

**Notice regarding the impact on the operations of the *Fichier central des sinistres automobiles* further to the adoption of Bill 141 - *An Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions***

Bill 141 - *An Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions* ("Bill 141") was assented to on June 13, 2018. Some sections of Bill 141 amend provisions of the *Automobile Insurance Act*, CQLR, c. A-25 (the "Act") relating to the consultation and communication of data and information on automobile driving experience contained in the *Fichier central des sinistres automobiles* (the "FCSA"), an automobile claims database. These amendments came into effect on July 13, 2018.

**Consultation of the FCSA**

Section 179.1 of the Act is amended by Bill 141 to allow insurers to consult the FCSA without having asked the client or insured about their claims experience.

In this regard, the following two paragraphs were added to section 179.1 of the Act to specify when and under which conditions the FCSA can be consulted:

*"That information may be communicated at the time a person expresses the intention to apply for or renew an automobile insurance policy with an insurer; that information may only be used for purposes of classification and rate application based on the risk the person represents.*

*If the insurer issues a policy, the information referred to in the first paragraph is presumed to have been confirmed by that person, subject to any other circumstances the person is required to declare in that respect, and the obligation relating to that declaration is presumed to have been properly discharged." [Our emphasis]*

As such, the use of the phrase "expresses the intention to apply for or renew an automobile insurance policy" in this section is sufficiently broad to include the intention of obtaining a quote for the purpose of applying for or renewing an automobile insurance policy.

**Impact on FCSA operations**

Considering these legislative changes, this notice replaces the one published on March 2, 2017 regarding the transitional measures issued for the application of the Guide to Compliance Audit Program and Use of FCSA Data (the "Guide") and also terminates these measures.

Consequently, since July 13, 2018, insurers have no longer been required to ask clients or insureds about their claims experience prior to consulting the FCSA. However, they must still confirm the information obtained from the FCSA with the client or insured. This confirmation must be documented so that the *Groupement des assureurs automobiles* (the "GAA") can verify it as part of its compliance audit mandate regarding FCSA data use.

The GAA was mandated by the *Autorité des marchés financiers* (the “AMF” or the “Authority”) to ensure that all FCSA users abide by the compliance rules set out in the Guide. Therefore, since July 13, 2018, the GAA has taken these amendments to section 179.1 of the Act into account in its inspection process. The Guide will be updated to reflect this new legislative provision and will be published by the AMF at a later date.

### **Additional Information**

Further information is available from the AMF Information Centre:

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