

DIRECTIVE

# Protection of Personal Information

Revision approved by:

**Board of Directors**

Date of initial approval:

**August 9, 2022**

Revision dates:

**N/A**

Issuing sector:

Legal Affairs –  
Ethics, Compliance and  
Governance

Other sectors involved:

All departments

Objective(s):

- Define the minimum requirements for the protection and confidentiality of Personal Information
- Establish procedures to govern the management of Personal Information

Related policies, directives and legislation:

- Code of Ethics and Professional Conduct for Officers and Employees
- Act respecting Access to documents held by public bodies and the Protection of personal information
- Act to modernize legislative provisions as regards the protection of personal information
- Archives Act
- CDPQ Information Management and Security Policy
- CDPQ Information Resource Management and Security Directive



# Contents

---

- 1. Context..... 3
- 2. Definitions..... 3
- 3. Guiding Principles ..... 3
- 4. Management of Partners..... 4
- 5. Compliance tools..... 4
- 6. Rights of the Data Subjects ..... 5
- 7. Privacy Incident Management..... 6
- 8. Complaints ..... 6
- 9. Training and resource person ..... 7
- 10. Roles and responsibilities ..... 7
- 11. Penalties for failure to comply with the Directive ..... 8
- 12. Governance..... 8

# 1. Context

Within the framework of its operations, CDPQ Infra and its Partners carry out Processing activities relating to Personal Information. The Personal Information that CDPQ Infra holds relates to its Employees and Partners, as well as REM users.

This Directive establishes the Guiding Principles to govern CDPQ Infra and its Employees with regards to Processing Personal Information, in order to ensure Protection of such Information accordance with applicable Legislation.

# 2. Definitions

Capitalized terms are defined in Schedule 1.

# 3. Guiding Principles

The Guiding Principles consist of the following obligations with which CDPQ Infra and its Partners must comply when Processing Personal Information

## 3.1 Limitation, legitimacy and transparency

The Processing must be limited to the pre-determined legitimate purposes for which the strictly necessary Personal Information is Processed and recorded in the Personal Information Processing record, of which the Data Subjects have been informed in accordance with Article 6 of this Directive.

## 3.2 Prior consent of the Data Subjects

Subject to any exceptions permitted by applicable Legislation, consent from the Data Subject must be obtained prior to Processing. Such consent:

- a. must be preceded by the information necessary for its understanding, including the legitimate purposes for which the Personal Information is to be collected;
- b. must be obvious, free, informed, unequivocal and given for specific purposes;
- c. cannot be obtained by means of a pre-populated field; and
- d. is only valid only for the time necessary to fulfil the purposes for which it was requested.

## 3.3 Protection of Information

The Protection of Personal Information must be governed by measures adopted prior to its Processing.

These measures shall cover, throughout the life cycle of the Personal Information:

- a. security and retention of Personal Information (in a form that allows Data Subjects to be identified), including:
  - o compliance with the *Information Management and Security Policy (2015)* and *Information Resource Management and Security Directive (IT and Documentation) (2016)* adopted by CDPQ;

- any other Security standards adopted by CDPQ Infra; and
- in the case of Partners, any additional Security standards adopted by them.
- b. destruction of Personal Information, which is subject to:
  - the Classification Plan and Retention Schedule adopted in accordance with the *Archives Act*;
  - Anonymization of Personal Information for public interest purposes;
- c. a Privacy Incident management plan associated with Section 7 of this Directive;
- d. a PIA, when required by and in accordance with the provisions of applicable Legislation.

### 3.4 Accuracy

Personal Information shall be and remain accurate, complete and up-to-date.

### 3.5 Designation of an Officer

A Personal Information Privacy Officer shall be designated to oversee compliance with this Directive.

## 4. Management of Partners

Any Processing entrusted by CDPQ Infra to a Partner shall be subject, by reference, to this Directive and shall include at a minimum:

- a. measures to ensure respect for the rights of the Data Subjects;
- b. Protection of their Personal Information;
- c. written notification to CDPQ Infra of any related Privacy Incident;
- d. pre-identification of any Treatment planned outside Quebec or through a third party; and
- e. audit, liability and penalties of the Partner in case of violation.

Any Processing entrusted by a Partner to a third party (and subsequent parties) must be expressly pre-authorized in writing by CDPQ Infra. In order for CDPQ Infra to authorize the third party, it must, at minimum, comply with the aforementioned criteria.

## 5. Compliance tools

### 5.1 Processing records

A Personal Information Processing record shall be maintained and kept up-to-date. This record must be made available to the auditing authorities (including CDPQ Infra when it is kept by a Partner) upon request.

### 5.2 Privacy Impact Assessment

A PIA must be performed prior to:

- a. any acquisition, development or redesign project, service or tool involving the Processing of Personal Information; and

- b. any transfer of Personal Information outside Quebec, including entrusting a Partner outside Quebec with the task of collecting, using, disclosing or retaining Personal Information on behalf of CDPQ Infra.

## 6. Rights of the Data Subjects

Data Subjects have the following rights with respect to the Processing of their Personal Information, subject to the restrictions set forth in the applicable Legislation, which takes precedence:

### 6.1 Right to information

Before their Personal Information is Processed, Data Subjects must be informed of the following:

- a. the legitimate purposes for which Personal Information is collected and how it will be Processed;
- b. the rights of access and rectification provided by applicable Legislation;
- c. Partners to whom Personal Information may be disclosed, including those who may be located outside of Quebec; and
- d. the use of identification, location or profiling functions and the means to enable such functions.

### 6.2 Access rights

Data Subjects have the right to request confirmation as to whether or not their Personal Information is being processed and, if it is, they have the right to obtain access to such Personal Information.

This right does not extend to Information that may have been created or inferred from Personal Information collected from a Data Subject.

### 6.3 Right of rectification

Individuals have the right to request from the Privacy Officer that their Personal Information be promptly corrected or completed.

### 6.4 Right of withdrawal and refusal

Data Subjects have the right, for legitimate reasons relating to their specific situation:

- a. to withdraw their consent to the Processing of their Personal Information; and
- b. to refuse to enable the identification, location or profiling functions planned.

### 6.5 Right of appeal

Data Subjects have the right to appeal to the *Commission d'accès à l'information* in the event of a dispute about their rights.

### 6.6 Procedure for exercising rights

#### Employees' request

An Employee must contact a Talents & Culture representative to access or correct his or her Personal Information. If the Employee is not satisfied with the response, he or she may contact the Personal Information Privacy Officer by submitting a written request to the address indicated in Section 8. All other requests relating to Employees' Personal Information Processing shall be made in writing to the Personal Information Privacy Officer. The Personal Information Privacy Officer is responsible for responding to this request in accordance with applicable laws.

### **Request from any other individual other than an Employee**

Any Data Subject, other than an Employee, must address their request for access or rectification, or any other request relating to the Processing of their Personal Information by CDPQ Infra, to the Personal Information Privacy Officer by submitting a written request to the address indicated in Section 8. A CDPQ Infra Employee who receives a request from a Data Subject regarding their Personal Information must notify the Personal Information Privacy Officer and refrain from responding without the Privacy Officer's written authorization.

Data Subjects have the right to request from the Personal Information Privacy Officer that their computerized Personal Information be provided to them in a structured and commonly used electronic format.

## **7. Privacy Incident Management**

The Personal Information Privacy Officer is promptly notified of any Privacy Incident involving Personal Information.

In the event of such an Incident, CDPQ Infra will:

- a. launch an investigation and take reasonable steps to mitigate the impacts;
- b. keep a record of all such Incidents in the Incident log, which CDPQ Infra maintains, updates and makes available upon request from relevant authorities; and
- c. inform the *Commission d'accès à l'information* and any Data Subject through Legal Affairs – Ethics, Compliance and Governance, when there is a risk of serious harm.

## **8. Complaints**

### **Employees**

Employees who have reason to believe that there has been a violation of applicable laws or of this Directive, or who wish to submit a complaint regarding CDPQ Infra's Processing of Personal Information, are encouraged to raise their concerns directly with their supervisor, who may consult with the Personal Information Privacy Officer, if necessary. Furthermore, CDPQ Infra Employees who receive a complaint related to the Processing of Personal Information from a Data Subject must promptly report the complaint, along with the name and contact information of the complainant (if available), to the Personal Information Privacy Officer.

### **Individual other than an Employee**

Any Data Subject, other than an Employee, who has reason to believe that there has been a violation of applicable laws or of this Directive, or who wishes to file a complaint about CDPQ Infra's Personal Information handling practices, should be directed to submit a written complaint to [responsablerp@cdpqinfra.com](mailto:responsablerp@cdpqinfra.com).

## 9. Training and resource person

### 9.1 Training and awareness

Training and awareness activities to introduce or, as applicable, to reiterate the requirements of this Directive are offered on an annual basis:

- a. to CDPQ Infra Employees;
- b. to CDPQ Infra's partners who Process Personal Information; and
- c. when CDPQ Infra considers it useful, to any proponent participating in one of its requests for proposals.

### 9.2 Personal Information Privacy Officer and Administrative Document Access Officer

#### a. Personal Information Privacy Officer

Any request concerning Personal Information held by CDPQ Infra must be sent to the designated Personal Information Privacy Officer in writing at the following email address: [responsablelp@cdpqinfra.com](mailto:responsablelp@cdpqinfra.com).

#### b. Administrative Document Access Officer

All requests for access to CDPQ Infra administrative documents that do not contain Personal Information must be sent to the Administrative Document Access Officer in writing at the following email address: [responsable.acces@cdpq.com](mailto:responsable.acces@cdpq.com)

## 10. Roles and responsibilities

### 10.1 Personal Information Privacy Officer

The role of the Personal Information Privacy Officer is to:

- a. ensure this Directive is applied; and
- b. participate in Personal Information Access and Privacy Committee meetings.

### 10.2 Document Access Officer

The role of the Document Access Officer is to:

- a. ensure application of CDPQ responsibilities relating to document access under the Act respecting Access; and
- b. participate in Personal Information Access and Privacy Committee meetings.

### 10.3 Personal Information Access and Privacy Committee

The role of the Personal Information Access and Privacy Committee is to:

- a. support the Personal Information Privacy Officer and Administrative Document Access Officer in carrying out their responsibilities and obligations; and

- b. when necessary, recommend the implementation of other measures in CDPQ Infra operations that relate to the Protection of Personal Information, in accordance with the Legislation applicable to Public Bodies in Quebec.

## **11. Penalties for failure to comply with the Directive**

Failure to comply with this Directive may result in penalties, depending on the severity of the act committed, up to and including dismissal or termination of Partner status, as applicable.

## **12. Governance**

### **12.1 Adoption and update process**

CDPQ Infra's Board of Directors, upon recommendation from the Human Resources and Governance Committee, has approved this Directive.

This Directive must be reviewed every three (3) years unless an earlier review is required. Clerical corrections (format, grammar, updates) may be made without the Board of Directors' approval.

### **12.2 Distribution**

This Directive is available on the CDPQ Infra website.



# Schedule 1: Definitions

## **Act respecting Access**

*Act respecting Access to documents held by public bodies and the Protection of personal information*, CQLR c A-2.1.

## **Anonymization**

Measures aimed at ensuring that the Information relating to a natural person make it irreversibly impossible to directly or indirectly identify that person at any time.

## **Applicable Legislation / Laws**

Laws, regulations or other industry standards relating to the Protection of Personal Information, including the *Act respecting Access*, as amended by Bill 25.

## **Bill 25**

*An Act to modernize legislative provisions as regards the protection of personal information*, 2021, c 25.

## **CDPQ**

Caisse de dépôt et placement du Québec.

## **CDPQ Infra**

CDPQ Infra Inc. and its subsidiaries.

## **Classification Plan**

A document establishing the hierarchical and logical structure of Personal Information based CDPQ Infra operations.

## **Data Subject**

A natural person identified, directly or indirectly, by Personal Information.

## **Document Access Officer**

The person designated as the Document Access Officer under the *Act respecting Access*.

## **Employees**

All officers, directors and employees of CDPQ Infra, whether full-time or part-time, permanent or casual, interns or students.

## **Guiding Principles**

Requirements set out in Section 3 of the Directive.

## **Information**

A description or explanation given or obtained about something or someone.

### ***Personal Information***

Any Information that relates to a natural person and directly or indirectly identifies that person.

### ***Personal Information that is public***

Personal information as defined in section 57 of the *Act respecting Access*, most specifically the name, title, duties, classification, salary (or salary scale, as applicable), mailing address, email address and work phone number of a member of CDPQ Infra.

### ***Sensitive Information***

Information that, because of its nature, including medical, biometric or otherwise private, or due to its usage context or disclosure, gives rise to a reasonably high expectation of privacy.

## **Partners**

Any third party acting on behalf of or at the request of CDPQ Infra in the context of a contractual relationship, including any supplier or consultant, as well as their subcontractors and CDPQ.

## **Personal Information Privacy Officer**

The person designated as the Personal Information Privacy Officer under the *Act respecting Access*.

## **Privacy Impact Assessment or PIA**

Analysis taking into account the sensitivity of the Personal Information, the purpose for which it is to be used, the amount of information and media on which it is stored.

## Privacy Incident

Unlawful access, use or disclosure of Personal Information, loss of Personal Information or any other violation of the protection of Personal Information.

editing, consultation, communication, distribution, reconciliation and destruction.

## Protection of Personal Information

Measures to ensure the confidentiality, integrity and security of Personal Information **Public body**

An organization as defined in Section 3 of the Act respecting Access.

## Retention Schedule

A schedule that sets out, among other things, the life span of Personal Information from the time it is collected until the time it is destroyed by CDPQ Infra.

## Security

Reasonable measures to ensure the Protection of Personal Information during Processing in light of criteria such as the sensitivity of the information, the purpose for which it is to be used, the amount of information, how it is distributed, the media on which it is stored.

These measures must be:

- administrative or organizational: training and awareness of directors, Employees and Partners, procedures for granting required access, adoption of policies and directives, etc;
- physical: access controls to premises, server rooms, cabling rooms, alarm system, etc.
- technological: measures outlined in the *Information Management and Security Policy (2015)* and *Information Resource Management and Security Directive (IT and Documentation) (2016)* adopted by CDPQ.

## Treatment / Treating / Treated

Any operation or set of operations performed by automated or non-automated means on Personal Information or sets of Personal Information, including its collection, use, saving, storage,