Québec adopts its first comprehensive health privacy legislation

June 02, 2023

On April 4, 2023, Bill 3, *An Act respecting health and social services information and amending various legislative provisions*, received Royal Assent making it Québec's first comprehensive health privacy legislation. Bill 3, which will come into force on a date set by governmental decree, is modelled on the personal health information laws of other Canadian provinces, most notably Ontario's *Personal Health Information Protection Act*. However, Bill 3 contains several unique requirements that are directly inspired by Bill 64[1], Québec's recent privacy reform that makes the province one of the most stringent jurisdictions in terms of data protection across the globe.

Scope

Bill 3 establishes a specific framework for the processing of health and social services information (health information) that applies to every health and social services body (health body) that manages such information. The notion of health information is defined as any information that allows a person to be identified, even indirectly, and that has any of the following characteristics:

- It concerns the person's physical or mental health state;
- It concerns any material taken from the person in the context of an assessment or treatment, or any implants, braces, prostheses or other aids that compensate for a disability; and
- it concerns the health services or social services provided to the person.

In addition, any personal information that appears in a file along with health information is considered health information. Bill 3 applies to health institutions and to various public bodies involved in the health sector. Bill 3 also applies to private organizations that provide health and social services such as private clinics, pharmacies, medical laboratories, palliative care hospices and private seniors' residences. Bill 3 also applies to a service provider that processes health information on behalf of a health body.

Requirements

Bill 3 introduces numerous new legal obligations, many of which mirror what is found in Bill 64, including mandatory breach notification, privacy officer designation, privacy impact assessments for new projects, products and services and for transfers of health information outside of Québec and restrictions on the use of identification, localization and profiling technologies, mobile and web applications and automated decision-making systems. Most notably, Bill 3 provides that health information cannot be processed without the individual's express consent unless authorized by law. Bill 3 also requires health bodies to log all uses of health information by their staff and to ensure that certain technological products or services are certified by the government

Research

One of the main goals of Bill 3 is to improve the quality of the services offered to the population by enabling easier access to health data for research purposes. Bill 3 provides that a designated public body will act as a research access centre that will be responsible for processing access requests from researchers. These requests will need to be supported with a detailed presentation of the research activities, a privacy impact assessment and a research ethics committee's decision. The processing of health data by researchers will be governed by an agreement with the research access centre prescribing various measures to protect health information.

[1] *An Act to modernize legislative provisions as regards the protection of personal information.* Also known as "Law 25".

Additional LifeSigns Articles

Accounting of profits remedy for patent infringement in Canada

Canada's new excess claims fees vs double patenting

Funding for IP strategy and protection for Canadian companies

Navigating against headwinds in the life sciences capital markets

Precision medicine in an AI world

Quantum computing in the life sciences

Stopping counterfeit goods at the Canadian Border

The Canadian legal landscape on AI enabled medical devices

Virtual care article update – April 2023

By

Simon Du Perron

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.