

## **Statement of Policies and Practices Regarding Personal Information Under Avancie's Control**

Effective date: September 22, 2023

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### **Introduction**

As a corporation incorporated and domiciled in the Canadian province of Québec carrying on an enterprise, Avancie Inc. ("Avancie") must establish and implement policies and practices to govern its governance of personal information under its control and to ensure its protection.

The information on this Web page is intended to meet the requirement that detailed information be published on Avancie's website explaining, in clear and simple terms, the policies and practices it has put in place to comply with its obligations under the privacy laws applicable to it, in a manner that is easily accessible.

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## 1. ACCOUNTABILITY

**Governance:** Avancie establishes and implements policies and practices governing its governance with respect to personal information and to ensure the protection of such information. These include, in particular, the framework applicable to keeping and destroying this information, the roles and responsibilities of the members of its personnel throughout the life cycle of this information, and a process for dealing with complaints relating to the protection of this information. They are proportionate to the nature and scope of Avancie's activities and approved by the person in charge. Detailed information about these policies and practices is published, in simple and clear terms, on Avancie's website by means of the present document outlining Avancie's personal information policies and practices ("Statement").

**Control:** This Statement focuses on personal information under Avancie's control, which is personal information that Avancie chooses to collect and for which Avancie identifies the purposes for which it is collected, used, or disclosed, whether Avancie collects, uses or discloses it itself or has a provider of services do so on Avancie's behalf. Avancie's roles and responsibilities with respect to Avancie's holding and dealing with personal information outside of Avancie's control are set out in its Model Outsourcing Agreement for the Processing of Personal Information, a copy of which is available at this URL:

<https://essais.avancie.com/convention-traitement-externalise/>.

**Roles:** Avancie is responsible for protecting the personal information it holds. Within Avancie, the person with the highest authority is responsible for ensuring compliance with and implementation of privacy laws applicable to Avancie. The function of person in charge of the protection of personal information held by Avancie has been delegated in writing, in its entirety, to the person whose title and contact information are published in this regard on Avancie's website (the "Delegate in Charge"), notably in its Privacy Policy and below in this section of this statement.

**Person in charge:** The title and contact details of the person in charge of the protection of personal information held by Avancie are:

- Title: ISO Coordinator and Privacy Officer
- Contact details :
  - E-mail: [info.vieprivee@avancie.com](mailto:info.vieprivee@avancie.com)
  - Fax: 888-829-4818

**Avancie subordinate or agent:** In carrying on Avancie's enterprise, personal information is accessible, without the consent of the individual concerned, to any Avancie subordinate or agent who is entitled to know it, provided that this information is necessary for the performance of his or her functions.

**Privacy Impact Assessment:** Avancie performs a Privacy Impact Assessment for any project to acquire, develop, overhaul an information system or provide electronic services involving the collection, use, disclosure, keeping or destruction of personal information. For the purposes of such an assessment, Avancie consults, from the outset of the project, its delegated person in charge of the protection of personal information held by Avancie. The conduct of a privacy impact assessment is proportionate to the sensitivity of the information concerned, the purpose for which it is to be used, its quantity, distribution and medium. Avancie also ensures that this project allows computerized personal information collected from the individual concerned to be communicated to him or her in a structured and commonly used technological format. The person in charge may, at any stage of such a project, suggest personal information protection measures applicable to the project, such as:

- (1) the appointment of a person responsible for implementing measures to protect personal information;
- (2) measures to protect personal information in any document relating to the project;
- (3) a description of the responsibilities of project participants with regard to the protection of personal information;
- (4) training activities on the protection of personal information for project participants.

## 2. PRIVACY

**Privacy Policy:** Avancie, as a person who collects personal information through technological means, publishes on its website a privacy policy written in clear and simple terms and disseminates it by other means likely to reach the individuals concerned. Avancie also publishes a notice of any changes to this Privacy Policy as an object of such changes. *Avancie's Privacy Policy* is incorporated by reference into this statement and is available at the following URL: <https://essais.avancie.com/confidentialite/>

**Confidentiality settings:** When Avancie collects personal information by offering a technological product or service with confidentiality settings, we ensure that, by default, these settings ensure the highest level of confidentiality, without any intervention on the part of the individual concerned. By exception, cookie settings are not affected by this.

**Sensitivity of personal information:** In the policies and practices described in this document, personal information is "sensitive" when, because of its medical, biometric or other intimate nature, or because of the context in which it is used or disclosed, it gives rise to a high reasonable expectation of privacy.

**Security measures.** Avancie takes appropriate security measures to ensure the protection of personal information that is collected, used, disclosed, kept, or destroyed, taking into account, among other things, the sensitivity of the information, the purpose for which it is to be used, its quantity, distribution and medium.

**Business contact information:** Avancie acts on the basis that applicable privacy laws allow for the exemption from their collection and confidentiality requirements of information that contacts - or facilitates contact with - an individual in the course of his or her employment, business or profession, or which otherwise relates to the exercise by the individual concerned of a function within an enterprise (such as name, position, function or title, workplace address or telephone or fax numbers, or work e-mail address).

**De-identified information:** Avancie, when using de-personalized information (i.e. when such information no longer directly identifies the individual concerned), takes reasonable steps to limit the risks of anyone proceeding to identify a natural person from it.

### Confidentiality incidents

- **Measures in the event of an incident:** When Avancie has cause to believe that a confidentiality incident involving personal information in its possession has occurred, it takes reasonable measures to reduce the risk of injury and to prevent similar incidents in the future.

- **Definition of incident:** In the policies and practices referred to in this statement, the term "confidentiality incident" is used:
  - 1° the use or communication of personal information or access to personal information not authorized by law;
  - 2° the loss of personal information or any other breach of the protection of such information, including a "breach of security safeguards" referred to in section 10.1 of the Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5 its Regulation respecting breaches of security measures, SOR/2018-64.
- **Incident register:** Avancie keeps a register of confidentiality incidents, the content of which may be determined by government regulation. At the Commission's request, a copy of this register will be forwarded to it.
- **Incident assessment:** When assessing the risk of injury to an individual whose personal information is concerned by a confidentiality incident, Avancie considers, among other things, the sensitivity of the information concerned, the anticipated consequences of its use and the likelihood that it will be used for harmful purposes. Avancie also consults its person in charge.
- **Notice to the Commissioner in the event of an incident:** If the incident presents a risk of serious injury, Avancie will promptly notify the Commission d'accès à l'information (instituted by section 103 of the *Act respecting access to documents held by public bodies and the protection of personal information*, RLRQ c A-2.1, hereinafter the "Commission") or, if applicable, the Privacy Commissioner of Canada. This notice contains the following information:
  - a) the circumstances of the incident and, if known, the cause of the incident;
  - b) the date or period of the incident or, if not known, an approximate period;
  - c) the nature of the personal information concerned by the incident, insofar as this is known;
  - d) the number of individuals affected by the incident or, if not known, an approximation of this number;
  - e) the measures taken by the organization to reduce the risk of injury to those concerned as a result of the incident, or to mitigate such injury;
  - f) the measures the organization has taken or intends to take to notify those concerned of any incident;
  - g) the name and contact details of a person who can answer the Commissioner's questions about the incident on behalf of the organization.
- **Notice to the individual in the event of an incident:** If the incident presents a risk of serious or grave injury, Avancie also notifies any individual whose personal information is concerned by the incident, failing which the Commission may order him or her to do so. (By way of exception, an individual whose personal information is concerned by the incident need not be notified to the extent that to do so would be likely to impede an investigation by

a person or body who, by law, is responsible for preventing, detecting or repressing crime or breaches of the law). The notice contains sufficient information to enable the individual to understand the significance of the incident for him or her and to take steps, if possible, to reduce the risk of injury or to mitigate such injury. It also contains the following information:

- a) the circumstances of the incident;
  - b) the date or period of the incident or, if not known, an approximate period;
  - c) the nature of the personal information concerned by the incident, insofar as this is known;
  - d) the measures taken by the organization to reduce the risk of injury resulting from the incident;
  - e) measures that can be taken by any interested party to reduce the risk of injury resulting from the incident or to mitigate such injury;
  - f) contact details allowing the person concerned to make further enquiries about the incident.
- **Notification of other persons or organizations:** If the incident presents a risk of serious or grave injury, Avancie may also notify any person or organization likely to reduce this risk, communicating only the personal information required for this purpose without the consent of the individual concerned. In the latter case, the person in charge records the communication.

### 3. CONSENT

**Characteristics of consent:** Consent must be manifest, free, informed and given for specific purposes. It is requested for each of these purposes, in clear and simple terms, and is valid only for the time necessary to conduct of the purposes for which it was requested. When the request for consent is made in writing, it is presented separately from any other information communicated to the individual concerned. Where required, assistance is provided to help the individual understand the scope of the consent requested.

**Consent to use and disclosure for purposes:** An individual who provides his or her personal information in accordance with the "Information at the time of collection or upon request" section of this statement consents to its use and disclosure for the purposes set out in the first bullet point of the first paragraph of this section.

**Collection from third parties:** When Avancie collects personal information under its control about others, it collects it from the individual concerned, unless the latter consents to collection from third parties. However, Avancie may, without the consent of the individual concerned, collect such information from a third person if authorized by law. It may do so if it has a serious and legitimate interest and if one or other of the following conditions is conducted of:

- (1) the information is collected in the interest of the individual concerned and cannot be collected from that individual in due time;
- (2) collection from a third person is necessary to ensure the accuracy of the information.

**Refusal:** Knowing that in case of doubt, personal information is deemed unnecessary, Avancie cannot refuse to fulfill a request for goods or services or a request for employment because the individual making the request refuses to provide personal information, except in one of the following circumstances:

- 1° the collection is necessary for the conclusion or performance of the contract;
- 2° collection is authorized by law;
- 3° there are reasonable causes to believe that such a request is not lawful.

#### 4. TRANSPARENCY

**Information at the time of collection or upon request:** When Avancie collects personal information under its control from the individual concerned, at the time of collection and subsequently upon request, it informs the individual:

- (1) the purposes for which the information is collected;
- 2° the means by which the information is collected;
- 3° the rights of access and rectification provided for by law;
- (4) the right to withdraw consent to the disclosure or use of the information collected.

If applicable, the individual concerned is informed of the name of the third person for whom the collection is made, of the names of third persons or categories of third persons to whom it is necessary to communicate the information for the purposes referred to in point 1° of the preceding paragraph and of the possibility that the information may be communicated outside Quebec .

What Avancie informs the individual concerned about at the time of collection is contained in "just-in-time" notices or otherwise in *Avancie's Privacy Policy* dealt with in the paragraph entitled "Privacy Policy" below, which is incorporated by reference into this statement and accessible through the following URL: <https://essais.avancie.com/confidentialite/>.

Upon request, the individual concerned is also informed of the personal information collected from him or her, the categories of persons who have access to this information within Avancie, how long this information is kept, and the contact details of the person in charge of protecting personal information.

Information is conveyed to the individual concerned in simple, clear terms, regardless of the means used to gather the information.

**Identification, location or profiling technologies:** In addition to the information provided pursuant to section 8 of the *Act respecting the protection of personal information in the private sector, RLRQ c P-39.1*, if Avancie collects personal information from concerned individuals using a technology that includes functions that allow them to be identified, located or profiled, Avancie will inform them in advance:

- 1° the use of such technology;
- 2° means offered to activate functions that allow identification, location or "profiling", i.e. the collection and use of personal information to assess certain characteristics of a natural

person, in particular for the purpose of analyzing that person's work performance, economic situation, health, personal preferences, interests or behaviour.

**Information on sources:** If Avancie collects personal information under its control from another person carrying on an enterprise, it will inform the individual concerned, at his or her request, of the source of such information. (This does not apply to an investigative file established to prevent, detect or repress a crime or a violation of the law).

**Decision by automated processing:** If Avancie uses personal information to make a decision based exclusively on automated processing, it informs the individual concerned no later than the time it informs him or her of the decision. Avancie will give the individual concerned the opportunity to make representations to a member of Avancie's personnel who is in a position to review the decision. At the request of the individual concerned, Avancie also informs him or her:

- (1) the personal information used to render the decision;
- 2° the reasons, as well as the main factors and parameters, that led to the decision;
- 3° the right to rectify the personal information used to render the decision.

## 5. LIMITATIONS

**Identifying Purposes:** When Avancie collects personal information about others for a serious and legitimate interest, it identifies the purposes before collecting the information.

**Limiting Collection to Purposes:** When Avancie collects personal information of its own about others, it collects only the information necessary for the purposes identified at the time of collection. This information is collected by lawful means.

**Limiting use, with or without consent:** Personal information may only be used within Avancie for the purposes for which it was collected, unless the individual concerned has given his or her consent. Consent must be expressly given in the case of sensitive personal information. Applicable privacy legislation allows personal information to be used for another purpose without the consent of the individual concerned in the following cases:

- 1° when it is used for purposes compatible with those for which it was collected;
- 2° when its use is clearly for the benefit of the individual concerned;
- 3° when its use is necessary to prevent and detect fraud or to assess and improve protection and security measures;
- 4° when its use is necessary for the supply or delivery of a product or the provision of a service requested by the individual concerned;
- 5° when its use is necessary for study, research or statistical purposes and it is de-identified.

**Use for compatible purposes:** For a purpose to be compatible within the meaning of point 1 in the preceding paragraph, there must be a relevant and direct link with the purposes for which the information was collected. However, commercial or philanthropic canvassing is never considered a compatible purpose.

**Commercial or philanthropic prospecting purposes:** If Avancie uses personal information for commercial or philanthropic prospecting purposes, it identifies itself to the individual concerned and informs him or her of his or her right to withdraw consent to the use of his or her personal

information for such purposes. When the individual concerned withdraws his or her consent to such use of his or her personal information, such information ceases to be used in this way.

6. KEEPING AND DESTRUCTION OR ANONYMIZATION

**Retention guidelines and procedures:** Personal information is kept only as long as necessary for the conduct of the purposes for which it was collected or to comply with the requirements of applicable laws and regulations. The minimum and maximum periods for keeping personal information vary according to the categories of personal information and the applicable legislative and regulatory requirements. Subject to exceptions and the fact that personal information used to make a decision concerning the individual concerned is kept for at least one year following the decision, the retention periods are generally as follows, unless otherwise required by law or regulation:

| Information concerning           | Minimum duration                                                | Maximum duration                                                                                       |
|----------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Clients                          | 2 years from end of commercial relationship or last interaction | 10 years after the end of the commercial relationship, unless otherwise required by law or regulation  |
| Personnel                        | 5 years after termination of employment contract                | 10 years after the end of the employment contract, unless otherwise required by law or regulation      |
| Suppliers                        | 3 years from the end of the contractual relationship            | 10 years after the end of the contractual relationship, unless otherwise required by law or regulation |
| Accounting and financial records | 10 years from the end of the financial year                     | 20 years after the end of the financial year, unless otherwise required by law.                        |
| Disputes and litigation          | 5 years from final closure of the case                          | 10 years after final closure of the dispute                                                            |

**Destruction Guidelines and Procedures:** Once the retention period for personal information has expired, Avancie will securely and permanently destroy personal information in accordance with its established procedures. Personal information destruction activities will be documented and recorded to ensure traceability and accountability. The persons in charge of the concerned departments or divisions of Avancie will periodically identify personal information whose keeping period has expired and which must be destroyed. Personal information will be destroyed in an appropriate manner, depending on the format in which it is stored; for paper documents: shredding, crushing or incineration; For digital media: secure erasure. The destruction of personal information will be supervised by the person in charge, who will ensure that appropriate procedures are applied and documented. This documentation will include the date of destruction, the method used, the personal information destroyed and the name of the person in charge.

**Anonymization:** When the purposes for which personal information was collected or used have been achieved, Avancie may anonymize it if it wishes to use it for serious and legitimate

purposes, subject to a keeping period stipulated by law. In the policies and practices described herein, information concerning any natural person is anonymized when it is, at all times, reasonable to expect in the circumstances that it will no longer allow, in an irreversible manner, the direct or indirect identification of that person. Information is anonymized in accordance with generally recognized best practices and the criteria and procedures determined by regulation, if applicable.

## 7. ACCURACY

**Accuracy for decisions.** Avancie ensures that the personal information it holds about others is up-to-date and accurate at the time it is used to make a decision about the individual concerned. Information used to make such a decision is kept for at least one year following the decision.

## 8. COMMUNICATION

**Communication to a third person:** Avancie does not communicate to a third person any personal information it holds on another person, unless the individual concerned consents to it or the applicable laws protecting privacy so provide. Such consent must be expressly given when sensitive personal information is involved.

**Disclosure by a third person:** Consent to the disclosure of personal information by a third person may be given by the individual concerned to Avancie, which may then collect the information from the third person.

**Communication outside Quebec:** Before communicating personal information outside Quebec for which there is no exception based on applicable privacy legislation, Avancie performs a privacy impact assessment. In particular, it takes into account the following elements:

- 1° intelligence sensitivity;
- 2° the purpose of its use;
- 3° any protective measures, including contractual measures, from which the information may benefit;
- 4° the legal regime applicable in the State where this information would be communicated, in particular the principles of protection of personal information applicable there.

Applicable privacy legislation permits such disclosures if the assessment demonstrates that the information would benefit from adequate protection, particularly in light of generally recognized privacy principles. If applicable, such disclosures are subject to a written agreement that takes into account, among other things, the results of the assessment and, if applicable, the terms and conditions agreed upon to mitigate the risks identified as part of this assessment. The same applies when Avancie entrusts a person or organization outside Quebec with the task of collecting, using, communicating or keeping such information on its behalf.

**Disclosure without consent:** Applicable privacy legislation allows Avancie, without the consent of the individual concerned, to communicate personal information it holds about others to certain persons or categories of persons, notably those listed in section 18 of the *Act respecting the protection of personal information in the private sector, RLRQ c P-39.1* (some of whom then have the power to communicate such information to the extent that such communication is necessary, in the performance of their functions, to conduct of the purposes for which they received such communication), or (ii) in the cases referred to in paragraphs (3)a) to h.1) of the *Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5*, where

applicable. Avancie records all disclosures made pursuant to the provisions of applicable privacy legislation.

**Disclosure to an Agent or Provider of services:** Applicable privacy laws permit Avancie, without the consent of the individual concerned, to disclose personal information to any person or organization if such disclosure is necessary for the performance of a mandate or the fulfillment of a contract for services or an enterprise entrusted by Avancie to such person or organization. In this case, Avancie:

- 1° confirms the mandate or contract in writing;
- 2° indicates, in the mandate or contract, the measures that the mandatary or contract performer must take to ensure the protection of the confidentiality of the personal information communicated, to ensure that this information is used only in the exercise of his mandate or the performance of his contract and that he does not keep it after its expiry.

A person or organization exercising such a mandate or executing such a contract of service or enterprise is required to notify the Delegate in charge without delay of any violation or attempted violation by any person of any of the obligations relating to the confidentiality of the information communicated and must also allow the Delegate to carry out any verification relating to such confidentiality.

**Communication about professionals, authorized by the Commission:** Avancie recognizes that applicable privacy legislation allows the Commission d'accès à l'information, upon written request and after consultation with the professional orders concerned, to grant a person authorization (which may be revoked or suspended by the Commission in certain particular circumstances) to receive communication of personal information about professionals relating to their professional activities, without the consent of the professionals concerned, if it has reasonable cause to believe that:

- 1° the communication preserves professional secrecy, in particular by not allowing the identification of the person to whom the professional service is rendered, and does not otherwise infringe the privacy of the professionals concerned;
- 2° the professionals concerned will be notified periodically of the proposed uses and purposes and will be given a valid opportunity to refuse to allow the information to be kept or used for the proposed uses or purposes;
- 3° security measures ensure the confidentiality of personal information.

**Disclosure to an archive:** Applicable privacy laws permit Avancie, without the consent of the individual concerned, to disclose personal information contained in a file it holds about another individual to an archive, if the archive is provided by a provider of services whose object of the service is to acquire, keep and disseminate documents for their general information value and if the information is disclosed in connection with an assignment or deposit of Avancie's archives.

**Disclosure for business transactions:** When the communication of personal information is necessary for the purposes of concluding a "business transaction" (i.e., the disposal or lease of all or part of an enterprise or its assets, a change in its legal structure by merger or otherwise, the obtaining of a loan or any other form of financing by it, or a security interest taken to guarantee one of its obligations) to which Avancie intends to be a party, applicable privacy laws authorize it to communicate such information, without the consent of the individual concerned, to the other party to the transaction. If applicable, a prior agreement is entered into with the other party, stipulating in particular that the latter party undertakes:

- 1° to use the information solely for the purposes of concluding the commercial transaction;
- 2° not to communicate the information without the consent of the individual concerned, unless authorized to do so by the applicable laws protecting privacy;
- 3° to take the necessary measures to ensure the protection of confidential information;
- 4° destroy the information if the commercial transaction is not concluded or if the use of the information is no longer necessary for the purposes of concluding the commercial transaction.

**Disclosure in case of danger:** In addition to the cases referred to in the previous paragraph, applicable privacy laws also allow Avancie to disclose personal information it holds on others, without the consent of the individuals concerned, in order to prevent an act of violence, including suicide, when there is reasonable cause to believe that there is a serious risk of death or serious injury (i.e., any physical or psychological injury that significantly affects the physical integrity, health or well-being of an identifiable person or group of persons) to an identifiable person or group of persons, and the nature of the threat inspires a sense of urgency. The information may then be communicated to the person or persons exposed to this danger, to their representative or to any person likely to come to their aid. Avancie, when communicating information pursuant to this paragraph, may only communicate such information as is necessary for the purposes of the communication. When information is communicated by Avancie in this way, Avancie records the communication.

**Communication for bereavement:** Applicable privacy laws allow Avancie to communicate to the spouse or close relative of a deceased person any personal information it holds concerning that person if knowledge of this information is likely to help the applicant in his or her bereavement process and the deceased person has not recorded in writing his or her refusal to grant this right of access.

**Disclosure after a statutory period:** Applicable privacy laws also permit Avancie to disclose this information to any person, without the consent of the individual concerned, if the information is in a document that is more than 100 years old or if more than 30 years have elapsed since the death of the individual concerned. However, unless the individual concerned consents, Avancie will not communicate any information relating to the health of an individual before the expiry of 100 years from the date of the document.

**Communication for research purposes:** Notwithstanding the preceding paragraphs, applicable privacy legislation allows Avancie to communicate the personal information covered by these documents, without the consent of the individual concerned, to a person for research purposes before the expiry of the prescribed time limits, if the documents are not structured in such a way as to be retrieved by reference to a person's name or to a sign or symbol specific to that person and if there is no means of locating this information on the basis of such a reference.

**Communication for study, research, or statistical purposes:** Under certain conditions, applicable privacy laws allow Avancie to communicate 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. If applicable, such disclosure may only be made subject to compliance with the requirements of applicable privacy legislation, including a privacy impact assessment concluding that:

- 1° the purpose of the study, research or production of statistics can only be achieved if the information is communicated in a form that allows the individuals concerned to be identified;

- 2° it is unreasonable to require the person or organization in question to obtain the consent of the individuals concerned;
- 3° the purpose of the study, research or statistical production outweighs, in light of the public interest, the impact of the communication and use of the information on the privacy of the individuals concerned;
- 4° personal information is used in a manner that ensures its confidentiality;
- 5° only the necessary information is communicated.

## 9. ACCESS, RECTIFICATION AND OTHER REQUESTS

**Request for access:** Avancie, when it holds personal information about another person that is under its control, will, at the request of the individual concerned, confirm the existence of such information and provide him or her with access to it, allowing him or her to obtain a copy. At the request of the applicant, all computerized personal information is communicated in the form of an intelligible written transcript. Unless this raises serious practical difficulties, computerized personal information collected from the applicant, and not created or inferred from personal information concerning him or her, is, at the applicant's request, communicated to him or her in a structured and commonly used technological format. This information is also communicated, at the applicant's request, to any person or organization authorized by law to collect such information. Where the applicant is a handicapped person, reasonable accommodation measures are taken, upon request, to enable the applicant to exercise the right of access provided for in this section.

**Request for rectification:** In addition to the rights provided for in the first paragraph of article 40 of the Civil Code of Québec, any individual may, if the personal information concerning him or her is inaccurate, incomplete or equivocal, or if its collection, communication or keeping is not authorized by law, require Avancie to rectify it.

**Information held for Avancie:** Applicable privacy laws permit a person who holds personal information on behalf of Avancie, when presented with a request for access or rectification by a concerned individual, to refer the request to Avancie. This is not intended to limit the right of access or rectification of a concerned individual to a personal information agent.

**Request for cessation of dissemination or indexing:** The individual concerned by personal information may require Avancie to cease disseminating this information or to de-index any hyperlink attached to his or her name that allows access to this information through technological means, when the dissemination of this information contravenes the law or a court order. He may do the same, or require that the hyperlink allowing access to this information be re-indexed, when the following conditions are met:

- 1° the dissemination of this information causes him serious injury relating to the right to respect for his reputation or his private life;
- 2° the injury clearly outweighs the public interest in knowing the information or the interest of any person in expressing himself or herself freely;
- 3° the requested cessation of broadcasting, reindexing or deindexing does not exceed what is necessary to avoid the perpetuation of the injury.

If the person in charge agrees to the request, she will certify, in her written reply, that the personal information has ceased to be disseminated or that the hyperlink has been de-indexed or re-indexed.

**Exercise of rights:** Avancie, when it holds personal information under its control about others, takes the necessary measures to ensure the exercise by the individual concerned of the rights provided for in articles 37 to 40 of the Civil Code of Québec, as well as the rights conferred by the applicable laws protecting privacy. In particular, Avancie informs the public where and how to access personal information.

**Admissibility of a request:** A request, in particular for access or rectification, will only be considered if it is addressed to the Delegate in charge, made in writing (except in cases where the applicable laws protecting privacy also allow it to be made verbally) by a person proving his or her identity as the individual concerned, as a representative, heir, successor of this individual, as liquidator of the succession, as beneficiary of life insurance or death benefit, as holder of parental authority even if the minor child is deceased, or as spouse or close relative of a deceased person in cases covered by section 40.1 of the *Act respecting the protection of personal information in the private sector*, RLRQ c P-39.1.

**Assistance with requests:** When a request is not sufficiently precise, or when an individual so requests, the person in charge will assist in identifying the information sought. This does not restrict the communication to an individual of personal information concerning him or her, or its rectification as a result of a service rendered to him or her.

**Response to a request:** The person in charge will reply in writing to the request for access or rectification, with diligence and no later than 30 days from the date of receipt of the request. Failing to reply within 30 days of receipt of the request, the person in charge is deemed to have refused to grant it.

**Free access and reasonable charges:** Access to personal information is free of charge. However, a reasonable fee may be charged for the transcription, reproduction or transmission of such information. When Avancie intends to charge a fee, it will inform the applicant of the approximate amount payable before proceeding with the transcription, reproduction or transmission of such information.

**Acceptance of a request:** When the Déléguée responsable accepts a request for rectification, in addition to the obligations set out in the second paragraph of article 40 of the Civil Code of Québec, she issues, free of charge, to the person who made the request, a copy of any personal information that has been modified or added or, as the case may be, an attestation of the deletion of such information.

**Refusal of a request:** The Delegate in charge gives the reasons for any refusal to grant a request and indicates the provision of the law on which the refusal is based, the remedies available to the applicant under the law and the time limit within which they may be exercised. Avancie also provides assistance to help the applicant understand the refusal. If Avancie holds information that is the object of a request for access or rectification to which it does not agree, it keeps it for the time required to allow the individual concerned to exhaust the recourses provided by law.

**Refusal in Case of Investigation or Legal Proceedings:** Applicable privacy laws permit Avancie to refuse to disclose to an individual any personal information concerning him or her where disclosure of the information would reasonably be expected to threaten privacy:

- 1° interfere with an investigation conducted by its internal security service for the object of preventing, detecting or repressing crime or offences against the law or, on its behalf, by an external service having the same object or a holder of a security guard agency or investigation agency permit issued in accordance with the Private Security Act (chapter S-3.5);

2° have an effect on legal proceedings in which either of these persons has an interest.

**Refusal in the event of disclosure harmful to a third party:** Avancie refuses to give an individual access to personal information concerning him or her when its disclosure would likely reveal personal information about a third person or the existence of such information, and when such disclosure would be likely to seriously harm the third person, unless the latter consents to its disclosure or in the event of an emergency endangering the life, health or safety of the individual concerned.

**Refusal concerning a liquidator, beneficiary, heir or successor:** Subject to the cases covered by section 40.1 of the *Act respecting the protection of personal information in the private sector*, RLRQ c P-39.1, Avancie refuses to disclose personal information to the liquidator of the estate, the beneficiary of life insurance or death benefits, the heir or successor of the individual concerned by the information, unless disclosure would jeopardize the interests and rights of the person requesting the information as liquidator, beneficiary, heir or successor.

## 10. COMPLAINTS

**Complaints to Avancie:** Here is an overview of how Avancie processes complaints about the protection of personal information:

- **Before filing a complaint :**
  - **Verification of applicable law:** Ensure that you are aware of the applicable law(s) among the various laws protecting privacy, as well as the rights and remedies available to the individuals concerned.
  - **Reading Avancie's privacy policy:** Read Avancie's privacy policy, which can be accessed at the following URL: <https://essais.avancie.com/confidentialite/>.
- **When the complaint is filed :**
  - **Substantive and formal requirements:** All complaints must clearly detail the facts and circumstances giving rise to the complaint, be made in writing by a person proving his or her identity as the individual concerned or any other interested person, and be addressed and forwarded to the Avancie Delegate responsible using the electronic complaint form or by using her contact details.
  - **Complaint form:** Avancie encourages all complainants to use the complaint form it makes available to its customers and the public as a means of preparing their complaint. This form can be accessed at the following web page: <https://essais.avancie.com/politique-des-renseignements-personnels/>.
  - **Attach the necessary documents:** Include all supporting documents relevant to your complaint.
- **While dealing with the complaint:**
  - **Giving Avancie a chance to respond:** Before turning to public authorities exercising powers to examine, audit, investigate or order corporate privacy

practices concerning the object of a complaint against an enterprise, they generally recommend giving the enterprise concerned a chance to examine and respond to the complaint that has been addressed to it, in order to try to resolve the problem directly with it first.

- **Complaint follow-up:** If a complaint is not dealt with according to the process and timeframes indicated, it is possible to contact the Avancie Delegate in charge to request an update on the status of the complaint.
- **After dealing with the complaint:**
  - **Analysis of Avancie's response:** Assess Avancie's response to your complaint and contact the person in charge to determine if it is satisfactory and compliant with applicable legislation.
  - **Recourse to a public authority:** If the organization's response is unsatisfactory, or if the organization does not respond to your complaint, contact the relevant supervisory authority to request an investigation and mediation.

**Request for examination of disagreement :** Any interested person may submit to the Commission d'accès à l'information du Québec a request for examination of a disagreement relating to the application of a legislative provision concerning access to or rectification of personal information in the *Act respecting the protection of personal information in the private sector*, RLRQ c P-39.1, or the application of section 28.1 of that Act, which concerns the cessation of dissemination or indexing of personal information.

**Complaint to the Privacy Commissioner:** Any interested person may file a complaint with the Privacy Commissioner of Canada against an organization that contravenes any of the provisions of sections 1 or 1.1 of the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5, or that fails to implement a recommendation set out in Schedule 1 of that Act.