

THE CONFIDENTIALITY OF INFORMATION REGARDING ELECTORS

**GUIDE FOR CANDIDATES, MEMBERS OF THE NATIONAL ASSEMBLY
AND PROVINCIAL POLITICAL PARTIES**

TABLE OF CONTENTS

INTRODUCTION..... 3

INFORMATION REGARDING ELECTORS 4

COMMUNICATION OF INFORMATION REGARDING ELECTORS TO THE POLITICAL PARTIES,
MEMBERS OF THE NATIONAL ASSEMBLY AND CANDIDATES 4

CONFIDENTIALITY AGREEMENT 4

USING AND COMMUNICATING INFORMATION REGARDING ELECTORS..... 5

 Communications to service providers..... 6

 Communications to volunteers and staff members 6

RECOMMENDED CONFIDENTIALITY MEASURES..... 7

 Privacy officer 7

 Privacy policy 7

 Register of authorized individuals..... 7

 Security of information in a mobile environment..... 8

 Destruction 9

REPORTING PRIVACY BREACHES..... 9

APPENDIX 1 FAQ 10

APPENDIX 2 Communication of Information Provided for by the *Election Act*..... 13

APPENDIX 3 Confidentiality Agreement Form for Service Providers..... 18

APPENDIX 4 Confidentiality Agreement Form for People Authorized to Use Elector Information..... 20

APPENDIX 5 Model Privacy Policy for Political Parties..... 22

APPENDIX 6 Model Privacy Policy for Candidates and Members of the National Assembly..... 26

APPENDIX 7 Register of Individuals Authorized to Receive Elector Information..... 29

INTRODUCTION

People who obtain information from the permanent list of electors are required to take the necessary measures to ensure the protection and security of this information. In this respect, the purpose of this document is to inform the candidates, members of the National Assembly and provincial political parties of the provisions of the *Election Act* (RLRQ, c. E-3.3) regarding the use and communication of information regarding electors, and to inform them of the best practices for maintaining confidentiality.

This document is available on the Élections Québec website at electionsquebec.qc.ca.

The general information and measures proposed in this document do not take precedence over the provisions of the Act. Whenever it is a question of interpreting or enforcing the Act, refer to the text published by the Québec Official Publisher, which can be consulted at legisquebec.gouv.qc.ca.

Questions and comments about this document or about the measures recommended to protect the confidentiality of information regarding electors may be addressed to the returning officer or Élections Québec's Access to Information and Privacy Office:

Access to Information and Privacy Office
Élections Québec
Édifce René-Lévesque
3460 rue de La Pérade
Québec, Québec G1X 3Y5

Telephone: 418-644-1090, extension 3216 1-866-353-2846 (toll-free)
Email: acces-info@dgeq.qc.ca

INFORMATION REGARDING ELECTORS

In this guide, references to information regarding electors includes any information from the permanent list of electors:

- elector's first and last name
- home address
- date of birth
- sex
- address outside Québec (for electors entitled to vote outside Québec)

This also includes any other information associated with an elector that is communicated by the Chief Electoral Officer or the returning officer in accordance with the provisions of the *Election Act*, including:

- line number and polling subdivision;
- a note that the elector's name was struck from the list of electors during a special revision;
- a note that the elector is registered for domiciliary voting;
- a note that the elector has voted and the type of vote used.

It is essential that the candidates, members of the National Assembly and provincial political parties be aware that the documents containing elector information indirectly reveal other information about them. For example, the list of electors identifies seniors and women living alone, same-sex couples, young adults still living with their parents, and other private details concerning electors' lifestyles and personal choices.

The list of electors also lists the address of people who wish to keep it confidential for safety reasons (victims of domestic violence, judges, prosecutors, police officers, correctional officers, etc.) or simply to protect their private life.

COMMUNICATION OF INFORMATION REGARDING ELECTORS TO THE POLITICAL PARTIES, MEMBERS OF THE NATIONAL ASSEMBLY AND CANDIDATES

The *Election Act* (section 40.39) expressly states that information regarding electors is confidential. Despite this provision, the Act allows lists of electors to be communicated to authorized political parties and members of the National Assembly outside an election period. The list of electors and other documents containing information about the electors are also provided to candidates during an election period. The table in Appendix 2 gives an overview of the different types of communications provided for by the Act.

In all cases, candidates, members of the National Assembly and political parties are not required to receive information regarding electors if they do not deem it necessary.

CONFIDENTIALITY AGREEMENT

The *Election Act* (section 40.38.3) stipulates that members of the National Assembly and people designated by an authorized political party to receive the list of voters entered on the permanent list of electors for a provincial poll must agree, in writing, that they will take the appropriate measures to protect its confidentiality and restrict its use to the purposes provided for by this Act.

Although the *Election Act* does not require a similar obligation from candidates during an election period, they are advised to sign a confidentiality agreement before receiving elector information from the returning officer.

Confidentiality agreement forms inform individuals entitled to receive elector information that this information is confidential and that the Act restricts its use and communication.

USING AND COMMUNICATING INFORMATION REGARDING ELECTORS

The *Election Act* (section 40.41) prohibits anyone from using information regarding electors for any purposes other than those provided for by the Act.

The Act also prohibits anyone from communicating this information or from allowing it to be communicated for any purposes other than those provided for by the Act.

In addition, the Act prohibits anyone from communicating this information or from allowing it to be communicated to a person not legally entitled thereto.

The *Election Act* (section 551.1.1) stipulates that natural persons are liable to a fine ranging from \$1,000 to \$10,000 if they use, communicate or allow to be communicated any elector information in a manner that is contrary to the Act. Legal persons face fines between \$3,000 and \$30,000.

The *Election Act* (section 551.2) stipulates that natural persons are liable to a fine ranging from \$5,000 to \$10,000 if they use the list of electors for commercial purposes or for profit. Legal persons face fines between \$10,000 and \$30,000.

To help the candidates, members of the National Assembly and political parties better understand the extent of these restrictions, the table on the following page outlines the purposes for which information regarding electors can be used.

Use of elector Information	
Authorized Recipients	Authorized Use
Political parties	<ul style="list-style-type: none"> • Communicating with electors • Recruiting members • Soliciting support • Encouraging voter turnout • Recruiting volunteers or campaign staff • Soliciting political contributions*
Members of the National Assembly	<ul style="list-style-type: none"> • Communicating with electors of your electoral division as a member of the National Assembly
Candidates (in an election period)	<ul style="list-style-type: none"> • Communicating with electors of your electoral division • Soliciting support • Encouraging voter turnout • Recruiting volunteers or campaign staff • Soliciting political contributions*

* Only the official representative or a person designated by the representative can solicit contributions.

Political parties, members of the National Assembly and candidates can communicate elector information to service providers, volunteers and staff members as long as these people use the information exclusively for the purposes provided for by the *Election Act*, as the agent of a candidate, member of the National Assembly or political party.

Communications to service providers

Prior to entrusting elector information to a service provider, when using an IT solution for example, Élections Québec advises that candidates, members of the National Assembly and political parties have the service provider fill out a confidentiality agreement. The confidentiality agreement form in Appendix 3 may be used for this purpose.

The form is designed to inform service providers of the confidential nature of elector information, the restrictions of its use and the applicable provisions of the *Election Act*.

Service providers may only communicate or use elector information within the mandate given to them by the candidate, member of the National Assembly or party leader, which is for the purposes provided for by the *Election Act*. The individuals providing such information must take the appropriate measures to ensure that the service provider complies with the terms of the agreement, including disposing of all elector information at the end of the mandate, when applicable.

Communications to volunteers and staff members

Prior to entrusting elector information to volunteers and staff members, Élections Québec advises that candidates, members of the National Assembly and political parties to ensure that this information is communicated exclusively to individuals whose duties require this personal information. Limiting the number of people who have access to elector information lowers the risks of jeopardizing electors' privacy.

In addition, individuals authorized to receive information regarding electors must be informed of the confidential nature of this information, the restrictions on its use and the applicable penalties in case of non-compliance.

More specifically, they should also know that:

- they cannot consult or use elector information for personal reasons or for purposes other than those provided for by the *Election Act*;
- they cannot, in accordance with the Act, communicate elector information to anyone, subject to instructions from the candidate, member of the National Assembly or political party;
- they must always store information regarding electors securely;
- they must return any documents containing elector information once the purpose for which they were communicated is achieved, or securely destroy them according to instructions from the candidate, member of the National Assembly or political party.

Élections Québec advises that individuals authorized by a candidate, member of the National Assembly or political party to use elector information fill out a confidentiality agreement (Appendix 4).

RECOMMENDED CONFIDENTIALITY MEASURES

Candidates, members of the National Assembly and political parties must take the necessary measures to ensure the confidentiality of the elector information they are entrusted with.

Élections Québec recommends adopting the following measures. Candidates, members of the National Assembly and political parties may see it fit to adapt or adopt additional measures to ensure the confidentiality of the information they are responsible for.

Privacy officer

Élections Québec recommends that candidates, members of the National Assembly and political parties designate a person to safeguard elector information and implement the recommended privacy measures. Candidates and members of the National Assembly may choose to assume this role.

For political parties, the privacy officer should be the person designated by the party to receive the list of electors, according to section 40.38.3 of the *Election Act*. A party can also appoint a delegate for each electoral division.

This delegate should be responsible for authorizing volunteers and staff members to use elector information and for informing them of the confidential nature of this information.

Privacy policy

Élections Québec recommends that candidates, members of the National Assembly and political parties who wish to receive information regarding electors adopt a privacy policy. This policy, which should be available on the websites of the candidates, members of the National Assembly and political parties, is a commitment to electors to uphold the principles regarding the protection of personal information. It also informs electors of the measures put in place to ensure the confidentiality of their personal information.

Candidates and members of the National Assembly may choose to follow their party's policy, when appropriate.

A model policy for candidates and members of the National Assembly is available in Appendix 5. A model policy for political parties is available in Appendix 6.

Register of authorized individuals

In addition to signing a confidentiality agreement, Élections Québec recommends that candidates, members of the National Assembly and political parties keep a register of individuals who are authorized to access and use elector information. This register should indicate the date on which the information was communicated, the method used to transmit the information, the confirmation that the documents were securely returned or destroyed, and whether access to information was revoked, when necessary.

Élections Québec provides candidates, members of the National Assembly and political parties a model register in Appendix 7.

Security of information in a mobile environment

Given that candidates, members of the National Assembly and political parties use elector information via technological solutions and mobile applications, and that they are likely to use this information in public areas, caution must be taken to reduce the risks of jeopardizing elector privacy. Thus, Élections Québec recommends adopting the security measures below to safeguard this information, regardless of the medium used to store it.

Storing paper documents

- Limit the number of copies of these documents, in whole or in part.
- Do not leave confidential documents unattended.
- When not in use, keep the documents in a secure place with restricted access, such as a locked cabinet.

Taking documents outside the office

- Do not bring documents containing elector information outside the office unless absolutely necessary.
- Volunteers and staff members must always obtain approval from the privacy officer before taking such documents out of the office.

Public transportation and public areas

- Information regarding electors, whether in print or electronic format, can never be used in public areas or on public transportation.
- Never leave documents and computer equipment containing elector information unattended, such as in a car or a carrying bag.

Preservation of electronic documents

- Electronic documents with elector information must be stored encrypted on storage devices.
- If the data is stored on a portable storage device, then the data must also be encrypted.
- Portable storage devices must always be in volunteers' and staff members' possession or stored in a restricted area.
- Limit the number of electronic copies of these documents in circulation.

Laptops and personal computers

- Access to laptops and personal computers that contain elector information must be controlled by a password, and any data stored on a hard drive must be encrypted. Antivirus software must be installed. Laptops must be stored in a secure location when not in use.
- When hard drives cannot be encrypted, the stored data must be encrypted using file encryption software.

Wireless technology

- Do not use mobile applications (cell phone, tablet) connected to a public Wi-Fi network to use, communicate or access elector information. It is preferable to use the cellular network to send this data.
- Any mobile device that contains elector information must be protected with a secure password.
- When outside the office, volunteers and staff members must always keep the mobile devices they use with them to prevent loss or theft.

Communications sent by email or fax

- Never communicate elector information by email.
- Avoid communicating elector information by fax, or make sure that the recipient is at the machine to receive the documents. Make sure to dial the correct fax number.

Information systems

- Information systems (e.g. a political party's election management websites) exposed to the Internet that use elector data must be protected by a strong authentication mechanism (two-factor).
- Penetration tests must be performed annually to evaluate the robustness of the system and its security mechanisms.

Destruction

When elector information is no longer needed, it must be destroyed using secure methods to protect the confidentiality of the information.

It is recommended to destroy paper documents using a cross-cut shredder or by using the services of a specialized firm.

Documents stored on an electronic medium must be destroyed using specialized software or by using the services of a specialized firm. Backup files must also be destroyed securely.

REPORTING PRIVACY BREACHES

Candidates are requested to immediately report to the returning officer any act that actually or potentially violates elector privacy, such as the loss or theft of a medium (paper or electronic) containing elector information, intrusion in a network or information system, misuse or malicious use of the information, fraud, unauthorized disclosure, identity theft or unauthorized access.

Members of the National Assembly and political parties should report these incidents to Élections Québec.

APPENDIX 1

FAQ

Can candidates, members of the National Assembly or political parties...

1. ... use the list of electors to meet electors at their domicile, to promote their platform or solicit political contributions?

Yes. The *Election Act* permits these uses of elector information.

2. ... use the list of electors to send birthday wishes to electors?

No. The list of electors is not designed for this purpose. It can only be used for purposes provided for by the *Election Act*. Anyone who uses elector information in this way may be in violation of the *Election Act*.

3. ... give information regarding electors to a firm that provides campaign management software?

Candidates and political parties can use the services of a service provider to manage or host information regarding electors, for their exclusive use, on an IT platform.

It is advised to have a written contract stating the limits of the mandate and the confidentiality restrictions, in addition to having a confidentiality agreement form signed by the service provider.

Candidates and political parties must take the necessary measures to ensure that the service provider respects the terms of the contract and the provisions of the *Election Act*.

4. ... inform a person whether a parent or friend is registered on the list of electors?

No. The *Election Act* prohibits anyone from communicating information regarding electors to people who are not legally entitled to receive it. Information regarding registration on the list of electors is confidential.

5. ... make personal use of the list of electors for genealogy purposes or allow volunteers to keep it for these purposes?

No. The list of electors cannot be used or communicated for purposes other than those provided for by the *Election Act*.

Besides, any natural person who communicates information regarding electors or allows it to be communicated acts in contravention of the Act and is liable to a fine ranging from \$500 to \$2,000.

6. ... sell or give the list of electors to anyone who wishes to use it as a distribution list (mailing list) or for solicitation purposes?

No. The list of electors cannot be used for purposes other than those provided for by the *Election Act*. Besides, any natural person who communicates information regarding electors or allows it to be communicated acts in contravention of the Act and is liable to a fine ranging from \$1,000 to \$10,000 in the case of a first offence.

7. ... share the list of electors with members of the National Assembly, political parties or candidates of another level of government?

No. The *Election Act* prohibits anyone from communicating information regarding electors to anyone who is not legally entitled to receive it and for other purposes than those provided for by the Act.

8. ... keep information regarding electors after the elections?

Since the *Election Act* prohibits the use of information regarding electors for purposes other than those provided for by the Act, it is advised to securely destroy all copies of the list of electors and all documents containing elector information after the election period.

However, if a political party deems it necessary, it can keep the information regarding electors that it has in its possession after the elections to contact electors, for example, to recruit new members or to solicit political contributions.

9. ... give elector information to volunteers or campaign staff to canvass electors or to encourage electors to vote on polling day?

Volunteers and campaign staff may receive elector information to campaign on behalf of the candidate or political party.

It is advised to have a written contract stating the limits of the mandate and the confidentiality restrictions. It is recommended to have any person who receives a copy of elector information sign a confidentiality agreement.

Candidates and political parties must take the necessary measures to ensure that people who obtain this information respect the terms of their mandate and the provisions of the *Election Act*.

10. ... tell a person whether their contact information appears on the list of electors?

If it is impossible to establish a person's identity, it is best to ask the person to contact Élections Québec or to go before the board of revisors of their electoral division (in an election period).

APPENDIX 2
Communication of Information Provided for
by the *Election Act*

Documents	Recipients	Transmitted by	Scope	Information	Format	Distribution Date	Section of the <i>Election Act</i>
List of the electors whose names are entered on the permanent list of electors on the basis of the new delimitation of electoral divisions	Authorized political parties	Chief Electoral Officer	The lists of electors for the 125 electoral divisions on the basis of the new delimitation	The name, address, birth date and sex of each elector	Electronic or paper	Four months following the publication of the new delimitation of electoral divisions	38.1
	Members of the National Assembly	Chief Electoral Officer	Members of the National Assembly receive the list of electors for a single electoral division whose territory covers, in whole or in part, the territory they represent	The address outside Québec for electors entitled to vote outside Québec			38.2
List of electors whose names are entered on the permanent list of electors for a provincial poll	Members of the National Assembly	Chief Electoral Officer	Members of the National Assembly receive the list of electors for the electoral division they represent	The name, address, birth date and sex of each elector	Electronic or paper	In January, April and September of each year, except during an election period and the three months following general elections	40.38.1
	Authorized political parties	Chief Electoral Officer	The lists of electors for the 125 electoral divisions	The address outside Québec for electors entitled to vote outside Québec			

Documents	Recipients	Transmitted by	Scope	Information	Format	Distribution Date	Section of the Election Act
List of electors after calling an election and list of the electors registered to vote outside Québec	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	Electoral division, polling subdivision and line number The name, address, birth date and sex of each elector The address outside Québec for electors entitled to vote outside Québec	Electronic or paper	No later than the 27 th day before polling day	146
	Political parties	Chief Electoral Officer	The lists of electors for the 125 electoral divisions		Electronic		
	Authorized independent member		Members of the National Assembly receive the list of electors of the electoral division they represent		Electronic		
List of electors registered to vote outside Québec	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	The name, address, birth date and sex of each elector The address outside Québec of electors registered to vote outside Québec	Electronic or paper	No later than the 18 th day before polling day	147
	Authorized political parties	Chief Electoral Officer	The lists of the 125 electoral divisions		Electronic		
	Authorized independent member	Chief Electoral Officer	Members of the National Assembly receive the list of electors for the electoral division they represent		Electronic		

Documents	Recipients	Transmitted by	Scope	Information	Format	Distribution Date	Section of the <i>Election Act</i>
Revised list of electors	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	Electoral division, polling subdivision and line number The name, address, birth date and sex of each elector	Electronic or paper	No later than the 9 th day before polling day	218
	Authorized political parties	Chief Electoral Officer	The lists of the 125 electoral divisions		Electronic		
List of the electors removed from the list of electors by a special board of revisors List of electors registered to vote outside Québec	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	Electoral division, polling subdivision and line number	Electronic or paper	At the latest before advance polling stations open	218
	Authorized political parties	Chief Electoral Officer	The lists of the 125 electoral divisions		Electronic		
Revised list of electors	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	Electoral division, polling subdivision, and line number The name, address, birth date and sex of each elector	Electronic or paper	No later than the 3 rd day before polling day	227
	Authorized political parties	Chief Electoral Officer	The lists of the 125 electoral divisions		Electronic		

Documents	Recipients	Transmitted by	Scope	Information	Format	Distribution Date	Section of the <i>Election Act</i>
List of the electors who voted at the returning officer's office List of the electors who voted outside their electoral division	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	Electoral division, polling subdivision and line number The name, address, birth date and sex of each elector	Electronic	At the end of each voting day at the returning officer's office	267 and 279
List of electors who voted in the advance poll	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	Electoral division, polling subdivision and line number	Electronic	At the end of each advance polling day	301.5
List of the electors registered to vote at a mobile polling station in residential facilities or at the elector's domicile	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running	Electoral division, polling subdivision and line number The name and address of each elector	Electronic	After the 7 th day before polling day	301.9 and 301.22
List of the electors who voted on polling day	Candidates	Returning officer	Candidates receive the list of electors for the electoral division for which they are running.	Electoral division, polling subdivision and line number	Paper	On polling day	318

APPENDIX 3
Confidentiality Agreement Form
for Service Providers

Confidentiality Agreement Form Service Providers

Considering that the information regarding electors is confidential and that section 40.41 of the *Election Act* prohibits anyone from using, communicating or allowing to be communicated for purposes other than those provided for by the *Election Act* and the *Referendum Act* any information regarding an elector to any person not legally entitled thereto;

I, the undersigned,

Name of person

as a representative of the service provider for:

Name of political party, candidate or member of the National Assembly (hereinafter "entity")

agree to:

- inform the concerned staff of the security rules regarding the protection of personal and confidential information and of the above-mentioned restrictions, and communicate any relevant information in this respect;
- make personal information accessible exclusively to staff members of the service provider who are entitled to receive it and only when this information is required to perform their duties within the mandate;
- use, communicate and reproduce this personal information only to the extent detailed in the mandate;
- take the appropriate security measures to ensure the confidentiality of personal information throughout the entire mandate;
- upon expiry of the contract, dispose of any documents containing personal information regarding a list of electors or referendum list, regardless of the medium, by returning these documents to the entity or by securely destroying them;
- immediately inform the entity of any failure to meet the obligations set out in the previously mentioned provisions or of any event that could jeopardize the security and confidentiality of this personal information;
- provide the entity any information relevant to the protection of personal information regarding the lists of electors and authorize the entity to visit the premises where the service provider holds this personal information to ensure that the terms of the agreement are respected.

I hereby acknowledge having read and understood the terms of this agreement.

Person's signature

Title

Name of service provider

in _____ on _____
Location Date

APPENDIX 4

**Confidentiality Agreement Form
for People Authorized to
Use Elector Information**

Confidentiality Agreement Form
People Authorized to Use Elector Information

Considering that the information regarding electors is confidential and that section 40.41 of the *Election Act* prohibits anyone from using, communicating or allowing to be communicated for purposes other than those provided for by the *Election Act* and the *Referendum Act* any information regarding an elector to any person not legally entitled thereto;

I, the undersigned,

Name of person

as a person authorized by:

Name of political party, candidate or member of the National Assembly (hereinafter "entity")

agree to:

- safeguard the confidential nature of the information regarding electors that has been entrusted to me by the entity;
- use this information exclusively for the purposes provided for by the *Election Act*, subject to stricter instructions from the entity;
- not communicate this information to anyone, subject to stricter instructions from the entity;
- take the appropriate measures to ensure the confidentiality of this personal information;
- once my duties have been performed, dispose of any document containing personal information, regardless of the medium, by returning the documents to the entity or by securely destroying them in accordance with instructions from this entity;
- immediately inform the entity of any failure to meet the obligations set out in the previously mentioned provisions or of any event that could jeopardize the security and confidentiality of this personal information.

I hereby acknowledge having read and understood the terms of this agreement.

Person's signature

Title

in _____ on _____
Location Date

APPENDIX 5
Model Privacy Policy
for Political Parties

1. Scope

This policy applies to the [name of political party], its authorities, its candidates, its members in the National Assembly, as well as any person authorized to use elector information who represents or works for the party, whether for remuneration, for other benefits or as a volunteer.

It also applies to all elector information provided by the Chief Electoral Officer or one of his or her representatives, in accordance with the *Election Act* (the “information regarding electors”).

In accordance with the *Election Act*, the Chief Electoral Officer provides the [name of political party] the lists of electors containing the name, address, date of birth and sex of each elector. For electors entitled to vote outside Québec, the lists also include their address outside Québec.

The Chief Electoral Officer also provides excerpts from lists of electors, as well as lists of electors who have already voted.

2. Responsibility

The above-mentioned person of the [name of political party] responsible for protecting personal information is in charge of ensuring that anyone who obtains elector information complies with the policy.

[Name and contact information of the person in charge]

More specifically, this person is responsible for:

- ensuring the observance of the restrictions on the use and communication of elector information provided for by the *Election Act* and this policy;
- obtaining confidentiality agreement forms from concerned individuals and keeping a register of individuals authorized to access elector information;
- notifying the Chief Electoral Officer of any loss or theft of information regarding electors and of any incident that could jeopardize elector privacy;
- ensuring that the information regarding electors is securely destroyed;
- receiving and handling electors’ complaints in terms of the protection of personal information.

3. Use restrictions

In accordance with section 40.41 of the *Election Act*, the [name of political party] and its representatives may only use the information regarding electors provided by the Chief Electoral Officer for the purposes provided for by the *Election Act*.

They are not allowed to use the elector information in their possession for commercial purposes or for profit.

4. Communication of information

The [political party] may communicate information regarding electors to its staff members, volunteers, authorities, candidates and its members in the National Assembly when this information is required to perform their duties or the mandate entrusted to them by the party, subject to the restrictions set out in sections 40.38.3, 40.39 and 40.41 of the *Election Act*.

Elector information can also be communicated to a third party if the information is required to fulfill a mandate or to perform a service contract entrusted to this third party by the [name of political party], within the restrictions of the *Election Act*.

5. Confidentiality agreement and register of authorized individuals

Prior to communicating elector information to individuals authorized to receive this information, the [name of political party] obtains written commitment from these individuals, in which they agree to respect the confidentiality of the information and the use restrictions set out in section 40.41 of the *Election Act*.

The privacy officer keeps a register of individuals authorized to access information regarding electors. The register includes:

- the date of authorization;
- the name of the person using the information;
- a description of the medium used to communicate or use this information;
- confirmation that the confidentiality agreement has been signed;
- the date the information was returned or the date of confirmation of its secure destruction.

The privacy officer provides candidates and members of the National Assembly the required information to enforce this provision.

6. Security measures

The [name of political party] agrees to take the appropriate security measures to ensure the protection of the elector information it collects, uses, communicates, retains or destroys.

Also, the [name of political party] agrees to test its information systems' resistance to cyber attacks, for example, by conducting a penetration test.

7. Retention and destruction of information

The [name of political party] can keep information regarding electors as long as it is needed for electoral purposes. When the information is no longer used and when retention is no longer authorized, the party ensures that all documents are securely destroyed, regardless of the medium used to store this information.

The privacy officer takes the necessary means to ensure that any information communicated to authorized individuals is returned to the party or securely destroyed when these people are no longer authorized to use the information.

8. Loss and theft of information

In the event of the loss or theft of elector information, the [name of political party] agrees to observe the following procedures:

- Identify the source of the incident and limit the extent of the breach;
- Document the circumstances that led to the incident;
- Review internal policies, processes and procedures, to prevent similar incidents;
- Report the loss or theft to Élections Québec.

9. Access to information

Anyone with questions or complaints concerning the management of the elector information collected by the [name of political party], or who would like to know what personal information has been collected about them, may contact the privacy officer.

10. Responsibilities of candidates and members of the National Assembly

All the candidates and members of the National Assembly have the following responsibilities:

- Respect the restrictions regarding the use and communication of elector information set out in section 40.41 of the *Election Act*;
- Inform the individuals to whom they communicate elector information of the confidentiality of this information and ensure that these individuals comply with the security measures determined by the party;
- Inform the privacy officer of any incident involving the loss or theft of elector information;
- Destroy any elector information provided by the Chief Electoral Officer within a maximum of 60 days following polling day (for candidates);
- Destroy any elector information provided by the Chief Electoral Officer within a maximum of 60 days following the end of their mandate (for members of the National Assembly).

APPENDIX 6

**Model Privacy Policy for Candidates
and Members of the National Assembly**

1. Scope

This policy applies to [name of person], [candidate or MP] of the [name of electoral division] electoral division, as well as anyone this person authorizes to use elector information, either as a volunteer or as a staff member.

It also applies to all elector information provided by the Chief Electoral Officer or one of his or her representatives, in accordance with the *Election Act* (the “information regarding electors”).

In accordance with the *Election Act*, the Chief Electoral Officer provides [candidate or MP] lists of electors and other documents that include the name, address, date of birth and sex of each elector. For electors entitled to vote outside Québec, the lists also include their address outside Québec.

The Chief Electoral Officer also provides excerpts from lists of electors, as well as lists of electors who have already voted.

2. Responsibility

The [candidate or MP] is responsible for protecting personal information. He or she makes sure that individuals who have obtained information regarding electors adhere to the policy.

More specifically, this person is responsible for:

- ensuring the observance of the restrictions on the use and communication of information regarding electors provided for by the *Election Act* and this policy;
- obtaining the confidentiality agreements from concerned individuals and keeping a register of individuals authorized to access information regarding electors;
- reporting any loss or theft of elector information, as well as any incident that could jeopardize elector privacy to Élections Québec;
- ensuring that the information regarding electors is securely destroyed;
- receiving and handling electors’ complaints regarding the protection of personal information.

When required, the [candidate or MP] delegates this responsibility to the following person:

[Name and contact information of the person in charge]

3. Use restrictions

In accordance with section 40.41 of the *Election Act*, the [candidate or MP] and his or her representatives may only use the elector information provided by the Chief Electoral Officer for the purposes provided for by the *Election Act*.

They are not allowed to use the elector information in their possession for commercial purposes or for profit.

4. Communication of information

The [candidate or MP] can communicate information regarding electors to his or her staff members or volunteers when this information is required to fulfill their duties or the mandate entrusted to them by the [candidate or MP], subject to the restrictions set out in sections 40.38.3, 40.39 and 40.41 of the *Election Act*.

Elector information can also be communicated to a third party if the information is required to fulfill a mandate or to perform a service contract entrusted to this third party by the [candidate or MP], within the restrictions of the *Election Act*.

5. Confidentiality agreement and register of authorized individuals

Prior to communicating elector information to individuals authorized to receive this information, the [candidate or MP] obtains written commitment from these individuals, in which they agree to respect the confidentiality of the information and the use restrictions set out in section 40.41 of the *Election Act*.

The privacy officer keeps a register of individuals authorized to access elector information. The register includes:

- the date of authorization;
- the name of the person using the information;
- a description of the medium used to communicate or use this information;
- confirmation that the confidentiality agreement has been signed;
- the date the information was returned or the date of confirmation of its secure destruction.

6. Security measures

The [candidate or MP] agrees to take the appropriate security measures to ensure the protection of the elector information that he or she collects, uses, communicates, retains or destroys.

7. Retention and destruction of information

The [candidate or MP] can keep information regarding electors as long as it is needed for electoral purposes. When the information is no longer used and when retention is no longer authorized, the [candidate or MP] ensures that all documents are securely destroyed, regardless of the medium used to store this information.

The privacy officer takes the necessary means to ensure that any information communicated to authorized individuals is returned to the candidate or member of the National Assembly, or securely destroyed when the individuals are no longer authorized to use the information.

The candidate agrees to destroy any information regarding electors within a maximum of 60 days following polling day.

The member of the National Assembly agrees to destroy any information regarding electors within a maximum of 60 days following polling day.

8. Loss and theft of information

In the event of the loss or theft of elector information, the [candidate or MP] agrees to observe the following procedures:

- Identify the source of the incident and limit the extent of the breach;
- Document the circumstances that led to the incident;
- Review internal policies, processes and procedures to prevent similar incidents;
- Report the loss or theft to Élections Québec.

9. Access to information

Anyone with questions or complaints concerning the management of elector information collected by the [candidate or MP], or who would like to know what personal information has been collected about them, may contact the privacy officer.

APPENDIX 7

**Register of Individuals Authorized
to Receive Elector Information**

