



Quebec's catalytic first year of data law impacts companies

An important impact of Quebec's law covering the private sector has been its influential effect on debate on the scope of Canada's federal Privacy Act (see pp.7, 12). In this edited introduction to his 1994-95 Annual Report of the Commission d'accès à l'information du Québec, Commission President, Paul-André Comeau, explains some of the more important issues. The Annual Report also serves as a reference tool for users of the *Acts Respecting: Access to Documents held by Public Bodies and The Protection of Personal Information; and the Protection of Personal Information in the Private Sector* (PL&B Dec. 1993 p.6).

Impact of private sector jurisdiction

The latter legislation aroused interest in the first weeks of 1994 when it entered into force. The number of telephone calls received by the Commission more than tripled. The public wanted to learn more about the Act, while employers sought advice and suggestions on adapting their businesses to the requirements of the new law. It quickly became apparent that links would have to be established with the private sector. Meetings with various groups provided the Commission with inside information on the problems created by the application of the new legislation. The result was the creation of a consultation process designed to find solutions that respect the rights of the public and that are adapted to the normal operation of businesses in the private sector.

The acceptance by Quebec businesses of the obligations resulting from the new legislation is encouraging. The daring step taken by the National Assembly when it adopted this legislation has had visible consequences in Quebec and has raised expectations beyond its borders. A number of large firms have decided to extend to all their Canadian customers the measures they have implemented to comply with Quebec law.

Transfers of personal information

A greater cause for concern are transfers of personal information without the consent of the data subject. These transfers are usually made in the form of files that two or more organisations

compare or communicate to one another; usually a simple matter of systematically transferring a personal information file from one organisation to another, which immediately integrates the new file into its own database. In the past few months, evidence has been found of a disquieting tendency to treat such transfers as a regular procedure. The main justification is administrative efficiency. In 1982, with the unanimous adoption of the *Access to Public Documents Act*, the National Assembly limited this transfer for the purpose of comparing and pairing to those cases where it was necessary for the application of a Quebec statute.

This decision was based on the firm intention of preventing the creation of giant databases that would make the notion of privacy meaningless. If this principle is disregarded, the fear is that the government will soon have permission to know about the private lives of each citizen.

The information highway

It is possible to identify two types of networks on the information highway - one built by enthusiastic volunteers, the other dedicated to commercial concerns. That distinction is important because the Internet is represented as a centre for cultural exchange and therefore, argument against control is very strong. But if we see that the information networks of the future will be dominated by networks carrying out business transactions, if the "giants" of the world of communication control the networks, then the everyday behaviour of the user, as well as his consumer habits, are open to view. It is important to begin preparing right away a list of the problems that may arise requiring legislation to ensure the right to privacy and the protection of personal information.

The most elementary caution requires that the demands of privacy be taken into consideration before the information highway is open to traffic. In a context which we can assume will prove highly competitive, businesses will argue that the investment they have already made is too great to allow of any change that may be required to deal with problems discovered or scandals uncovered.

Commission d'accès à l'information du Québec: Rapport Annuel 1994-1995, Les Publications du Québec, 1500 D, boulevard Charest Ouest, Sainte-Foy, Québec, G1N 2E5, Canada. Can\$2 ISBN 2-551-16289-0 ISSN 0823-0633