



Part 2

LAWS AND REGULATIONS

18 August 2021 / Volume 153

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NOTICE TO USERS

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Part 2 – LAWS AND REGULATIONS

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Regulation respecting the *Gazette officielle du Québec*, section 4

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- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

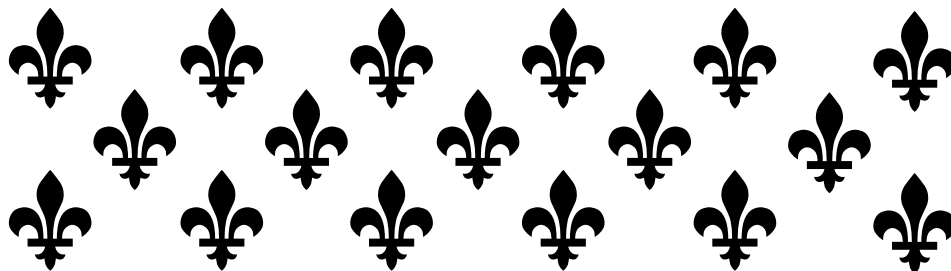
QUÉBEC, 10 JUNE 2021

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 10 June 2021*

This day, at five past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

- 81 An Act to amend the Act respecting the Montréal Museum of Fine Arts
- 95 An Act to amend the Act respecting the governance and management of the information resources of public bodies and government enterprises and other legislative provisions

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 81
(2021, chapter 21)

**An Act to amend the Act respecting
the Montréal Museum of Fine Arts**

**Introduced 12 May 2021
Passed in principle 1 June 2021
Passed 9 June 2021
Assented to 10 June 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

The Act amends the Act respecting the Montréal Museum of Fine Arts to make provision for new rules regarding the organization and operation of the Museum, in particular the composition of the board of trustees and the procedures governing the appointment of its members, as well as the length of their term. The Act determines the board members' duties and responsibilities, including the responsibilities that come with the offices of chair of the board and director general.

The Act defines the functions of the board of trustees of the Museum and requires the establishment of a governance and ethics committee, an audit committee and a human resources committee, as well as the responsibilities and rules applicable to them.

Lastly, the Act contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Montréal Museum of Fine Arts (chapter M-42).

Bill 81

AN ACT TO AMEND THE ACT RESPECTING THE MONTRÉAL MUSEUM OF FINE ARTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Montréal Museum of Fine Arts (chapter M-42) is amended by adding the following before section 1:

“CHAPTER I

“CONSTITUTION AND MISSION”.

2. Section 4 of the Act is amended by replacing “functions of the Museum shall be” by “mission of the Museum is to”.

3. Sections 5 to 19 of the Act are replaced by the following:

“CHAPTER II

“ORGANIZATION AND OPERATION

“DIVISION I

“BOARD OF TRUSTEES

“§1.—*Composition*

“5. The affairs of the Museum are administered by a board of trustees composed of 15 members, as follows:

- (1) the director general;
- (2) six members appointed by the Government, after consultation with bodies the Minister considers representative of the sectors concerned;
- (3) four members elected by the general meeting of the members of the Museum from among their own number; and
- (4) four members appointed by the vote of at least two-thirds of the members of the board referred to in subparagraphs 2 and 3 from among the members of the Museum.

The chair of the board of trustees is designated by the board members from among the members appointed or elected in accordance with subparagraphs 2 to 4 of the first paragraph.

The director general of the Museum is appointed by the other members of the board.

Only persons meeting the criteria set out in the expertise and experience profiles established by the board may be appointed or elected in accordance with this section.

“6. The members of the board of trustees appointed by the Government must, in the opinion of the Government, qualify as independent directors within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

In addition, the Minister determines which board members, from among those appointed or elected in accordance with subparagraphs 3 and 4 of the first paragraph of section 5, qualify as independent directors within the meaning of the first paragraph.

Sections 5 to 7 of the Act respecting the governance of state-owned enterprises apply to the board members who qualify as independent directors, with the necessary modifications.

“7. One board member must be a member of the professional order of accountants mentioned in the Professional Code (chapter C-26).

“8. The composition of the board of trustees must tend towards gender parity. In addition, appointments to the board must ensure the presence of at least one person who is 35 years of age or under at the time of the person’s appointment and be representative of Québec society, including by ensuring the presence of persons from a variety of communities.

“9. The director general is appointed for a term of not more than five years, and the other board members for a term of not more than four years.

“10. The term of a board member referred to in subparagraphs 2 to 4 of the first paragraph of section 5 may be renewed twice, for a consecutive or non-consecutive term.

“11. At the end of their term, board members remain in office until replaced, reappointed or re-elected.

“12. A vacancy on the board is filled in accordance with the rules governing the appointment of the member to be replaced.

“§2.—*Functions*

“**13.** The board of trustees determines the Museum’s strategic directions, sees to their implementation and inquires into any matter it considers important.

“**14.** The board of trustees must adopt a general Museum collections management policy that includes

- (1) the lines of development chosen for its collections in light of its mission and exhibition space;
- (2) its acquisition policy; and
- (3) its reserve-space management policy.

Not later than 15 days after adopting the policy or making any amendment to it, the Museum must send a copy to the Minister and make it available on its website.

The policy must be updated at least once every five years.

“**15.** The board of trustees exercises the functions described in section 15 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), except those mentioned in paragraphs 11 and 13 to 15 of that section, and in sections 17 and 18 of that Act, with the necessary modifications.

The board also exercises the following functions, in particular,

- (1) fixing the contributions to be paid for certain activities;
- (2) fixing the entrance fees for Museum activities; and
- (3) establishing art acquisition committees and determining their functions.

“**16.** The board of trustees may adopt a by-law which may concern, in particular,

- (1) the admission, suspension, expulsion and disciplining of the members of the Museum and the establishment of various classes of members;
- (2) the determination of the amount of the required dues for each class of member of the Museum;
- (3) the calling of meetings of Museum members and meetings of the board of trustees, the procedure to be followed at meetings and, in the case of meetings of the members, the quorum required at them;
- (4) the conditions required to run for the office of an elected board member;

(5) the procedure governing the election of board members elected by the general meeting of the members of the Museum;

(6) the duties of board members;

(7) the establishment, composition and functions of committees within the Museum or board of trustees, except the establishment and functions of art acquisition committees and those established under section 20;

(8) the protection and proper use of the premises;

(9) the cases in which a member's repeated absence from board meetings constitutes a vacancy; and

(10) the determination of conditions for the acquisition, alienation, leasing, lending, borrowing, donation, exchange, preservation or restoration of property that are the works of man or the products of nature.

The by-law must be approved by the general meeting of the members of the Museum and by the Minister, and must be available on the Museum's website.

The by-law must be reviewed at the Minister's request or not later than every 10 years from the last review.

“17. The quorum at board meetings is a majority of the board members, including the chair of the board or the director general.

Board decisions are made by a majority vote of the members present. In the case of a tie vote, the chair has a casting vote.

“18. The minutes of board meetings, approved by the board and certified true by the chair of the board or by any other person authorized to do so under a Museum by-law, are authentic. This also applies to documents or copies of documents emanating from the Museum or forming part of its records, provided they are so certified true.

“§3.—Conflicts of interest

“19. The director general may not have a direct or indirect interest in a body, enterprise or association that places his or her personal interests in conflict with those of the Museum. If such an interest devolves to the director general, including by succession or gift, it must be renounced or disposed of with dispatch.

Any other board member who has a direct or indirect interest in a body, enterprise or association that places the member's personal interests in conflict with those of the Museum must disclose it in writing to the chair of the board or, in the case of a disclosure by the chair of the board, to the director general,

and abstain from participating in any discussion or decision involving that body, enterprise or association. The member must also withdraw from a meeting while the matter is discussed or voted on.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within the Museum which would also apply to the board member.

“DIVISION II

“COMMITTEES

“20. The board of trustees must establish the following committees:

- (1) a governance and ethics committee;
- (2) an audit committee; and
- (3) a human resources committee.

The governance and ethics committee and the human resources committee must be composed, in the majority, of independent members within the meaning of section 6.

The audit committee must be composed solely of independent members.

The director general may not be a member of those committees.

“21. The responsibilities and rules applicable to the committees established under section 20 are those set out in sections 22 to 27 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), with the necessary modifications.

“DIVISION III

“OFFICES OF THE CHAIR AND OF THE DIRECTOR GENERAL

“§1.—Chair

“22. The functions of the chair of the board of trustees are, in particular, to preside at meetings of the board and see to its proper operation.

The chair also sees to the proper operation of the board committees and may take part in any committee meeting.

The offices of chair of the board and director general may not be held concurrently.

“23. The chair of the board of trustees evaluates the performance of the other board members according to criteria established by the board.

The chair also assumes any other function assigned by the board.

“24. If the chair is absent or unable to act, the board of trustees designates one of the chairs of the committees referred to in section 20 to temporarily exercise the functions of the chair.

“§2.—Director general

“25. The director general is responsible for the direction and management of the Museum within the framework of its by-laws and policies.

The director general proposes strategic directions to the board of trustees, as well as a capital plan and an operating plan for the Museum.

The director general also assumes any other function assigned by the board.

“26. The director general must ensure that the board of trustees is given, at its request, adequate human, material and financial resources to enable it and its committees to perform their functions.

“27. The office of director general is a full-time position.

“28. If the director general is absent or unable to act, the board of trustees may designate a Museum personnel member to temporarily exercise the functions of the director general.

“CHAPTER III

“POWERS AND RESPONSIBILITIES

“29. The Museum may, in particular,

- (1) appear before the courts;
- (2) acquire, hold, administer, sell, lease or alienate any movable property necessary or useful for the attainment of its objects;
- (3) acquire or alienate immovables with the authorization of the Minister;
- (4) lease spaces for businesses in immovables owned by the Museum, in accordance with the utilization plan approved by the Minister in accordance with section 36;
- (5) acquire and operate businesses in the spaces reserved for that purpose in accordance with the utilization plan approved by the Minister;
- (6) make, with any person or body, any agreement it sees fit; and
- (7) contract loans, subject to the provisions of section 30.

“30. The Museum may, if authorized by the vote of at least two-thirds of the members present at a general meeting duly called for that purpose and if authorized by the Minister and by the Minister of Finance,

- (1) contract long-term loans;
- (2) issue, reissue, sell or hypothecate its debt obligations; and
- (3) hypothecate all or any of its property, owned or subsequently acquired, to secure any loan.

Only the vote of at least two-thirds of the members present at a general meeting duly called for that purpose and the authorization of the Minister are required to enable the Museum to hypothecate all or any of its property, owned or subsequently acquired, to secure any other obligation.

Only the authorization of the Minister and the authorization of the Minister of Finance are required when the sums necessary for repayment of a loan come from a subsidy granted by the Minister for that purpose or when a movable hypothec without delivery on that subsidy was granted to guarantee such a loan.

“31. The Museum must prepare a strategic plan and send it to the Minister within the time limit set by the Minister. The plan must include, in particular,

- (1) the context in which the Museum operates and the main challenges it faces;
- (2) the Museum’s objectives and strategic directions;
- (3) the results targeted for the period covered by the plan; and
- (4) the performance indicators to be used in measuring results.

“32. The fiscal period of the Museum ends on 31 March each year.

“33. The annual general meeting of the members of the Museum must be held within the six months following the end of the fiscal period of the Museum.

“34. The books and accounts of the Museum must be audited every year by an external auditor appointed by the general meeting of the members of the Museum.

The auditor’s report must accompany the annual activity report and the financial statements of the Museum.

“35. The Museum must, within six months from the end of its fiscal period, file its financial statements accompanied by the auditor’s report and an annual activity report for the preceding fiscal period with the Minister. The financial statements and the annual activity report must contain all the information required by the Minister.

In particular, the annual activity report must also include the information required under sections 36 to 38 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), with the necessary modifications.

The Minister tables the reports and the financial statements in the National Assembly within 30 days of receiving them, or, if it is not sitting, within 30 days of resumption.

“36. The Museum must prepare a utilization plan for the spaces which it owns and reserves for businesses; it must submit the plan to the Minister every three years for approval.

“37. The Museum must provide the Minister with any information the Minister requires on its activities.

“38. The Minister of Culture and Communications is responsible for the administration of this Act.”

TRANSITIONAL AND FINAL PROVISIONS

4. Despite sections 5 to 12 of the Act respecting the Montréal Museum of Fine Arts (chapter M-42), enacted by section 3 of this Act, the term of office of the members of the Museum’s board of trustees, in office on 10 June 2021, as well as the term of any member appointed or elected after that date, ends on 30 June 2022. For that purpose, sections 5 to 8 of the Act respecting the Montréal Museum of Fine Arts, as they read on 9 June 2021, continue to apply.

For the purposes of sections 20 and 21 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, the Minister of Culture and Communications may determine which board members, from among those referred to in the first paragraph, qualify as independent directors within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

This section does not apply to the board members referred to in the first paragraph of section 6 of this Act.

5. The Museum must take the necessary measures to hold the election of the members of the board of trustees referred to in subparagraph 3 of the first paragraph of section 5 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, not later than 30 June 2022.

6. The term of the members of the board of trustees appointed or elected during the first appointments made under subparagraphs 2 and 3 of the first paragraph of section 5 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, begins on 1 July 2022.

Those members must appoint the members of the board referred to in subparagraph 4 of the first paragraph of section 5 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, not later than 31 July 2022.

7. Despite subparagraph 1 of the first paragraph of section 5 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, the director general of the Museum shall become a member of the Museum's board of trustees only as of 1 July 2022.

8. The experience and expertise profiles referred to in the fourth paragraph of section 5 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, must be established by the Museum's board of trustees and sent to the Minister not later than 7 December 2021.

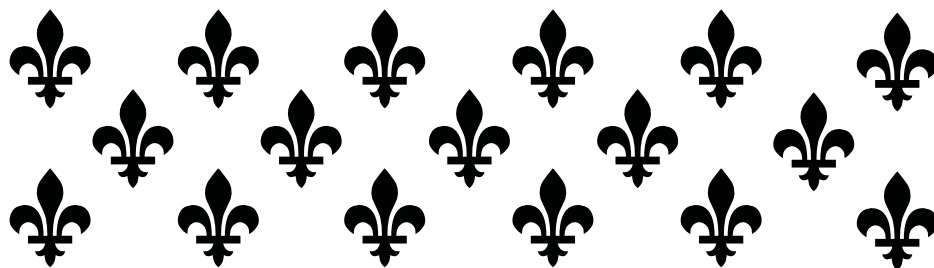
9. Despite section 10 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, a member of the board of trustees in office on 10 June 2021 who is in his or her third term may be appointed or elected for a final term.

10. The first general Museum collections management policy adopted under section 14 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, must be adopted not later than 10 June 2022.

11. The Museum must have a new by-law approved not later than 30 June 2022 by the general meeting of the members and by the Minister.

12. The first fiscal period to be covered by the strategic plan prepared under section 31 of the Act respecting the Montréal Museum of Fine Arts, enacted by section 3 of this Act, is the 2022–2023 fiscal period.

13. This Act comes into force on 10 June 2021.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 95
(2021, chapter 22)

**An Act to amend the Act respecting
the governance and management of
the information resources of public
bodies and government enterprises
and other legislative provisions**

**Introduced 5 May 2021
Passed in principle 1 June 2021
Passed 9 June 2021
Assented to 10 June 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This Act amends mainly the Act respecting the governance and management of the information resources of public bodies and government enterprises.

In the area of information security, the Act, in particular, requires public bodies to ensure the security of the information resources and the information they hold or use. If a breach of the confidentiality, availability or integrity of the information resources or information has occurred or if such a risk is apprehended, the bodies have an obligation to take all measures aimed at correcting the impacts of such a breach or reducing the risk of a breach. Under the Act, the Chair of the Conseil du trésor also has all the powers necessary to support public bodies if such a breach or risk of a breach occurs, including the power to enter into agreements with any person or any body in Canada or abroad.

In the area of digital transformation, the Act notably provides that a public body must establish a digital transformation plan, the terms of which are determined by the Chair of the Conseil du trésor.

The Act also establishes a new framework for the management of government digital data held by public bodies. It provides that such data constitute a strategic information asset of the Government's digital heritage, and that their mobility and valorization for administrative or public service purposes the Act defines, taking into account the data's nature and characteristics, and the rules which otherwise govern access to them and protect them, are of government-wide interest.

The new management framework established by the Act allows the Government to designate official sources of government digital data. The official sources of government digital data may, where necessary for an administrative or public service purpose, collect digital data from public bodies, use the data and communicate them to those bodies, as well as collect information from any person, including personal information. Under the Act, the Government must, in particular, specify the data concerned and the administrative or public service purposes for which such data may be the subject of a mobility or valorization authorization. The Act establishes that the designation of an official source of government digital data is made

on the joint recommendation of the Chair of the Conseil du trésor and the minister responsible for the public body that holds the data concerned, except where certain data are held by the Minister of Health and Social Services or by any public body within the Minister's portfolio, in which case the official source of government digital data is designated on the recommendation of that Minister.

Under the Act, specific rules apply where the government digital data in question include personal information. Among other things, in such a case, the purposes specified by the Government must be in the public interest or to the benefit of the persons concerned. The Act also provides that a public body designated as an official source of government digital data must make an evaluation of the privacy factors, establish governance rules relating to such information that must be approved by the Commission d'accès à l'information and submit a report to the Commission every year on the personal information collected, used or communicated.

In order to implement the new measures, the Act amends the governance framework applicable to information resources. The Act creates the positions of government chief information security officer, government chief digital transformation officer and government digital data manager. It determines the responsibilities related to the positions and provides that those responsibilities are to be assumed by the chief information officer. The officer is given a greater role with respect to public bodies, including that of making application instructions, communicating expectations, overseeing the implementation of the obligations under the Act, authorizing the mobility or valorization of data and requiring information or reports concerning the bodies' activities. The Act also creates the positions of deputy chief information security officer and delegated manager of government digital data and determines the related responsibilities. With some exceptions, those responsibilities are assumed by the public bodies' information officers, whose designation conditions are also amended.

Under the Act, the government digital data manager may entrust a public body with the mandate to circulate open data or a dataset in an open document format. The Government is also given the regulatory powers to oversee the management of government digital data, including the power to exclude data from the application of certain provisions, determine data quality standards and establish rules applicable to public bodies covered by a data mobility or valorization authorization.

The Act reinforces the role of the Chair of the Conseil du trésor with respect to public bodies, in particular by giving the Chair powers to establish control mechanisms, conduct audits and designate a person to verify compliance under the Act.

The Act amends the Public Administration Act to detail the functions of the Chair of the Conseil du trésor in connection with the new framework. For measures on the mobility and valorization of government digital data to be applied, the Act also amends the specific information protection plans provided for by the Tax Administration Act, the Health Insurance Act and the Act respecting health services and social services.

Lastly, the Act amends the Act to establish a legal framework for information technology to regularize certain electronic document signature processes by representatives of a department or body. The Act also includes miscellaneous and transitional provisions, one of which retroactively validates the electronic signature of those documents, as well as a provision that postpones until 13 June 2026 the obligation of the Chair of the Conseil du trésor to report to the Government on the carrying out of the Act respecting the governance and management of the information resources of public bodies and government enterprises and the advisability of maintaining it in force or amending its provisions.

LEGISLATION AMENDED BY THIS ACT:

- Tax Administration Act (chapter A-6.002);
- Public Administration Act (chapter A-6.01);
- Health Insurance Act (chapter A-29);
- Act to establish a legal framework for information technology (chapter C-1.1);
- Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);
- Act respecting health services and social services (chapter S-4.2).

Bill 95

AN ACT TO AMEND THE ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF THE INFORMATION RESOURCES OF PUBLIC BODIES AND GOVERNMENT ENTERPRISES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF
THE INFORMATION RESOURCES OF PUBLIC BODIES AND
GOVERNMENT ENTERPRISES

1. Section 1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) is replaced by the following section:

“**1.** The object of this Act is to establish a framework for the governance and management of information resources applicable to public bodies and government enterprises that focuses specifically on

(1) offering individuals and enterprises simplified, integrated and quality services based on information technologies, including digital technologies, while ensuring the preservation of government digital heritage;

(2) optimizing the management of information resources and public services by encouraging pooling, among other things, of know-how, information, systems, infrastructures and resources;

(3) ensuring proper protection of the information resources of public bodies used to support the delivery of the State’s public services or the carrying out of its missions;

(4) establishing optimal governance and management of digital government data to simplify access to public services by individuals and enterprises, better support government action, increase the performance and resilience of the public administration and enhance the quality and protection of such data;

(5) coordinating public bodies’ digital transformation initiatives to offer fully digital public services;

(6) ensuring rigorous and transparent management of the amounts allocated to information resources;

(7) promoting the use of best practices in the governance and management of information resources and the development of government expertise in information technologies, including digital technologies; and

(8) fostering the implementation of guidelines and strategies common to all public bodies.”

2. Section 2 of the Act is amended by inserting “, which form the Public Administration for the purposes of this Act” at the end of the introductory clause of the first paragraph.

3. Section 7 of the Act is amended

(1) in paragraph 0.1,

(a) by inserting “Chair of the” after “submitting to the”;

(b) by inserting “, including for the digital transformation of the Public Administration, and proposing the means for its implementation” at the end;

(2) by inserting the following paragraph after paragraph 1:

“(1.1) making and sending to public bodies application instructions with respect to information resources with which the public bodies must comply;”;

(3) by inserting “Chair of the Conseil du trésor and the” after “advising the” in paragraph 2;

(4) by striking out paragraph 6;

(5) by inserting “Chair of the” after “informing the” in paragraph 7;

(6) by inserting the following paragraph after paragraph 7:

“(7.1) developing expertise with respect to information resources, in particular information security, digital transformation and information technologies, including digital technologies, so as to offer services, advice or support to public bodies and to strengthen the State’s know-how in such matters;”;

(7) by replacing “and all the” in paragraph 8 by “, or the pooling or sharing of such technologies, as well as”;

(8) by adding the following paragraph at the end:

“For the purposes of this Act, “application instruction” means any instruction given in writing that is related to the carrying out of activities, the fulfillment of responsibilities or the application of measures with respect to information resources.”

4. The Act is amended by inserting the following section after section 7:

“7.1. The chief information officer acts, for the Public Administration, as

(1) government chief information security officer, by assuming the responsibilities under section 12.6;

(2) government chief digital transformation officer, by assuming the responsibilities under section 12.9; and

(3) government digital data manager, by assuming the responsibilities under section 12.12.

The chief information officer may delegate in writing to a person under the officer’s direction the exercise of any of the responsibilities the officer assumes.”

5. Section 8 of the Act is amended

(1) by replacing “, after consultation with the chief information officer, designates an information officer within the department” in the first paragraph by “designates, from among the members of the management personnel who report directly to his or her deputy minister and after a recommendation from the chief information officer, an information officer”;

(2) by replacing “body after consultation with” in the second paragraph by “public body after a recommendation from”.

6. Section 10.1 of the Act is amended, in the first paragraph,

(1) by replacing “governance and management rules established under this Act and that the guidelines determined under the second paragraph of section 21 are implemented” in subparagraph 1 by “guidelines, strategies, policies, standards, directives, rules and application instructions made under this Act”;

(2) by inserting “and on compliance with the obligations under this Act” at the end of subparagraph 3;

(3) by replacing “and all” in subparagraph 8 by “or the pooling or sharing of such technologies, as well as”;

(4) by inserting the following subparagraphs after subparagraph 9:

“(9.1) acting as deputy chief information security officer by assuming the responsibilities under section 12.7;

“(9.2) acting as delegated manager of government digital data by assuming the responsibilities under section 12.13, except where the incumbent minister of the department to whom the delegated manager reports or the chief executive officer of a public body who is so authorized by the Conseil du trésor designates

another person as delegated manager of government digital data, following the rules set out in section 8 for the designation of the information officer, with the necessary modifications; and”.

7. The Act is amended by inserting the following chapters after Chapter II.1:

“CHAPTER II.2

“INFORMATION SECURITY

“12.2. Every public body must ensure the security of the information resources and the information that it holds or uses under the obligations governing it, in keeping with the guidelines, strategies, policies, standards, directives, rules and application instructions made under this Act.

Where a public body becomes aware that an information resource or information under its responsibility is or has been the subject of a breach of confidentiality, availability or integrity, or that a risk of such a breach is apprehended, the body must take all measures to correct the impacts or reduce the risk of such a breach.

If such a public body becomes aware or apprehends that an information resource or information of another public body may experience such a breach, the public body may communicate to the other public body any information, including personal information, considered necessary for correcting the impacts or reducing the risk of such a breach.

“12.3. A public body must, at the request of the government chief information security officer, communicate to the officer without delay any information, including personal information, even if the information must be generated or its communication involves extraction operations, if such communication is necessary for taking measures to correct the impacts of a breach referred to in the second paragraph of section 12.2 or to reduce the risk of such a breach.

“12.4. The Chair of the Conseil du trésor may use information referred to in section 12.3 to support public bodies if a breach or the risk of a breach referred to in the second paragraph of section 12.2 occurs, and the Chair has all the powers necessary to that end, including the power to enter into agreements, in accordance with the applicable legislative provisions, with any person or any body in Canada or abroad where the Chair considers it necessary to ensure information security.

The Chair of the Conseil du trésor may communicate to those persons or bodies the information referred to in the first paragraph that is necessary to prevent, detect or reduce the impacts in the event of a breach or the risk of a breach.

“12.5. The Chair of the Conseil du trésor maintains an administrative unit specialized in information security within the secretariat of the Conseil du trésor. The unit is under the direction of the government chief information security officer.

“12.6. The government chief information security officer assumes the following responsibilities:

- (1) directing government action with respect to information security;
- (2) recommending to the Conseil du trésor rules to ensure information security, including authentication and identification rules, and recommending to the Chair of the Conseil du trésor performance targets applicable to public bodies with respect to information security;
- (3) establishing the government digital data security classification model based on the data’s nature, characteristics and use, and the rules governing them, and obtaining approval for the model from the Conseil du trésor;
- (4) communicating expectations to public bodies with respect to information security and making application instructions for them;
- (5) overseeing the implementation by public bodies of the information security obligations resulting from the application of this Act, seeing to compliance with those obligations and evaluating the measures taken by public bodies in that area;
- (6) reporting to the Chair of the Conseil du trésor, according to the conditions and procedures determined by the latter, on performance target results as well as on compliance with obligations and making any necessary recommendation; and
- (7) exercising any other function assigned by the Chair of the Conseil du trésor or by the Government.

“12.7. A deputy chief information security officer assumes the following responsibilities with respect to the public bodies to which the deputy is attached:

- (1) supporting the government chief information security officer in taking responsibility for government action with respect to information security;
- (2) applying, under the direction of the government chief information security officer, the standards, directives, rules or application instructions related to information security made under this Act;
- (3) ensuring the protection of information resources and information, in particular by managing risks and vulnerabilities and by implementing measures to provide protection against any form of breach such as threats or cyber attacks;

(4) taking any action required in the event of a breach of the protection of information resources and information;

(5) making specific application instructions with respect to information security for those bodies;

(6) overseeing the implementation of the information security obligations under this Act, seeing to compliance with those obligations and evaluating the measures taken by those bodies in that area; and

(7) reporting on his or her management to the government chief information security officer and sending that officer any information required, according to the procedure determined by the Chair of the Conseil du trésor.

If the provisions of an application instruction of the government chief information security officer made under paragraph 4 of section 12.6 are incompatible with the provisions of an application instruction of the deputy chief information security officer made under subparagraph 5 of the first paragraph concerning the same object, the provisions of the former prevail.

“CHAPTER II.3

“DIGITAL TRANSFORMATION

“**12.8.** A public body must establish a digital transformation plan and send it to the government chief digital transformation officer.

The Chair of the Conseil du trésor determines the information to be included in the plan, the period it covers, its form and the intervals at which it must be reviewed.

The Chair of the Conseil du trésor may ask a public body to make any amendment to its digital transformation plan that the Chair considers necessary to ensure it is consistent with the government digital transformation strategy.

“**12.9.** The government chief digital transformation officer assumes the following responsibilities:

(1) advising the Chair of the Conseil du trésor with respect to digital transformation, in particular by proposing guidelines, strategies, action plans and initiatives for optimizing and simplifying the services offered to individuals and enterprises, supporting the State’s missions and increasing the Public Administration’s performance;

(2) making tools, services and expertise for supporting digital transformation available to public bodies;

(3) presenting a portfolio of priority projects to the Conseil du trésor every year for accelerating the Public Administration’s digital transformation;

(4) evaluating action taken by public bodies to achieve the Government's digital transformation vision, in particular on the basis of information collected from the bodies and by conducting any appropriate follow-ups;

(5) proposing strategies to the Chair of the Conseil du trésor to foster an open government approach and seeing that they are implemented; and

(6) exercising any other function assigned by the Chair of the Conseil du trésor or by the Government.

“CHAPTER II.4

“GOVERNMENT DIGITAL DATA

“DIVISION I

“GENERAL PROVISIONS

“§1.—*Principles and definitions*

“12.10. Government digital data constitute a strategic information asset of the Government's digital heritage. The data's mobility and valorization within the Public Administration for administrative or public service purposes, taking into account their nature, characteristics and the access and protection rules which otherwise govern them, are of government-wide interest.

For the purposes of this Act,

(1) “government digital data” means any information inscribed on a technological medium, including a digital medium, held by a public body, excluding

(a) information under the control of a court of justice or another public body exercising adjudicative functions; and

(b) any information or category of information determined by Government regulation, in particular information that may be covered by a restriction to the right of access under the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(2) “administrative or public service purposes” means any of the following purposes:

(a) the optimization or simplification of services offered to citizens or enterprises;

(b) support to the various missions of the State, to the provision by more than one public body of common services or to the carrying out of missions common to more than one public body;

(c) the accomplishment of a mandate assigned under an Act or a government-wide initiative;

(d) the planning, management, assessment or control of resources, programs or government services;

(e) the production of information in support of the decision-making of a minister or the Government;

(f) the verification of a person's eligibility to a program or measure; or

(g) research and development;

(3) "mobility" means the communication or transmission of government digital data between public bodies for an administrative or public service purpose;

(4) "valorization" means the development of government digital data within the Public Administration for an administrative or public service purpose, excluding sale of the data or any other form of alienation.

The first paragraph must not be interpreted as having the effect of changing public bodies' obligations in respect of personal information that they hold or a person's rights in respect of such information.

"12.11. The powers conferred by this chapter must be exercised in a manner consistent with respecting the right to privacy and the principle of transparency and with promoting public confidence in measures to ensure the security, confidentiality, availability and integrity of government digital data.

"§2. — Management of government digital data

"12.12. The government digital data manager assumes the following responsibilities:

(1) advising the Chair of the Conseil du trésor with regard to government digital data, in particular regarding their mobility and valorization;

(2) keeping up to date a consolidation of the inventories of such data that public bodies must keep in accordance with the regulation made under paragraph 1 of section 12.21 and identifying the data that have a mobility or valorization potential;

(3) developing and implementing data mobility or valorization strategies;

(4) authorizing, for any administrative or public service purpose specified in an order made under section 12.14, the mobility or valorization of the government digital data concerned in keeping, as applicable, with the mobility or valorization strategies;

(5) ensuring the application of the data security classification model established by the government chief information security officer under paragraph 3 of section 12.6, and of the quality standards for government digital data determined by the Government under paragraph 2 of section 12.21;

(6) controlling the quality of government digital data and the measures ensuring their security and requiring for that purpose any information the manager considers necessary from the public bodies holding the data;

(7) seeing to the application of the rules or measures established by the Government under paragraphs 4 and 5 of section 12.21;

(8) supporting and assisting public bodies and delegated managers for government digital data in public bodies in implementing the obligations provided for in this chapter; and

(9) exercising any other function assigned by the Chair of the Conseil du trésor or the Government.

Every public body must send the government digital data manager, within the time and in accordance with the terms determined by the latter, the information required to carry out the consolidation referred to in subparagraph 2 of the first paragraph.

“12.13. A delegated manager for government digital data assumes, in respect of the public bodies to which the manager is attached, the following responsibilities:

(1) supporting those bodies in applying the provisions of this Chapter;

(2) supporting the government digital data manager in the exercise of his or her responsibilities; and

(3) applying any application instruction made by the chief information officer under paragraph 1.1 of section 7, or any rule or measure made by the Government under paragraphs 4 and 5 of section 12.21.

“§3. — Official source of government digital data

“12.14. The Government may, on the joint recommendation of the Chair of the Conseil du trésor and the minister responsible for the public body holding the government digital data concerned, designate a public body to act as an official source of government digital data.

An official source of government digital data collects, uses or communicates government digital data, or collects information, including personal information, from any person, where necessary for an administrative or public service purpose.

The Government specifies the government digital data concerned and the administrative or public service purposes for which such data may be the subject of a mobility or valorization authorization. It may determine the public bodies that must collect such data from the source and use them or that must communicate them to the source.

Public bodies referred to in an order made under this section must comply with the rules or measures established by the Government under paragraphs 4 and 5 of section 12.21.

Despite the first paragraph, where the government digital data concerned are held by the Minister of Health and Social Services or by any public body within the Minister's portfolio, the official source of government digital data is designated under this section on the recommendation of that Minister.

“DIVISION II

“SPECIAL PROVISIONS FOR PERSONAL INFORMATION

“12.15. Government digital data that include personal information are communicated by any public body to an official source of government digital data where such communication is necessary for the purposes specified in an order made pursuant to section 12.14. Such purposes must be in the public interest or for the benefit of the persons concerned.

Such data are communicated by an official source of government digital data to another public body where such communication is necessary for the purposes specified in such an order.

When such data may be used or communicated in a form that does not allow direct identification of the person concerned, they must be used or communicated in that form.

“12.16. The public body designated as an official source of government digital data must, before collecting, using or communicating personal information in the exercise of its function,

(1) make an evaluation of the privacy factors and send the evaluation to the Commission d'accès à l'information; and

(2) establish rules for its governance in respect of personal information and have the rules approved by the Commission.

The rules must include rules applicable to the preservation and destruction of the personal information concerned, the roles and responsibilities of the public body's personnel members with regard to such information over the course of its life cycle and a procedure for dealing with complaints regarding personal information protection. They must be submitted again for approval to the Commission every two years.

“12.17. The public body designated as an official source of government digital data must, for the purposes of this division, submit to the Commission d'accès à l'information a report on the personal information collected, used or communicated within 45 days after the end of each fiscal year containing

(1) a description of the personal information collected or the personal information communicated to the public body and its origin;

(2) the names of the public bodies to which personal information is communicated;

(3) a description of the purposes for which the personal information is collected, used or communicated;

(4) a description of the terms for the communication of the personal information; and

(5) a description of the measures to ensure the protection of the personal information.

“12.18. A public body designated as an official source of government digital data makes public on its website, in a section dedicated to that function, the rules referred to in subparagraph 2 of the first paragraph of section 12.16 and the report referred to in section 12.17. It must promptly send copies of those documents to the government digital data manager.

“12.19. Any person to whom or body to which personal information is communicated by a body designated as an official source of government digital data or by another public body referred to in an order made under section 12.14, in the context of a mandate or contract related to carrying out an administrative or public service purpose specified in such an order and entrusted to the person or body in accordance with section 67.2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), must submit to an external audit aimed at ensuring compliance with the highest standards and best practices in matters of information security and protection of such information.

The Chair of the Conseil du trésor may determine the cases and circumstances in which the first paragraph does not apply, and makes the criteria leading to the decision public.

“DIVISION III**“OTHER PROVISIONS**

“12.20. The government digital data manager may entrust a public body with the mandate to circulate open data or a dataset in an open document format.

The public body entrusted with the mandate referred to in the first paragraph acts as an official source of reference data and must, as such, circulate such data or dataset on its website or on another site indicated by the government digital data manager, in accordance with the terms determined by the manager.

The terms may, in particular, pertain to the quality of the data, the required formats for their circulation, the main elements to be documented or other compliance rules. Where the terms include rules for the use of the data or dataset, including any secondary use, the terms are binding on public bodies.

“12.21. The Government may, by regulation,

(1) determine the terms governing the keeping of government digital data inventories by public bodies;

(2) determine quality standards for government digital data based on their nature, characteristics, use and their mobility and valorization potential, as well as, if applicable, special protection standards for those data;

(3) exclude categories of data for the application of this chapter;

(4) determine rules for the mobility or valorization authorization referred to in subparagraph 4 of the first paragraph of section 12.12 given by the government digital data manager and rules applicable to public bodies covered by such an authorization; and

(5) prescribe any other measure necessary for the application of this chapter.”

8. Section 13 of the Act is amended by replacing “an information resource master plan that sets out, among other things, its risk management practices and the measures relating to information resources that will be implemented to achieve its mission and its strategic priorities in keeping with the guidelines determined under the second paragraph of section 21” in paragraph 1 by “, in keeping with the guidelines determined under the second paragraph of section 21, an information resource strategy that sets out its digital transformation plan, its risk management practices and any other information prescribed by the Conseil du trésor”.

9. Section 15 of the Act is amended by replacing “a consolidation of the planning tools obtained from the public bodies to which the information officer is attached” in the second paragraph by “the documentation prescribed by the latter”.

10. Section 16.3 of the Act is amended by inserting “or if it involves the designation of a public body to act as an official source of government digital data under section 12.14” after “trésor” in the first paragraph.

11. The Act is amended by inserting the following sections after the heading of Division III of Chapter III:

“16.6.1. A public body must send the Chair of the Conseil du trésor or the chief information officer any information and any report they require concerning its information resource activities.

It must also send to the government chief digital transformation officer, the government chief information security officer or the government digital data manager any information and any report they require concerning its activities related to their respective fields of jurisdiction.

“16.6.2. A public body must, not later than 10 June 2023 and subsequently every five years, carry out an audit on compliance with the information security obligations under this Act.

“16.6.3. The Chair of the Conseil du trésor may, where warranted by the situation and on the recommendation of the chief information officer, establish control mechanisms and carry out audits to ensure that the objectives of this Act are achieved.

In particular, the Chair may require a public body to establish an evaluation program or an internal audit program, or carry out a comparative cost study.”

12. The Act is amended by inserting the following section after section 22.1:

“22.1.1. The Government prescribes by regulation the terms and conditions of application of sections 12.2 to 12.4. The regulation must, in particular, specify the procedures and the grounds for communications between the government chief information security officer or the deputy chief information security officer and a public body whose resources or information have been the subject of a breach referred to in the second paragraph of section 12.2 or are at risk of such a breach, as well as the conditions for providing proper protection of personal information communicated abroad under section 12.4.”

13. Section 22.2 of the Act is amended, in the first paragraph,

(1) by replacing “conduct an audit to determine whether a public body’s information resource investment and expenditure planning and information resource project management are consistent with the measures established under” by “; if he or she considers it advisable, verify whether a public body complies with the provisions of”;

(2) by replacing “rules and directives issued under it to which the body is subject” by “guidelines, standards, strategies, directives, rules and application instructions made under this Act”.

14. Section 22.4 of the Act is amended

(1) by replacing “. The latter” by “and to the minister responsible for the body being audited. The Chair of the Conseil du trésor”;

(2) by replacing “The Conseil du trésor may also” by “The Chair of the Conseil du trésor may also”;

(3) by adding the following sentence at the end: “All or part of the amount intended for such a body may also be retained or cancelled by the minister responsible, on the recommendation of the Conseil du trésor.”

TAX ADMINISTRATION ACT

15. Section 69.0.0.7 of the Tax Administration Act (chapter A-6.002) is amended by inserting the following subparagraph after subparagraph *b.3* of the first paragraph:

“(b.4) the application of Chapter II.4 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);”.

16. The Act is amended by inserting the following section after section 69.0.0.16:

“69.0.0.16.1. Information contained in a tax record may be communicated, without the consent of the person concerned, to a public body referred to in an order made under section 12.14 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), where the Agency is designated to act as an official source of government digital data for the purposes of that Act and the information is necessary for an administrative or public service purpose specified by the Government under section 12.14 of that Act.

Information communicated under the first paragraph is accessible only to persons qualified to receive it where such information is necessary for the discharge of their duties.

Such information may be used only for the administrative or public service purposes specified by the Government under section 12.14 of that Act.

Where the information may be communicated then used in a form that does not allow direct identification of the person concerned, it must be communicated then used in that form.”

17. Section 69.1 of the Act is amended by adding the following subparagraph after subparagraph z.9 of the second paragraph:

“(z.10) a public body designated as an official source of government digital data under section 12.14 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), solely to the extent that the information is required for an administrative or public service purpose specified by the Government under that section.”

18. The Act is amended by inserting the following section after section 69.1:

“**69.1.1.** For the purposes of subparagraph z.10 of the second paragraph of section 69.1, the public body must, prior to the communication,

(a) make an evaluation of the privacy factors, with the necessary modifications relating to the information required under this division, and send the evaluation to the Commission d'accès à l'information; and

(b) establish rules for its governance in respect of information obtained under subparagraph z.10 of the second paragraph of section 69.1 and have the rules approved by the Commission.

The first paragraph also applies when the public body uses or communicates information obtained under subparagraph z.10 of the second paragraph of section 69.1 in the exercise of its function.

The rules provided for in subparagraph *b* of the first paragraph must include rules applicable to the preservation and destruction of the information concerned, the roles and responsibilities of the public body's personnel members with regard to such information over the course of its life cycle and a procedure for dealing with complaints regarding information protection. They must be submitted again for approval to the Commission every two years.

The body must also, for the purposes of sections 12.17 and 12.18 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), take into account the information obtained under subparagraph z.10 of the second paragraph of section 69.1.”

19. The Act is amended by inserting the following section after section 69.5.3:

“**69.5.4.** A public body designated as an official source of government digital data may, without the consent of the person concerned, and only if the information is necessary for an administrative or public service purpose specified by the Government under section 12.14 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), communicate information obtained in accordance with subparagraph z.10 of the second paragraph of section 69.1 to another public body referred to in an order made under section 12.14.”

20. Section 69.8 of the Act is amended by inserting “section 69.0.0.16.1 if the information is not communicated solely to confirm a person’s identity,” after “may be communicated under” in the introductory clause of the first paragraph, and by inserting “and subparagraph z.10 of that second paragraph, solely to the extent that communication of the information is required to confirm a person’s identity” after “of the second paragraph of that section 69.1” in that introductory clause.

PUBLIC ADMINISTRATION ACT

21. Section 77.1 of the Public Administration Act (chapter A-6.01) is amended, in the first paragraph,

(1) by replacing subparagraph 6.1 by the following subparagraph:

“(6.1) ensure the implementation of a strategy for the public administration’s digital transformation, including, as applicable, the implementation of any related plan, and assist public bodies in implementing the strategy;”;

(2) by inserting the following subparagraphs after subparagraph 6.3:

“(6.4) ensure government coordination in matters of information security and establish performance targets applicable to all public bodies to measure their performance in strategic, tactical and operational terms, as well as government efficiency in addressing threats, vulnerabilities and incidents involving information security;

“(6.5) establish information security requirements applicable to public bodies and order them, when required, to implement those requirements to improve government efficiency in that respect;”.

HEALTH INSURANCE ACT

22. The Health Insurance Act (chapter A-29) is amended by inserting the following section after section 65.0.4:

“65.0.4.1. The Board shall use the information obtained for the carrying out of this Act for the purposes of Chapter II.4 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03).

The Board shall also communicate the information to a public body referred to in an order made under section 12.14 of the Act respecting the governance and management of the information resources of public bodies and government enterprises where the Board is designated to act as an official source of government digital data under that section and the information is necessary for an administrative or public service purpose specified by the Government in the order, as well as to a public body designated to act as an official source of government digital data under that section and the information is necessary for such a purpose.”

ACT TO ESTABLISH A LEGAL FRAMEWORK FOR INFORMATION TECHNOLOGY

23. The Act to establish a legal framework for information technology (chapter C-1.1) is amended by inserting the following section after section 75:

“75.1. Where it is provided by law that a signature affixed to a document by the representative of a department or body referred to in section 3 of the Public Administration Act (chapter A-6.01) shall be done by means of a process authorized by law, in particular where the law provides that the signature requirements are determined by the Government or the Minister or the body, the signature may, in the absence of such authorization or such requirements, be affixed by means of any process that meets the requirements of article 2827 of the Civil Code.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

24. Section 19 of the Act respecting health services and social services (chapter S-4.2) is amended by adding the following paragraph at the end:

“(20) to a public body referred to in an order made under section 12.14 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), where the institution is designated to act as an official source of government digital data under that section, and the information is necessary for an administrative or public service purpose specified by the Government in the order, as well as to a public body designated as an official source of government digital data under that section, where the information is necessary for such a purpose.”

TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

25. Section 8 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), as amended by section 5, applies to the first designation of an information officer made after 10 June 2021.

26. The Chair of the Conseil du trésor is exempt from the obligation to submit to the Government, not later than 13 June 2021, the report referred to in the first paragraph of section 47 of the Act respecting the governance and management of the information resources of public bodies and government enterprises concerning the carrying out of that Act and the advisability of maintaining it in force or amending its provisions. The next report must be made to the Government by the Chair of the Conseil du trésor not later than 13 June 2026.

27. Documents signed by the representative of a government department or body referred to in section 3 of the Public Administration Act (chapter A-6.01) before 10 June 2021 are validated, provided the signature was affixed to the document by means of a process other than that authorized under the law, in particular where the law provides that the signature requirements are determined by the Government, the Minister or the body, on the condition that the signature was affixed by any process meeting the requirements of article 2827 of the Civil Code.

28. This Act comes into force on 10 June 2021, except for section 7, to the extent that it enacts sections 12.2 to 12.4 of the Act respecting the governance and management of the information resources of public bodies and government enterprises, which comes into force on the date of coming into force of the first regulation made under section 22.1.1 of that Act, enacted by section 12 of this Act.

Regulations and other Acts

Gouvernement du Québec

O.C. 1076-2021, 4 August 2021

Holding of school elections and dates of the stages required for the holding of the elections

WHEREAS, in accordance with section 2 of the Act respecting school elections (chapter E-2.3), as it read on 7 February 2020, a school election must be held every four years to elect a chair and all the other commissioners who must be elected in accordance with the Act;

WHEREAS, in accordance with section 1 of the Act to defer the next general school election and to allow the Government to provide for the use of a remote voting method (2018, chapter 15), the school election was originally scheduled for 1 November 2020;

WHEREAS, in accordance with section 38 of the Act respecting school elections, the notices of election were given not later than 18 September 2020 by the returning officers of the English language school boards;

WHEREAS, in accordance with the first paragraph of section 79 of the Act, the candidates were declared elected on 27 September 2020;

WHEREAS, in accordance with the second paragraph of section 79 of the Act, in cases where more than one nomination paper has been accepted for the same office, a poll must be held;

WHEREAS Order in Council 1020-2020 dated 30 September 2020, amended by orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020, 2020-090 dated 11 November 2020, 2020-091 dated 13 November 2020, 2020-093 dated 17 November 2020, 2020-104 dated 15 December 2020, 2020-105 dated 17 December 2020, 2020-106 dated 20 December 2020, 2021-001 dated 15 January 2021, 2021-003 dated 21 January 2021, 2021-004 dated 27 January 2021 and 2021-005 dated 28 January 2021 by the Minister of Health and Social Services, and by Orders in Council 1039-2020 dated 7 October 2020, 2-2021 dated 8 January 2021, 102-2021 dated 5 February 2021, 799-2021 dated 9 June 2021 and 885-2021 dated 23 June 2021, postponed any advance poll and any poll to be held

in connection with a school election within the meaning of the Act respecting school elections, suspended any election proceedings and prohibited any returning officers of school boards from publishing a notice of election for an election to be held on the territories referred to in the tenth paragraph of the operative part of the Order in Council;

WHEREAS the polls that were scheduled for 1 November 2020 have not been held;

WHEREAS Order in Council 1176-2020 dated 11 November 2020 fixed to 20 December 2020 the polls that were not held under subparagraph 22 of the tenth paragraph of Order in Council 1020-2020 dated 30 September 2020, as amended;

WHEREAS Ministerial Order 2020-096 dated 25 November 2020 by the Minister of Health and Social Services, in particular, postponed any advance poll and any poll to be held in connection with a school election within the meaning of the Act respecting school elections, suspended any election proceedings and prohibited any returning officers of school boards from publishing a notice of election;

WHEREAS the polls that were scheduled for 20 December 2020 have not been held;

WHEREAS, under section 4 of the Act respecting school elections, the Government may, in particular, if the election is not held on the prescribed date, order that an election be held and fix the dates of the various stages required for the holding of the elections;

WHEREAS it is expedient to fix a new date for the holding of the school elections that were not held as well as the dates of the various stages required for the holding of those elections;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

THAT the polls that were not held under Order 2020-096 dated 25 November 2020 by the Minister of Health and Social Services be fixed to 26 September 2021;

THAT the various stages required for the polls take place in accordance with the calendar attached to this Order in Council.

YVES OUELLET
Clerk of the Conseil exécutif

SCHEDULE

Calendar of the stages required for the holding of school elections*

Date	Activities
13 August 2021	Last day to give the public notice of election (s. 38) First day to receive an application for recognition of a ticket (s. 65)
17 August 2021	First day to: — receive a nomination paper (s. 62) and authorize a candidate (s. 206.6) — receive basic information from candidates for the electors (s. 73.1)
19 August 2021	Last day to receive the list of electors from the Chief Electoral Officer (s. 39)
22 August 2021	Last day to: — deposit the list of electors (s. 41) — receive a nomination paper, until 5:00 p.m. (s. 62) — receive basic information from candidates for the electors (s. 73.1) — give candidates a copy of the list of electors to which they are entitled (s. 60) — declare a candidate elected if that person is the only candidate for the seat (s. 79) — receive an application for recognition of a ticket (s. 65)
23 August 2021	Last day to bring the list of electors into force if it is not revised (s. 59) Provide for the printing of ballots
26 August 2021	Provide for: — the establishment of one or several boards of revisors, determine the premises, and the opening dates and hours (ss. 45, 46, 54 and 55) — the locations where advance polls will be held and notify each candidate (s. 87) — the locations where polls will be held on polling day and notify each candidate (s. 93.3)

Date	Activities
28 August 2021	Last day to: — give the public notice of revision (s. 51) — send the notice of registration to each address (s. 52) First day of the potential period to hold sittings of the board of revisors for the purpose of receiving applications to amend the list of electors and the written notices of option and revocation provided for in section 18 (ss. 18, 54, 55, 57 to 58.2 and 58.5.1) First day to receive the applications to amend the list of electors and the notices of option and revocation provided for in section 18 at the office of the returning officer or the office of the person designated for that purpose and send them to the board of revisors (ss. 18 and 58.2)
7 September 2021	Last day to: — hold sittings of the board of revisors, in particular from 7:00 p.m. to 10:00 p.m., for the purpose of receiving the applications to amend the list of electors and the written notices of option and revocation provided for in section 18 (ss. 18, 55, 57 to 58.2 and 58.5.1) — receive the applications to amend the list of electors and the written notices of option and revocation provided for in section 18 at the office of the returning officer or the office of the person designated for that purpose and send them, not later than 10:00 p.m., to the board of revisors (ss. 18 and 58.2) — receive the written application to vote at a mobile polling station (s. 90)
8 September 2021	— Organize mobile polling for the electors domiciled in residential and long-term care centres and private seniors' residences, and who have applied to use mobile polling, determine the opening days and hours and notify each candidate (ss. 87 and 89).

Date	Activities
11 September 2021	Last day to: — finish the board of revisors' work, if applicable (s. 54) — give the public notice of the poll (s. 86) First day to: — send the reminder card and the information document on the candidates (s. 86.1) — send to the Chief Electoral Officer the changes made to the list of electors (s. 58.14)
12 September 2021	Last day to: — bring the list of electors into force (s. 59) — send the revised list of electors or an abstract of the changes to the candidates (s. 58.15)
16 September 2021	— Last day to send the reminder card and the information document on the candidates (s. 86.1)
18 September 2021	— Hold the mobile poll if necessary (s. 89)
19 September 2021	Advance poll: — Hold the mobile poll (s. 89) — Hold the advance poll (s. 89)
20 September 2021	— Hold the mobile poll if necessary (s. 89)
23 September 2021	— Last day to send the list of electors who have voted in advance to the candidates (s. 93.1)
26 September 2021 (polling day)	— Hold the poll (s. 3) — Count the votes when the poll has closed (8:00 p.m.) (ss. 93.2 and 130) — Add the votes at the office of the returning officer (s. 140)
27 September 2021	— First day to follow up on a request for a judicial recount (s. 148)
30 September 2021	— Last day to follow up on a request for a judicial recount (s. 148)

Date	Activities
1 October 2021	— Declare the elected candidates (ss. 79 and 159) — Give a public notice stating the name of the elected candidates and the division they represent (s. 163) — Send the declaration to each candidate and to the Chief Electoral Officer (s. 159)
11 October 2021	— Last day to send the changes made to the list of electors the Chief Electoral Officer (s. 58.14)

* The sections mentioned in this Schedule refer to the Act respecting school elections (chapter E-2.3), as it read on 7 February 2020.

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Gouvernement du Québec

O.C. 1117-2021, 11 August 2021

Anti-Corruption Act
(chapter L-6.1)

Selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner

Regulation respecting the selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner

WHEREAS the second paragraph of section 14.01 of the Anti-Corruption Act (chapter L-6.1) provides that the Government determines, by regulation, the selection criteria applicable to members of the police force acting within the specialized investigation unit as well as the training they must undergo, and the regulation may provide for exceptions to the training obligation applicable to the members;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner was published in Part 2 of the *Gazette officielle du Québec* of 2 June 2021, with a notice that it may be made by the Government on the expiry of 10 days following this publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting the selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting the selection criteria and training of members of the specialized investigation unit of the Anti-Corruption Commissioner

Anti-Corruption Act
(chapter L-6.1, s. 14.01, 2nd par.)

DIVISION I SELECTION CRITERIA FOR MEMBERS OF THE SPECIALIZED INVESTIGATION UNIT

1. The following criteria are considered for the selection of a candidate to be a member of the specialized investigation unit of the Anti-Corruption Commissioner:

(1) personal and relationship skills, in particular probity, adherence to organizational values, and sense of ethics and public service;

(2) intellectual qualities;

(3) operational abilities;

(4) motivation and interest;

(5) knowledge;

(6) experience.

The criteria are evaluated according to the office to be filled within the specialized investigation unit and the candidate profile sought to hold the office.

DIVISION II TRAINING OF MEMBERS OF THE SPECIALIZED INVESTIGATION UNIT

2. A member of the specialized investigation unit whose main task is to exercise investigative functions must have successfully completed the investigative training program of the Anti-Corruption Commissioner offered by the École nationale de police du Québec, which includes

(1) a preparatory component;

(2) a component composed of the courses in the school's basic training program in police investigation; and

(3) an anti-corruption investigation specialization component.

A member whose main function is to supervise, as a ranking junior officer, unit members who exercise investigative functions must have successfully completed the training provided for in the first paragraph and the school's investigation supervision course.

3. The training components provided for in subparagraphs 1 and 2 of the first paragraph of section 2 must be successfully completed not later than 18 months following the date on which the member took up the functions of the office. Until such time as the component in subparagraph 2 is successfully completed, the member may exercise the investigative functions assigned, where applicable, by the Associate Commissioner for Investigations, under the supervision of another unit member whose main task is to exercise investigative functions and who satisfies the first paragraph of section 2. The training component provided for in subparagraph 3 of the first paragraph of section 2 must be successfully completed not later than 24 months following the successful completion of the component in subparagraph 2 or, if the member has already successfully completed that component on the date of taking office, not later than 24 months following that date.

The training provided for in the second paragraph of section 2 must be successfully completed not later than 24 months following the date on which the member took office in the functions referred to in that paragraph.

4. A member of the specialized investigation unit is deemed to satisfy subparagraph 1 of the first paragraph of section 2 if, on the date of taking office, the member satisfied subparagraph 4 of the first paragraph of section 115 of the Police Act (chapter P-13.1).

In addition, a member is deemed to satisfy subparagraphs 1 and 2 of the first paragraph of section 2 if the member could exercise an investigative function without supervision in accordance with the Regulation respecting the minimum qualifications required to exercise investigative functions within a police force (chapter P-13.1, r. 3) in the 2 years preceding the date of taking office.

5. A member of the specialized investigation unit who exercises management functions, as a ranking senior officer, must have successfully completed a police management training course offered or recognized by the school.

The training course must be successfully completed not later than 24 months following the date on which the member took office in the functions referred to in the first paragraph.

6. An equivalence for a program or training activity provided for in this Regulation may be granted in accordance with the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4).

7. A member of the specialized investigation unit who does not exercise the functions referred to in this Regulation is not subject to this Division.

DIVISION III

TRANSITIONAL AND FINAL

8. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and who, on that date, may exercise an investigative function under supervision in accordance with section 2 of the Regulation respecting the minimum qualifications required to exercise investigative functions within a police force (chapter P-13.1, r. 3) is deemed to satisfy subparagraph 1 of the first paragraph of section 2. The training component provided for in subparagraph 2 of the first paragraph of section 2 must be successfully completed by the member not later than 18 months following the date of coming into force of this Regulation. Until such time as that component is successfully completed, the member may exercise investigative functions within the specialized investigation unit under the supervision of another unit member whose main task is to exercise investigative functions and who satisfies the first paragraph of section 2. The training component provided for in subparagraph 3 of the first paragraph of section 2 must be successfully completed not later than 24 months following the successful completion of the component provided for in subparagraph 2.

9. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and who, on that date, may exercise an investigative function without supervision in accordance with the Regulation respecting the minimum qualifications required to exercise investigative functions within a police force (chapter P-13.1, r. 3) is deemed to satisfy the first paragraph of section 2.

10. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and whose main function, on that date, is to supervise, as a ranking junior officer, unit members who exercise investigative functions is deemed to satisfy the second paragraph of section 2.

11. A member of the specialized investigation unit in office on the date of coming into force of this Regulation and who, on that date, exercises management functions, as a ranking senior officer, is deemed to satisfy the first paragraph of section 5.

12. The Commissioner may, for a valid reason, grant an extension of a time period provided for in this Regulation. The Commissioner informs the Minister of Public Security once a year of the reason for each extension that is granted.

13. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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