

THE STAKES OF BILL 64 FOR QUÉBEC COMPANIES



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ESI Learning Capsules

AGENDA

- What is Bill 64?
- Bill 64 vs. PIPEDA
- Highlights
 - > Companies
 - > Individuals
- Enforcement of the law: 2022
- How do you prepare for it?
- How ESI can help Québec companies comply with it
- Our asset: DataStealth solution from Datex
- 5 thoughts on the subject

Bill 64

Projet de loi 64: Des sanctions de 25 M\$ en cas de fuite de données personnelles



MARC-ANDRÉ GAGNON

Versailles, 12 juin 2020 9:23:11
ANIS: À IGUIN Versailles, 12 juin 2020 20:46

Avec des sanctions pouvant atteindre 25 millions \$, des entreprises comme Desjardins auront intérêt à protéger les données personnelles des Québécois, si le projet de loi présenté vendredi par la ministre Sonia LeBel est adopté.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

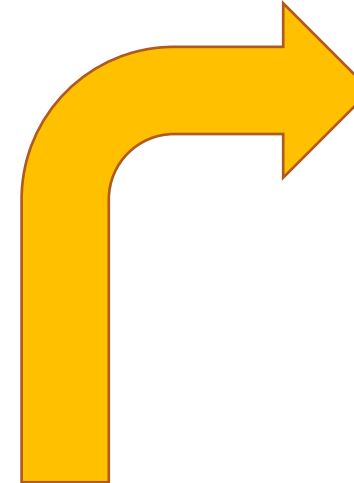
Bill 64

An Act to modernize legislative provisions as regards the protection of personal information

Introduction

Introduced by
Madam Sonia LeBel
Minister Responsible for Democratic Institutions,
Electoral Reform and Access to Information

Québec Official Publisher
2020



The bill was **unanimously adopted on June 12, 2020** and will likely be in force as early as this fall.

The likely result: public and private organizations throughout Québec will have to make major reforms and will have considerably increased obligations in terms of how to protect their clients' personal data. ESI can help them now!

Bill 64 vs. PIPEDA



- PIPEDA
- The Personal Information Protection and Electronic Documents Act
- Since June 18, 2015
- Scope: Applies to organizations that collect, use or disclose personal information in the course of commercial activities.
- Governs all of Canada except British Columbia, Alberta and Québec which have their own laws.
- Much less biting than Bill 64.



- Bill 64
- Act to modernize legislative provisions as regards the protection of personal information
- Expected to be adopted in the fall of 2020
- Scope: Any information system, project or electronic service delivery involving the collection, use, disclosure, retention or destruction of information will be covered by Bill 64.

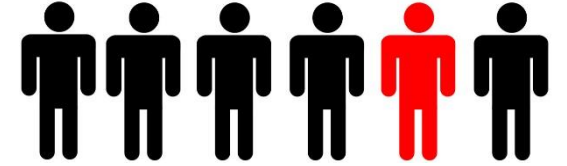
Highlights



→ For companies:

- Quebec companies will be required to **disclose** a data breach to the Commission d'accès à l'information and to the individuals affected.
- Significant **penalties**: Penalties ranging from **\$5,000 to \$50,000** for a natural person, from **\$15,000 to \$25,000,000** for a legal person or even, in certain cases, an amount corresponding to 4% of worldwide sales.
- The offending companies may now be **sued** for damages.
- Request for mandatory **consent**.
- Organizations must take the necessary measures to **reduce risks**.
- **Appointment of a person responsible** for the protection of personal information within each reporting organization, regardless of size.
- Implementation of a **data protection policy** within the company.
- **No technology** that can identify, locate or **profile an individual** is permitted.

Highlights



→ For the individual:

- Right to **oblivion**.
- Right to request the **origin** of the data.
- Right to **portability** of data (copy of your file in readable format!)
- Requirement for organizations to **destroy or make anonymous personal information** when the purposes for which it was collected are fulfilled.
- Right to ask how your information has been **processed by automated means** (AI, ML, algorithms, etc.) to make a decision.

Enforcement

- One year after its adoption
- Most likely to come into force in 2022
- 3 years for more technical requirements



How do you prepare for it?

- Put in place an incident response process to be prepared in case the worst happens.
- Review all your privacy policies.
- Review all your contracts with third parties, especially the sections on how third parties should handle information.
- Review your consent forms.
- Conduct an audit of the personal information your company holds and make sure you have adequate safeguards to protect it.

How ESI can help Québec companies comply with it

- ESI can **establish the applicability of the law to your company** in collaboration with its network of legal advisors.
- Advise clients on the **implementation of a comprehensive security strategy** to avoid penalties (among others!)
- Perform **security tests** to ensure that breaches are closed.
- **Manage customer security** with our team of experts [SOC].
- Take advantage of **ESI's SIRT** as a service for incident response
- **Implementing an ISMS** - Information Security Management System - the "Nuclear" Solution!



**OUR ASSET TO HELP
CLIENTS WITH BILL 64:**

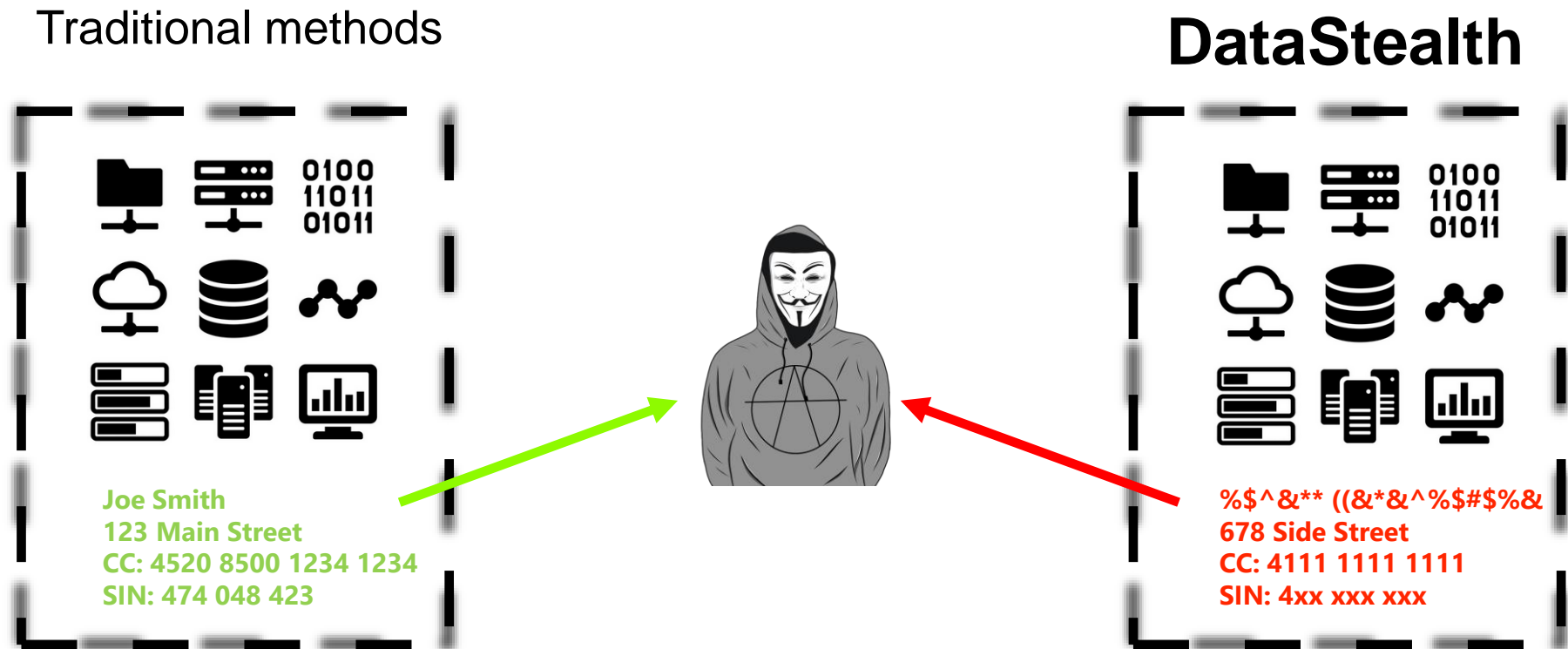


- How can DataStealth help with Bill 64?
- › Elimination of all personally identifiable information (PII)
 - › Right to oblivion in a single click
 - › Transborder data residency
 - › No data to steal, so no disclosure of security breaches
 - › Tokenization vs. encryption

DataStealth Platform



Paradigm Shift



DataStealth solves complex problems

→ Laws and compliance

- PCI, RGPD, PIPEDA, ISO 27001, Bill 64

→ Security and privacy

- Test data management (dev), dynamic data encryption, data residency, anti-phishing

→ Governance

- Access, audit, log, monitoring

→ Integration

- Salesforce, Okta, Veeam, AWS, Azure, Google Cloud

5 THOUGHTS ON THE SUBJECT



1. Bill 64 will become a law sooner or later
2. All public and private organizations will be subject to these new rules
3. You can prepare yourself now
4. With proper planning, you will only invest in what is necessary to bring your company into compliance
5. ESI and its network of legal advisors are there to guide you

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information

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