

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

8370

### **Draft Regulation**

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1)

#### **Distribution of information and protection of personal information**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the distribution of information and the protection of personal information, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation seeks to facilitate access to information held by certain public bodies and establishes special measures to protect personal information.

For that purpose, it identifies the documents or information accessible by law that public bodies subject to the Regulation are required to distribute through a website. It provides measures to protect personal information concerning, in particular, information or electronic service systems, surveys and video-surveillance. The draft Regulation also designates the persons responsible for the implementation of those obligations.

The Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Robert Parent, 875, Grande Allée Est, Québec (Québec) G1R 4Y8; telephone: 418 528-8024; fax: 418 528-8094; e-mail: robert.parent@mce.gouv.qc.ca

Any interested person wishing to comment on this matter may submit written comments to the undersigned, 875, Grande Allée Est, bureau 5.741, Québec (Québec) G1R 4Y8, within the 45-day period.

BENOÎT PELLETIER,  
*Minister responsible for Canadian  
Intergovernmental Affairs,  
Aboriginal Affairs, Francophones within Canada,  
the Reform of Democratic Institutions  
and Access to Information*

### **Regulation respecting the distribution of information and the protection of personal information**

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1, ss. 16.1, 63.2 and 155; 2006, c. 22, ss. 9 and 34)

#### **DIVISION I SCOPE**

**1.** This Regulation applies to a public body referred to in section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), except the Lieutenant-Governor, the National Assembly, persons designated by the Assembly to an office under its jurisdiction and public bodies referred to in sections 5 to 7 of the Act. It does not apply to professional orders.

#### **DIVISION II PERSONS RESPONSIBLE**

*§1. Deputy Minister or chief executive officer of a public body*

**2.** The Deputy Minister or the chief executive officer of a public body must

(1) oversee the implementation of the responsibilities and obligations assigned by this Regulation to the public body under his or her responsibility;

(2) set up and be responsible for a committee on access to information and the protection of personal information; that committee is to be composed of the person in charge of access to information and the protection of personal information and, where applicable, the person responsible for information security and the person responsible for document management; the function of the committee is to support the Deputy Minister or the chief executive officer of the public body in the performance of his or her duties and obligations and, for that purpose, the committee may retain the services of any other person whose expertise is necessary for the performance of its function;

(3) see that staff members and management staff or officers of the public body are made aware of and receive training on the obligations and procedures concerning access to information and the protection of personal information;

(4) include in the annual management report a report attesting to the distribution of the documents referred to in Division III and giving an account of

(a) the nature and number of requests for access received, the time taken to process them, the provisions of the Act justifying the refusal of certain requests, the number of requests for access granted, partially granted or refused and the number of requests that were the subject of an application for review by the Commission d'accès à l'information; and

(b) the activities relating to access to information and the protection of personal information that were carried out within the public body.

## §2. Deputy Minister under the Minister responsible

**3.** The Deputy Minister working under the Minister responsible for the administration of the Act must

(1) set up a network of persons in charge of access to documents and the protection of personal information held by public bodies;

(2) provide the support necessary for the carrying out of the network's activities; and

(3) see to the setting up of a training program on access to information and the protection of personal information for the persons in charge of access to documents and the protection of personal information, and ensure that a program is also available to deputy ministers, assistant and associate deputy ministers, and to chief executive officers of the Government agencies referred to in section 4 of the Act.

## DIVISION III DISTRIBUTION OF DOCUMENTS OR INFORMATION

**4.** A public body must distribute the following documents and information through a website, insofar as the information has been made accessible by law:

(1) the organization chart;

(2) the names and titles of the management staff or officers, excluding managers in categories 6 to 10 covered by Directive No. 630 concerning the classification and management of senior staff positions and their holders, made by Conseil du trésor decision 198195 dated 30 April 2002;

(3) the name of the person in charge of access to documents and the protection of personal information and that person's contact information;

(4) the document classification plan required under the second paragraph of section 16 of the Act or, as the case may be, the classification list required by the first paragraph of that section;

(5) an inventory of its personal information files established under section 76 of the Act;

(6) the register established under section 67.3 of the Act;

(7) the studies, research or statistical reports produced by or for the public body, whose distribution is of interest for the purposes of public information;

(8) the documents sent under a request for access, whose distribution is of interest for the purposes of public information;

(9) the public registers expressly required by law for which the public body is responsible;

(10) a description of the services offered and programs implemented by the public body, and the related forms;

(11) the statutes, regulations, codes of ethics, directives, policies and other documents of a similar nature administered by the public body and used by it to render decisions concerning the rights of citizens;

(12) the information pertaining to the contracts entered into by the public body and referred to in section 22 of the Act respecting contracting by public bodies, enacted by chapter 29 of the Statutes of 2006;

(13) a list of its financial commitments sent to the Comptroller of Finance and forwarded by the Comptroller to the National Assembly, in accordance with paragraph 7.1 of section 5 of Directive No. 4-80 concerning requests for commitment certification, certain commitments of \$25,000 or more and payment orders, made by Conseil du trésor decision 128500 dated 26 August 1980; and

(14) the documents produced and tabled by the public body, in accordance with the Standing Orders of the National Assembly, for the purposes of a public meeting of the National Assembly or one of its committees or subcommittees, including those included in the list established under section 58 of the Standing Orders.

The documents or information referred to in subparagraphs 1 to 9 must be accessible directly on the website of the public body and those referred to in the subsequent subparagraphs may be accessible through a hyperlink to another website.

Despite the foregoing, a public body is not required to distribute the documents listed in subparagraphs 7, 13 and 14 of the first paragraph produced before (*insert the date occurring 18 months after the date of coming into force of this Regulation*).

A public body is also not required to distribute the documents referred to in subparagraph 8 sent before (*insert the date occurring 18 months after the date of coming into force of this Regulation*).

A public body holding a register referred to in subparagraph 9 is not required to distribute the information filed in the register before (*insert the date occurring 18 months after the date of coming into force of this Regulation*).

**5.** A public body must promptly distribute a document or information referred to in section 4 through a website and leave it there for as long as it is up-to-date, or until it acquires the status of a semi-active document according to its retention schedule.

**6.** A public body that makes reasoned decisions in the exercise of adjudicative functions must send the decisions to the Société québécoise d'information juridique, which must distribute them through its website on which the decisions of the courts, administrative tribunals and other bodies are published.

Despite the foregoing, a public body is not required to send the decisions made before (*insert the date occurring 18 months after the date of coming into force of this Regulation*).

#### **DIVISION IV MEASURES TO PROTECT PERSONAL INFORMATION**

##### *§1. Information or electronic service system*

**7.** A public body must inform the committee referred to in section 2 of projects to acquire, develop or overhaul an information or electronic service system that collects, uses, keeps, releases or destroys personal information.

The committee is to suggest, from among those projects, those that must be monitored by special measures to protect personal information. The measures include

(1) the appointment of a person in charge of the implementation of the measures to protect personal information, for each project;

(2) the assessment, at the project's preliminary study stage, of the risks of a breach in the protection of personal information;

(3) measures to protect personal information for the time required to carry out the project and measures to preserve that protection during the use, maintenance, modification or evolution of the information or electronic service system;

(4) a description of the requirements regarding the protection of personal information set out in the specifications or the contract pertaining to the project, unless the contract is performed by another public body;

(5) a description of the responsibilities of the persons taking part in the project as regards the protection of personal information; and

(6) the holding of training activities on the protection of personal information intended for those persons taking part in the project.

##### *§2. Survey*

**8.** A public body must consult the committee referred to in section 2 on the special measures pertaining to a survey involving the collection or use of personal information to be complied with to protect personal information.

Those measures must examine

(1) the need to conduct the survey; and

(2) the ethical aspect of the survey with regard to the sensitivity of the personal information collected and the purposes for which it is to be used.

##### *§3. Video-surveillance*

**9.** A public body must consult the committee referred to in section 2 on the special measures pertaining to video-surveillance technology to be complied with to protect personal information.

Those measures must examine

(1) the need to use that technology; and

(2) whether the use of that technology is consistent with the right to privacy.

## DIVISION V FINAL

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

(1) paragraph 4 of section 2 comes into force on (*insert the date occurring 30 months after the date of coming into force of this Regulation*);

(2) sections 4 to 6 come into force on (*insert the date occurring 18 months after the date of coming into force of this Regulation*).

8365

## Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### Hunting activities — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting hunting activities, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation deals, among other things, with the purchase of an area change licence for restricted moose hunting, the establishment of a licence authorizing the killing of a second white-tailed deer in certain areas, the sharing of a hunting licence for female moose in wildlife sanctuaries, the requirement to declare the calibre of the firearm and the vehicle licence plate number on registration of a big game kill, the requirements for hunters of wild turkey, the incorporation into the Regulation respecting hunting activities of the standards in the Regulation respecting the wearing of a fluorescent orange-coloured garment when hunting, and the consequential revocation of that Regulation.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses. The proposed amendments will benefit hunters by affording them more opportunities to hunt.

Further information concerning the draft Regulation may be obtained by contacting Serge Bergeron, Direction des territoires fauniques et de la réglementation, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 2<sup>e</sup> étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 7393; fax: 418 646-5179; e-mail: serge.bergeron2@mrnf.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period to Denis Gagnon, Director General responsible for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

CLAUDE BÉCHARD,  
*Minister of Natural Resources  
and Wildlife*

## Regulation to amend the Regulation respecting hunting activities\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 29, 30, 55 and 162, par. 9)

**1.** The Regulation respecting hunting activities is amended in section 2 by striking out “wild turkey (*Meleagris gallopavo*)” in paragraph 3.

**2.** Section 4 is amended

(1) by replacing “and “Snaring of hare or cottontail rabbit” hunting licences” in the first paragraph by “, “Snaring of hare or cottontail rabbit” and “Small game using a bird of prey” hunting licences”;

(2) by replacing “whose antlers measure less than 7 cm” in subparagraph 2 of the second paragraph by “with antlers less than 7 cm for all areas except Area 20 (No. 1)”;

(3) by inserting the following after subparagraph 2 of the second paragraph:

“(2.1) “White-tailed deer, female or male with antlers less than 7 cm for all areas except Area 20 (No. 2)”;

\* The Regulation respecting hunting activities, made by Order in Council 858-99 dated 28 July 1999 (*G.O.* 2, 2427), was last amended by the regulation made by Order in Council 931-2005 dated 12 October 2005 (2005, *G.O.* 2, 4533). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.