



The digital and technological transformation of our societies is an unavoidable dynamic, particularly in the life sciences and health technologies field. On September 22, 2021, the Modernization of Personal Information Protection Legislation Act was assented to and will gradually come into force over the next three years, starting on September 2022. In particular, penalties of up to \$250,000,000 may be imposed on non-compliant organizations.

Fasken is ready to assist Montreal InVivo members in implementing the measures required by the law. Here are the milestones and solutions that Fasken can provide to help you be ready:

September 22, 2022 :		
	Entry into force	Fasken Solutions
Compliance and governance	<ul style="list-style-type: none"> <li>Appointment of a <b>Privacy Officer</b></li> </ul>	<ul style="list-style-type: none"> <li>Training</li> <li>Governance Plan and Risk/Maturity Analysis</li> <li>Processing Inventory</li> </ul>
Obligations	<ul style="list-style-type: none"> <li>Notification of <b>privacy incidents</b></li> </ul>	<ul style="list-style-type: none"> <li>Incident Response Plan</li> </ul>
Exemptions	<ul style="list-style-type: none"> <li><b>Disclosure without consent</b> between two organizations (private or public) of information for <b>study, scholarly research, or statistical purposes</b> (concepts to be clarified by the Commission d'accès à l'information), if :                             <ul style="list-style-type: none"> <li>A privacy impact assessment is conducted (<b>sample methodology : click here</b>)</li> <li>Research protocol and ethics committee decision (if applicable) are provided to the organization from which disclosure is requested</li> <li>Written agreement is concluded between the two organizations, with specific clauses ensuring the confidentiality of the data</li> </ul> </li> <li>Disclosure of information in <b>commercial transactions</b></li> </ul>	<ul style="list-style-type: none"> <li>Confidentiality agreement</li> <li>Preparation of documentation</li> <li>Preparation of the Privacy Impact Assessment</li> </ul>

September 22, 2023 :		
	Entry into force	Fasken Solutions
Compliance and governance	<ul style="list-style-type: none"> <li>Adopt or update <b>governance policies and practices</b> to ensure protection of personal information</li> <li>Provide a <b>framework for retention, destruction and anonymization</b></li> <li>Plan <b>the roles and responsibilities of staff members</b> throughout the life cycle of personal information</li> <li>Have a complaints process in place</li> </ul>	<ul style="list-style-type: none"> <li>Training</li> <li>Governance Plan and Risk/Maturity Analysis</li> <li>Privacy Policy and Protection of Personal Information</li> <li>Processing inventory</li> <li>Documentation retention and destruction policy</li> </ul>
Obligations	<ul style="list-style-type: none"> <li>Publish information regarding policies and procedures on the website</li> <li><b>Privacy Impact Assessments (PIAs)</b> for certain personal information processing</li> </ul>	<ul style="list-style-type: none"> <li>Privacy Impact Assessments (PIAs) (Methodology and Documentation)</li> <li>De-identification and anonymization policy</li> </ul>

	<ul style="list-style-type: none"> <li>• Change <b>consent</b> parameters</li> <li>• <b>Destruction and anonymization</b></li> <li>• New obligations before <b>sending personal information outside Quebec</b></li> <li>• Respond to requests to stop the release of personal information</li> </ul>	<ul style="list-style-type: none"> <li>• Extra-provincial transfer policy</li> </ul>
Penalties and sanctions	<ul style="list-style-type: none"> <li>• <b>Administrative and criminal penalties up to \$25,000,000</b> and punitive damages</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of a prevention and due diligence strategy</li> <li>• Advice and representation</li> </ul>

**September 22, 2024 :**

	Entry into force	Fasken Solutions
Obligations	<ul style="list-style-type: none"> <li>• Implement measures to facilitate the <b>right to data portability</b></li> </ul>	<ul style="list-style-type: none"> <li>• Policy on portability, access, correction</li> <li>• Analysis of the use of profiling, AI</li> <li>• Product design : Privacy by default</li> </ul>

**In concrete terms:**

- > Changes are needed: **be proactive** and don't wait until the last minute to start your projects
- > These modifications dictate changes in every business. The **potential monetary penalties of \$25,000,000** are a good incentive to make sure you are in compliance

**We can help you :**

- > Map your data
- > Review your policies
- > Implement a data governance program
- > Train your officers, directors and employees
- > Prepare for a privacy incident

**Meet our experts:**

- > Visit our **resource centre for information on this legislative reform**, including our in-house compilation of the annotated *Act respecting the protection of personal information in the private sector*.
- > Contact a member of **our team** to help you achieve compliance.



*Chambers Canada (2018-2022) ranks Fasken nationally in the area of data protection.*