

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.

*Adopté
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
SPR

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.

*Adopted
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
sra*

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.

*Adopté
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”.

*Adopted
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
SPR*

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”.

*Adopted
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”.

*Adopté
SPR*

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.”

*Adopted
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”.

*Adopted
SP*

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”.

*Adopté
SPE*

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
SPR*

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.”

*Adopté
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.

*Adopté
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*