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Part 2

LAWS AND REGULATIONS

31 October 2022 / Volume 154

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Regulations and other Acts

Gouvernement du Québec

O.C. 1690-2022, 26 October 2022

Act to facilitate the public administration's digital transformation
(chapter T-11.003)

Designation of the Régie de l'assurance maladie du Québec to allow it to communicate, to the Ministère de la Cybersécurité et du Numérique, the personal information it holds that is necessary for the experimentation required prior to the deployment of the Government Authentication Service as part of a project of government-wide interest, the Québec Digital Identity Service Program

WHEREAS, in Order in Council 511-2020 dated 13 May 2020, the Government authorized the execution phase of the project Improved Access to Electronic Service Delivery Businesses and Citizens, which involves the implementation of components 1 and 2 of the Québec Digital Identity Service Program;

WHEREAS section 61 of the Act to enact the Act respecting the Ministère de la Cybersécurité et du Numérique and to amend other provisions (2021, chapter 33) specifies, in particular, that the information resource projects referred to in Order in Council 511-2020 dated 13 May 2020 continue under the same conditions, under the aegis of the Minister of Cybersecurity and Digital Technology;

WHEREAS the said Order in Council orders, in particular, that the implementation of the execution phase of the project Improved Access to Electronic Service Delivery to Businesses and Citizens is to end no later than 13 May 2023;

WHEREAS the Québec Digital Identity Service Program and all the projects it enables have been designated as projects of government-wide interest;

WHEREAS the implementation of component 2 of the program, entitled Improved Access to Electronic Service Delivery Citizens, is intended to constitute the Government Authentication Service and includes the creation of a government register of identity attributes to identify and authenticate persons in order to give them access the electronic delivery of government services;

WHEREAS Order in Council 870-2022 dated 25 May 2022 designates the Ministère de la Cybersécurité et du Numérique to act as the official source of government digital data for the purposes of the Government Authentication Service to be introduced as part of the implementation of the project Improved Access to Electronic Service Delivery Citizens under the Québec Digital Identity Service Program;

WHEREAS the said Order in Council specifies the government digital data required to create and maintain the government register of identity attributes, which data are held by the Régie de l'assurance maladie du Québec and may be included in a mobility or valorization guideline to the extent and on the conditions set out in the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), more specifically the data needed to identify persons to give them access to the electronic delivery of government services via the Government Authentication Service;

WHEREAS the Ministère de la Cybersécurité et du Numérique intends, before deploying it pursuant to Order in Council 870-2022 dated 25 May 2022, to experiment with the Government Authentication Service via the delivery of electronic services by the Ministère de la Famille and the Société de l'assurance automobile du Québec, respectively for the Québec daycare personnel certification service and the business services hub;

WHEREAS, pursuant to the first paragraph of section 3 of the Act to facilitate the public administration's digital transformation (chapter T-11.003), a public body that the Government may designate may use and release the personal information it holds to any person or body when such a use or release is necessary for carrying out an information resource project of government-wide interest;

WHEREAS, pursuant to the third paragraph of the said section, an order made under that section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the order;

WHEREAS, pursuant to the fourth paragraph of the said section, that section applies despite any incompatible provision of an Act, to the extent that the provision is specifically mentioned in the order made under that section;

WHEREAS it is expedient to designate the Régie de l'assurance maladie du Québec to allow it to communicate, to the Ministère de la Cybersécurité et du Numérique, the personal information listed in this Order that it holds that is necessary for the experimentation required prior to the deployment of the Government Authentication Service as part of the project of government-wide interest Québec Digital Identity Service Program, despite section 63 of the Health Insurance Act (chapter A-29);

WHEREAS, pursuant to the first paragraph of section 6 of the Act to facilitate the public administration's digital transformation, the Government may, for the purposes of section 3 of that Act, prescribe special rules for the protection of personal information;

WHEREAS, pursuant to the second paragraph of the said section, the Government must, however, prescribe such special rules when, for the purposes of section 3 of the said Act, there is a high level of reasonable expectation of privacy, unless a provision of an Act or a regulation already provides for such protection;

WHEREAS, with regard to the personal information necessary for the experimentation required prior to the deployment of the Government Authentication Service, there is a high level of reasonable expectation of privacy for the social insurance number and health insurance number, and whereas no legislative or regulatory provision currently provides protection;

WHEREAS it is expedient to make the special rules appended to this Order in Council;

WHEREAS, pursuant to section 7 of the said Act, the Government fixes the period during which an order made under section 3 is to have effect, such a period may not exceed five years, the Government may extend the period not more than two years, and such an order ceases to have effect at the expiry of that period or, if it is earlier, on the date following the date on which all of the steps or stages for carrying out the information resource project of government-wide interest for which the order was made have been completed;

WHEREAS it is expedient to fix the period during which this Order in Council has effect, specifically from the date of publication of this Order in Council in the *Gazette officielle du Québec* to the date of completion of the experimentation required prior to the deployment of the Government Authentication Service or, at the latest, 13 May 2023;

IT IS ORDERED, therefore, on the recommendation of the Minister of Cybersecurity and Digital Technology and of the Minister of Health:

THAT the Régie de l'assurance maladie du Québec be designated to allow it to communicate, to the Ministère de la Cybersécurité et du Numérique, the personal information listed below that it holds and that is necessary for the experimentation required prior to the deployment of the Government Authentication Service as part of the project of government-wide interest Québec Digital Identity Service Program, despite section 63 of the Health Insurance Act (chapter A-29):

- (1) name;
- (2) husband's name, for women married before 1 April 1981;
- (3) date of birth;
- (4) date of death;
- (5) current and future home address;
- (6) indication of the presence of a respondent;
- (7) health insurance number;
- (8) social insurance number;
- (9) sectoral identifier of the Régie de l'assurance maladie du Québec;

THAT the special rules appended to this Order in Council be made;

THAT the period during which this Order in Council has effect be fixed as the period from the date of publication of this Order in Council in the *Gazette officielle du Québec* to the date of completion of the experimentation required prior to the deployment of the Government Authentication Service or, at the latest, 13 May 2023.

YVES OUELLET
Clerk of the Conseil exécutif

Special rules for the protection of social insurance numbers and health insurance numbers for the purpose of the experimentation required prior to the deployment of the Government Authentication Service as part of the project of government-wide interest for the Québec Digital Identity Service Program

Act to facilitate the public administration's digital transformation
(chapter T-11.003, s. 6)

1. Social insurance numbers and health insurance numbers collected by the Ministère de la Cybersécurité et du Numérique are to be used solely for the experimentation intended to ensure the efficiency and effectiveness of the Government Authentication Service. Alteration, disclosure and any use other than the verification of a citizen's identity are prohibited. For this purpose, the Ministère de la Cybersécurité et du Numérique must implement measures to ensure data compartmentalization.

2. Access to social insurance numbers or health insurance numbers must be limited to employees of the Ministère de la Cybersécurité et du Numérique as required for the performance of their duties, and their use must be limited to the application services of the Government Authentication Service. Access is granted by the person responsible for the Government Authentication Service at the Ministère de la Cybersécurité et du Numérique only when required, and for a determined period. All other access must be strictly prohibited.

3. The Ministère de la Cybersécurité et du Numérique must establish access management processes that ensure that

(1) access is reviewed quarterly;

(2) access to a social insurance number or health insurance number cannot be granted to an employee having the role of access approver or auditor.

4. The confidentiality and integrity of social insurance numbers and health insurance numbers must be protected during their entire life cycle using tested cryptographic methods.

5. The Ministère de la Cybersécurité et du Numérique must implement mechanisms to log actions to ensure traceability and the non-repudiation of actions. It must also implement mechanisms to detect unauthorized consultation, mass extraction, and the exfiltration of a social insurance number or health insurance number.

6. The Ministère de la Cybersécurité et du Numérique must ensure the secure destruction of social insurance numbers or health insurance numbers once their conservation is no longer required. This process must extend to backup copies.

7. The Deputy Minister at the Ministère de la Cybersécurité et du Numérique must take all necessary measures to ensure compliance with these special rules.

8. The head of organizational information security at the Ministère de la Cybersécurité et du Numérique must validate the effectiveness of these special rules and, once the experimentation is complete, file a compliance report with the person responsible for access to documents and the protection of personal information at the Ministère de la Cybersécurité et du Numérique.

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