

Private Security Agency Compliance Inspection Framework



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SUBJECT

The Bureau de la sécurité privée (hereinafter the "Bureau") main mission is to ensure the protection of citizens by continuously granting qualified and trustworthy individuals the privilege of carrying on private security activities in Québec.

To fulfill its mission, the Bureau regulates a licensing system issued to enterprises offering private security activities (agencies) and individuals carrying on these activities (agents). These regulated activities are:

- Security guarding
- Investigation
- Locksmith work
- Activities related to electronic security systems
- Transport of valuables
- Security consulting

To ensure the effectiveness of its system and to enhance public confidence in private security players in Quebec, the Bureau must verify that licence holders comply with the *Private Security Act* (CQLR, S-3.5, r. 1) (hereinafter the "Act") and the regulations thereunder. Within this framework, compliance inspections and administrative investigations are conducted.

This framework specifically pertains to compliance inspections of agency licence holders. Its purpose is to guarantee transparency, fairness, consistency and efficiency in these inspections.

1. Description

Compliance inspections are conducted regularly, based on the licence lifecycle or following reception of a reporting by the Bureau.

These inspections enable the Bureau to maintain a presence throughout Québec and ensure that agency licence holders comply with the obligations set forth by the Act as well as directives issued by the Bureau. They also serve to confirm that licence holders continue to meet the conditions prescribed by the Act and the *Regulation under the Private Security Act* (S-3.5, r. 1) (hereinafter the "Regulation") for the maintenance of their licence.

1.1 Conditions for issuing and maintaining an agency licence

To be issued and maintain their licence, enterprises must meet the prescribed conditions, namely those set out in Sections 9 of the Act as well as 5 and 6 of the Regulation:

- Own at least **one establishment in Québec**;
- Be **solvent**
- Have **liability insurance of at least \$1,000,000 per incident**

1.2 Obligations of the agency

- **Hold a licence for all activities offered** (Section 4 of the Act): any person operating an enterprise that carries on private security activity must hold an agency licence in the class relevant to the activity offered.
- **Display their licence** (Section 13 of the Act): the licence must be displayed in a visible manner to the public.
- **Notify changes** (Section 14 of the Act): the agency must inform the Bureau of any change affecting the validity of its licence.

- **Notify the Bureau in writing** (Section 15 of the Act): the agency must notify the Bureau in writing when it plans to cease operations.
- **Surrender a licence to the Bureau** (Section 36 of the Act): the holder of a licence that is not renewed or revoked must surrender it to the Bureau within 15 days after the decision. The Bureau may also require the surrender of the licence in the event of a suspension.
- **Maintain a register** (Section 108(1) of the Act and 25 of the Regulation): the agency must set up and maintain, at its main establishment in **Québec, a register of the individuals in its employ who carry on** private security activity. The information entered in the register in respect to these individuals must be kept for at least 2 years after the date on which their employment is terminated.
- **To allow access** to a premises where a private security activity is offered or carried on and, **at the request of an inspector, to provide any information relating to the activities offered or carried on** in those premises and that is necessary for the performance of their duties and, for examination or reproduction, **any document or document extract containing such information** (Section 70 of the Act).
- **Change in the registry** (Section 79 of the Act): the licence holder notifies the Bureau no later than the thirtieth day after the change occurs.

2. Role of the inspectors regarding the compliance

The Bureau's inspectors are specifically designated to verify the application of the Act throughout Québec. They act in a neutral and objective manner, in accordance with the Bureau's values of respect, integrity, openness and accountability.

2.1 Powers of inspection

The powers of the Bureau's inspectors are set out in Section 70 of the Act. This allows inspectors to:

- Enter, at any reasonable time, any premises where a private security activity is offered or carried on, or any place where there are reasonable grounds to believe that such an activity is offered or carried on;
- Take photographs of the premises and equipment;

- To demand from those present any information relating to the activities offered or carried on in those premises that is necessary for the performance of their duties and, for examination or reproduction, any document or document extract containing such information.

Refusing to grant access or provide the information or document requested by an inspector may constitute a penal offence under Section 119 of the Act. Furthermore, continuing refusal after receiving a directive issued by the Bureau pursuant to Section 42 of the Act, may result in the suspension or revocation of the agency's licence.

2.2 Correctives measures and sanctions

In accordance with Section 31 of the Act, when an inspector determines that a **condition for issuing and maintaining a licence** is no longer met, the Bureau may order the licence holder to take the necessary corrective measures within a specified time frame. Should the licence holder fail to comply with this order, the Bureau **must** then suspend or revoke the licence.

Additionally, when an inspector identifies that an agency fails to fulfill an **obligation stipulated by the Act** during its operations, the Bureau may issue a directive under Section 42 to rectify the situation. If the licence holder does not comply with this directive within the specified time frame, the Bureau may proceed with suspending or revoking the licence.

2.3 Obligations of the inspectors

In accordance with Section 71 of the Act, an inspector must identify itself upon request and produce a certificate of authorization.

3. Objectives

The general and specific objectives of this framework are to:

3.1 General objectives

- **Ensure compliance with the Act:** verify that agencies comply with their obligations and the conditions for issuing and maintaining their licences.
- **Promote compliance and professionalism:** foster a culture of compliance and professionalism within the private security industry.

- **Support agencies:** provide the agencies with all the necessary tools to promote a high rate of compliance with the Act and its regulations.
- **Strengthen knowledge:** increase the knowledge of members of the private security industry regarding the provisions that govern them.

3.2 Specific objectives

- **Plan and conduct inspections:** develop and implement an inspection program covering the entire private security sector in Quebec.
- **Identify and correct non-compliances:** identify breaches of the obligations and conditions for issuing and maintaining the agency licence so that they can be corrected.
- **Implement rigorous monitoring:** ensure monitoring of corrective measures to guarantee prompt and lasting correction of the identified deficiencies.

4. The guiding principles

Strategic planning of compliance inspections

The Bureau develops an annual compliance inspection schedule, covering the entire private security sector in Quebec. This plan includes all active agencies, new enterprises, as well as those undergoing the process of ceasing operations. The inspection strategy is based on objective criteria to ensure a fair and rigorous approach across the industry.

Inspections may arise from the scheduled program, reception of reporting or initiatives driven by identified risks. They are conducted throughout the year, across the province.

Identification of non compliances and corrective measures

In accordance with Section 70 of the Act, inspectors may, at any reasonable time, enter any premises where they have reasonable grounds to believe that a private security activity is being offered or carried on, for the purpose of collecting information and documents necessary for the performance of their duties.

When an inspector identifies a violation of the agency's obligations or the conditions for the issuance and maintenance of its licence, the representative is notified both verbally and in writing through a "Notice of Violations." This notice specifies the breaches identified and outlines the expectations for corrective measures to ensure clear understanding and responsible commitment from the agency. Additionally, a reasonable time frame is provided for the agency to implement the necessary corrections. This period considers the nature of the breach, its impact on the protection of citizens and public trust, as well as any concerns expressed by the agency.

Support and accountability

The Bureau sees its inspections as opportunities to guide agencies towards a better understanding of their legal obligations and to foster a high standard of industry compliance. The Bureau's inspectors are available to answer questions and offer support in implementing corrective measures, while recognizing the specific challenges each agency may face.

This preventative and collaborative approach aims to strengthen the compliance of the private security industry, which helps protect citizens and increase the level of public trust.

Implementation of follow-up actions

The Bureau places the utmost importance on meeting the time frame granted to agencies for correcting deficiencies. In accordance with the Act, more severe measures, including suspension or revocation of a licence, may be imposed if an agency fails to make the required corrective measures.

In all cases, the Bureau's decisions are taken fairly and proportionately, considering the seriousness of the deficiencies and the agency's efforts to comply. The Bureau maintains open communication throughout the process, ensuring a clear understanding of the issues and potential consequences.

5. Steps of the compliance inspection

5.1 Selecting the Inspection

The Bureau plans compliance inspections based on several factors such as the opening of a new agency, renewal or addition of new licence classes, announced closure of an agency, and reception of reporting. These inspections are intended to prevent non-compliance. Assignments are prioritized based on emergent issues, the licence lifecycle, and the Bureau's operational capacity.

5.2 Preparing for the inspection

Preparation is essential to ensure a professional, rigorous and effective intervention with agencies. Prior to an inspection, the inspector will analyze the agency's profile, which includes consulting previous inspection reports, reviewing received reporting and searching various internal and open databases. The documents necessary for assessing the agency's solvency are also identified.

The purpose of this preparation is to take into account the agency's specific characteristics. The inspector notifies the agency of the upcoming visit, specifying the date, time and required documents for the compliance assessment, which may be provided in advance by the representative. While most inspections are scheduled, they may also be conducted without prior notice when required. The inspector's approach focuses on support and prevention.

5.3 Conducting the inspection

The inspector introduces itself to the agency's representative and explains the conduct of the inspection to promote a collaborative environment. Subsequently, the inspector conducts the necessary verifications, using the appropriate tools to assess the agency's compliance. Photographs of the premises and equipment are taken and relevant information regarding the agency's activities is collected, including document or document extract containing such data.

Throughout the inspection, the inspector remains available to address any questions and provide recommendations for resolving identified deficiencies.

The inspector shall encourage the immediate correction of deficiencies, when appropriate.

At the end of the inspection, a check list outlining the agency's various obligations is provided to the representative. The inspector also communicates the required corrective measures, associated time frame, as well as additional actions that may be taken by the Bureau if these corrective measures are not completed.

5.3.1 Document analysis

To minimize the time spent by the inspector on the agency's premises and to reduce disruptions to its operations, analysis of information and documents obtained during the inspection may be performed afterward.

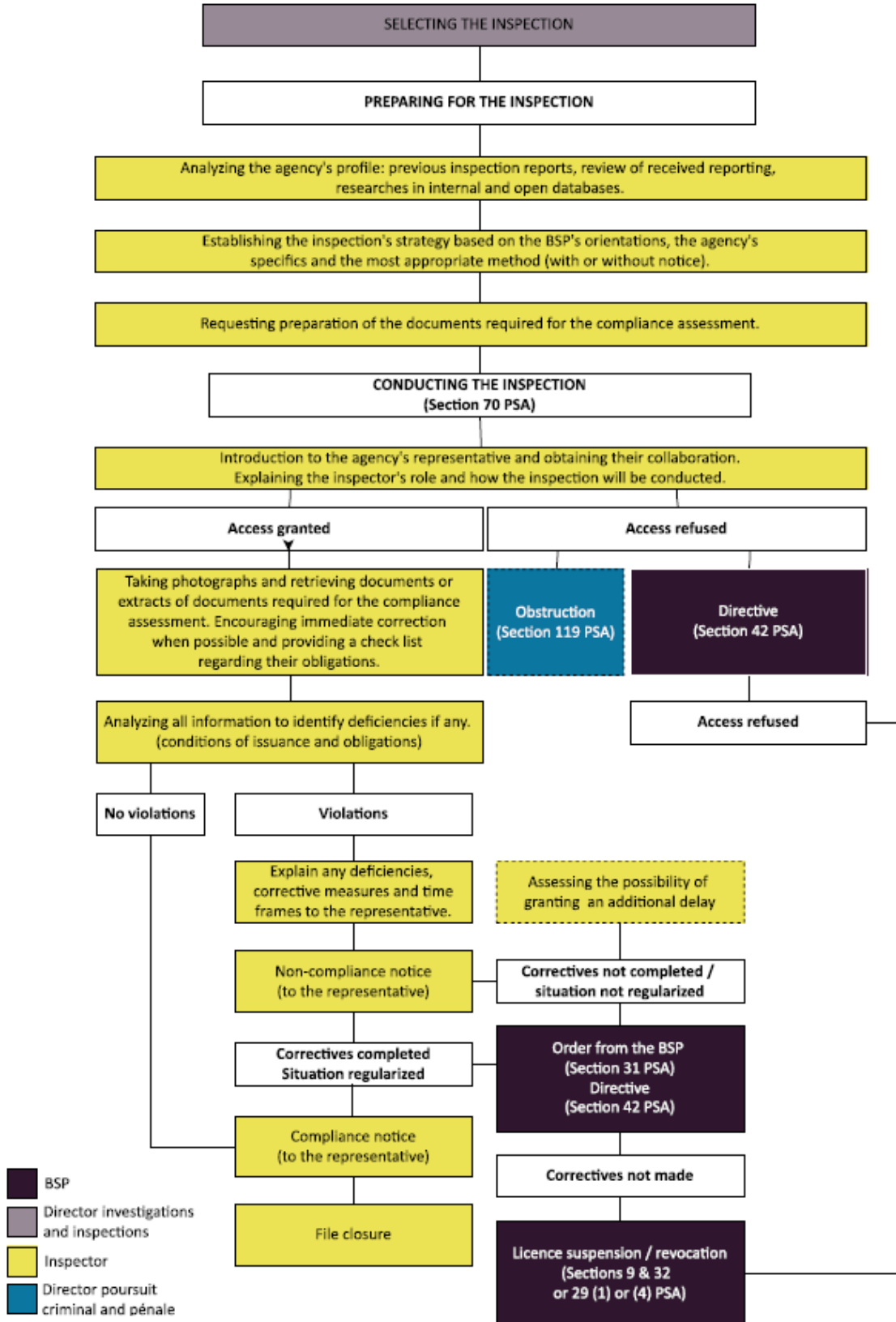
5.4 Inspection follow-up

After analysis, if it appears that the agency complies with its obligations and the conditions for issuing and maintaining its licence, a "Notice of Compliance" is issued to inform them accordingly.

In cases where discrepancies are identified, the inspector contacts the agency's representative to explain the observed deficiencies, the required corrective measures, and the set time frames. Subsequently, a Notice of Non-Compliance is sent to them.

To ensure that the necessary corrections have been completed, a follow-up review is conducted with the agency's representative upon expiration of the allotted time frame. If the inspector determines that the deficiencies remain uncorrected but are actively being addressed, an extension may be granted. In all instances, the inspector may refer the matter to the Bureau, which will decide whether it is necessary to issue a directive or order the agency to implement corrective measures. Ultimately, if the agency fails to comply, the Bureau may suspend or revoke its licence.

5.5 Mapping the compliance inspection process



6. Discretion and confidentiality obligations

Pursuant to Section 53 of the *Act respecting access to documents held by public bodies and the protection of personal information* (the "Access Act"), the Bureau's personnel is bound by a confidentiality obligation with respect to personal information, unless its disclosure is authorized by the individual to whom it relates.

The Bureau also attentive to the following provisions of the Access Act:

23. *No public body may release industrial secrets of a third person or confidential industrial, financial, commercial, scientific, technical or union information supplied by a third person and ordinarily treated by a third person as confidential, without his consent.*

24. *No public body may release information supplied by a third person if its disclosure would likely hamper negotiations in view of a contract, result in losses for the third person or in considerable profit for another person or substantially reduce the third person's competitive margin, without his consent.*

The protection of confidential information and personal data remains a fundamental priority for the Bureau. Consequently, all personnel must uphold these principles both within and beyond the scope of their official duties.

Questions pertaining to the Agency compliance inspection framework may be addressed:

By email:

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By mail :

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