

Benchmark

Law 25

Top 3 consent banner
types in Québec

DIDOMI





The excitement and buzz surrounding Québec's Law 25 has been amazing to witness. It is reminiscent of the GDPR in Europe circa 2018 when we started Didomi to help organizations turn the challenge of data privacy into a competitive advantage.

Over the past year, I've been fortunate enough to interact with many Didomi clients, partners, and collaborators in Canada and travel to Montréal to participate in events we've organized around the topic.

During these visits, many of the questions and concerns from organizations, particularly over the past three months since the latest stage of the law went live, revolve around the type of consent banner and their impact on digital activities.

In this benchmark, we hope to provide some answers and insights by sharing the trends we've observed across several industries in Canada.



Raphaël Boukris

Co-founder and CRO at Didomi

Law 25 timeline

Québec's Law 25 is a landmark regulation for Canada and North America as a whole.

To give enough time for organizations to comply and the data protection authority to communicate, the implementation of the law has been in three phases:

Phase 1 - 2022

- Appointing a Privacy Officer
- Implementing breach reporting processes
- Disclosing use of biometrics

Phase 2 - 2023

- Publishing a privacy policy
- Carrying out Privacy Impact Assessments ("PIA")
- Establishing transparency and consent systems
- Having a system in place for anonymization
- Addressing the right to erasure

Phase 3 - 2024

- Facilitating the [right to portability](#)

Thanks to our customer base and our position as a leader in the data privacy industry, we have been able to have access to insights and trends all along the implementation journey. Here, we share some of these insights, 3 months after the activation of the second and main phase of the law.

Consent banners and Law 25: the three main trends we've observed and their impact on consent rate

As with most data privacy laws containing requirements regarding consent collection, many organizations subject to Québec's Law 25 are going through trial and error in order to find the perfect balance between compliance and performance.

In [a benchmark released earlier in 2023](#), we've covered insights on consent collection in Europe and the influence of consent banner format on consent rate. Indeed, the format of the banner itself has proved to be the primary element impacting consent rate and overall performance.

Over the relatively short period since Law 25 was enacted, we've identified three main consent banner formats used by our Canadian clients and drew some early insights about each.

Important note

The Québec Data Protection Authority (DPA), the Commission d'Accès à l'Information du Québec, has [recently released guidance on consent collection](#).

While the following trends stem from implementations we've observed in our customers, they do not necessarily guarantee compliance with the law.

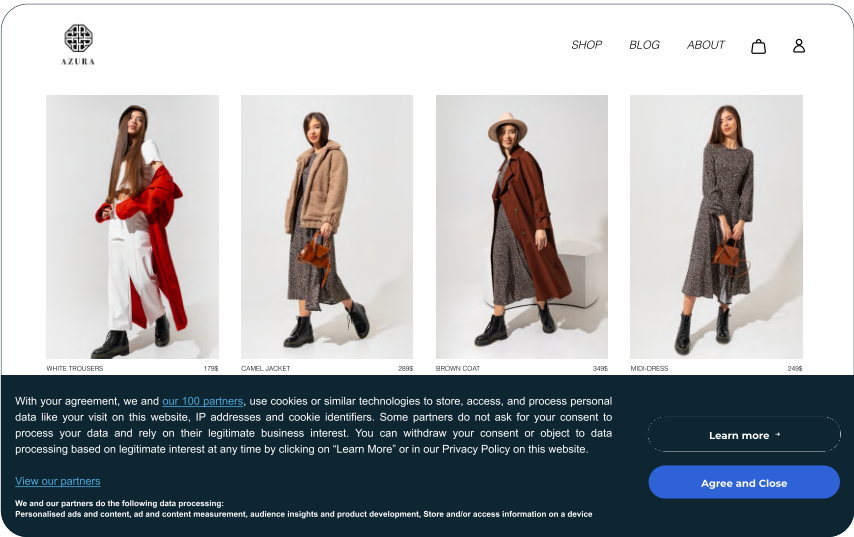
When implementing your consent banner, refer to guidance from regulators and involve your DPO or legal counsel. For assistance on how to get started, get in touch with one of our experts:



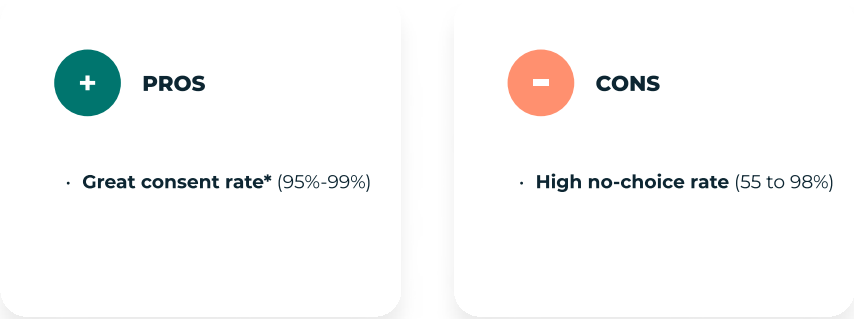
Talk to an expert

FORMAT NUMBER 1

Footer banner that doesn't obstruct navigation



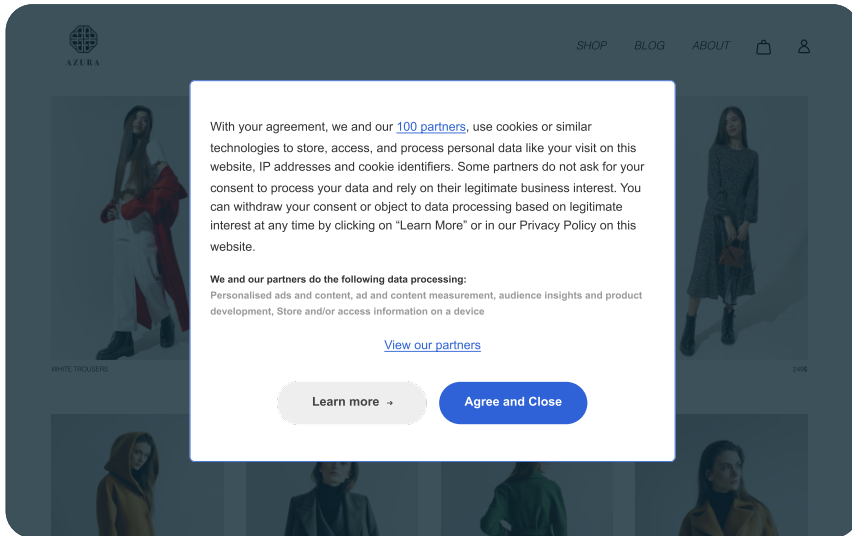
The first consent banner format, **adopted by 62% of Canadian organizations** in the survey, is a banner in the footer that does not pause website navigation.



*Consent rate, no-choice rate, etc: [Access our glossary for more details](#)

FORMAT NUMBER 2

Pop-up banner that pauses navigation, with no opt-out option in the first layer



The second format, which we observed among **around 20% of our sample**, is a pop-up banner that pauses website navigation and does not provide an opt-out option in the first layer of the CMP.



PROS

- **Great consent rate** (95%-99%)
- **Acceptable no-choice rate** (20% to 45%)

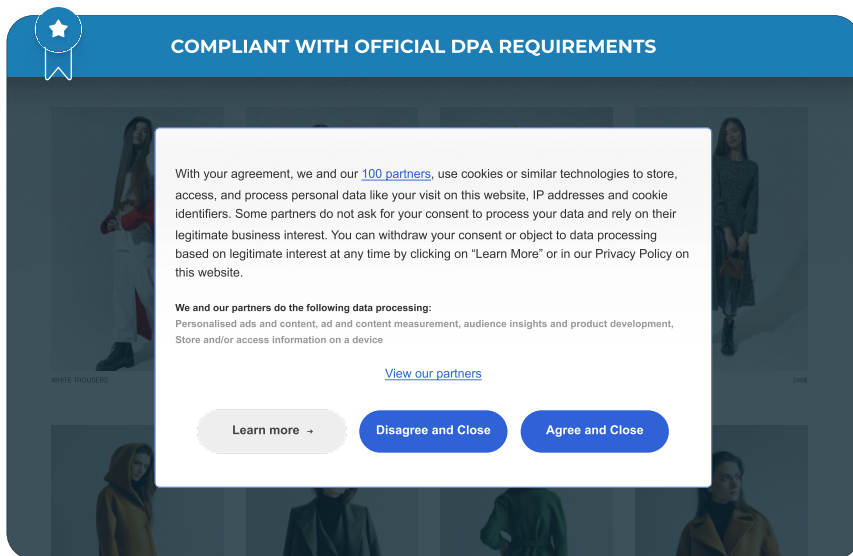


CONS

- **No opt-out option**

FORMAT NUMBER 3

Pop-up banner that pauses navigation, with the option to opt-out in the first layer



The third and **least popular format (18%)** is a pop-up banner that pauses website navigation and gives the option to opt in or out of consent collection. **This format is quite similar to what is recommended in Europe under the GDPR and complies with the requirements issued by Québec' data protection authority.**



PROS

- Best [Privacy UX](#)
- Acceptable no-choice rate (20% to 45%)



CONS

- Lower consent rate (70%-75%)

Conclusion: What is the best consent banner format for Law 25?

Ultimately, there is no one-size-fits-all answer, and the best consent banner format will depend on regulation requirements but also your priorities, business model, and Privacy UX practices.

However, we strongly recommend that you consider [the updated guidelines from the Québec Data Protection Authority \(DPA\)](#) and consider that consent rate and performance are not the end-all, be-all of consent banner implementation.

Practicing transparency and promoting trust, while it might impact your consent rate in the short term, will ultimately prove beneficial in building lasting relationships with your users and promoting a positive brand image that respects their privacy.

Check out our [consent benchmark](#) published earlier this year to learn more about consent rates and banner performance, including cookie walls. To discuss your compliance challenges and learn more about Law 25, get in touch with our expert:



Questions about the impact of Law 25?

**Our expert Jean-Baptiste Garcin
will be happy to answer them.**

→ Request a demo



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