



**AUTORITÉ  
DES MARCHÉS  
FINANCIERS**

## **CONFIDENTIALITY POLICY**

September 22, 2023

Administrative version: April 16, 2024

*This content is intended for the public covered by the exceptions of the Charter of the French language and its regulations.*

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### *Confidentiality Policy*

Group: DGSAJ (SEGEN)  
Type: Policy  
Status: Approved by the CGIR

Identification No.: SEGEN.012.POL  
Version: 1.0  
Effective date: 22/09/2023  
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## 1. Preamble

The adoption and implementation of this *Confidentiality Policy* (the “Policy”) derives from the principles of Québec public administration intended to ensure that public bodies transparently disseminate information about their activities that is in the public interest. Such information is disseminated in a manner consistent with the confidentiality obligations applicable to the Autorité des marchés financiers (the “AMF”) and the principle of privacy of personal information, which derives from the fundamental right to privacy.

The Policy is based on the guiding principles set out in the policy framework for the governance of the AMF’s information assets, the [Politique-cadre de gouvernance des actifs informationnels de l’Autorité](#), which establishes a common vision for the implementation of strong, integrated governance for the management, use and leveraging of the AMF’s information assets, including information assets containing personal information. Such governance includes preventing or limiting the impact of security or confidentiality incidents by putting in place safeguards proportionate to the value of information and to incurred availability, integrity and confidentiality risks.

The Policy must be read in conjunction with the AMF’s information security policy, the [Politique de sécurité de l’information](#), and its access to information and protection of personal information policy, the [Politique d’accès à l’information et de protection des renseignements personnels](#), which support the AMF’s mission while promoting a responsible culture where personal information is protected in a manner consistent with the right to privacy.

These policies, together with the [Terms of use of the AMF website](#), underpin the AMF’s governance of the personal information it holds, whether it is collected by technological or other means.

The terms used in the Policy have the meanings given to them in the common lexicon for governance of the AMF’s information assets, the [Lexique commun](#).

## 2. Legal and normative framework

The content and terms and conditions of the Policy are specifically designed to meet the requirements under the *Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means* (2021, c. 25, s. 15) (“Regulation respecting confidentiality policies”) made under the *Act respecting access to documents held by public bodies and the protection of personal information*, CQLR, c. A-2.1 (“Access Act”).

As a public body, the AMF is subject to the Access Act and any amendments made to and regulations made under it, including the *Regulation respecting the distribution of information and the protection of personal information*, CQLR, c. A-2.1, r. 2 (“Distribution Regulation”) and the Regulation respecting confidentiality policies.

The Access Act promotes organizational transparency and includes measures to be taken by public bodies in relation to access to information and the protection of personal information. It strikes a balance between the right to information and the right of privacy.

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The restrictions on the general rights of access set out in the Access Act and in certain provisions of the Act establishing the AMF (the *Act respecting the regulation of the financial sector*, CQLR, c. E-6.1, hereinafter referred to as the “Constituting Act”) and in the laws administered by the AMF are intended to safeguard the confidentiality of certain information or information assets the AMF holds in exercising its oversight and enforcement powers, including as a result of inspections or investigations. If a matter becomes litigious, confidentiality must also be protected by professional secrecy, litigation privilege and other applicable privileges.

The *Archives Act*, CQLR, c. A-21.1, is also considered when managing information held by the AMF, including information contained in documents that have become inactive.

Moreover, the Policy reflects the principles of the framework for the governance of the AMF’s information assets as established in accordance with the principles set out in the *Directive gouvernementale sur la sécurité de l’information* (government directive regarding information security, approved by Order in Council No. 1514-2021, dated December 8, 2021), made under section 20 of the *Act respecting the governance and management of the information resources of public bodies and government enterprises*, CQLR, c. G-1.03 (“Government Directive”). This governance framework incorporates the “three lines” model established by the Institute of Internal Auditors (“IIA”) to ensure the effective management of information security-related risks. It also draws from best practices, including those set out in the *Manuel du professionnel en AIPRP* (handbook for Access to Information and Protection of Personal Information professionals) of the Association of Access to Information and Privacy Professionals (“AAPI”).

### 3. Scope

The Policy applies throughout the life cycle of each information asset held by the AMF that contains personal information.

The scope of this Policy is consistent with the scope of the framework for the governance of the AMF’s information assets, which sets out the obligations from which the practices described in the Policy are derived.

#### Persons to whom the Policy applies

The Policy applies to users of the AMF’s information assets who have access to personal information (the “Users”), namely, all AMF staff, the members of the AMF’s board of directors and any person, entity, partner, agent, mandatary or service provider that, through a contractual undertaking or otherwise, has access to or stores personal information held by the AMF or carries out any activity to which the Policy applies.

#### Activities to which the Policy applies

The Policy applies to any activity involving the creation, collection, organization, use, transfer from one medium to another, processing, leveraging, internal exchange, communication, transmission, dissemination, publication, preservation or destruction of personal information held by the AMF, whether the activity is conducted on its premises or from any other location provided for such purposes.

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## 4. Objectives

This Policy affirms the AMF's commitment to continue to fully discharge its information security and privacy obligations in compliance with the current legal and normative framework.

The Policy seeks to reinforce the information privacy culture within the AMF and the principles laid down in the framework for the governance of the information assets held by it, in order to ensure that information is handled appropriately and in accordance with the AMF's obligations relating to the protection of personal information.

The Policy sets out a framework, for all the activities to which it applies, that is consistent with sound governance and information management principles.

It refers to the formalities to be observed when implementing the processes derived from the framework.

Specifically, it describes the AMF's practices respecting the personal information it holds and is the reference document provided for consultation to the persons to which the Policy applies when the AMF collects their personal information, including by technological means.

## 5. Practices relating to personal information held by the AMF

### Description of the personal information collected

The AMF only collects and holds personal information that is needed to carry out its mission as defined in section 4 of the Constituting Act and to exercise its powers or perform its duties or functions, including for administrative purposes, whether such information is collected through a technological means as described in this Policy or another means.

Such information is categorized as follows:

- Identifying and identity confirming information;
- Health information;
- Financial information;
- Academic and training information;
- Information relating social or family status; and
- Work-related information.

The type of personal information collected depends on the service provided or the activity associated with the AMF's mission for which the information is needed.

The AMF ensures that the personal information it keeps is accurate, complete, secure and up to date. It also ensures its integrity and, unless the Access Act, the Constituting Act, the laws administered by the AMF or another applicable statute confers a public character upon it, its confidentiality.

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In accordance with the Access Act, irrespective of the means of collection (verbal or written), when the AMF collects personal information, it informs the person concerned of the following when information is first collected and subsequently on request:

- the name of the public body on whose behalf the information is being collected (in this case, the AMF);
- the purposes for which the information is collected;
- the means by which the information is collected;
- whether the request is mandatory or optional;
- the consequences for the person concerned or for the third person, as the case may be, for refusing to reply to the request or, if applicable, withdrawing consent to the release or use of the information collected pursuant to an optional request; and
- the rights of access and correction provided by law.

If applicable, the person concerned is informed of the name of the third person collecting the information on behalf of the AMF, the name of the third persons or categories of third persons to whom it is necessary to release the information for the purposes referred to above, and the possibility that the information could be released outside Québec.

On request, the person concerned is informed of the personal information collected from them, the categories of persons who have access to the personal information within the AMF, the duration of the period of time the information will be kept, and the contact information of the person in charge of access to documents and the protection of personal information (“RADPRP”). This information is provided irrespective of the means of collection.

#### Purposes for which personal information is collected

The collection of personal information enables the AMF to communicate with, assist and provide services to the person concerned. It also enables the AMF to comply with its legal obligations and ensure the smooth administrative functioning of the organization, particularly in managing its human resources.

Personal information may not be used within the AMF except for the purposes for which it was collected. These purposes relate to the AMF's mission of regulating Québec's financial sector in order to promote its efficiency and protect consumers of financial products and services. Accordingly, the AMF performs the functions and exercises the powers conferred on it by the Acts whose administration is entrusted to it under the Constituting Act.

Accordingly, the personal information collected by the AMF is used for the purposes of applying such Acts in order to:

- provide assistance to consumers of financial products and services, in particular by setting up consumer-oriented educational programs on financial products and services, processing complaints filed by consumers and giving consumers access to dispute-resolution services;
- ensure that the financial institutions and other regulated entities of the financial sector comply with the solvency standards applicable to them as well as with the obligations imposed on them by law with a view to protecting the interests of consumers of financial products and services, and take any measure provided by law for those purposes;

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- supervise the activities connected with the distribution of financial products and services, administer the rules governing eligibility for and the carrying on of those activities, and take any measure provided by law for those purposes;
- supervise stock market and clearing house activities and monitor the securities market, in particular, by administering the controls provided by law as regards access to the public capital market, ensuring that the issuers and other practitioners involved in the financial sector comply with the obligations imposed on them by law and taking any measure provided by law for those purposes;
- supervise derivatives markets, including derivatives exchanges and clearing houses and ensure that regulated entities and other derivatives market practitioners comply with the obligations imposed by law; and
- see to the implementation of protection and compensation programs for consumers of financial products and services and administer the compensation funds set up by law.

Personal information may not be used except for the purposes for which it was collected, unless the person concerned gives their consent or in exceptional situations provided for by law ((1) for purposes consistent with the purposes for which it was collected (has a direct, foreseeable and relevant connection with its primary use), (2) clearly used for the benefit of the person concerned, (3) necessary for the application of an Act in Québec, whether or not the law explicitly provides for its use, or (4) necessary for study or research purposes or for the production of statistics the production of statistics and the personal information is de-identified, i.e., no longer allows the person concerned to be directly identified).

Where the consent of the person concerned is required, the AMF ensures that consent is clear, free and informed and given for specific purposes. The personal information is used by the AMF only for the purposes for which the consent is given.

#### Categories of persons who have access to the personal information

Any person who provides their personal information consents to its use and release for the purposes for which it was collected by the AMF.

Furthermore, AMF staff and other persons referred to in this Policy may have access to personal information only if the information is needed for the performance of their functions and mandates. Physical and electronic access rights are managed accordingly.

Personal information may not be circulated internally among staff from different administrative units of the AMF or be otherwise accessible without the consent of the person concerned except where the information is needed for the performance of the functions of the staff member who has access to it.

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## Technological means by which the personal information is collected

### ❖ Cookies

Cookies are small text files saved to a computer or mobile device. They contain information about the web browser used by visitors to a website or mobile app and the pages visited. Cookies can be enabled or disabled at any time from the visitor's web browser.

Cookies are used to ensure the smooth functioning of the AMF's website, improve its performance and propose relevant, targeted content.

The AMF uses two types of cookies on its website: "strictly necessary" cookies and "statistical" cookies.

For more information on this topic, refer to the [Cookies](#) section of the AMF's website.

### ❖ Social media

The AMF is required to maintain the confidentiality of the information that is sent to it over its various platforms and the instant messaging services they offer. When that information contains personal information, the AMF treats it the same way and protects its confidentiality and integrity using the same protective measures as it would were the information collected through official channels of communication.

### ❖ Telephone, e-mail, fax, electronic form, videoconferencing and chat messaging

The AMF may collect personal information by telephone, e-mail or fax, or through a secure electronic form on its website that may, among other things, be used to submit a general request for information or file a complaint and, for current and future industry professionals, perform various transactions with the AMF in connection with their professional activities via AMF [E-Services](#) ("E-Services"). Personal information may also be collected via videoconferencing and various chat messaging features.

The AMF may also collect personal information on the websites of its Canadian Securities Administrators ("CSA") partners, namely the National Registration Database ("NRD"), the System for Electronic Documents Analysis and Retrieval ("SEDAR+"), the System for Electronic Disclosure by Insiders ("SEDI"), and the website of the Groupement des assureurs automobiles ("GAA"), among others.

Information collected may include the name of the person concerned, their e-mail address, mailing address, telephone number, driver's licence number, profile data, their account settings or payment information (by electronic fund transfer or pre-authorized debit). Credit card payment information is not kept by the AMF or its partners but rather by accredited payment providers that adhere to the Payment Card Industry Data Security Standard of the PCI Security Standards Council.

Electronic messages are treated with the same concern for confidentiality as mail. However, the AMF does not encourage exchanging personal information over e-mail or chat messaging unless the channel is sufficiently secure.

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The AMF may record telephone calls or videoconference meetings to ensure service quality. When on-line training, exams or tests are given by the AMF or one of its service providers, the camera or microphone on the candidate's computer may need to be activated to ensure process transparency and integrity. In such a situation, this is disclosed to the person concerned beforehand so they can give their consent. Subject to the exceptions provided by law, the image or voice of the person concerned is consequently not recorded without that person's consent, presumed or explicit, as the case may be, during their interactions with the AMF.

Personal information sent by telephone, videoconferencing or e-mail or when completing a secure electronic form on the AMF's website is used only to the extent that the information is needed to follow up on a message or request.

A subscriber to the AMF's E-mail Info or any other electronic media available on the AMF website must provide their e-mail address. This address is used solely to send regular information e-mails on the activities of the AMF or its partners. You may unsubscribe from them at any time.

#### ❖ Survey

The AMF may conduct a survey, after examining the need for and ethical aspect of it, on elements such as the quality of its services in order to more clearly identify public, industry or staff expectations. All AMF surveys are optional and anonymous. The persons consulted who choose to answer the survey do not have to provide sensitive personal information that would allow them to be identified.

Survey answers are personal information, however, as they reveal the opinion of the persons consulted. The survey forms are therefore secure, and the collected data, whether stored on servers inside or outside Québec, is treated confidentially by enabling the "anonymous response" function in the survey settings. This makes it impossible to link the survey respondents to their answers.

When the AMF administers a survey through an external service provider, it ensures that the provider applies appropriate protective measures to the personal information collected so that such information remains confidential.

#### ❖ Video-surveillance and other monitoring measures

The AMF uses video-surveillance as a preventative measure to ensure visitor and staff safety and keep its premises secure.

Signs indicating the presence of video-surveillance cameras are posted in relevant areas, including the reception areas of its offices in Québec City and Montréal and the exam room waiting area. The AMF safeguards the captured images, as they constitute personal information enabling the recognition of individuals captured on film.

Likewise, in order to ensure the sound management of resources and the protection and security of information, the AMF may carry out monitoring actions via certain work tools made available to Users and through security-related measures. These monitoring actions are controlled and carried out in accordance with parameters set by the applicable law and the organization's policies and directives.

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Measures that may be taken to refuse the collection of personal information and the possible consequences of doing so

Consent to the collection of personal information and its use and release for the purposes for which the information was collected is implicit when the person concerned provides their personal information initially when communicating with the AMF in writing, verbally, or otherwise.

The person concerned may refuse the collection, use and release of their personal information by the AMF at any time. The person may withdraw consent at any time even when consent is presumed.

In any case, the person to whom the personal information relates may refuse or withdraw their consent, verbally or in writing, when it collected for after it is collected by contacting the Corporate Secretariat and Legal Affairs branch by e-mail at [secretariat@lautorite.gc.ca](mailto:secretariat@lautorite.gc.ca).

The AMF may refuse to provide a service to, or reply to a request of, a person who refuses or withdraws their consent to the collection, use or release of personal information when the information is necessary in order to provide the service or reply to the request.

Even where consent is withdrawn, the AMF may, depending on the circumstances and where necessary, preserve the personal information collected from the person concerned in accordance with the AMF's retention schedule approved by the Bibliothèque et Archives nationales du Québec ("Retention Schedule") for the purposes of communications with the person concerned and traceability of the person's interactions with the AMF.

Rights of access and correction through technological or other means

As a public body, the AMF acts transparently and distributes through its website the documents and information accessible under the Access Act that are identified in the Distribution Regulation.

In accordance with the Access Act and Distribution Regulation, it also publishes the governance rules with respect to personal information, together with the related policies and practices, on its website.

The AMF facilitates the exercise of the right of access and favours the publication of information, including on the Internet and various social media. It also encourages the voluntary disclosure or proactive publication of information by its administrative units.

Staff give access to an entire file or record when the designated RADPRP requests it in accordance with the Access Act in the performance of his or her duties.

Subject to the exceptions prescribed by law, documents or information held by the AMF are accessible on verbal or written request, without regard for the reason given by the person making the request. Refer to the section of the website dedicated to [Information Access](#) for more details.

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Persons making such requests will also have access to personal information concerning them and may, if such information is inaccurate, incomplete or equivocal, or if collecting, communicating or keeping it are not authorized by law, request that the information be corrected.

Such requests must be addressed to the RADPRP at:

Benoit Longtin, Assistant Corporate Secretary  
A/S Gestion de l'information  
Autorité des marchés financiers  
800, rue du Square-Victoria, bureau 2200  
Montréal (Québec) H3C 0B4

Telephone: 1-877-525-0337  
Fax: 514-873-3090  
E-mail: [gestion.information@lautorite.qc.ca](mailto:gestion.information@lautorite.qc.ca)

However, the AMF may restrict or refuse access to a document or information that it holds, particularly if is required to do so by a provision of the Access Act, the Constituting Act or the Acts it administers.

#### [Release of personal information to a third person, in Québec or outside Québec](#)

The AMF may not release personal information to a third person without the consent of the person concerned except in the situations set forth in the Access Act, the Constituting Act or the sector-based statutes administered by the AMF.

Moreover, staff may release or allow the release of information only if they are authorized to do so by the AMF and if the legal and normative framework permits it based on the nature of the information concerned.

When personal information is shared externally, the AMF ensures that it is communicated through secure channels (courier services, e-mail or information sharing platforms). It also ensures that released personal information is appropriately protected by the third persons receiving it. In addition, when personal information is released outside Québec, the AMF ensures that the information receives protection equivalent to what is afforded in Québec.

#### [Measures taken to ensure the confidentiality and security of personal information](#)

The protection of personal information is a priority for the AMF. It protects both physical and technological access to such information.

The AMF's information security governance draws from the Government Directive and is intended to meet the expectations set out in the AMF's [Guideline on Information and Communications Technology Risk Management](#).

Use of AMF E-Services requires authentication through either the Québec government's digital solution or a recognized third-party authentication platform in order to guarantee secure access and ensure the protection of the personal information that is shared via such services. Registration for the government's authentication service requires that the person concerned provide personal information, including their social insurance number, date of birth and the number on their most recent notice of assessment. Such authentication helps ensure that information is exchanged with the AMF in a secure manner.

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Prevention: The AMF anticipates and assesses major risks that could occur with respect to the protection of personal information in order to prevent, in accordance with best practices, risks or incidents that could affect the confidentiality or integrity of the information it holds.

Protection: The AMF takes such security measures as are necessary to ensure the protection of the personal information created, collected, used, communicated and kept and as are reasonable given the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored, up to the time the information is destroyed in accordance with the Retention Schedule.

When the purposes for which personal information was collected or used have been achieved, the AMF may, instead of destroying the information, anonymize it so it may be used for public interest purposes, subject to the Archives Act. Anonymization is irreversible, making it no longer reasonably possible for the person concerned to be directly or indirectly identified.

#### Right of the person concerned to pursue the process for dealing with complaints regarding the protection of personal information

All complaints relating to non-compliance with this Policy or other AMF governance rules with respect to the protection of personal information may be sent by e-mail to [secretariat@lautorite.qc.ca](mailto:secretariat@lautorite.qc.ca) or by mail to:

Direction générale du secrétariat et des affaires juridiques  
Autorité des marchés financiers  
800, rue du Square-Victoria, bureau 2200  
Montréal (Québec) H3C 0B4

The AMF ensures that every complaint it receives is handled in a confidential manner.

On the margins of the organization's process for complaints relating to the protection of personal information, the AMF has adopted a process for managing security incidents, including confidentiality incidents, to ensure that they are handled appropriately, security loopholes are closed if necessary, and any potential damage is mitigated. In cases of incidents involving a serious risk of harm, the AMF ensures that the person concerned and the Commission d'accès à l'information du Québec are notified in a timely manner and in accordance with the applicable legal framework.

#### Training and awareness

To provide a common understanding of the scope of and obligations under the governance rules regarding personal information, the AMF posts the relevant policies, management frameworks, directives, guides and procedures on its intranet, together with related internal communications campaigns. It also offers training and awareness activities to all Users, at the beginning of their employment and on a regular basis thereafter.

The AMF publishes timely reminders to empower Users to learn more about the right of privacy, develop good practices for identifying information security threats, including cybersecurity threats in the context of remote work, and adopt behaviours necessary for the protection of the personal information they hold in connection with their functions.

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In addition, AMF staff are required to renew an annual undertaking to comply with the applicable code of ethics and professional conduct, which sets obligations with respect to confidentiality.

In its [annual management report](#), the AMF reports on the training and awareness activities it offers to Users in the areas of information security and the protection of personal information.

## 6. Roles and responsibilities

The Comité de protection et de sécurité de l'information ("CPSI"), established under the Access Act and the Distribution Regulation, is primarily tasked with supporting the President and Chief Executive Officer ("CEO") and the Comité de gestion intégrée des risques ("CGIR") in their decision-making regarding strategic orientations, intervention plans and practices of the AMF in fulfilling its obligations with respect to the protection and security of information, including information that contains personal information.

The principal roles and responsibilities relating to confidentiality and the protection of personal information, including those of the AMF's board of directors, the CEO, the Chief Internal Auditor, the Corporate Secretary and Executive Director, Legal Affairs ("DGSAJ"), the RADPRP, the person responsible for information governance and management ("RGGI"), the Senior Director, Information Technologies ("DPTI"), the Vice-President Finances, Talents and Technologies ("VPFTT"), and the Chief Data and Advanced Analytics Officer ("CDAA"), are defined in the [Politique-cadre de gouvernance des actifs informationnels de l'Autorité](#).

All Users have responsibilities with respect to confidentiality and the protection of personal information. The [Politique d'accès à l'information et de protection des renseignements personnels](#) sets out certain roles and responsibilities for staff of the AMF, including its managers, who, as the owners of the information assets relevant to their respective areas of activity, must ensure the appropriate use of those assets and make certain they are protected by, in particular, managing risks and vulnerabilities and applying measures to protect them against any form of breach, including threats or attacks.

## 7. Compliance with the Policy

All Users are required to protect the information made available to them and report any confidentiality incident involving personal information in accordance with the applicable legal and normative framework and this Policy, which reflects the obligations provided under the governance documents relating to information assets and the [codes of ethics and professional conduct](#) in effect at the AMF.

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## 8. Distribution

This Policy is published on the AMF's intranet and website.

For information, questions and inquiries regarding this Policy, staff members may contact their respective managers or the RADPRP at [secretariat@lautorite.qc.ca](mailto:secretariat@lautorite.qc.ca). Members of the public and industry participants may also send their questions or comments to that address.

## 9. Application follow-up and review

The DGSAJ and the RADPRP follow up on application of this Policy with the CPSI.

A comprehensive review of this Policy must be conducted periodically by the RADPRP to verify that it is aligned with the applicable legal and normative framework and good personal information protection practices in order to ensure personal information remains secure and confidential. This review must be conducted at least once every five years.

The Policy must also be revised whenever major organizational or strategic changes occur or when deemed appropriate by the CPSI or CGIR.

## 10. Approval and review history

The Policy constitutes a rule within the AMF's parameters for establishing the content and hierarchy of, and approval levels for, governance documents. It is approved in accordance with these parameters and the applicable legal framework.

Version No.	Approval by the CPSI	Approval by the CGIR
1.0	August 30, 2023	September 7, 2023
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## 11. Date of coming into force

This Policy is effective September 22, 2023.

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