

**DIRECTIVE ON RULES GOVERNING GOVERNANCE IN RELATION TO PERSONAL INFORMATION**

<b>Department responsible:</b> General Administration	<b>Approved by:</b>  _____ Director General
<b>Effective date:</b> November 13, 2025	<b>Amended by:</b>
<b>References:</b> Committee on access to information and the protection of personal information	

**1. LEGAL FRAMEWORK**

This directive was approved by the Committee on Access to Information and the Protection of Personal Information and is based on sections 52.2 and 63.3 of the *Act respecting Access to documents held by public bodies and the Protection of personal information* (CQLR, c. A-2.1, hereinafter the “ARA”). Sections 52.2 and 63.3 provide for the following:

*“52.2. A public body is responsible for protecting the personal information it holds.*

*63.3. A public body must publish on its website governance rules regarding personal information. Such rules must be approved by its committee on access to information and the protection of personal information.*

*The rules may be in the form of a policy, directive or guide and must, in particular, define the roles and responsibilities of the members of its personnel throughout the life cycle of such information and provide a process for dealing with complaints regarding the protection of the information. They must include a description of the training and awareness activities offered by the public body to its personnel regarding the protection of personal information.*

*The rules must also include the protective measures to be taken in respect of the personal information collected or used as part of a survey, including an assessment of*

*(1) the necessity of conducting the survey; and*

*(2) the ethical aspect of the survey, taking into account, in particular, the sensitivity of the personal information collected and the purposes for which it is to be used.*

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

The directive must be read in conjunction with the guidelines, frameworks and other tools in effect at Kativik Ilisarniliriniq (hereinafter “KI”) regarding the protection of personal information, including the following:

- KSB-03 *Ordinance on the delegation of functions and powers*



- KSB-04 *Code of ethics and conduct for commissioners of Kativik Ilisarniliriniq*
- KSB-05 *Code of ethics and professional conduct for employees of Kativik Ilisarniliriniq*
- ADM-10 *Directive on the protection of personal information and access to information*
- ADM-17 *Directive on the use of computer resources and social media*
- ADM-23 *Directive on the management of elementary, secondary and adult education student records*
- ADM-24 *Policy on documents management*
- ADM-25 *Directive respecting roles and responsibilities in case of a confidentiality incident*
- Retention schedule and classification plan (2020)
- *Privacy Policy* published on KI's website

## **2. PURPOSE AND OBJECTIVES OF THE DIRECTIVE**

This directive aims to consolidate rules regarding the governance of KI with respect to personal information in such a manner as to allow all persons covered by this directive to be aware of and understand the legal requirements and principles for personal information protection applicable under the ARA. The directive also aims to inform any person likely to share personal information with KI of the rules applicable to its collection, use, release or keeping.

The objectives of this directive are as follows:

- Define the roles and responsibilities of the persons covered by the directive;
- Specify the legal requirements and principles governing the protection of personal information collected, used, released and kept within the exercise of the duties of KI;
- Identify specific protective measures applicable to personal information collected or used as part of a survey;
- Establish a process for handling complaints regarding the protection of personal information at KI;
- Describe the training and awareness activities regarding the protection of personal information offered to KI personnel.

## **3. FIELD OF APPLICATION**

The directive applies to all KI personnel. The directive also applies to the Commissioners and the members of the Executive Committee. The directive is not intended to limit the guidelines and other frameworks or directives adopted by the Council of Commissioners with respect to the protection of personal information.



## 4. DEFINITIONS

The terms used in this directive are those of the ARA and other applicable legal frameworks, unless otherwise specified. To facilitate the understanding of this directive, the following terms mean:

### **Committee on Access**

Committee on access to information and the protection of personal information, composed of the person in charge of access to documents and the protection of personal information, the Director General and, by invitation, any other person whose expertise is required, including the person responsible for information security and the person responsible for document management if applicable.

### **Commission**

Commission d'accès à l'information du Québec.

### **Consent**

Agreement, acquiescence, voluntary assent of an authorized person to the collection, use or release of personal information.

To be valid, subject to other legal requirements, such consent must be explicit, voluntary, informed and given for specific purposes. Consent must be requested in clear terms. It is valid only for the duration necessary to achieve the purposes for which it was requested.

### **Privacy impact assessment**

A preventive assessment process that considers all the factors of a project that could have positive or negative consequences on the privacy of the persons concerned, for the purposes of identifying appropriate measures that will better protect their personal information and respect their privacy.

### **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

### **Person**

A person, usually a KI employee, who is covered by the field of application of this directive, acting on behalf of KI within the scope of their duties.

### **Authorized person**

A natural person concerned by the personal information collected, used or released, who is able to give consent or, when applicable, their legal representative or the person having parental authority.

Without limiting the generality of the foregoing, and with few exceptions, the person having parental authority consents on behalf of a minor under 14 years of age. The minor



aged 14 and over, or the person having parental authority, consents on behalf of the minor aged 14 and over.

**Highest authority**

Director General

**Personal information**

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

**Anonymized personal information**

Personal information for which it is at all times reasonable to foresee, under the circumstances, that it will no longer make it possible, in an irreversible manner, to directly or indirectly identify the person concerned.

**Depersonalized personal information**

Personal information that no longer directly allows the person concerned to be identified.

**Sensitive personal information**

Personal information that, due to its medical, biometric or other intimate nature, or because of the context of its use or release, leads to a high reasonable expectation of privacy.

**Person in Charge**

The person designated as person in charge of access to documents and the protection of personal information.

**Applicant**

The person who submits a request for access to documents, a request for release of personal information or a request for correction of personal information under the ARA.

**5. ROLES AND RESPONSIBILITIES**

**5.1. HIGHEST AUTHORITY**

- 5.1.1.** Exercise or delegate in writing the functions of Person in Charge (ref.: section 8, ARA)
- 5.1.2.** If they delegate their functions as Person in Charge (ref.: section 8, ARA):
  - 5.1.2.1. See to it that the exercise of functions as Person in Charge is facilitated;
  - 5.1.2.2. Implement measures to preserve the autonomy of the Person in Charge;
  - 5.1.2.3. Notify the Commission in writing as soon as possible of the title, contact information and start date of the person who exercises



the function of Person in Charge;

- 5.1.2.4. Forward promptly all written requests for access to documents, requests for release or requests for correction to the Person in Charge to whom that function has been delegated (ref.: sections 43, 94, ARA).
- 5.1.3. Ensure that the Committee on Access is established and operates smoothly (ref.: section 8.1, ARA).
- 5.1.4. Set the conditions and procedures according to which personal information may be released by members of the personnel, without the consent of the persons concerned, to prevent acts of violence from occurring, such as suicide (ref.: section 59.1, ARA).
- 5.1.5. Address the training and awareness needs of persons with respect to the protection of personal information.
- 5.1.6. Adopt governance rules and any other directives or framework required to ensure compliance with the ARA, and update them as needed.

## 5.2. COMMITTEE ON ACCESS

- 5.2.1 Support KI in the exercise of its responsibilities and the performance of its obligations under the ARA (ref.: section 8.1, ARA).
- 5.2.2 Assist the Person in Charge in developing governance rules in relation to personal information (ref.: section 63.3, ARA).
- 5.2.3 Be consulted at the beginning of any project to acquire, develop or overhaul an information system or electronic service delivery system involving the collection, use, release, keeping or destruction of personal information (ref.: section 63.5, ARA).
- 5.2.4 Suggest, at any stage of a project covered by section 5.2.3, measures for personal information protection that are applicable to the project (ref.: section 63.6, ARA).
- 5.2.5 Perform any other function with respect to the protection of personal information, at the request of the highest authority.

## 5.3. PERSON IN CHARGE

- 5.3.1 Receive requests for access to documents or requests for release or correction of personal information, ensure that the requests are processed in accordance with the provisions of the ARA, including the transmission of any notice required by the ARA, and render a decision within the allotted time (ref.: sections 45 to 52, 97 to 102, ARA).



- 5.3.2** Assist the applicant if their request is not sufficiently precise or, if they so request, in identifying the document likely to contain the information sought (ref.: sections 42 and 95, ARA).
- 5.3.3** Assist the applicant in understanding the forwarded decision, if they so request (ref.: sections 50 and 100, ARA).
- 5.3.4** Ensure any document that has been the subject of a request for access, communication or rectification is kept for as long as is required to allow the applicant to exhaust the remedies provided for in the ARA (ref.: sections 52.1 and 102.1, ARA).
- 5.3.5** Participate, as needed, in privacy impact assessment for the KI projects that require it.
- 5.3.6** Exercise the responsibilities assigned to them under the *Directive respecting roles and responsibilities in case of a confidentiality incident* (ADM-25).
- 5.3.7** See to the establishment, maintenance and recording of data relevant to the various registers provided for in the ARA (ref.: sections 41.3, 60, 60.1, 63.8, 63.11, 64, 65.1, 67.3, 91, ARA).
- 5.3.8** Establish and keep up to date the classification plan of documents (ref.: section 16, ARA) and retention schedule.
- 5.3.9** Process complaints regarding the protection of personal information.
- 5.3.10** Ensure the development, implementation and dissemination of tools, template documents, reference documents and other documentation to facilitate compliance with the ARA.
- 5.3.11** Provide support and advice on all matters involving access to documents or the protection of personal information.
- 5.3.12** Serve as representative to other public bodies and the Commission for all matters about access to documents and the protection of personal information.
- 5.3.13** Perform any other function provided for in the ARA or at the request of the highest authority.

#### **5.4. ADMINISTRATION OF SERVICES**

- 5.4.1** Ensure compliance with this directive by persons under their responsibility.
- 5.4.2** Identify the personal information that they hold.



- 5.4.3** Identify the persons under their responsibility or categories of persons who have access to the personal information, as well as the categories of personal information to which those persons have access.
- 5.4.4** Implement in their establishment or department measures for the protection of personal information that are reasonable in view of the sensitivity of the information, the purposes for which it is to be used, the quantity, distribution and medium of the information, and ensure that such measures are disseminated and applied by the persons under their responsibility.
- 5.4.5** Subject to the retention schedule or any applicable law, implement in their establishment or department a procedure for securely destroying personal information once the purposes for which it was collected or used have been accomplished (ref.: section 73, ARA).
- 5.4.6** Exercise the responsibilities assigned to them under the *Directive respecting roles and responsibilities in case of a confidentiality incident* (ADM-25).
- 5.4.7** Ensure that awareness activities and training provided for in this directive are offered to the persons under their responsibility and that they participate in them.
- 5.4.8** Establish and keep up to date the inventory of personal information files, including the categories of persons who have access to each file in carrying out their duties (ref.: section 76, ARA).
- 5.4.9** Contact the Person in Charge, as required, for any questions regarding the requests for access to documents or the protection of personal information within their establishment or department.
- 5.4.10** See to the establishment, maintenance and recording of data relevant to the various registers provided for in the ARA (ref.: sections 41.3, 60, 60.1, 63.8, 63.11, 64, 65.1, 67.3, 91, ARA).

## **5.5. PERSONS**

- 5.5.1** Read and comply with this directive, in particular the legal requirements and principles relating to the protection of personal information for which it provides.
- 5.5.2** Participate in the training sessions and awareness activities.
- 5.5.3** Utilize the available tools, template documents, reference documents and any other relevant documentation to facilitate compliance with applicable rules, if necessary.
- 5.5.4** Collaborate, upon request, with the Person in Charge when processing a



request for access to documents, a request for communication or rectification of personal information or any other request of a similar nature in light of the ARA.

- 5.5.5** Collaborate, upon request, with the Person in Charge when processing a complaint covered by this directive.
- 5.5.6** Contact the supervisor, as required, to obtain advice or clarification, or to inform them of a problem in the application of this directive or a specific case related to the protection of personal information.

## **6. LEGAL REQUIREMENTS AND PRINCIPLES CONCERNING THE PROTECTION OF PERSONAL INFORMATION**

### **6.1. COLLECTION**

- 6.1.1.** A Person may only collect personal information that is necessary for the exercise of the rights and powers of KI or the implementation of a program under its management (ref.: section 64, ARA).
- 6.1.2.** Any collection performed for another purpose will be permitted in cases provided for by law and must be authorized beforehand by the establishment or service management.
- 6.1.3.** Personal information is usually collected from the person concerned or their representative, and the following information must be transmitted (ref.: section 65, ARA):
  - 6.1.3.1 The name of the public body on whose behalf the information is collected;
  - 6.1.3.2 The purposes for which the information is collected;
  - 6.1.3.3 The means by which the information is collected;
  - 6.1.3.4 Whether the request is mandatory or optional;
  - 6.1.3.5 The consequences for refusing to address the request or, where applicable, for withdrawing consent to the release or use of the information collected pursuant to an optional request;
  - 6.1.3.6 The rights of access and correction provided for by the ARA;
  - 6.1.3.7 There applicable, any other information required by the ARA and appropriate to the relevant situation.
- 6.1.4.** Any person who provides personal information as part of a collection carried out in accordance with the ARA consents to its use and its release for the purposes referred to when the information is collected (ref.: section 65.0.2,





information is necessary in the exercise of their functions (ref.: section 62, ARA).

**6.2.7.** When personal information is used to render a decision based solely on the automated processing of such information, the Person responsible for the decision must inform the person concerned accordingly, no later than at the time they advise the person concerned of the decision. The Person responsible for the decision must also notify the person concerned of the following, at the latter's request:

- 6.2.7.1 The personal information used to render the decision;
- 6.2.7.2 The reasons and the principal factors and parameters that led to the decision;
- 6.2.7.3 Their right to have the personal information used to render the decision corrected;
- 6.2.7.4 Their right to submit their observations to a Person who is in a position to review the decision.

### **6.3. RELEASE**

- 6.3.1.** A Person shall not release personal information without the consent of the authorized person (ref.: section 59, ARA).
- 6.3.2.** To the extent possible, consent should be preferably given expressly and in writing.
- 6.3.3.** Notwithstanding the foregoing, when personal information is of a sensitive nature, consent must be obtained expressly (ref.: section 59, ARA).
- 6.3.4.** A Person may release personal information without the consent of the person concerned in the cases provided for by law (ref.: section 59, ARA), taking into account, where applicable, any internal guidelines that may exist at KI.
- 6.3.5.** Any release of personal information without the consent of the authorized person in the cases provided for by law must be authorized beforehand by the Person in Charge.

### **6.4. KEEPING AND DESTRUCTION**

- 6.4.1.** A Person must know and apply the security measures determined by KI for each personal information to which the person has access (ref.: section 63.1, ARA).



- 6.4.2.** Failing this, a Person must take security measures to ensure the protection of personal information to which they have access and ensure that such measures are reasonable considering the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored (ref.: section 63.1, ARA).
- 6.4.3.** A Person who becomes aware of a confidentiality incident must apply the *Directive respecting roles and responsibilities in case of a confidentiality incident* (ADM-25).
- 6.4.4.** When a Person is informed of or has reasonable cause to believe that personal information that they keep is no longer up to date, accurate and complete for the purposes for which it was collected or used, they shall notify at once the management of their establishment or department so that appropriate action can be taken (ref.: section 72, ARA).
- 6.4.5.** A Person must know and apply the retention schedule, including time limits and manners prescribed, or any other similar measure implemented in their establishment or department regarding personal information to which they have access (ref.: section 73, ARA).
- 6.4.6.** Failing this, a Person must take measures to securely destroy personal information they keep once the purposes for which it was collected and used have been accomplished. Such measures must be reasonable, especially given the sensitivity and quantity of the information and the medium on which it is stored (ref.: section 73, ARA).
- 6.4.7.** The use of anonymized personal information is permitted for public interest, when the purposes for which it was collected or used have been achieved and following authorization by the Person in Charge (ref.: section 73, ARA).

## **6.5. PARTICULAR PROJECTS**

- 6.5.1.** A Person responsible for a project mentioned hereinafter must ensure that a privacy impact assessment is carried out and that all the conditions set out under the ARA with respect to the project are met:
  - 6.5.1.1 Any project to acquire, develop or overhaul an information system or electronic service delivery system involving the collection, use, release, keeping or destruction of personal information (ref.: section 63.5, ARA);
  - 6.5.1.2 Collecting personal information on behalf of another public body



if it is necessary for the exercise of the rights and powers or for implementing a program of the public body with which the person cooperates to provide services or to achieve a common goal (ref.: section 64, ARA);

6.5.1.3 Releasing personal information without the consent of an authorized person for study or research purposes or for the production of statistics (ref.: section 67.2.1, ARA);

6.5.1.4 Releasing personal information without the consent of an authorized person:

6.5.1.4.1 to a public body or an agency of another government if releasing the information is necessary for the exercise of the rights and powers of the receiving body or the implementation of a program it oversees;

6.5.1.4.2 to a public body or an agency of another government if releasing the information is obviously for the benefit of the person to whom it relates;

6.5.1.4.3 to a person or a body where exceptional circumstances justify doing so;

6.5.1.4.4 to a person or body if it is necessary for a service to be provided to the person concerned by a public body, in particular for identifying the person (ref.: section 68, ARA);

6.5.1.4.5 outside Québec (ref.: section 70.1, ARA).

**6.5.2** A Person responsible for a project mentioned hereinafter must ensure that a written contract or an agreement has been concluded under the establishment or service management and is in force, before undertaking any collection, use or release of personal information:

6.5.2.1 Cases covered by sections 6.5.1.2, 6.5.1.3, 6.5.1.4 and 6.5.1.5;

6.5.2.2 Release of personal information, without the consent of the person concerned, to any person or body if the information is necessary for carrying out a mandate or performing a contract for work or services entrusted to that person or body by the public body (ref.: section 67.2, ARA).







failure to comply with its obligations in relation to the protection of personal information.

**9.1.2** Such complaints must be submitted by using the appropriate form.

**9.1.3** The complaint must describe the event leading to it, including the relevant period, the personal information involved, and the nature of the remedy sought.

## **9.2. PROCESSING THE COMPLAINT**

**9.2.1** The Person in Charge shall acknowledge receipt of the complaint within a reasonable time through the appropriate form.

**9.2.2** The Person in Charge may summarily reject any complaint on the grounds that it is frivolous, vexatious or made in bad faith. They must then inform the person who lodged the complaint of its rejection.

**9.2.3** The Person in Charge may refuse to process a complaint if the event leading to it has been the subject of legal action, including any application before the Commission.

**9.2.4** The Person in Charge shall analyze the complaint diligently and forward their conclusion to the person who lodged the complaint within 30 days of receiving it.

**9.2.5** Where applicable, the Person in Charge shall ensure that appropriate corrective action is taken.

## **10. DISTRIBUTION**

The Committee on Access shall ensure this directive is distributed to the establishments and services.

## **11. EFFECTIVE DATE**

This directive was approved by the Committee on Access and comes into force on November 13, 2025.

