information.

4. GENERAL PRINCIPLES

- 4.1. A person must only collect personal information necessary for the performance of their functions.
- 4.2. A person shall have access only to personal information necessary for the performance of their functions.
- 4.3. A person shall not release personal information without the consent of the individual, this individual's representative, or where otherwise provided by law.
- 4.4. A person who obtains knowledge of a confidentiality incident must report it as soon as possible in accordance with this directive.

5. PROCESS FOR ADDRESSING A CONFIDENTIALITY INCIDENT

5.1. Reporting of a confidentiality incident

- 5.1.1. The Declarant must, without delay, inform their immediate superior of any event which may lead to the belief that a confidentiality incident has occurred.



5.1.2. Wherever possible, the Declarant shall provide the following information in relation to the confidentiality incident:

- the context and circumstances of the event, including, among other things, the date on which it occurred and a description of the facts;
- the nature of the personal information affected by the incident, such as names, civic addresses, emails, and permanent codes;
- whether the personal information was protected by a password, an access code, etc.;
- the number of persons to whom the personal information pertains;
- the identity of the persons or the body to which the information was released, if applicable;
- the immediate measures taken, if applicable;
- any other relevant information.

5.1.3. The Declarant as well as the department involved must, as soon as possible, take the necessary actions that would reduce the risk of injury being caused (e.g., recalling an email, making a phone call, etc.).

5.1.4. The director of the department involved must inform the Person in Charge without delay of the confidentiality incident that has been reported to them. The director shall provide the Person in Charge with all relevant information.

5.2. Analysis of the situation reported

5.2.1. The Person in Charge shall analyze the situation that has been reported.

5.2.2. The Person in Charge shall obtain additional information, if necessary.

5.2.3. The Person in Charge shall rule on the situation and determine if it is a confidentiality incident.

5.2.4. If the Person in Charge determines that the situation does not constitute a confidentiality incident but deems that an intervention with the persons involved is necessary, they shall contact the director of the department so that they can take appropriate action, if applicable.

5.3. Handling of a confidentiality incident

5.3.1. The Person in Charge shall ensure that the actions or measures, which are likely to reduce the risk of injury to persons whose personal information is affected by the confidentiality incident, are implemented by considering those taken by the Declarant or the director of the department, if applicable.

The following are examples of such actions and measures:



- obtaining confirmation from the persons to whom personal information was released illegally that said information has been destroyed;
- obtaining the commitment from the persons to whom personal information was released illegally not to disclose said information;
- recommending action to be taken with the employees responsible for the incident.

5.3.2. The Person in Charge shall assess the risk of serious injury in relation to the confidentiality incident by considering, in particular, the sensitivity of the information, the anticipated consequences of its use, and the likelihood that it will be used for injurious purposes.

5.3.3. If the confidentiality incident presents a risk of serious injury, the Person in Charge must

- notify the Commission d'accès à l'information promptly, in the manner prescribed by the applicable regulation and by providing the information required by the said regulation (see Appendix);
- notify any person whose personal information is affected by the confidentiality incident, in the manner prescribed by the applicable regulation and by providing the information required by the said regulation (see Appendix);
- notify any person or body that may reduce the risk of serious injury, such as a ministry or the police, by releasing only the personal information necessary for this purpose and record this release in the register of releases under the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

5.3.4. The Person in Charge shall record the incident in the register of confidentiality incidents in all cases.

5.4. Measures to be taken to prevent a confidentiality incident of the same nature from occurring again

5.4.1. Once the immediate measures have been carried out, the Person in Charge shall determine whether additional measures should be taken to prevent other incidents of the same nature from occurring again.

The following are examples of such measures:

- changing the access rights;
- disposing of personal information;
- implementing training and other awareness-raising measures;
- reviewing internal processes (software, working methods, etc.).

6. COMMITTEE ON ACCESS

6.1. The Person in Charge may at any time consult the Committee on Access



concerning the analysis of a potential confidentiality incident and the manner in which the situation is handled.

6.2. The Person in Charge shall report annually to the Committee on Access on confidentiality incidents that have occurred and the measures implemented.

6.3. In all cases, the Person in Charge shall forward the recommendations of the Commission d'accès à l'information, if any, to the Committee on Access.

7. APPLICATION

7.1. All persons referred to in this directive must comply with all its provisions, and all managers are responsible for ensuring that all its provisions are enforced and observed.

The Associate Secretary General shall be responsible for providing support in the interpretation of this directive and shall ensure that it is revised when necessary.

The Director General shall see that this directive is distributed, enforced, and evaluated.

8. EFFECTIVE DATE

8.1. This directive is effective on the date of its adoption by the Council of Commissioners and remains in effect until it is rescinded.



APPENDIX

Excerpts of the *Regulation respecting confidentiality incidents* (CQLR, c. A-2.1, r. 3.1)

DIVISION II

NOTICES TO THE COMMISSION D'ACCÈS À L'INFORMATION

3. Notices to the Commission d'accès à l'information that a confidentiality incident presents a risk of serious injury, given under the second paragraph of section 63.8 of the Act respecting Access to documents held by public bodies and the Protection of personal information ([chapter A-2.1](#)) or the second paragraph of section 3.5 of the Act respecting the protection of personal information in the private sector ([chapter P-39.1](#)), must be in writing and must contain

- (1) the name of the body affected by the confidentiality incident and any Québec business number assigned to such body under the Act respecting the legal publicity of enterprises ([chapter P-44.1](#));
- (2) the name and contact information of the person to be contacted in that body with regard to the incident;
- (3) a description of the personal information covered by the incident or, if that information is not known, the reasons why it is impossible to provide such a description;
- (4) a brief description of the circumstances of the incident and what caused it, if known;
- (5) the date or time period when the incident occurred or, if that is not known, the approximate time period;
- (6) the date or time period when the body became aware of the incident;
- (7) the number of persons concerned by the incident and the number of those who reside in Québec or, if that is not known, the approximate numbers;
- (8) a description of the elements that led the body to conclude that there is a risk of serious injury to the persons concerned, such as the sensitivity of the personal information concerned, any possible ill-intentioned uses of such information, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes;
- (9) the measures the body has taken or intends to take to notify the persons whose personal information is concerned by the incident, pursuant to the second paragraph of section 63.8 of the Act respecting Access to documents held by public bodies and the Protection of personal information or the second paragraph of section 3.5 of the Act respecting the protection of personal information in the private sector, and the date on which such persons were notified, or the expected time limit for the notification;
- (10) the measures the body has taken or intends to take after the incident occurred, including those aimed at reducing the risk of injury or mitigating any such injury and those aimed at preventing new incidents of the same nature, and the date or time period on which the measures were taken or the expected time limit for taking the measures; and
- (11) if applicable, an indication that a person or body outside Québec that exercises similar functions to those of the Commission d'accès à l'information with respect to overseeing the protection of personal information has been notified of the incident.



