

DIRECTIVE ON SECTION 33
OF THE ACT CONCERNING THE
USE OF SEPARATE FORMSBureau des
services financiers

Damage Insurers

Insofar as section 33 of the *Act respecting the distribution of financial products and services* concerns both insurance of persons and damage insurance, the board of directors of the BSF mandated its office staff to solve the application of the specific terms and conditions of this section.

In fact, section 33 of the Act provides that:

“33. *Where an insurer requires personal information of a medical or lifestyle-related nature in order to process an insurance proposal, the information must be collected using a form that is separate from the form used to collect the other information needed by the insurer.”*

Further to an analysis of this article, the Bureau concluded that the obligation to collect information of a medical or lifestyle-related nature in a separate form to process an insurance proposal applies both to damage insurers and insurers in insurance of persons. However, the Bureau wished to identify specific terms and conditions for the damage insurance sectors.

The board of directors adopted the following recommendations concerning the terms and conditions of application of section 33 of the Act in the damage insurance sector:

- THAT all information of a medical nature be collected by damage insurers in a separate form;
- THAT lifestyle-related pieces of information requiring the protection of sections 33 to 37 of the Act be those that are of a “sensitive” nature that could be used for purposes other than those for which they were collected and which should not, in any way, be held by a firm that offers both credit and insurance;
- THAT the information listed in the document dated August 14 (list of 14) should not be considered as being lifestyle-related nor should it be collected in a separate form, since it does not constitute information of a “sensitive” nature that could be used for purposes other than those for which it was collected;
- THAT the same principles be, in the future, applied by the Bureau and its Inspection Branch should the insurers decide to collect information other than that which this study has not made possible to identify and which could be of a “sensitive” lifestyle-related nature that must be collected in a separate form;

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- THAT it be specifically made clear that the two following questions should not be considered sensitive information nor should they have to be collected in a separate form: “Do you wear eyeglasses?” and “Do you wear hearing aids?”.

