

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Certified translators and interpreters — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des traducteurs et interprètes agréés du Québec adopted, at its meeting of 21 April 1999, a Regulation to amend the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. It will then be submitted with the recommendation of the Office to the Government which, under the same section, may approve it with or without amendments upon the expiry of 45 days following this publication.

The purpose of the Regulation is to update the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec with respect to the duties and obligations of a certified translator, terminologist or interpreter towards the public, colleagues, the profession and the Order.

It specifies the rules applicable to certified translators, terminologists and interpreters, particularly by prescribing the conditions and procedures applicable to the exercise of the right of access to and correction of the information contained in their records, as well as the obligation to release documents to their clients.

According to the Ordre des traducteurs et interprètes agréés du Québec:

1. With respect to the protection of the public, the Regulation allows any client of a certified member of the Ordre des traducteurs et interprètes agréés du Québec:

(1) to consult the documents concerning him in any record established in his respect;

(2) to obtain copies of the documents concerning him in any record established in his respect;

(3) to have corrected any information that is inaccurate, incomplete or ambiguous in regard of the purpose for which it was collected and that is contained in a document concerning him in any record established in his respect;

(4) to have deleted any information that is outdated or not justified by the object of the record established in his respect;

(5) to file in the record established in his respect the written comments that he prepared;

(6) to recover a document entrusted to the member.

2. As for the impact of the Regulation on businesses, there is none.

Further information on the proposed Regulation may be obtained by contacting Ms. Diane McKay, Director General and Secretary, Ordre des traducteurs et interprètes agréés du Québec, 2021, rue Union, bureau 1108, Montréal (Québec); tel.: (514) 845-4411 and 1 800 261-4815; fax: (514) 845-9903; E-mail: info@otiaq.org.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place d'Youville, 10^e étage, Québec (Québec), G1R 5Z3. The Office will forward the comments to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that adopted the Regulation, as well as to interested persons, departments or bodies.

JEAN-K. SAMSON,
Chairman of the Office des professions du Québec

Regulation to amend the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec*

Professional Code
(R.S.Q., c. C-26, s. 87, par. 5°)

1. The Code of Ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec is amended by substituting the following for Subdivision 8 of Division II:

“§8. *Conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and provisions concerning a member's obligation to release documents to the client*

* The Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec approved by Order in Council 929-94 dated June 22, 1994 (1994, G.O. 2, 2372) has never been amended.

§ 8.1. General

31.1. A member may require that a request covered by section 31.2, 31.5 and 31.8 be made and the right be exercised at his professional domicile during his regular working hours.

§ 8.2. Conditions and procedure applicable to the exercise of the right of access provided for in section 60.5 of the Professional Code

31.2. In addition to the particular rules prescribed by law, a member shall promptly follow up, at the latest within 30 days of its receipt, on any request made by the client whose purpose is:

1° to consult documents concerning him in any record established in his respect;

2° to obtain a copy of the documents concerning him in any record established in his respect.

31.3. A member may charge reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of forwarding a copy, with regard to any request referred to by paragraph 2 of section 31.2.

A member charging such fees shall, before proceeding with reproducing, transcribing or forwarding the aforementioned, inform the client of the approximate amount he will have to pay.

31.4. A member who, pursuant to the second paragraph of section 60.5 of the *Professional Code*, denies the client access to the information contained in a record established in his respect shall inform the client in writing that the disclosure would likely cause serious harm to the client or to a third party.

The member must also, in the same document:

1° identify the serious harm to the client or to a third party;

2° identify the third party referred to.

§ 8.3. Conditions and procedure applicable to the exercise of the right of correction provided for in section 60.6 of the Professional Code

31.5. In addition to the particular rules prescribed by law, a member shall promptly follow up, at the latest within 30 days of its receipt, on any request made by the client whose purpose is:

1° to cause to be corrected any information that is inaccurate, incomplete or ambiguous regarding the purpose for which it was collected and that is contained in a document concerning him in any record established in his respect;

2° to cause to be deleted any information that is outdated or not justified by the object of the record established in his respect; or,

3° to file in the record established in his respect the written comments that he prepared.

31.6. A member who agrees to a request referred to in section 31.5 shall issue to the client, free of charge, a copy of the document or the part of the document that allows the client to see for himself that the information has been corrected or deleted or, as the case may be, an attestation that the written comments prepared by the client have been filed in the record.

31.7. Upon written request from the client, a member shall at no charge for the client forward a copy of the corrected information or an attestation stating that the information has been deleted or, as the case may be, that written comments have been filed in the record, to any person from whom the member received the information that was subject to the correction, deletion or comments and to any person to whom the information has been provided.

§ 8.4. Provisions concerning a member's obligation to release documents to the client

31.8. A member must promptly follow up on any written request made by a client, whose purpose is to recover a document entrusted to the member by the client.

A member shall indicate in the client's record, where applicable, the reasons supporting the client's request."

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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