

## Privacy Policy

### INTRODUCTION

The Barreau du Québec (the “**Barreau**”) regulates advocates in Quebec. It is governed by the *Professional Code* (the “**Code**”), CQLR c C-26, and by the *Act respecting the Barreau du Québec*, CQLR c B-1.

The Barreau recognizes the importance of privacy and the sensitivity of personal information it obtains in supervising and controlling the practice of the profession. Personal information is collected, used, disclosed and retained in accordance with the *Civil Code of Québec*, the *Act respecting the protection of personal information in the private sector*, CQLR c P-39.1, the *Act respecting Access to documents held by public bodies and the Protection of personal information*, CQLR c A-2.1 and the *Code* (the “**Acts**”).

Personal information is defined by the Acts as any information about an individual that can be used to identify an individual, including, but not limited to, your name, address, email address, telephone number, gender, banking details, employment, health or other information.

This Policy outlines the principles and practices the Barreau follows in dealing with personal information. It applies to the Barreau, the Bar School (the “**School**”) and its legal clinic, as well as the Professional Liability Insurance Fund of the Barreau du Québec (the “**Fund**”). It also applies to anyone providing services on behalf of the Barreau.

The Barreau also owns and operates a website at [www.barreau.qc.ca/en/](http://www.barreau.qc.ca/en/) (the “**Site**”). All addresses the primary domain name of which is "barreau.qc.ca" as well as the following sites are considered part of the Site: [www.assurance-barreau.com](http://www.assurance-barreau.com), [www.assurancejuridique.ca](http://www.assurancejuridique.ca), [www.ecoledubarreau.qc.ca](http://www.ecoledubarreau.qc.ca), [www.espacea.ca](http://www.espacea.ca), [www.legalinsurancebarreau.com](http://www.legalinsurancebarreau.com), [www.cliniquejuridiquebarreau.ca](http://www.cliniquejuridiquebarreau.ca) and [www.legalinsurancebarreau.quebec](http://www.legalinsurancebarreau.quebec).

Although the domain names are hosted on the Barreau’s web server, the following organizations are completely independent of the Barreau, and they alone are responsible for the contents of their sites: the Bar of Abitibi-Témiscamingue, the Bar of Arthabaska, the Bar of Bedford, the Bar of the Côte-Nord, the Bar of Laurentides-Lanaudière, the Bar of Longueuil, the Bar of Québec, the Bar of the Outaouais, the Bar of Richelieu, the Bar of Saguenay-Lac-Saint-Jean, the Bar of Saint-François and the Quebec Bar Foundation. Each of these organizations is responsible for managing the personal information

collected by their respective sites and in the course of their respective activities. The Barreau is in no way responsible for the personal information collected by these organizations.

## **RESPONSIBILITIES OF THE BARREAU**

The Barreau oversees and controls the profession of advocate in the public interest by promoting and enforcing a high standard of professional and ethical conduct for its members.

The Barreau will fulfill all requirements to protect, collect, use, disclose and retain personal information under the Acts, the rules of the Barreau du Québec, the code of ethics and professional conduct for directors of the Barreau du Québec (*Code d'éthique et de déontologie des membres du Conseil d'administration du Barreau du Québec*) and other applicable law.

The Barreau will also ensure that it has reasonable security measures in place to protect against such risks as unauthorized access, collection, use, disclosure, copying, modification or destruction of any personal information in its custody and control.

The Barreau's access to information and privacy committee and privacy officer are responsible for ensuring that the Barreau has appropriate policies and practices in place to safeguard any personal information in its custody and control. The privacy officer is also responsible for monitoring compliance of these policies and processes with the requirements of the Acts and other applicable law.

## **INFORMATION THE BARREAU COLLECTS ABOUT YOU**

In order to properly fulfill its role of protecting the public, the Barreau must collect several types of personal information. We are taking measures to ensure that the personal information we collect about you is adequate, relevant, not excessive and used for limited purposes. We collect the information we need to meet different needs, depending on your status with the Barreau.

- **If you are an applicant to the School,** we collect your name, date of birth, contact information, social insurance number, student code, transcripts, certificate of good conduct, credit card number to pay for your application, photograph, medical information for accommodation requests and other information that may determine whether you are eligible to attend the School.
- **If you are applying for entry or re-entry on the Roll of the Order,** we collect your name, contact information, social insurance number, articling assessments, certificate of good conduct, credit card number to pay for your application, photograph, medical information for accommodation requests and other information that may affect your eligibility for entry or re-entry on the Roll.

- **If you are a member of the Barreau,** we collect your name, work and home address, social insurance number, workplace, photograph, work and personal e-mail address, information related to your continuing education, credit card number to pay for annual renewals, banking information (if you have a trust account), judicial record and other information that may be sent to us by third parties and that could affect your entry on the Roll of the Order or your various specific accreditations.
- **If you are a member of the public,** we collect your name, contact information and any information necessary to process your request, including a consultation with the Barreau's legal clinic or a claim against an insured. The Barreau may also collect information about members of the public regarding legal records during an investigation or an inspection of an advocate's practice.
- **If you are applying for a job posted by the Barreau,** we collect your name, contact information and résumé. We also collect information related to your judicial record and credit rating as part of a hiring checklist, if necessary.

The notion of personal information does not cover anonymous information that cannot be used to identify an individual.

## **HOW THE BARREAU USES YOUR INFORMATION**

The Barreau uses and retains personal information about its members, applicants seeking admission to the profession, members of the public, employees, volunteers and other third parties in order to oversee and control the profession of advocates providing legal services in Quebec. The Barreau's functions include:

- assessing and administering applications for admission, appeal, entry and re-entry on the Roll, including performing character evaluations;
- ensuring that the members of the Barreau comply with continuing education standards, including continuing professional development;
- managing the admission of candidates to the profession on an ongoing basis, including payment of admission fees;
- assessing the knowledge and skills of applicants seeking admission to the profession during the professional training program, including the activities at the Barreau's legal clinic and during the articling period;
- receiving, investigating and managing complaints and conducting disciplinary proceedings, conciliation, arbitration of advocates' bills of accounts and hearings;
- receiving information on criminal offences under section 55.1 of the *Professional Code*;

- receiving information on disciplinary decisions rendered outside Quebec under section 55.2 of the *Professional Code*;
- managing the profession's compensation program through the Barreau's compensation fund and investigating, managing and settling claims;
- providing practical advice on checking and investigating records and accounts;
- investigating complaints and holding disciplinary hearings, in addition to dealing with cases involving unauthorized practice of the profession and determination of fitness to continue to practice;
- inspecting members to ascertain their professional competence;
- developing policies and regulations to ensure that the public is protected;
- ensuring that the members of the Barreau meet continuing legal education requirements;
- for the purpose of research and analysis, collecting statistics to collaborate with researchers or publications regarding the profession;
- certifying membership with the Barreau or with the law society of another province or territory;
- informing and protecting the public in accordance with its obligations under the Acts;
- managing members' records when taking possession after a member becomes disqualified;
- investigating and deciding on claims relating to monies held in trust by the Barreau under the *Act respecting the Barreau du Québec*;
- receiving and responding to access to information requests;
- assessing members' competence and implementing standards of practice;
- establishing, managing and terminating employment and volunteer relationships between the Barreau and its employees and volunteers; and
- receiving, analyzing and, if necessary, settling professional liability claims.

## HOW THE BARREAU COLLECTS YOUR CONSENT

The Barreau considers you to have validly consented to the collection, use or disclosure of your personal information if (i) you give your express written or oral consent; (ii) you voluntarily provide personal information for an obvious purpose; or (iii) if you do not object to the collection, use or disclosure of personal information by the Barreau within a reasonable time after the Barreau has given you clear notice, including through this Policy, of its intention to do so and the intended purposes.

In some cases, the Barreau may collect personal information about an individual without their consent in accordance with the Acts or any other law or regulation that permits doing so.

## SHARING PERSONAL INFORMATION WITH THIRD PARTIES

We may disclose your personal information to comply with any court order, law or legal process, including to respond to any government or regulatory request, in accordance with applicable law, to enforce or apply our terms of use and other agreements, or if we believe that disclosure is necessary or appropriate to protect the rights, property or safety of the Barreau or others. This includes exchanging information with other companies and organizations for fraud protection purposes.

In overseeing and controlling the profession, the Barreau handles information that is subject to solicitor-client and litigation privilege or is otherwise confidential between members and their clients. Where the Barreau obtains privileged or confidential information from a member, it will discharge any obligations that the advocate would have with respect to that information, subject to the Acts. Where the privileged or confidential information is also personal information, the Barreau also remains bound by its obligations under the Acts with respect to that personal information.

Exceptionally, the Barreau may, without the consent of the person concerned, release personal information it holds on that person or information it holds on a company or partnership referred to in Chapter VI.3 of the *Code* or on another group of professionals:

- (1) to a person or committee referred to in section 192 of the *Code* or to the Professions Tribunal when it is necessary for the exercise of their functions;
- (2) to another professional order to which the *Code* applies or to a body exercising similar or complementary functions for the protection of the public when the release is necessary for an investigation or inspection or the issue of a permit;
- (3) to the Office des professions for the exercise of its functions;

(4) to any other person by way of a press release, notice or otherwise when the information relates to professional activities or other similar activities of the person concerned that could endanger the life, health or safety of others.

We may transfer personal information that we collect or that you provide as described in this Policy to service providers and other third parties we use to support our business. Such third parties are contractually obligated to keep personal information confidential, use it only for the purposes for which we disclose it and process personal information in accordance with the standards set out in this Policy and in compliance with the Acts.

Your personal information is processed and stored in Quebec. Where the Barreau needs to transfer personal information outside Quebec in the exercise of its functions, we will do so only if we find that the information would be adequately protected, in particular considering the sensitivity of the information, the purpose for which it is used, the protection the information would be afforded, and the legal framework applicable in the state or province where the information would be transferred. Any transfer will also be subject to appropriate contractual agreements to ensure adequate protection.

The Barreau does not sell any information to third parties.

## **USE OF THE BARREAU'S SITE**

This Policy applies to information we collect, use or disclose about members of the public and users of the Site.

The Barreau's Site uses cookies. Cookies are small text files saved on the user's hard drive. Cookies are completely harmless and cannot contain any viruses. We use cookies on the Site for three different purposes:

- The Site uses cookies to prevent misuse of the information in the Barreau's directory of advocates. Cookies, which can be read only by the Site's software, allow the Site to identify a user's computer and thereby limit the number of daily searches in the advocates' directory. Cookies allow the Site to monitor the identity of a user's computer only when the application is used.
- In surveys the Barreau occasionally disseminates via the Site, cookies are used to avoid sending surveys a second time to users who have already agreed or refused to participate. Cookies do not allow us to identify users or associate users with responses.
- The Barreau uses Google Analytics to analyze visits to its Site. Google Analytics uses cookies to record certain visitor behaviours, such as the number of visits to the Site, the path taken and the duration of the visit. Cookies do not allow us to identify users.

The data remains completely anonymous and is used only to improve the Barreau's Site based on the needs of its visitors.

The Site may include links to third-party websites, plug-ins, services, social networks or applications. Clicking on these links or enabling these connections may allow the third party to collect or share information about you. If you follow a link to a third-party website or use a third-party plug-in, please note that these third parties have their own privacy policies and we do not accept any responsibility or liability for those policies. We do not control these third-party websites and encourage you to read the privacy policy of each site you visit.

By using the Site, you agree to the terms and conditions of this Policy. Any changes to this Policy will be posted on this page.

## **DATA SECURITY**

The security of your personal information is very important to us. We have put in place appropriate and reasonable physical, organizational, contractual and technological security measures to protect your personal information from loss or theft and from unauthorized access, disclosure, copying, use or modification. We have taken steps to ensure that only those of our employees who absolutely need access to your personal information to perform their duties are granted access.

Those working for or on behalf of the Barreau must:

- make reasonable efforts to minimize the risk of unintentional disclosure of personal information;
- take special care to ensure that personal information is not overseen, overheard, accessed or lost when working from premises other than the Barreau's offices; and
- take reasonable steps to protect personal information when travelling between locations.

Note that the manner in which the Barreau communicates with you may depend on the circumstances and the individuals whose personal information or privacy is at stake.

Subcontractors having access to personal information in the Barreau's custody or control will be advised of this Privacy Policy and other applicable policies and processes to ensure that personal information is secure and protected. All subcontractors will be required to agree to abide by those policies and processes and the Acts prior to commencing work for the Barreau.

Despite these precautions, no method of transmission or storage is 100% secure or error-free. As a result, we cannot guarantee absolute security. If you have reason to believe that your interaction with us is no longer secure (for example, if you are concerned that your account credentials have been compromised), please contact us immediately using the contact information provided below. If we become aware of a security breach involving your personal information, we will notify you and the appropriate authorities as soon as possible, in

accordance with the Acts.

## **DATA RETENTION**

Except as permitted or required by the Acts or any applicable law or regulation, we will retain your personal information only for as long as necessary to fulfill the purposes for which we collected it, including for the purposes of satisfying legal, accounting or reporting requirements to the appropriate government and regulatory bodies.

Under some circumstances, we may anonymize your personal information so that it can no longer be associated with you. We reserve the right to use de-identified and anonymized data for any legitimate purpose without further notice to you or your consent.

If the Barreau uses personal information to make a decision that directly affects an individual, we will retain that information for as long as necessary to fulfill the purposes for which the information was collected and in accordance with the Barreau's retention schedule. Once the information has been used, individuals may access their personal information as set out in the Acts.

## **ACCESSING AND CORRECTING YOUR PERSONAL INFORMATION**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes. Under the Acts, you have the right to request access to and correct the personal information we hold about you.

If you want to review, verify, correct or withdraw your consent to the use of your personal information, please visit [www.barreau.qc.ca/en/access-information/](http://www.barreau.qc.ca/en/access-information/) to request access to or correct any personal information you have provided to us. Access or correction requests must be in writing and addressed to the access to information officer. You must provide enough detail to enable the Barreau to process the request. The Barreau will respond within 20 days, unless it extends the time as authorized under the Acts. The Barreau may charge a reasonable fee to provide access to an individual's personal information. No fee will be charged for a correction request. The Barreau will advise individuals of any applicable fees before processing a request.

We cannot accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

We may request specific information from you to help us confirm your identity and your right to access the information and to provide you with the personal information we hold about you or make your requested changes. The applicable Acts may allow or require us to refuse to give you access to some or all of the personal information we hold about you, or we may have destroyed, erased or anonymized your personal information in accordance with our record retention obligations and practices. If we cannot give you access to your

personal information, we will inform you of the reasons, subject to any legal or regulatory restrictions.

We will provide access to your personal information, subject to exceptions set out in applicable privacy legislation. Examples of such exceptions may include:

- information protected by solicitor-client and litigation privilege;
- information that is part of a formal dispute resolution process;
- information about another person that would reveal their personal information or confidential business information;
- information that could reasonably be expected to threaten the life or security of another individual;
- information containing personal information that would reveal the identity of an individual who has provided an opinion about another individual in confidence and has not consented to the disclosure of their identity;
- information that is prohibitively expensive to provide; or
- a request that, if processed, could significantly harm the activities of the Barreau.

If you are concerned about our response or would like to correct the information provided, you may contact us at [vieprivee@barreau.qc.ca](mailto:vieprivee@barreau.qc.ca).

### **WITHDRAWING YOUR CONSENT**

If you have given your consent to the collection, use and transfer of your personal information, you may have the legal right to withdraw your consent under certain circumstances. To withdraw your consent, if applicable, contact us at [vieprivee@barreau.qc.ca](mailto:vieprivee@barreau.qc.ca).

Please note that if you withdraw your consent, we may not be able to provide you with certain services. We will explain the impact of withdrawing your consent to help you make a decision.

### **CHANGES TO OUR PRIVACY POLICY**

It is our policy to post any changes we make to our Privacy Policy. If we make material changes to how we handle our users' personal information, we will notify you at the primary email address listed in your account.

We include the date this Policy was last revised at the end of this document. You are responsible for ensuring that we have an up-to-date, active and deliverable email address for you and for periodically visiting our Site and this Policy to check for any changes.

## CONTACT DETAILS AND COMPLIANCE UNDERTAKING

If you have any comments, questions or requests regarding this Privacy Policy and our privacy practices, please contact us at [vieprivee@barreau.qc.ca](mailto:vieprivee@barreau.qc.ca).

We have procedures in place to receive and respond to complaints or inquiries about how we handle personal information and our compliance with this Policy and applicable privacy laws.

If you are not satisfied with the way the Barreau has handled your personal information, you may submit a complaint to the Barreau. The complaint will be investigated by the Barreau's privacy officer, who will determine whether the personal information was handled in compliance with the Barreau's policies, protocols and practices and other applicable law. The privacy officer will make every reasonable effort to resolve complaints. Complainants will be informed of any progress or outcome of the investigation within no more than 30 days of receipt of the complaint and/or any additional time required to complete the investigation.

You may also contact the Commission d'accès à l'information du Québec. A written complaint can be filed with the Commission by visiting [www.cai.gouv.qc.ca/diffusion-de-linformation/services-et-formulaires/](http://www.cai.gouv.qc.ca/diffusion-de-linformation/services-et-formulaires/). However, we encourage you to contact the Barreau's privacy officer first.

Approved: August 2022