

ACT 25 AND CONFIDENTIALITY INCIDENTS – THE FIRST DRAFT REGULATIONS... REMAIN A DRAFT!

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On July 13, 2022, we informed you in our bulletin entitled [Act 25 – First Draft Regulation, On Your Marks, Get Set, Go!](#) that the first draft *Regulation respecting confidentiality incidents* (hereinafter the "**Draft Regulations**") had been published and would come into force, with its corollary obligations, on September 22, 2022.

While the prescribed "commenting period" has passed, the Draft Regulations have not yet been confirmed. In other words, the Draft Regulations did not come into force on September 22, 2022. Notwithstanding, the sections addressing new obligations surrounding confidentiality incidents (sections 3.5 to 3.8) of the Act to modernize the legislative provisions as regards the protection of personal information (the "**Act**"), did.

The enactment of regulations surrounding confidentiality incidents therefore remains outstanding. However, this does not mean that you should not currently take steps to comply with your new obligations under the Act.

What should organizations do now?

Not all is lost – the subsequent proposed regulations will likely be relatively similar to the first set of Draft Regulations.

We therefore recommend that you take steps to comply with the new requirements surrounding confidentiality incidents, outlined in our previous [publication](#), based on guidelines set out in the Draft Regulations, particularly as it relates to notifying concerned individuals of confidentiality incidents and developing your register of confidentiality incidents.

Taking such steps will ensure that your organization complies with the new requirements and will be prepared to quickly address any necessary adjustments once new regulations on confidentiality incidents come into force.

We will keep you informed of any further developments regarding regulations under the Act. Please contact a member of our Privacy and Data protection team if you have any questions regarding the *Draft Regulations* or Act 25.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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