

# Québec Youth and Online Privacy Post-Law 25



## **Authors**

**Brock Nykoluk**

## **Date published**

**September 2023**

**Copyright © 2023. Y4Y Québec.**

*Material from this publication may be reproduced for training, teaching or other noncommercial purposes as long as Y4Y Québec is fully acknowledged. This publication may also be distributed and/or accessible from your website provided that Y4Y Québec is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.*

# TABLE OF CONTENTS

|  |           |
|--|-----------|
| <b>1. INTRODUCTION</b>                     | <b>4</b>  |
| <b>2. Background on Law 25</b>             | <b>4</b>  |
| <b>3. METHODOLOGY</b>                      | <b>5</b>  |
| <b>3.1. OUTREACH AND SAMPLING</b>          | <b>5</b>  |
| <b>3.2. FOCUS GROUP PROCEDURE</b>          | <b>6</b>  |
| <b>3.3. ANALYSIS</b>                       | <b>7</b>  |
| <b>4. RESULTS</b>                          | <b>7</b>  |
| <b>4.1. PRIVACY APATHY</b>                 | <b>7</b>  |
| <b>4.2. CONCERNS ABOUT PRACTICALITY</b>    | <b>8</b>  |
| <b>4.2.1. TURNAROUND TIME</b>              | <b>8</b>  |
| <b>4.2.2. INTERNATIONAL ENFORCEABILITY</b> | <b>8</b>  |
| <b>4.2.3. EASE OF USE</b>                  | <b>9</b>  |
| <b>4.3 USE CASES</b>                       | <b>9</b>  |
| <b>5. DISCUSSION</b>                       | <b>9</b>  |
| <b>6. CONCLUSION</b>                       | <b>10</b> |
| <b>BIBLIOGRAPHY</b>                        | <b>11</b> |

## 1. INTRODUCTION

The Québec National Assembly adopted Law 25, formerly called “Bill 64,” on September 21, 2021. Law 25 aims to modernise the province’s private and public sector privacy laws. Among other things, it tightens the restrictions on the handling of personal information, and grants Québécois new robust privacy rights. Though other Canadian jurisdictions are pursuing similar initiatives, the adoption of Law 25 makes Québec officially the “first jurisdiction in Canada to update its privacy legislation” (Gratton et al., 2022, para. 1).

The attitudes and behaviours of youth regarding online privacy has emerged as a pivotal area of study in recent years. Conventional wisdom insists that young people are unconcerned about protecting their personal information, despite empirical evidence to the contrary (Boyd & Marwick, 2011; Steeves, 2014). Growing up in an era defined by digital connectivity and ubiquitous online interactions, young people possess distinctive attitudes towards privacy and exhibit unique privacy-protective behaviours (Hargittai & Marwick, 2016). As such, this report aims to present preliminary thoughts from youth across Québec on some of the legislative provisions of Law 25, as well as privacy-related issues more generally. More specifically, we intend to answer the following research question: What are Québec youths’ perceptions and concerns about the new individual rights and provincial transparency requirements under Law 25?

## 2. BACKGROUND ON LAW 25

Law 25 introduces sweeping amendments to Québec’s privacy laws, so we will limit ourselves to a brief treatment of the new individual rights that Québécois have (or will have) under it as well as the new restrictions on transferring personal information outside Québec. As described in Gratton et al. (2022), Law 25 grants individuals three new rights: “a right to control the dissemination of their personal information (also known as ‘the right to be forgotten’); a right to data portability; [and] a right to be informed of, and submit observations [regarding] automated decision-making” (30). We will discuss them each in turn.

Law 25 affords Québécois greater control over the spread of personal information. According to the right to be forgotten, Québec citizens may require any organisation to stop spreading their personal information, so long as its dissemination is against the law or seriously harmful to their privacy or reputation (30). To exercise this right, individuals must write a written request to the organisation to cease spreading their information. The organisation must respond to this request within 30 days after it has been received, and if they refuse, the organisation must indicate the reasons for their refusal as well as the remedies available to the applicant (e.g., following the refusal, the applicant may apply for an examination of the disagreement by the Commission d’Accès à l’Information du Québec (CAI), which is the regulatory authority overseeing Law 25) (31).

Under the right to data portability, Québec residents are entitled to receive their computerised personal information from organisations that have collected it from them. They also have the right to have this information transferred to any other entity that is legally authorised to collect it. Their information must be sent in a widely used technological format. The aim of the right to data

portability is to empower individuals to have greater control over their personal information and to foster competition between service providers by making it easier to reuse data and switch providers (32).

Though Law 25 never defines “automated decision-making” (ADM), the term usually refers to a computer system that aids or replaces human decision-makers. ADM is used in a range of sectors including policing, social services, healthcare, business, and much more (Lomborg et al., 2023). Law 25 aims to make ADM processes that use personal information and operate with no human oversight more transparent and accountable. It affords Québécois the right to be informed of such ADM processes at the time of, or prior to, being informed of the decision itself. It also grants citizens the right to request that the organisation making the decision inform the individual about which of their personal information was used for the decision, of their right to have this information corrected, and of the “reasons and the principal factors and parameters that led to the decision” (*An Act to modernize*, 2021, s. 12.1). Finally, citizens must be offered a chance to present any observations that they have to a member of the organisation who can review the decision made via ADM (s. 12.1).

Law 25 also stipulates that any organisation gathering personal information from individuals should notify them of the potential disclosure of this data beyond Québec. This disclosure should occur during the data collection process and be available upon request. Law 25 also introduces constraints on such transfers; for example, organisations must perform a privacy impact assessment that considers how sensitive the information is, the relevant privacy principles in the receiving state, and more (Gratton et al., 2022, 39).

All provisions of Law 25 discussed in this document come into effect on September 22, 2023, except for the right to data portability, which comes into force on September 22, 2024 (*An Act to modernize*, 2021, s. 175). Law 25 applies to any organisation that is either (i) based in Québec or (ii) possesses personal data of Québec residents (Szwercas et al., 2023).

### **3. METHODOLOGY**

We conducted two focus groups with 11 Québec youth. One of these focus groups occurred virtually via Zoom (n = 4), while the other took place in-person at the Y4Y office in Montréal (n = 7).

#### **3.1. OUTREACH AND SAMPLING**

Our inclusion criteria were (i) being between the ages of 16–30 and (ii) living in Québec. No prior knowledge of Law 25 or privacy-related issues was required. For outreach, we contacted individuals affiliated with Y4Y, whether as staff, members or friends, who matched our inclusion criteria. We provided them information on the purpose of our study as well as on Law 25, though we emphasised that familiarity with the law was not required for participation. One consequence of reaching out to individuals already affiliated with Y4Y was that most participants were acquainted with one another prior to the start of their focus group, which we believe, in line with suggestions from Jones et al. (2018), made participants more comfortable with one another. This led to a more honest and open

dialogue that required less prompting from the moderator. Another consequence is that several participants were already familiar with the moderator of the focus group, which may have influenced their answers. We also suspect that it made these participants more relaxed and willing to share their views.

Our final sample consisted of 11 youths. The ages of participants ranged from 21–28, with a mean age of 26.1. Most participants were from Montréal, with one participant from the Outaouais and another from the Laurentides.

### **3.2. FOCUS GROUP PROCEDURE**

Both focus groups lasted approximately 1.5 hours. Participants were not monetarily compensated for their participation, though those in the in-person group were offered food and non-alcoholic drinks prior to the start of their session. All participants offered verbal or written consent, thereby releasing the information they conveyed during their focus group for use in this report, excluding personal details that could be used to identify them. Their consent also permitted us to record and transcribe their focus group. Before the start of each focus group, the moderator described what their role would be for the session and relayed ground rules for the discussion.

Each focus group consisted of two phases. In the first phase, the moderator asked the group open-ended privacy-related questions. Participants also received a physical document listing all the questions to be asked in both phases. The questions in the first phase were intended to help ‘break the ice,’ and to gauge the group’s attitudes and experiences concerning general privacy issues, such as the use of one’s personal information for tailored advertising, the readability (or lack thereof) of privacy policies, etc. Examples of questions asked in this phase include:

- Have you ever chosen to not use, or hesitated to use, a certain platform for privacy reasons?
- Do you feel adequately informed about your online privacy rights and how to exercise them? Why or why not?

In the second phase, the moderator delivered a presentation on Law 25, explaining, as neutrally as possible, the context of the law as well as some of its key provisions. Due to time constraints, we limited the presentation, as well as the following discussion, to the new individual rights and restrictions on the transfer of personal information outside of the province. The moderator paused in-between sections of this presentation to pose questions to the group on the provisions just covered. Before answering, the participants received an opportunity to ask the moderator questions, which they answered to the best of their ability. Examples of the sort of questions asked in this phase include:

- In what situations do you think data portability would be most useful for youth? Can you think of any examples of when youth, yourself included, might want to exercise this right?
- How do you feel about an organisation making decisions about you based exclusively on the automated processing of your personal information, compared to decisions that have a human element in the process? What are your reasons for feeling this way?

### 3.3. ANALYSIS

After transcribing both focus groups with the aid of transcription software, we coded the data using inductive coding, which refers to a “data analysis process whereby the researcher reads and interprets raw textual data to develop [themes]... through interpretations based on data” (Chandra & Shang, 2019, 91). It is contrasted with deductive coding, whereby themes are developed prior to analysing the data collected based on existing theories or themes in the literature (Fereday & Muir-Cochrane, 2006). We opted for inductive coding because given the recency of Law 25, there is limited knowledge about how youth perceive its provisions.

## 4. RESULTS

In this section, we present our results in the form of three key themes that emerged in our focus groups: “Privacy Apathy,” “Concerns about Practicality,” and “Use Cases.” Additionally, Concerns about Practicality is split into the following sub-themes: Turnaround Time, International Enforceability, and Ease of Use. Note that any names mentioned herein are pseudonyms.

### 4.1. PRIVACY APATHY

Participants frequently reported a lack of concern or even scepticism towards online privacy. They recognised the widespread occurrence of data mining and felt a sort of resignation in the face of it. One participant, Noah, voiced these sentiments like so:

“I’ve noticed, and I’m including myself in this, that there’s... a degree of apathy towards privacy rights... Our data is being so mined constantly... [and] we’re told to care about our privacy, but so many of us don’t understand why we should care about it, and, as such, have sort of abandoned [caring]... Maybe this is not where I want to be, but it might be where I am” (Noah).

Others chimed in in agreement, with another participant adding that this “spoke to the generation”. Participants coded under this theme offered a few explanations as to why they felt apathetic towards their online privacy. For example, a few participants noted that even though the collection and analysis of our personal information is so pervasive, it does not seem immediately harmful or problematic. This was contrasted with the tangible benefits received from the collection of personal information, such as tailored advertising:

“I think there’s a tendency to sort of ignore it because in the moment and also for the immediate future, it doesn’t really pose a problem” (Blaise).

“Right now, it seems like we’re just benefitting as consumers. The algorithm is getting better... It’s selling us products that we really want in terms of online shopping... I think that’s making people feel subjectively that they’re better off. And so it seems harmless, which is maybe why our generation... feel[s] more apathetic” (Elise).

Another explanation for online apathy that emerged—albeit to a lesser extent—was that since privacy violations are so prevalent, genuinely caring about privacy would require entirely disconnecting from technology, or in their words, “going off the grid” and “shut[ting] off almost everything.” Completely disengaging, however, was seen as impractical and disadvantageous, especially with respect to maintaining one’s social connections.

## **4.2. CONCERNS ABOUT PRACTICALITY**

In the second phase of both focus groups, participants raised several concerns about the practicality of particular provisions of Law 25. These concerns were usually framed in terms of the usefulness of the law for Québécois. We have grouped these concerns into the following categories: Turnaround Time, International Enforceability, and Impartiality.

### **4.2.1. TURNAROUND TIME**

Recall that under the right to be forgotten, when an organisation receives a request to stop disseminating someone’s personal information, they must respond within 30 days (*An Act to modernize*, 2021, s.32). Additionally, the organisation “may submit a request to the CAI within this initial 30-day period to extend the time limit within which it must provide its response” (Gratton et al., 2022, 31). Some participants felt that this time limit was inadequate in certain cases:

“If there’s something really serious, it should be responded to before the 30-day window because obviously it will have done some harm in that meantime... It’s not as quick as I would have hoped” (Sarah).

Other respondents echoed similar concerns and pointed out that in the time it takes for the organisation to respond, the information that the harmed party wants forgotten may circulate to other platforms or mediums. One participant raised similar worries about a citizen’s right to submit observations regarding ADM processes to a designated person within an organisation. Some decisions made using exclusively automated means may be time-sensitive and require a quicker turnaround on reviewal.

### **4.2.2. INTERNATIONAL ENFORCEABILITY**

As stated earlier, Law 25 applies to all organisations that possess the personal data of Québec residents. After learning this, some participants expressed doubts about whether its provisions could be upheld internationally. For example, one participant remarked that:

“Companies operate all over the world... [Someone] in Montréal can tell a company located in another continent that they want this picture removed from their website. The company could [refuse.] Obviously, the government, whether municipal, provincial, or federal, doesn’t have the resources to fight every such company internationally” (Aiden).

These participants sometimes emphasised the need for goodwill on the part of these companies, as they felt that neither the government nor individuals would have the resources to engage in international legal battles.

### **4.2.3. EASE OF USE**

Some respondents worried that the right to be forgotten would be difficult to exercise as consumers must write the request and potentially assume the initial responsibility of showing that their personal information was spread unlawfully or in a way that seriously injured their reputation or privacy. Gratton et al. (2022) similarly suggest that the applicant might bear this initial burden. As one participant succinctly put it, “it really boils down to how easy it is to [exercise] it.”

### **4.3 USE CASES**

Throughout both focus groups, respondents presented several reasons as to why they thought that specific provisions of Law 25 would prove useful. For example, regarding the right to data portability, some expressed frustration with the current lack of compatibility across proprietary software, highlighting the challenge of transferring data between different platforms. One participant viewed data portability as a means to preserve online memories, and another thought it could be valuable for transitioning from conventional social media platforms to more recent alternatives.

Several participants explained that given the recent rise in the use of ADM processes, the right to be informed of and submit observations regarding ADM is timely and essential. That potentially impactful decisions could be made without any human element in the process was uncomfortable for some respondents, who viewed this right as a means to “ensure that there’s still some sense of humanity in the process.” As for the new provincial transparency requirements, some respondents believed that international transfers of data posed the most significant threat to data security, making these requirements a welcome addition to Québec’s provincial privacy legislation. They emphasised the importance of understanding “where our data is going.” It is worth noting, however, that other respondents were not especially bothered about their personal information being transferred outside of Québec; their concerns were more so directed towards transfers outside of Canada.

## **5. DISCUSSION**

We set out to answer the following research question: “What are Québec youths’ perceptions and concerns about the new individual rights and provincial transparency requirements under Law 25?” We found that Québec youth exhibited a range of concerns about the practicality of Law 25, which fell under our “Concerns about Practicality” theme and corresponding subthemes, “Turnaround Time,” “International Affordability,” and “Ease of Use.” Respondents also identified valuable elements within the legislation that could empower youth to have greater control over their personal information, which corresponded to our “Use Cases” theme.

As for how our first theme, “Privacy Apathy,” connects to our research question, we noticed that the participants who were the most vocal about their privacy apathy also appeared the most sceptical or critical about the usefulness of the provisions of Law 25; they, more so than the other participants, felt either that the law needed to go further, or fell short in certain respects (see section 4.2 for examples). These responses might seem counterintuitive, so we will suggest a few plausible ways to reconcile them, based on cues from participants’ comments.

For example, comments about how frequent privacy violations occur (e.g., “our data is being so mined constantly”) suggest that individuals reporting privacy apathy have grown accustomed to frequent privacy violations and therefore might not perceive the legal measures as capable of reversing the established trend. For them, privacy intrusions might have become so normalised that they perceive the law as a mere formality, unlikely to substantially change the status quo. Or perhaps, the second explanation of privacy apathy given earlier (i.e., that the prevalence of privacy violations precludes genuine concern about privacy) implies that some participants might hold an idealised notion of privacy which they believe is practically unattainable due to the ubiquity of technology and data mining. This perception may lead them to evaluate any privacy-related legislation with scepticism, as they consider it unrealistic to achieve a level of privacy that aligns with their ideal.

## **6. CONCLUSION**

The adoption of Law 25 in Québec marks a significant milestone in the realm of Canada’s privacy legislation, solidifying the province’s position as a pioneer in this field. Through our focus groups, we delved into the perspectives and concerns held by certain Québec youth about the new individual rights and transparency requirements under Law 25. We found that participants exhibited a range of attitudes and opinions, with some expressing privacy apathy and highlighting concerns about the practicality of the law. Despite these reservations, these Québec youth also recognised certain provisions as enhancing personal data control and safeguarding privacy in an increasingly data-driven world.

## BIBLIOGRAPHY

- An Act to modernize legislative provisions as regards the protection of personal information, SQ 2021, c 25, <<https://canlii.ca/t/555nn>> retrieved on 2023-09-07.
- Boyd, D., & Marwick, A. (2011). Social Privacy in Networked Publics: Teens' Attitudes, Practices, and Strategies. *A Decade in Internet Time: Symposium on the Internet and Society*. <https://ssrn.com/abstract=1925128>
- Chandra, Y., & Shang, L. (2019). Inductive Coding. In *Qualitative Research Using R: A Systematic Approach* (pp. 91–106). Springer Nature Singapore. [https://doi.org/10.1007/978-981-13-3170-1\\_8](https://doi.org/10.1007/978-981-13-3170-1_8)
- Fereday, J., & Muir-Cochrane, E. (2006). Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development. *International Journal of Qualitative Methods*, 5(1), 80–92. <https://doi.org/10.1177/160940690600500107>
- Gratton, É., Henry, E., Joli-Coeur, F., Du Perron, S., Jarvie, M., M. Gauthier, J., Nagy, A., El Khoury, D.-N., Hémond, A., & Labasi-Sammartino, C. (2022). *Québec Privacy Law Reform: A Compliance Guide for Organizations*. Borden Ladner Gervais LLP. <https://www.blg.com/en/insights/2021/11/quebec-privacy-law-reform-a-compliance-guide-for-organizations>
- Hargittai, E., & Marwick, A. (2016). "What Can I Really Do?": Explaining the Privacy Paradox with Online Apathy. *International Journal of Communication*, 10. <https://ijoc.org/index.php/ijoc/article/view/4655/1738>
- Jones, C. D., Newsome, J., Levin, K. Y., Wilmot, A., McNulty, J. A., & Kline, T. (2018). Friends or Strangers? A Feasibility Study of an Innovative Focus Group Methodology. *The Qualitative Report*, 23, 98–112.
- Lomborg, S., Kaun, A., & Scott Hansen, S. (2023). Automated decision-making: Toward a people-centred approach. *Sociology Compass*, 17(8), e13097. <https://doi.org/10.1111/soc4.13097>
- Steeves, V. (2014). Young Canadians in a Wired World, Phase III: Life Online. *MediaSmarts*. [https://mediasmarts.ca/sites/default/files/pdfs/publication-report/full/YCWWIII\\_Life\\_Online\\_FullReport.pdf](https://mediasmarts.ca/sites/default/files/pdfs/publication-report/full/YCWWIII_Life_Online_FullReport.pdf)
- Szweras, M., Audet, W., Etkin, P., Soltanipanah, P., & London, J. (2023). *Privacy Update – New Laws and Cases of Interest*. Bereskin & Parr LLP. <https://www.bereskinparr.com/doc/privacy-update-new-laws-and-cases-of-interest>



5165 Sherbrooke Street West,  
Suite 107  
Montréal, QC H4A 1T6



[info@y4yquebec.org](mailto:info@y4yquebec.org)



514-612-2895



[www.y4yquebec.org](http://www.y4yquebec.org)