


**POLICY ON THE PROTECTION OF PERSONAL INFORMATION**

<i>TABLE OF CONTENTS</i> .....	
1. <i>PREAMBLE</i> .....	2
2. <i>APPLICABLE LAWS</i> .....	2
3. <i>DEFINITIONS</i> .....	2
4. <i>APPLICABILITY</i> .....	3
5. <i>GUIDING PRINCIPLES</i> .....	3
5.1 <i>Handling of Personal Information</i> .....	3
5.2 <i>Consent</i> .....	5
5.3 <i>Evaluation of privacy-related factors</i> .....	6
5.4 <i>Rights of Persons Concerned</i> .....	7
5.5 <i>Security of Personal Information</i> .....	7
5.6 <i>Confidentiality Incident</i> .....	7
6. <i>COMPLAINTS</i> .....	8
7. <i>DELEGATION</i> .....	8
8. <i>ROLES AND RESPONSIBILITIES</i> .....	9
8.1 <i>Board of directors</i> .....	9
8.2 <i>PQDS employee responsible for the protection of Personal Information</i> .....	9
8.3 <i>Any person who handles Personal Information held by the PQDS</i> .....	9
9. <i>SANCTIONS</i> .....	10
10. <i>PUBLICATION AND UPDATES</i> .....	10
11. <i>COMMUNICATIONS</i> .....	10



## 1. PREAMBLE

In the course of carrying out its activities and mission, the Quartier des Spectacles Partnership (PQDS) handles Personal Information. As such, the Partnership recognizes the importance of respecting privacy and of protecting the Personal Information in its possession.

The PQDS has adopted the present Policy in fulfillment of its duties related to the protection of Personal Information. The policy covers:

- A framework for the handling, retention and deletion of Personal Information;
- The roles and responsibilities of PQDS employees throughout the Personal Information Life Cycle;
- A procedure for accessing and correcting Personal Information;
- A process for handling complaints related to the protection of Personal Information.

## 2. APPLICABLE LAWS

The present policy is governed by the provisions of the:

- *Act Respecting the Protection of Personal Information in the Private Sector*, RLRQ c P-39.1;
- *Act to Establish a Legal Framework for Information Technology*, RLRQ c C-1.1;
- *Civil Code of Quebec*, RLRQ c CCQ-1991;
- *Charter of Human Rights and Freedoms*, RLRQ c C-12.

## 3. DEFINITIONS

For purposes of the present Policy, the following terms are defined as follows. These definitions may be complemented by any other PQDS policy or procedure that refers to them.

Board: the PQDS Board of Directors.

Life Cycle: the entirety of the steps involved in handling Personal Information, specifically its collection, use, disclosure, retention and deletion.

Confidentiality Incident: the unauthorized access, use or disclosure of Personal Information, as well as the loss of a piece of Personal Information or any other lapse in its protection at the fault of the PQDS.

Person Concerned: physical person to whom the Personal Information is related.



Policy: the present Policy on the Protection of Personal Information.

PQDS: the Quartier des Spectacles Partnership, including Quartier des spectacles international, an affiliated organization.

Personal Information: any information pertaining to a physical person that can make it possible to identify the person either:

- directly, i.e. through disclosure of that single piece of information; or
- indirectly, i.e. through correlation with one or more other pieces of information.

Personal Information is sensitive due to its medical, biometric or otherwise private nature, or due to the context of its use or disclosure, and thus carries a high level of reasonable expectation of privacy.

#### **4. APPLICABILITY**

The present Policy applies to:

- Personal Information of any nature, stored on any medium, in the possession of the PQDS, whether stored directly by the PQDS or by a third party;
- any person who handles Personal Information held by the PQDS, specifically members of the Board and its committees, employees, and any physical or legal person who handles the Personal Information at any time during its Life Cycle, in their capacity as a partner, consultant or vendor.

#### **5. GUIDING PRINCIPLES**

##### **5.1 Handling of Personal Information**

The protection of Personal Information is ensured throughout the Life Cycle according to the following principles, except where otherwise stipulated by law. An exception provided by law is that the present article 5.1 does not apply to Personal Information concerning the role of a Person Concerned within an organization, such as their name, title and position, and their postal address, email address and telephone number at their workplace.

###### **a. Collection**

The PQDS only collects the Personal Information necessary for conducting its activities and fulfilling its mission. The PQDS determines the purpose of the use of Personal Information before its collection, and only collects the Personal Information strictly necessary for these purposes.



The PQDS may collect Personal Information from:

- Members of the public, including their name, address and demographic information (age, gender identity, place of residence, profession, civil status, income) and video surveillance images. This Personal Information is collected from the Persons Concerned through surveys, during the process of requesting a service from the PQDS (including subscribing to newsletters) or during their use of public spaces in the Quartier des Spectacles;
- Candidates for employment with the PQDS provide their name, address, a curriculum vitae and other information needed for pre-employment vetting. This Personal Information is collected from the Persons Concerned when they respond to employment opportunities published by the PQDS, or when submitting unsolicited applications;
- Vendors, including artists, provide their name, address, banking information or social insurance number (in the case of a vendor who is not registered for the GST and TVQ). This Personal Information is collected from the Persons Concerned. The PQDS also collects, from the Persons Concerned, on an optional and voluntary basis, social and demographic information such as ethnic or cultural background, Indigenous status, gender identity, disability information, socio-economic situation, etc.

The PQDS informs the Person Concerned of the purposes and terms of handling of their Personal Information, as well as their rights in this area, before collecting such Personal Information, and subsequently on request.

b. Use

The PQDS only uses the Personal Information it collects for the purposes for which it was collected or in compliance with legal requirements. The PQDS may modify these purposes with the consent of the Person Concerned.

The PQDS uses Personal Information in order to fulfill its mission of making an active contribution, together with public authorities and the various other entities active in its territory, to the cultural development and promotion of the Quartier des Spectacles. Consequently, the PQDS uses the Personal Information it collects for the following purposes:

- Managing access to facilities managed and operated by the PQDS;
- Ensuring the security, integrity and safety of the public, users, employees and facilities of the Quartier des Spectacles;
- Managing activities and operations in the Quartier des Spectacles, particularly activities organized in the district's various public spaces, specifically the Place des Arts Esplanade, the Esplanade Tranquille pavilion, Esplanade Tranquille, the Parterre, Place de la Paix, Place des Festivals, Les Jardins Gamelin, Place Pasteur, Promenade des Artistes, and Sainte-Catherine Street West between de Bleury and Saint-Urbain streets;



- Implementing the policies and procedures of the PQDS, such as the Programming Policy;
- Promoting the activities and operations of the PQDS, particularly through the newsletters *Tout est Quartier*, *Vie de Quartier*, *Côté Cour*, *côté Jardins Gamelin* and the Quartier des spectacles international newsletter;
- Measuring the impact of PQDS operations and activities and building loyalty among users, particularly through surveys;
- Receiving and responding to requests for access and for resolving complaints related to the handling and protection of Personal Information;
- Recruiting temporary and permanent employees and managing all aspects of labour relations.

The PQDS manages its employees' access privileges so that access is granted only to those employees who have signed a confidentiality agreement and who require access to Personal Information for the performance of their duties.

c. Disclosure

Before disclosing any Personal Information to anyone outside Quebec, the PQDS evaluates the factors related to personal privacy. It may disclose Personal Information if the evaluation shows that the Personal Information would be adequately protected, particularly in relation to generally recognized principles for the protection of Personal Information.

The PQDS does not disclose Personal Information to third parties without the consent of the Person Concerned, except as required by law, particularly when the disclosure is required for performing a duty or executing a service or enterprise contract awarded to the third party.

d. Retention

The PQDS takes reasonable steps to ensure that the Personal Information in its possession is sufficiently up-to-date, accurate and complete to serve the purposes for which it was collected or used.

Personal Information is retained by the PQDS as long as necessary to carry out the purposes for which it was collected or used, including meeting legal requirements, accounting requirements and filing required notices to public organizations, subject to the timelines specified in its *Procedure for the Retention and Deletion of Personal Information*.

e. Deletion

A piece of Personal Information is deleted once the purposes for which it was collected or used are completed, in compliance with the timeline specified in the PQDS' *Procedure for the Retention and Deletion of Personal Information*.

## 5.2 Consent

Consent granted in accordance with the present Policy must be explicit, freely given, informed and granted for specific purposes.



This consent is requested in clear and simple terms, separate from all other information requested from the Person Concerned, and is valid only for the duration required for fulfilling the purposes for which the consent was requested.

On the request of the Person Concerned, the PQDS will provide assistance in understanding the scope of the consent requested.

The PQDS considers the consent of the Person Concerned to be provided in a valid manner when the person:

- Gives their express consent in written or oral form;
- Provides their Personal Information to the PQDS voluntarily;
- Does not object to the collection, use, disclosure or retention of their Personal Information by the PQDS within a reasonable time after being informed of the PQDS' intention to take such action, including disclosure of the purpose.

The PQDS uses a video surveillance system with recording capabilities for logistical and security purposes, in compliance with its *Procedure for the Use of Video Surveillance*. Any person who accesses the public spaces operated and managed by the PQDS, including the Esplanade Tranquille pavilion, provides their implicit consent to the collection and handling of their Personal Information.

### **5.3 Evaluation of privacy-related factors**

The evaluation of privacy-related factors consists in considering all factors that have a positive or negative impact on respect for the privacy of the Persons Concerned. This is a preventive process aimed at better protecting Personal Information, better respecting the privacy of Persons Concerned, and implementing adequate measures for ensuring that the PQDS meets its obligations for the protection of Personal Information.

When required by law, the PQDS performs an evaluation of privacy-related factors prior to the collection and handling of Personal Information, with the goal of mitigating the risks identified during the evaluation, if any. The evaluation is conducted in compliance with the model established by the PQDS.

An evaluation of privacy-related factors is performed in the following cases:

- Any plan to acquire, develop or rebuild a computing system or electronic service involving the collection, use, disclosure, retention or deletion of Personal Information;
- The disclosure of Personal Information without the consent of Persons Concerned to a person or organization that wishes to use the Personal Information for purposes of study, research or statistical analysis;



- The disclosure of Personal Information outside Quebec.

#### **5.4 Rights of Persons Concerned**

All Persons Concerned whose personal information is held by the PQDS have the following rights:

- To receive confirmation that the PQDS possesses their Personal Information;
- To access their own Personal Information held by the PQDS and to receive a copy thereof;
- To require the correction of their own Personal Information held by the PQDS in case of inaccuracy, incompleteness or ambiguity;
- To require the deletion of their own Personal Information that is outdated or no longer needed for the purposes for which it was originally collected and retained;
- To provide written notes that the PQDS must store with their own Personal Information discussed in these notes;
- To require that the PQDS cease disclosure of a piece of Personal Information when the disclosure violates the law or causes serious prejudice to the right to respect for the reputation or privacy of the Person Concerned.

All requests of this nature are handled in compliance with the *Procedure for Requests for Access and Correction of Personal Information* established by the PQDS for such purpose, or as stipulated by law.

#### **5.5 Security of Personal Information**

The PQDS implements security measures designed to ensure the protection of Personal Information throughout its Life Cycle. These measures are designed to be reasonable given, among other things, the sensitivity of the Personal Information, the purpose for which it is used, its quantity, its location and its storage medium.

These measures are described in the PQDS' *Policy on Cybersecurity, Data Security and Responsible Use of Electronic Assets*.

#### **5.6 Confidentiality Incident**

All Confidentiality Incidents are handled in compliance with the PQDS' *Procedure for Handling Confidentiality Incidents*. This procedure is aimed at taking reasonable steps to reduce the risk of harm being caused and to prevent further Confidentiality Incidents of a similar nature.

Confidentiality Incidents are reported to the PQDS employee responsible for the protection of Personal Information and entered in the PQDS' log of Confidentiality Incidents. A report on Confidentiality Incidents that occurred in the previous year is presented to the Board at its first meeting each year.



If a Confidentiality Incident creates a risk of serious harm, the PQDS promptly informs the Commission d'accès à l'information, as well as all Persons Concerned whose Personal Information may have been affected by the incident.

## 6. COMPLAINTS

### a. Submitting a complaint

Any Person Concerned who is not satisfied with the manner in which the PQDS handles their Personal Information may submit a complaint to the PQDS employee in charge of protection of Personal information by writing to [vieprivee@quartierdesspectacles.com](mailto:vieprivee@quartierdesspectacles.com). The complaint must contain all relevant information needed to proceed with an investigation.

The complaint must be accompanied by a copy of a valid and official piece of identification that includes the name, date of birth, signature and photograph of the Person Concerned in order to confirm their identity (for example, driver's licence, passport, health insurance card).

### b. Confirmation of receipt

The PQDS employee responsible for the protection of Personal Information must send the Person Concerned written notice of the date of receipt of their complaint and indicate the estimated amount of time required to investigate and respond to the complaint.

### c. Investigation

The PQDS employee responsible for the protection of Personal Information conducts an investigation in order to determine if the handling of the Personal Information of the Person Concerned was compliant with the present Policy, with related procedures and with the *Act Respecting the Protection of Personal Information in the Private Sector*, RLRQ c P-39.1.

As part of the investigation, the Person Concerned must provide any further details required by the PQDS employee responsible for the protection of Personal Information.

### d. Decision

The PQDS employee responsible for the protection of Personal Information will send their written decision to the Person Concerned.

The decision must inform the Person Concerned that they may file a complaint with the Commission d'accès à l'information du Québec with respect to any matter related to the handling and protection of Personal Information and the PQDS' practices in that area.

## 7. DELEGATION

In compliance with Article 3.1 of the *Act Respecting the Protection of Personal Information in the Private Sector*, the PQDS Board chair, as the highest authority within the PQDS, delegates the duties of protection of Personal Information to a person that the chair has named in





writing.

## **8. ROLES AND RESPONSIBILITIES**

### **8.1 Board of directors**

- Approves the rules respecting the governance of the PQDS that involve the protection of Personal Information.
- Supports the person responsible for the protection of Personal Information in the conduct of their duties.

### **8.2 PQDS employee responsible for the protection of Personal Information**

- Performs the duties of the employee responsible for the protection of Personal Information in compliance with the law, as delegated to them by the person with the most authority in the PQDS.
- Ensures respect for all legal requirements related to the protection of Personal Information.
- Recommends to the Board that it approve the rules surrounding PQDS governance as they relate to the protection of Personal Information.
- Is responsible for applying the present Policy and supports the various PQDS departments in implementing it.
- Is involved in all evaluations of privacy-related factors.
- May, at any phase of a project, suggest or require measures for the protection of Personal Information specific to the project.
- Is advised of Confidentiality Incidents, analyses them and advises the Commission d'accès à l'information and the Person(s) Concerned when there is a risk of serious prejudice.
- Maintains the log of Confidentiality Incidents.
- Receives and responds to requests for access to and correction of Personal Information.
- Receives, investigates and responds to complaints related to the handling of Personal Information by the PQDS.

### **8.3 Any person who handles Personal Information held by the PQDS**

- Acts with due caution when handling Personal Information held by the PQDS,



abides by all policies and procedures established by the PQDS related to the protection of Personal Information and incorporates the principles detailed in the present Policy into their activities.

- Participates in the awareness and training activities intended for them related to the protection of Personal Information.
- Informs the employee responsible for the protection of Personal Information of all Confidentiality Incidents or any other situation that presents risks for the protection of Personal Information.

## **9. SANCTIONS**

Any person who violates the present Policy and related procedures is subject to disciplinary action (depending on the severity of the infraction, potentially leading to dismissal) as well as administrative or legal action.

## **10. PUBLICATION AND UPDATES**

The present Policy is published on the website of the PQDS. The PQDS may update it from time to time in order to ensure compliance with laws related to the protection of Personal Information, or to improve procedures and practices in this area.

## **11. COMMUNICATIONS**

All questions concerning the present Policy must be submitted by email to the person responsible for the protection of Personal Information:

[vieprivee@quartierspectacles.com](mailto:vieprivee@quartierspectacles.com).