

Draft Regulations

Draft Regulation

An Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

Information distribution and protection of personal information

—Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend 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 proposes to ensure that public bodies be required to distribute through their websites certain information, insofar as the information has been made accessible by law, on travel and official expenses, executive vehicles, training expenses, conference and convention expenses, and expenses related to hospitality, publicity and promotion, telecommunications and the leasing of space occupied by the public body, as well as certain information on the annual salaries, indemnities and allowances of ministers, executive secretaries and holders of full-time senior positions.

The draft Regulation also provides for the distribution of all documents sent under requests for access to information, together with the decision of the person in charge of access, subject to considerations concerning the protection of personal information, third-person information and other information whose release must be refused, in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). Currently, the Regulation provides for the distribution of the documents sent under requests for access, whose distribution is of interest for the purposes of public information.

Lastly, the draft Regulation proposes that information concerning subsidies granted under the discretionary budgets of ministers be distributed.

These various measures promote government transparency through the proactive distribution of information related to the management of the financial resources of public bodies and enable citizens to follow Government

activities and expenditures. In particular, the information and documents whose proactive distribution is provided for in the draft Regulation are regularly the subject of requests for access, and are generally made accessible. The measures proposed would prevent processing requests one by one and facilitate access to the information for all citizens.

Further information may be obtained by contacting Fernande Rousseau, Secrétariat à l'accès à l'information et à la réforme des institutions démocratiques, Ministère du Conseil exécutif, 875, Grande Allée Est, 3^e étage, Québec (Québec) G1R 4Y8, telephone: 418 643-4294.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Fernande Rousseau, Secrétariat à l'accès à l'information et à la réforme des institutions démocratiques, Ministère du Conseil exécutif, 875, Grande Allée Est, 3^e étage, Québec (Québec) G1R 4Y8.

JEAN-MARC FOURNIER,
*Minister responsible for Access to Information
and the Reform of Democratic Institutions*

Regulation to amend the 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 (chapter A-2.1, ss. 16.1 and 155)

1. The Regulation respecting the distribution of information and the protection of personal information (chapter A-2.1, r. 2) is amended in section 4

(1) by replacing subparagraph 8 of the first paragraph by the following:

“(8) the documents sent under a request for access, together with the anonymized decision of the person in charge of access to information, except for documents containing

(a) personal information, unless the information is considered public information within the meaning of section 57 of the Act;

(b) third-person information within the meaning of section 23 or 24 of the Act; and

(c) information whose communication must be refused under section 28, 28.1, 29 or 29.1 of the Act;”;

(2) by replacing subparagraph 14 of the first paragraph by the following:

“(14) a list of its financial commitments sent to the secretary of the Conseil du trésor and forwarded by the secretary to the National Assembly, in accordance with paragraph 7 of section 5 of the Directive numéro 4-80 concernant certains engagements de 25 000 \$ et plus et les règles relatives aux paiements faits sur le fonds consolidé du revenu (C.T. 128500, 80-08-26);”;

(3) by inserting the following after subparagraph 15 of the first paragraph:

“(16) the total travel expenses:

(a) for the personnel of the public body;

(b) for the office staff of the ministers;

(17) the information pertaining to travel expenses in Québec for each of the activities of the ministers or the holders of full-time senior positions within the public body, invoiced directly to the public body or paid by the ministers or the holders of full-time senior positions and reimbursed by the public body, namely:

(a) for ministers:

i. the name and position of the person who travelled;

ii. the date of travel;

iii. the city or municipality of travel;

iv. the purpose of travel;

v. the travel expenses incurred for the use of a public or a chartered means of transport;

vi where applicable, the amount of the lump sum allowance or the lodging and meal expenses; and

vii the amount and a description of other related expenses;

(b) for holders of full-time senior positions:

i. the name and position of the person who travelled;

ii. the date of travel;

iii. the city or municipality of travel;

iv. the purpose of travel;

v. the travel expenses incurred for the use of a public or a chartered means of transport and, as the case may be, a personal vehicle;

vi. where applicable, the amount of the lump sum allowance or the lodging and meal expenses; and

vii. the amount and a description of other related expenses;

(18) the information pertaining to travel expenses outside Québec for each of the activities of the ministers or the holders of full-time senior positions within the public body, invoiced directly to the public body or paid by the ministers or the holders of full-time senior positions and reimbursed by the public body, namely:

(a) the name and position of the person who travelled;

(b) the date of travel;

(c) the city or municipality of travel;

(d) the purpose of travel;

(e) the travel expenses incurred for the use of a public or a chartered means of transport and, as the case may be, a personal vehicle;

(f) the name and position of the persons accompanying them, namely, the members of the personnel of the public body and the office staff, and the total travel, lodging, meal and other related expenses for these persons;

(g) as the case may be, the amount of the lump sum allowance or the lodging and meal expenses;

(h) the amount and a description of other related expenses; and

(i) when travelling outside Canada, the fees related to meeting halls and the services of a photographer or an interpreter, and the mission reports;

also indicating, where applicable, the expenses that are borne by another public body and which public body;

(19) for each executive vehicle of the ministers and the holders of full-time senior positions within the public body:

- (a) the leasing costs;
 - (b) the amount of the gasoline expenses;
 - (c) the amount of the maintenance expenses;
- (20) the information pertaining to each official expense of holders of full-time senior positions within the public body and executive secretaries, namely, the name and position of the person concerned, a description of each expense, the date and the cost;
- (21) the information pertaining to the expenses for each hospitality activity held in accordance with the Directive numéro 4-79 concernant les Règles sur les réceptions et les frais d'accueil (C.T. 116900. 1979-02-06), namely, a description of the activity, the date, the cost and the number of expected participants;
- (22) the information pertaining to the expenses for each attendance, by a member of the personnel of a public body, at a training activity, a conference or a convention, namely, the name of the administrative unit to which the member of the personnel belongs, the date, place and a description of the training conference or convention, and the registration cost;
- (23) the information pertaining to training contracts, namely, the name of the supplier and the amount of the contract, and, for each training activity, a description, the date and place, and the number of expected participants;
- (24) the following information pertaining to publicity and promotion contracts, namely, contracts for the distribution of printed material such as advertising signs or posters, or the distribution of publicity in magazines, in newspapers, on radio, on television or on the Internet:
- (a) the date of the contract;
 - (b) the name of the supplier;
 - (c) a description of the contract;
 - (d) the amount of the contract;
- (25) the information pertaining to telecommunications contracts, namely, the name of the supplier and the types of devices, and, for each type of device, the number of devices, the number of active users, the acquisition costs and the monthly service costs;
- (26) the information pertaining to each subsidy granted under the discretionary budgets of ministers, namely, the name of the beneficiary, the project concerned, the amount granted and the electoral division in which the principal residence or establishment of the beneficiary is located;

(27) the information pertaining to each lease of space occupied by the public body, namely, the address, the name of the lessor, the leased area and the annual amount of rent;

(28) a list of the annual salaries, indemnities and allowances of ministers, executive secretaries and holders of full-time senior positions within the public body.”;

(4) by inserting the following paragraph after the first paragraph:

“A public body is not required to publish the information referred to in subparagraphs 23 to 25 of the first paragraph in the case of a contract involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act respecting contracting by public bodies or a contract for which no waiver of professional secrecy has been obtained.”;

(5) by replacing the second paragraph by the following:

“The documents or information referred to in subparagraphs 1 to 9 and 16 to 27 must be accessible directly on the website of the public body. Those referred to in the other subparagraphs may be accessible through a hyperlink to another website.”; and

(6) by adding the following at the end of section 4:

“For the purposes of this section, the expression “holders of senior positions” designates one of the following persons where the person carries on his or her duties on a full time basis:

(a) the Secretary-General of the Conseil exécutif, an associate secretary-general or a deputy secretary of the Conseil exécutif, the secretary of the Conseil du trésor, an assistant or associate secretary of the Conseil du trésor, a deputy minister or an assistant or associate deputy minister, or a person hired under contract to hold one of those positions;

(b) a delegate-general, delegate or head of delegation;

(c) the chief executive officer or a vice-president of a public body.”.

2. Section 5 is replaced by the following:

5. A public body must promptly distribute a document or information referred to in section 4 through a section reserved for that purpose and accessible from the home page of its 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.

The documents referred to in subparagraph 8 must be distributed within 5 business days following the date on which they are sent to the applicant.

The documents or information referred to in subparagraphs 16 to 26 must be distributed within 45 days following the end of each quarter, in connexion with the expenses incurred during the quarter.

The information referred to in subparagraph 27 must be distributed within 45 days following the end of each fiscal year of the public body, in connexion with the expenses incurred during the fiscal year.

The document referred to in subparagraph 28 must be distributed within 45 days following the end of each fiscal year of the Government, in connexion with the salaries, indemnities and allowances relating to the fiscal year.”.

3. This Regulation comes into force on 1 April 2015.

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Draft Regulation

Professional Code
(chapter C-26)

Agrologists — Code of ethics — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Code of ethics of agrologists, made by the board of directors of the Ordre des agronomes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation adapts certain rules of conduct to the practice of agrology within a partnership or joint-stock company, as provided for in the draft Regulation respecting the practice of agrology within a partnership or a joint-stock company.

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

Further information may be obtained by contacting Louise Richard, Ordre des agronomes du Québec, 1001, rue Sherbrooke Est, bureau 810, Montréal (Québec) H2L 1L3; telephone: 514 596-3833; fax: 514 596-2974; email: agronome@oaq.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
Chair of the Office des professions du Québec

Regulation to amend the Code of ethics of agrologists

Professional Code
(chapter C-26, s. 87)

1. The Code of ethics of agrologists (chapter A-12, r. 6) is amended by replacing the heading of Division I by “GENERAL”.

2. Section 1 is replaced by the following:

“**1.** This Code sets out, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations to be discharged by every agrologist towards the public, clients and the profession.

The duties and obligations of the agrologists under the Agrologists Act, the Professional Code and their regulations are not changed or reduced by the fact that an agrologist practises the profession within a partnership or joint-stock company.”.

3. The following is added after section 1:

“**1.1.** Agrologists must take reasonable measures to ensure that persons who collaborate with them in the practice of the profession and any partnership or joint-stock company within which they practise comply with the Agrologists Act (chapter A-12), the Professional Code and their regulations.

Agrologists must ensure that their obligations towards the partnership or joint-stock company within which they act as director or officer are not incompatible with their obligations towards their client.”.

4. Section 13 is replaced by the following:

“**13.** Agrologist must avoid any false, misleading or incomplete representations, in particular as to their level of competence or the effectiveness of their services and, where applicable, the level of competence or the effectiveness of the services offered under their supervision or by persons carrying on their activities within the same partnership or joint-stock company.”.