

Bill 53

**Credit Assessment Agents Act**

Section 8

**AMENDMENT:**

Replace “suspended or revoked” in the second paragraph by “revoked; the security freeze may also be suspended”.

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 9

**AMENDMENT:**

1. Replace “or entering into a long-term contract of lease of goods” in the first paragraph by “, entering into a long-term contract of lease of goods or a contract involving sequential performance for a service provided at a distance”.

2. Insert after the first paragraph:

The agent must notify the third party, to whom the agent is prohibited from communicating the personal information due to the security freeze, of the existence of the freeze.

3. Insert after subparagraph 2 of the second paragraph:

(3) contract involving sequential performance for a service provided at a distance is a contract to which Division VII of Chapter III of Title I of that Act applies.

*Adopté  
SPC*

Bill 53

**Credit Assessment Agents Act**

Section 10

**AMENDMENT:**

1. Insert “and of a telephone number at which the person concerned or, if applicable, the representative of the person concerned or the person having parental authority over the person concerned may be contacted to prove his or her identity” at the end of the first paragraph.
2. Replace “an Act” in the third paragraph by “the law”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 12

**AMENDMENT:**

Replace “a disagreement” in subparagraph 2 of the second paragraph by “the disagreement”.

*Adopté  
SPM*

Bill 53

**Credit Assessment Agents Act**

Section 12

**AMENDMENT:**

Replace “It also ceases to be the subject of such a measure when a time limit provided for by government regulation expires, except if the measure is an explanatory statement, in which case the record” in the second paragraph as amended by “If the measure is an explanatory statement, the record”.

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 11

**AMENDMENT:**

Replace by:

**11.** The explanatory statement requires the credit assessment agent holding the record concerned to communicate the statement to any third party to whom the agent communicates personal information the record contains or information produced on the basis of that information.

The explanatory statement reports the existence of a disagreement between the person concerned by the record and the agent over the application of a legislative provision on access to personal information or the correction of such information.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 13

**AMENDMENT:**

1. Replace “whose record is held by a credit assessment agent” in the first paragraph by “concerned by a record a credit assessment agent holds”.
2. Insert “, in particular via Internet,” in the first paragraph after “communication”.
3. Insert “, in the case of a security freeze, the” in the second paragraph after “revocation or”.
4. Replace “this section” in the third paragraph by “this Act”.

*Adopté  
SPL*

Bill 53

**Credit Assessment Agents Act**

Section 14

**AMENDMENT:**

Replace “usually communicated” by “similar to ratings usually communicated”.

*Adopted  
SPR*



Bill 53

**Credit Assessment Agents Act**

Section 14.1

**AMENDMENT:**

Insert after section 14:

**14.1.** A person must be able to exercise a right conferred by this Act, other than the right to have a security freeze placed on a record, free of charge.

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 16

**AMENDMENT:**

Strike out “, together with, if applicable, payment for the reasonable fees the agent may demand and the explanatory statement referred to in section 17” in the first paragraph.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 16.1

**AMENDMENT:**

Insert after section 16:

**16.1.** Payment of the reasonable fees the credit assessment agent may demand must be submitted, if applicable, with the request for the exercise of the right to have a security freeze placed on a record.

*Adopté  
SPC*

Bill 53

**Credit Assessment Agents Act**

Section 16.2

**AMENDMENT:**

Insert after section 16.1:

**16.2.** A request for the exercise of the right to have a security alert added to a record must include the telephone number referred to in section 10.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 18

**AMENDMENT:**

Replace “of section 16” by “of this subdivision”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 19

**AMENDMENT:**

Insert “and the time limit for bringing them” at the end of the first paragraph.

*Adopté  
SPK*

Bill 53

**Credit Assessment Agents Act**

Section 22

**AMENDMENT:**

Withdraw.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 23.1

**AMENDMENT:**

Insert after section 23:

**23.1.** On receipt of a complaint concerning a matter under the jurisdiction of the Authority, the Commission d'accès à l'information must send the record to the Authority, which is thereby seized of the matter by operation of law.

Likewise, on receipt of a complaint concerning a matter under the jurisdiction of the Commission, the Authority must send the record to the Commission, which is thereby seized of the matter by operation of law.

If the complaint concerns a matter under the jurisdiction of both the Authority and the Commission, the matter is not removed from the jurisdiction of the one sending the record.

*Accepté  
SPR*



Bill 53

**Credit Assessment Agents Act**

Section 23.2

**AMENDMENT**

Insert after section 23.1:

**23.2.** Despite section 81 of the Act respecting the protection of personal information in the private sector, a complaint concerning accessing personal information free of charge as provided for in section 33 of that Act is not under the jurisdiction of the Commission d'accès à l'information insofar as it concerns the application of section 44.1 of this Act.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 26

**AMENDMENT**

Strike out the third paragraph.

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 33

**AMENDMENT**

Insert “that must be entered in the complaints register kept under subparagraph 4 of the second paragraph of section 31” at the end of subparagraph 1 of the first paragraph.

*Adopté  
SR*

Bill 53

**Credit Assessment Agents Act**

Section 35

**AMENDMENT**

Withdraw.

*Adopte  
SP*

Bill 53

**Credit Assessment Agents Act**

Section 37

**AMENDMENT**

Withdraw.

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 38

**AMENDMENT:**

Strike out “Within 30 days after receiving the notice under section 37,”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 39

**AMENDMENT**

In the third paragraph:

1. Replace “an authorized financial institution or a bank” by “a third party”;
2. Strike out “or, in the case of a financial institution, if it considers that the latter’s participation would be in keeping with sound commercial practices”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 41

**AMENDMENT**

Withdraw.

*Adopte  
SP*



Bill 53

**Credit Assessment Agents Act**

Section 44.1

**AMENDMENT**

Insert after section 44:

§3. — *Access to personal information contained in a record*

**44.1.** A credit assessment agent must allow any person concerned by a record the agent holds to access, free of charge, the personal information it contains via Internet.

Adopté  
spe

Bill 53

**Credit Assessment Agents Act**

Section 53

**AMENDMENT**

Insert “If the contravener is a third party that, on behalf of a credit assessment agent, carries on its activities or performs its obligations, the Authority must also notify the prior notice to the agent.” at the end of the third paragraph.

*Adopte  
SPW*

Bill 53

**Credit Assessment Agents Act**

Section 60

**AMENDMENT**

Replace “by a notice or other document sent in accordance with this Act” in the first paragraph by “by a document sent in accordance with this Act”.

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 66

**AMENDMENT**

1. Replace “whose record the agent holds” in the first paragraph by “concerned by a record the agent holds”;
2. Add at the end:

Such a regulation may specify that a service referred to in the first paragraph must be provided free of charge.

*Adopté  
SPE*

Bill 53

**Credit Assessment Agents Act**

Section 67

**AMENDMENT**

Replace “48” in subparagraph 2 of the first paragraph by “47”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 69

**AMENDMENT**

In the first paragraph:

1. Insert before subparagraph 1:

(0.1) in contravention of section 14.1, demands the payment of fees for the exercise of a right conferred by this Act;

2. Strike out subparagraph 4.

3. Replace subparagraph 6 by the following:

(6) in contravention of section 44.1, does not allow a person concerned by a record the agent holds to access, free of charge, the personal information it contains via Internet.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 70

**AMENDMENT**

Replace “\$10,000 may be imposed on a credit assessment agent that” by “\$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on anyone that”.

*Accepted  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 71

**AMENDMENT**

Replace "\$10,000" in the second paragraph by "the maximum amounts provided for in section 70".

*Adopted  
SPK*



Bill 53

**Credit Assessment Agents Act**

Section 73

**AMENDMENT**

1. Replace “the credit assessment agent urging the agent” in the first paragraph by “the party responsible for the failure to comply urging the party”.
2. Add the following paragraph at the end:

“For the purposes of this division, “the party responsible for a failure to comply” means a person on which a monetary administrative penalty may be imposed or is imposed, as the case may be, for a failure to comply under subdivision 1.”

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 75

**AMENDMENT**

Replace “the credit assessment agent if a statement of offence has already been served on the agent” by “the party responsible for a failure to comply if a statement of offence has already been served on the party”.

*ADPTE  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 76

**AMENDMENT**

1. Replace “on the credit assessment agent” in the first paragraph by “on the party responsible for a failure to comply”.
2. Replace “The credit assessment agent” in the third paragraph by “The party responsible for the failure to comply”.

*Adopted  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 77

**AMENDMENT**

Replace “The credit assessment agent” in the first paragraph by “The party responsible for a failure to comply”.

*Adopté  
SPK*

Bill 53

**Credit Assessment Agents Act**

Section 80

**AMENDMENT**

Replace “the credit assessment agent” in the first paragraph by “the party responsible for a failure to comply”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 81

**AMENDMENT**

Replace “the credit assessment agent” and “the agent” by “the party responsible for a failure to comply” and “the party”, respectively.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 82

**AMENDMENT**

Replace “the credit assessment agent that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that agent” in the second paragraph by “the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that party”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 92

**AMENDMENT:**

Replace “The Minister may determine the regulatory provisions made” in the first paragraph by “The Government or the Minister may determine the regulatory provisions the Government or the Minister makes”.

*Adopté  
SPR*



Bill 53

**Credit Assessment Agents Act**

Section 105.1

**AMENDMENT:**

Insert before section 106:

**105.1.** The Act respecting the protection of personal information in the private sector (chapter P-39.1) is amended by inserting the following section after section 8:

“**8.1.** No person may, after being notified by a credit assessment agent in accordance with section 9 of the Credit Assessment Agents Act (*insert the year and chapter number of this Act*) of the existence of a security freeze prohibiting the agent from communicating personal information, request communication of that information from another credit assessment agent.”

Adopte  
SPR

Bill 53

**Credit Assessment Agents Act**

Section 106

**AMENDMENT:**

Replace by:

**106.** Section 19 of the Act is amended

(1) by replacing “the lending of money” in the first paragraph by “entering into a credit contract, a long-term contract of lease of goods or a contract involving sequential performance for a service provided at a distance”;

(2) by adding the following sentence at the end of the second paragraph: “The person must also inform the natural person who so requests that

(1) the refusal to enter into a contract referred to in the first paragraph or the entering into such a contract with less advantageous conditions for the natural person, or

(2) the refusal to increase the credit extended under a credit contract or the increasing of the credit with less advantageous conditions for the natural person

is based on the consultation of such a report or recommendation.”;

(3) by adding the following paragraph at the end:

“For the purposes of this section:

(1) credit that is the subject of a contract has the meaning assigned by subparagraph f of the first paragraph of section 1 of the Consumer Protection Act (chapter P-40.1);

(2) long-term contract of lease of goods has the meaning assigned by section 150.2 of that Act; and

(3) contract involving sequential performance for a service provided at a distance is a contract to which Division VII of Chapter III of Title I of that Act applies.”

Adopté  
SPR

Bill 53

**Credit Assessment Agents Act**

Section 107

**AMENDMENT:**

In proposed section 19.1:

1. Replace “on him or her” by “concerning him”.
2. Replace “actually the person who is the subject of the recommendation, report, document or personal information” by “actually the person who is the subject of the recommendation, report, document or personal information, the representative of that person or the person having parental authority over that person”.

*Adopté  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 107.1

**AMENDMENT:**

Insert after section 107:

**107.1.** The Act is amended by inserting the following section after section 91:

“**91.1.** Every person who contravenes the prohibition under section 8.1 of this Act is liable to a fine of \$1,000 to \$10,000 and, for a subsequent offence, to a fine of \$10,000 to \$20,000.”

*Adopté  
spe*

Bill 53

**Credit Assessment Agents Act**

Section 109

**AMENDMENT:**

Add the following paragraph at the end:

The recommendations must, in particular, concern the advisability of amending the provisions regarding the fees a credit assessment agent may demand for the exercise of the right to have a security freeze placed on a record.

*Adopte  
SPR*

Bill 53

**Credit Assessment Agents Act**

Section 112

**AMENDMENT:**

1. Replace “(*insert the date of assent to this Act*)” by “1 February 2021”.
2. Replace “section 8 insofar as it concerns security freezes and section 9” by “sections 8, 13 and 14.1 insofar as they concern security freezes and sections 9, 16.1, 105.1 and 107.1”.

Adopté  
SR

Bill 53

**Credit Assessment Agents Act**

Heading of Chapter V

**AMENDMENT:**

Replace “ADMINISTRATIVE” by “ENFORCEMENT”.

*Adopté  
SPR*