



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 75

(2001, chapter 73)

**An Act to amend the Act respecting
the protection of personal information in
the private sector**

Introduced 19 December 2001

Passage in principle 19 December 2001

Passage 19 December 2001

Assented to 20 December 2001

**Québec Official Publisher
2001**

EXPLANATORY NOTE

This bill amends the Act respecting the protection of personal information in the private sector to enable the Commission d'accès à l'information to authorize the communication of information relating to professional activities while ensuring the confidentiality of personal information.

Bill 75

AN ACT TO AMEND THE ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 18 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by adding “or a person authorized pursuant to section 21.1” at the end of subparagraph 8 of the first paragraph.

2. The said Act is amended by inserting the following section after section 21 :

“21.1. The Commission d'accès à l'information may, on written request and after consulting the professional orders concerned, grant a person authorization to receive communication of personal information on professionals regarding their professional activities, without the consent of the professionals concerned, if it has reasonable cause to believe

(1) that the communication protects professional secrecy, especially in that it does not allow the identification of the person to whom the professional service is rendered, and does not otherwise invade the privacy of the professionals concerned ;

(2) that the professionals concerned will be notified periodically of the intended uses and the ends contemplated and will be given a valid opportunity to refuse to allow such information to be preserved or to allow such information to be used for the intended uses or the ends contemplated ; and

(3) that security measures have been put into place to ensure the confidentiality of personal information.

Such authorization shall be granted in writing. It may be revoked or suspended if the Commission has reasonable cause to believe that the authorized person is not complying with the prescriptions of this section, the intended uses or the ends contemplated.

The authorized person may communicate such personal information if

(1) the information is communicated in a combined form that does not allow the identification of a specific professional act performed by a professional;

(2) the professionals concerned are periodically given a valid opportunity to refuse to be the subject of such a communication of information; and

(3) the person receiving communication of such information undertakes to use the information only for the intended uses and the ends contemplated.

The authorized person shall report annually to the Commission on the implementation of the authorization. The Commission shall publish a list of the persons authorized under this section in its annual report of activities.

Any interested person may, on any question of law or jurisdiction, appeal to a judge of the Court of Québec from the granting, refusal, suspension or revocation of an authorization in accordance with Division II of Chapter V of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

3. The said Act comes into force on 20 December 2001.