

Confidentiality and Protection of Personal Information Independent Candidate or Independent Member

Whereas:

- section 40.41 of the *Election Act* states that “[n]o person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act [...], or communicate or allow to be communicated to any person not legally entitled thereto, any information relating to an elector”;
- section 127.22 of the *Election Act* provides that the *Act respecting the protection of personal information in the private sector* (chapter P-39.1), except sections 4, 5, 12, 23, and 27 to 60, applies to the personal information of electors held by a political party, an independent Member, or an independent candidate;
- section 127.23 of the *Election Act* provides that a political party, an independent Member, and an independent candidate may collect only the personal information of electors that is necessary for election or political financing purposes, or for the purposes of a political activity within the meaning of section 88 of the *Election Act*. They may use such personal information only for those same purposes. In addition, they may not collect or use personal information without the consent of the person concerned;
- section 146 of the *Election Act* allows candidates to receive documents containing personal information such as the name, address, date of birth, and sex of electors, and that such information is confidential;
- section 551.1.1 of the *Election Act* provides for fines of \$5,000 to \$50,000 for a natural person, or \$15,000 to \$150,000 for a legal person, where either “uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or who communicates or allows to be communicated to a person not legally entitled thereto, any information relating to electors”;
- section 551.2 of the *Election Act* provides for fines of \$5,000 to \$50,000 for a natural person, or \$15,000 to \$150,000 for a legal person, who “for commercial purposes or for profit, uses a list of electors [...]”;

I, the undersigned,

Name of person

independent candidate or independent Member in the electoral division of

Name of electoral division

agree to:

- comply with the provisions of the *Act respecting the protection of personal information in the private sector* regarding personal information held by a political party or an independent candidate in accordance with the *Election Act*;
- read the *Confidentiality of Information Relating to Electors* guide;
- preserve the confidential nature of all information relating to electors that is communicated to me by the returning officer;
- use, communicate, or allow this information to be communicated only for the purposes provided for in the *Election Act*;
- communicate this information or allow it to be communicated exclusively to those who I will have duly authorized;
- take appropriate security measures to protect the confidential nature of this information, including with the authorized individuals who receive or use it;
- inform all authorized individuals of the confidential nature of the information relating to electors, the restrictions on its use, and the applicable penalties in the event of non-compliance;
- recover any document containing information relating to electors from authorized individuals as soon as the purpose for which it was communicated is achieved, and ensure that all copies have been securely destroyed;
- securely destroy any information relating to electors that I have, within a maximum of 60 days following polling day;
- keep a register of confidentiality incidents, in which to record any such incidents and if the incident is likely to cause serious harm, and to promptly notify the Commission d'accès à l'information and anyone whose personal information is affected by the incident.

Signature

Location

Date

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