



Version : 1 <sup>st</sup>	Section :	PROTECTION OF PERSONAL INFORMATION AND ACCESS TO INFORMATION	Issuer : Secrétariat général et vice-présidence Services juridiques
	Subsection :	PROTECTION OF PERSONAL INFORMATION	
	Subject :	PERSONAL INFORMATION GOVERNANCE POLICY	Approved : June 1 <sup>st</sup> , 2023

## TABLE OF CONTENTS

1.	PREAMBLE .....	2
2.	SUBJECT .....	2
3.	NORMATIVE FRAMEWORK.....	2
4.	DEFINITIONS .....	2
5.	SCOPE .....	3
6.	TREATMENT OF PERSONAL INFORMATION .....	3
7.	REGISTERS.....	5
8.	PRIVACY IMPACT ASSESSMENTS.....	6
9.	SURVEYS.....	6
10.	RIGHTS OF PERSONS CONCERNED.....	6
11.	COMPLAINTS HANDLING.....	7
12.	SECURITY OF PERSONAL INFORMATION .....	7
13.	CONFIDENTIALITY INCIDENTS .....	7
14.	ROLES AND RESPONSIBILITIES .....	8
15.	AWARENESS-RAISING ACTIVITIES .....	9
16.	OFFICIAL VERSION.....	9
17.	UPDATE .....	9
18.	ENTRY INTO FORCE.....	9

## 1. PREAMBLE

As part of its activities and mission, the Société des alcools du Québec (the “SAQ”) processes Personal Information, in particular from users of its websites, mobile applications and digital terminals, its customers and its employees. As such, it recognizes the importance of respecting privacy and protecting the Personal Information it holds.

In order to fulfill its obligations in this area, the SAQ has adopted this Personal Information Governance Policy. It sets out the principles applicable to the protection of Personal Information held by the SAQ throughout its Life Cycle, and to the rights of the Individuals Concerned.

The protection of Personal Information held by the SAQ is the responsibility of all persons handling such information. They must understand and respect the principles of Personal Information protection inherent to the performance of their duties or arising from their relationship with the SAQ.

## 2. SUBJECT

This Personal Information Governance Policy:

- sets out the SAQ’s governance principles with respect to Personal Information throughout its Life Cycle and the exercise of the rights of Individuals Concerned;
- provides the process for handling complaints relating to the protection of Personal Information;
- defines the SAQ’s privacy roles and responsibilities;
- describes the training and awareness-raising activities the SAQ offers its employees.

## 3. NORMATIVE FRAMEWORK

The Personal Information Governance Policy is governed by the *Act respecting access to documents held by public bodies and the protection of personal information*. In accordance with this Act, this Personal Information Governance Policy is accessible via the SAQ’s corporate website.

## 4. DEFINITIONS

In this Policy, the following terms mean:

“**Act**” means the *Act respecting access to documents held by public bodies and the protection of personal information*.

“**CAI**” means the Commission d’accès à l’information du Québec.

“**Committee**” means the SAQ’s Access to Information and Privacy Committee.

“**Confidentiality Incident**” means any unauthorized access, use or disclosure of Personal Information, or any loss or other breach of the protection of such information.

“**Individual Concerned**” means a natural person to whom Personal Information relates.

**“Life Cycle”** means all the steps involved in the processing of Personal Information, i.e. its collection, use, communication, retention and destruction.

**“Person in Charge of Access to Documents and Protection of Personal Information”** means the person within the SAQ who is responsible for ensuring compliance with and implementation of the Act, in particular with respect to the protection of Personal Information.

**“Personal Information”** means any information relating to a natural person which enables that person to be identified directly—either by recourse to that information alone—or indirectly—either by combination with other information.

**“Privacy Impact Assessment”** or **“PIA”** refers to the preventive approach aimed at better protecting Personal Information and respecting the privacy of individuals. It consists of considering all factors that could have a positive or negative impact on the privacy of the Individuals concerned.

**“Sensitive Personal Information”** means any Personal Information which, by its nature, including medical, biometric or otherwise intimate, or by the manner in which it is used or disclosed, gives rise to a high degree of reasonable expectation of privacy.

**“Survey”** refers to an instrument of observation or systematic questioning based on sampling or questionnaires. There are several types of Surveys, including opinion polls, customer satisfaction surveys, customer service quality surveys, market research surveys and focus groups.

## 5. SCOPE

The Personal Information Governance Policy applies to Personal Information held by the SAQ and to any person who handles Personal Information held by the SAQ.

## 6. TREATMENT OF PERSONAL INFORMATION

The SAQ ensures the protection of Personal Information throughout its Life Cycle in accordance with the following principles, unless otherwise provided by law.

### 6.1. Collection

**6.1.1.** The SAQ only collects Personal Information that is necessary to carry out its mission and activities. Before collecting Personal Information, the SAQ identifies the purposes for which it is to be processed. The SAQ only collects Personal Information that is strictly necessary for the purposes indicated.

**6.1.2.** At the time of collection, and thereafter upon request, the SAQ informs Individuals Concerned, among other things, of the purposes and terms of processing of their Personal Information and of their rights with respect to such information, for example, by means of a privacy notice or a “just-in-time” notice.

**6.1.3.** Where consent is required by law, it must be manifest, free, informed and given for specific purposes. Consent is requested for each of these purposes, in clear and simple terms. Consent is valid only for the time required to achieve the purposes for which it was requested.

## **6.2. Use**

**6.2.1.** The SAQ uses Personal Information only for the purposes for which it was collected. However, the SAQ may change these purposes with the prior consent of the Individual Concerned.

**6.2.2.** It may also use it for secondary purposes without the consent of the Individual Concerned, in any of the following cases:

- when the use is for purposes consistent with those for which the information was collected;
- when the use is clearly for the benefit of the Individual Concerned;
- when the use is necessary for the application of a law in Quebec, whether or not such use is expressly provided for by law;
- when use is necessary for study, research or statistical purposes and the information is de-identified.

**6.2.3.** When it uses Personal Information for secondary purposes in one of the first three cases listed in section 6.2.2 above, it must record such use in the register provided for this purpose, as described in section 7.1.3.

**6.2.4.** Where expressly provided for in the Act, or where a processing operation is deemed to pose a greater risk to Individuals Concerned, the SAQ undertakes a PIA in order to mitigate the risks identified.

**6.2.5.** The SAQ establishes, maintains and posts on its corporate Web site an inventory of the Personal Information files it collects, uses and communicates. This inventory includes:

- the categories of information it contains, the purposes for which the information is kept and how each file is managed;
- the source of the information in each file;
- the categories of Individuals Concerned by the information contained in each file;
- the categories of persons who have access to each file in the course of their duties;
- security measures taken to protect Personal Information.

## **6.3. Communication**

**6.3.1.** Subject to the exceptions permitted by law, the SAQ may not disclose Personal Information without the consent of the Individual Concerned. Consent must be given expressly when sensitive Personal Information is involved.

**6.3.2.** When Personal Information is communicated to an agent or service provider as part of a mandate or service contract, including a technological tool hosted on a cloud platform, the SAQ must enter into an agreement with the agent or service provider containing the required obligations for the protection of Personal Information, depending on the circumstances.

## **6.4. Conservation**

**6.4.1.** The SAQ takes all reasonable steps to ensure that the Personal Information it holds is up-to-date, accurate and complete for the purposes for which it is collected or used.

**6.4.2.** The SAQ retains Personal Information for as long as required to carry out its activities and mission, subject to the time limits set out in its retention schedule.

## 6.5. Destruction and anonymization

**6.5.1.** Once the purposes for which the Personal Information was collected have been fulfilled, the information is destroyed or made anonymous, in accordance with the SAQ's retention schedule and document management rules.

## 7. REGISTERS

**7.1.** In accordance with the Act, the SAQ maintains the following records:

**7.1.1. Register of disclosures of Personal Information without a Person's consent** in the following cases:

- when the SAQ communicates the identity of a Individual Concerned to a person or private organization in order to collect information already collected by the latter;
- when the SAQ communicates Personal Information required for the application of a law in Quebec, whether or not such communication is expressly provided for by law;
- when the SAQ discloses Personal Information required for the application of a collective agreement, decree, order, directive or regulation establishing working conditions;
- when the SAQ discloses Personal Information to an agent or service provider as part of a mandate or service agreement;
- when the SAQ discloses Personal Information for study, research or statistical purposes;
- after having carried out a PIA, when the SAQ discloses Personal Information in cases covered by section 68 of the Act.

**7.1.2.** In the cases referred to in section 7.1.1, the register includes:

- the nature or type of information communicated;
- the person or organization receiving the communication;
- the purpose for which the information is communicated and the indication, where applicable, that Personal Information is being communicated outside Québec;
- the reason for this communication.

**7.1.3. Register of uses of Personal Information within the SAQ for other purposes** and without the consent of the Individual Concerned when such use is compatible with the purposes for which it was collected, is clearly to the advantage of the Individual Concerned or is necessary for the application of a law in Québec. Such a register includes:

- the reference to the subsection of the second paragraph of section 65.1 of the Act permitting use, i.e. the applicable legal basis;
- in the case referred to in subparagraph 3 of the second paragraph of section 65.1 of the Act, the legislative provision that makes the use of the information necessary;
- the category of persons who have access to the information for the purposes indicated.

**7.1.4. Register of disclosures** of information concerning a Confidentiality Incident to a person or organization likely to reduce the risk of serious harm associated with a Confidentiality Incident;

**7.1.5. Register of confidentiality incidents in accordance with the provisions of the Act and its regulations.**

7.2. The SAQ publishes on its corporate website the registers of communications established pursuant to paragraphs 7.1.1 and 7.1.3 of this Personal Information Governance Policy.

## 8. PRIVACY IMPACT ASSESSMENTS

8.1. The SAQ carries out a PIA, in particular in the context of the following processing of Personal Information:

- before undertaking a project for the acquisition, development or redesign of an information system or the electronic delivery of services involving Personal Information;
- before communicating Personal Information without the consent of the Individuals concerned to a person or organization wishing to use this information for study, research or statistical purposes;
- when it intends to disclose Personal Information without the consent of the Individuals concerned, in accordance with section 68 of the Act;
- when it intends to disclose Personal Information outside Quebec or to entrust a person or organization outside Quebec with the task of collecting, using, communicating or retaining such information on its behalf.

8.2. In carrying out a PIA, the SAQ takes into account the sensitivity of the Personal Information to be processed, the purposes for which it is to be used, its quantity, distribution and medium, as well as the proportionality of the measures proposed to protect it.

8.3. In addition, when Personal Information is communicated outside Quebec, the SAQ ensures that it is adequately protected, in particular with respect to generally accepted principles for the protection of Personal Information.

8.4. The completion of a PIA serves to demonstrate that the SAQ has complied with all obligations regarding the protection of Personal Information and that all measures have been taken to effectively protect this information.

## 9. SURVEYS

The SAQ has adopted rules governing the conduct of surveys. These rules, which take into account the need for and ethical aspects of surveys, are set out in the SAQ's **Directive on Surveys**.

## 10. RIGHTS OF PERSONS CONCERNED

10.1. Subject to applicable law, any Individual Concerned whose Personal Information is held by the SAQ has the following rights, among others:

- the right to access and obtain a copy of Personal Information held by the SAQ, whether in electronic or non-electronic format;
  - Unless this would give rise to serious practical difficulties, the SAQ communicates computerized Personal Information collected from a Individual Concerned, and not created or inferred from Personal Information concerning them, in a structured and commonly used technological format, at the Concerned Individual's request. This information is also communicated, upon request, to any person or organization authorized by law to collect such information.
- the right to rectify any incomplete or inaccurate Personal Information held by the SAQ;

- the right to be informed, where applicable, that Personal Information is being used to make a decision based on automated processing.

**10.2.** Although the right of access may be exercised at any time, access to documents containing this information is subject to certain exceptions identified in the Act.

**10.3.** Documents containing Personal Information may be consulted on site or accessed in another manner, with or without payment of a fee. Where applicable, the SAQ will inform the Person concerned of the obligation to pay a fee before processing the request.

**10.4.** Requests for access to Personal Information by Individuals Concerned, including SAQ employees who wish to access their employment documents, may be made verbally or in writing. Verbal requests will be treated informally and may not be answered in writing.

**10.5.** Requests for access to Sensitive Personal Information must be made in writing and will receive a written response.

**10.6.** Requests for access to Personal Information must be sufficiently specific to enable the Person in Charge of Access to Documents and Protection of Personal Information to locate the Personal Information. The right of access applies only to existing Personal Information.

## **11. COMPLAINTS HANDLING**

Any complaint concerning the SAQ's privacy practices or its compliance with the requirements of the Act relating to Personal Information must be forwarded to the Person in Charge of Access to Documents and Protection of Personal Information, which must respond within 30 days.

## **12. SECURITY OF PERSONAL INFORMATION**

**12.1.** The SAQ implements appropriate security measures to ensure the confidentiality, integrity and availability of Personal Information that is collected, used, communicated, stored or destroyed. These measures take into account the sensitivity of the Personal Information, the purpose for which it is collected, its quantity, location and medium.

**12.2.** The SAQ manages the access rights of its employees to ensure that only those who require access in the course of their duties have access to Personal Information.

## **13. CONFIDENTIALITY INCIDENTS**

**13.1.** Any Confidentiality Incident is handled in accordance with the SAQ's **Confidentiality Incident Management Procedure**. The SAQ then takes appropriate measures to reduce the risk of harm being caused and to prevent similar incidents from occurring in the future. If necessary, the SAQ updates its privacy protection program.

**13.2.** All Confidentiality Incidents are reported to the Person in Charge of Access to Documents and Protection of Personal Information and recorded in the Confidentiality Incident Register, in accordance with section 7.1.5 of this Personal Information Governance Policy.

**13.3.** If the Confidentiality Incident presents a risk of serious harm to Concerned Individuals, the SAQ shall promptly notify them and the CAI.

## 14. ROLES AND RESPONSIBILITIES

14.1. The protection of Personal Information held by the SAQ relies on the commitment of all those who handle such information, and in particular the following:

14.2. The Person in Charge of Access to Documents and Protection of Personal Information, in particular:

- ensures that Personal Information is protected throughout its Life Cycle, from collection to destruction;
- is compliant with access or rectification request requirements;
- supervises the keeping of the registers listed in article 7 of this Personal Information Governance Policy and the dissemination of the registers listed in section 7.2 of this Policy;
- participates in assessing the risk of serious harm associated with a Confidentiality Incident, in particular with regard to the sensitivity of the information involved, the anticipated consequences of its use and the likelihood that the information will be used for malicious purposes; and
- where applicable, audits confidentiality undertakings associated with the communication of Personal Information in the context of mandates or service agreements entrusted to third parties in accordance with section 6.3.2 of this Personal Information Governance Policy.

14.3. The Committee, in particular:

- issues guidelines on the use of information technology marketing tools involving the communication of data or profiling;
- identifies the main privacy risks and notifies management so that corrective measures can be proposed;
- approves any departure from the general principles of privacy protection;
- issues guidelines for the protection of Personal Information, including its retention by third parties and outside Quebec;
- is consulted, at the outset of a project and for the purposes of the PIA, for all projects involving the acquisition, development and redesign of information systems or the electronic delivery of services involving Personal Information;
- shall be notified of any Confidentiality Incident and shall advise the SAQ as to the appropriate action to be taken;
- review the rules for the collection and retention of Personal Information from surveys, including the SAQ's **Survey Directive**; and
- reviews measures relating to video surveillance and ensures that privacy is respected in its use.

14.4. Any person who handles Personal Information held by the SAQ, including:

- acts with care and integrates the principles set out in this Personal Information Governance Policy into its activities;
- access only to information required for the performance of its duties;
- protects access to Personal Information in its possession or to which it has access by means of a password;
- refrains from disclosing any Personal Information that comes to its knowledge in the course of its duties, unless duly authorized to do so;



- refrains from retaining, at the end of his employment or contract, any Personal Information obtained or collected in the course of his duties and maintains his confidentiality obligations;
- destroys all Personal Information in accordance with the SAQ's **Retention Schedule**;
- participates in privacy awareness and training activities;
- report any breach, Confidentiality Incident or any other situation or irregularity that could compromise in any way the security, integrity or confidentiality of Personal Information in accordance with the procedure established by the SAQ.

## **15. AWARENESS-RAISING ACTIVITIES**

The SAQ provides training and awareness-raising activities for its staff and management on access to information and privacy obligations and practices, which are described in the SAQ's Annual Report.

## **16. OFFICIAL VERSION**

The French version of this Personal Information Governance Policy is the official version and prevails over the English version.

## **17. UPDATE**

In order to keep pace with the evolution of the applicable normative framework for the protection of Personal Information and to improve the SAQ's privacy compliance program, this Personal Information Governance Policy may be updated from time to time. Please visit the SAQ's corporate website to consult the most recent version.

## **18. ENTRY INTO FORCE**

This Personal Information Governance Policy comes into effect upon approval by the SAQ's Access to Information and Privacy Committee and approval by the SAQ's Board of Directors.