

## Draft Regulations

### 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 applicable to professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation promotes access to information held by professional orders and establishes special measures to protect personal information.

To that end, the draft Regulation identifies the documents or information made accessible by law that must be distributed through a website by professional orders. It also provides measures to protect personal information in particular in connection with computer systems, systems to provide services electronically, surveys and video surveillance. Lastly, it designates the persons in charge of implementing those obligations.

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

Further information may be obtained by contacting Daniel Bourassa, Secrétariat à la réforme des institutions démocratiques et à l'accès à l'information, 875, Grande Allée Est, bureau 3.501, Québec (Québec) G1R 4Y8; telephone: 418 528-8024; fax: 418 528-8094; e-mail: daniel.bourassa@mce.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45-day period to the undersigned, 875, Grande Allée Est, bureau 3.703, Québec (Québec) G1R 4Y8.

PIERRE MOREAU,  
*Minister responsible for the Reform  
of Democratic Institutions and Access  
to Information*

### Regulation respecting the distribution of information and the protection of personal information applicable to professional orders

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)

#### DIVISION I SCOPE

**1.** This Regulation applies to professional orders. The Office des professions du Québec is subject to the Regulation for the purposes of section 4.

#### DIVISION II PERSON RESPONSIBLE

**2.** The president of a professional order, in cooperation with the syndic, must

(1) oversee the implementation of the responsibilities and obligations assigned by this Regulation to the professional order;

(2) see that the order's staff members and directors are made aware of and receive training on the obligations and procedures concerning access to information and the protection of personal information.

#### DIVISION III DISTRIBUTION OF DOCUMENTS OR INFORMATION

**3.** A professional order must distribute the following documents and information through a website, insofar as the documents and information have been made accessible by law:

(1) the letters patent and supplementary letters patent referred to in sections 27 and 27.1 of the Professional Code (R.S.Q., c. C-26), respectively, as well as integration or amalgamation orders and subsequent order made under sections 27.2 and 27.3 of the Code, respectively;

(2) the organization chart;

(3) the name, title and duties of the persons referred to in section 108.6 of the Code;

(4) the name of the persons in charge of access to documents and the protection of personal information and their contact information;

(5) the classification list required by the first paragraph of section 16 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1);

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

(7) the studies, research or statistical reports produced by or for the order, 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) for each person entered on the roll of the order, taking into account the restriction imposed by the second paragraph of section 108.8 of the Professional Code:

(a) the information referred to in subparagraphs 1 to 6 and subparagraph 9 of the first paragraph of section 46.1 of the Code;

(b) the information referred to in subparagraphs 7 and 8 of that section, for every suspension or limitation of the right to practise or declaration of disqualification that is in effect at the time of distribution;

(10) a description of the services offered to the public and programs implemented by the order, and the related forms, including the forms to further the exercise of the rights and recourses provided for in the Professional Code;

(11) with regard to the professional liability insurance of members:

(a) the means by which security to cover that professional liability is furnished and the minimum amount of protection and exemptions from the obligation to furnish such security;

(b) the professional liability group insurance plan contract entered into by the order, including any riders;

(12) the annual report of the liability insurance fund, including the audited financial statements, as of the date of their transmission to the board of directors;

(13) the formalities and administration costs payable required for requests addressed to the order by members or by persons applying for a permit;

(14) the fees charged to person who requests an opinion from the review committee;

(15) the tariff of professional fees that the members of the order may apply in respect of the professional services they render, suggested in accordance with paragraph 12 of section 86.0.1 of the Professional Code, if applicable;

(16) a list of the agreements entered into pursuant to paragraph 7 of section 86.0.1 of the Code with any body to facilitate mutual recognition of the qualifications required for the issue of permits, specialist certificates or special authorizations;

(17) the hearing roll of the disciplinary council;

(18) notice of a decision imposing a temporary or permanent striking off the roll, a temporary or permanent restriction or suspension of the right to practise or a revocation of the permit or specialist's certificate during the period in which the penalty is effective;

(19) the documents produced and tabled by the order, in accordance with the Standing Orders of the National Assembly, for the purposes of a public sitting 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;

(20) an annual report attesting to the distribution of the documents referred to in this Division and giving an account of

(a) the nature and number of requests for access received, making a distinction between those processed within the 20-day period or the 30-day period, the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information justifying the denial of certain requests, the number of requests for access granted, partially granted or denied, the number of requests for access that required reasonable accommodation and the number of requests for which an application for review has been made with the Commission d'accès à l'information;

(b) the activities involving access to information and the protection of personal information carried out within the professional order.

**4.** The Office des professions must distribute the following documents through its website, insofar as they have been made accessible by law:

(1) documents to further the exercise of the rights and recourses provided for in the Professional Code, the Acts constituting the professional orders and the regulations and by-laws under the Code or those Acts, drawn up pursuant to subparagraph 9 of the third paragraph of section 12 of the Code;

(2) any draft letters patent or supplementary letters patents referred to in sections 27 and 27.1 of the Code, respectively, and published in the *Gazette officielle du Québec*;

(3) any draft amalgamation or integration order and any draft amendment to the amalgamation or integration order referred to in sections 27.2 and 27.3 of the Code, respectively, and published in the *Gazette officielle du Québec*.

**5.** A professional order must promptly distribute a document or information referred to in section 3 through a website and leave it there for as long as it is up-to-date, or until the order is no longer required to keep it. The foregoing also applies to the Office des professions du Québec with respect to a document referred to in section 4.

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

**6.** A professional order must ensure that its projects to acquire, develop or overhaul an information or electronic service system that collects, uses, keeps, releases or destroys personal information are monitored by special 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 of electronic service system;

**7.** A professional order having recourse to a survey involving the collection or use of personal information 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.

**8.** A professional order having recourse to video-surveillance technology must ensure that its use is monitored by special measures to protect personal information. The order must examine, in particular,

(1) the need to use that technology; and

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

The syndic of the order is responsible for the obligations in the first paragraph in the course of the exercise of his or her duties.

#### **DIVISION V FINAL**

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

(1) paragraph 20 of section 3, which comes into force on (30 months after the coming into force of this Regulation);

(2) sections 3 to 5, which come into force on (18 months after the coming into force of this Regulation).

1359

#### **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)

An Act respecting the protection of personal information in the private sector (R.S.Q., c. P-39.1)

#### **Commission d'accès à l'information — Procedure**

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 procedure and evidence of the Commission d'accès à l'information, made by the Commission d'accès à l'information and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation replaces the Rules of Proof and Procedure before the Commission d'accès à l'information, approved by Order in Council 2058-84 dated 19 September 1984 (1984, *G.O.* 2, 3475). The draft Regulation sets out the rules of procedure and evidence governing hearings of the adjudicative division of the Commission. Certain provisions concern documents submitted, the notice of hearing to the parties, the summoning of witnesses and rules on the time allotted to proceedings, from the time applications are filed with the Commission.