

Civil Code of Québec (extracts)

(S.Q., 1991, c. 64)

(Updated: March 2004)

CHAPTER III
RESPECT OF REPUTATION AND PRIVACY

35. Every person has a right to the respect of his reputation and privacy.

No one may invade the privacy of a person without the consent of the person unless authorized by law.

¹1991, c. 64, a. 35; 2002, c. 19, s. 2.

36. The following acts, in particular, may be considered as invasions of the privacy of a person:

- 1) entering or taking anything in his dwelling;
- 2) intentionally intercepting or using his private communications;
- 3) appropriating or using his image or voice while he is in private premises;
- 4) keeping his private life under observation by any means;
- 5) using his name, image, likeness or voice for a purpose other than the legitimate information of the public;
- 6) using his correspondence, manuscripts or other personal documents.

¹1991, c. 64, a. 36.

37. Every person who establishes a file on another person shall have a serious and legitimate reason for doing so. He may gather only information which is relevant to the stated objective of the file, and may not, without the consent of the person concerned or authorization by law, communicate such information to third persons or use it for purposes that are inconsistent with the purposes for which the file was established. In addition, he may not, when establishing or using the file, otherwise invade the privacy or damage the reputation of the person concerned.

¹1991, c. 64, a. 37.

38. Except as otherwise provided by law, any person may, free of charge, examine and cause the rectification of a file kept on him by another person with a view to making a decision in his regard or to informing a third person; he may also cause a copy of it to be made at reasonable cost. The information contained in the file shall be made accessible in an intelligible transcript.

¹1991, c. 64, a. 38.

39. A person keeping a file on a person may not deny him access to the information contained therein unless he has a serious and legitimate reason for doing so or unless the information is of a nature that may seriously prejudice a third person.

1991, c. 64, a. 39.

40. Every person may cause information which is contained in a file concerning him and which is inaccurate, incomplete or equivocal to be rectified; he may also cause obsolete information or information not justified by the purpose of the file to be deleted, or deposit his written comments in the file.

Notice of the rectification is given without delay to every person having received the information in the preceding six months and, where applicable, to the person who provided that information. The same rule applies to an application for rectification, if it is contested.

1991, c. 64, a. 40.

41. Where the law does not provide the conditions and modalities of exercise of the right of examination or rectification of a file, the court, upon application, determines them.

Similarly, if it becomes difficult to exercise those rights, the court, upon application, settles the difficulty.

1991, c. 64, a. 41.