

Regulations and other Acts

Gouvernement du Québec

O.C. 107-2015, 25 February 2015

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

Distribution of information and the protection of personal information — Amendment

Regulation to amend the Regulation respecting the distribution of information and the protection of personal information

WHEREAS, under sections 16.1 and 155 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Government may, by regulation, prescribe information distribution rules and rules for the protection of personal information;

WHEREAS, in accordance with section 156 of the Act, an opinion of the Commission d'accès à l'information on the text of a draft of the Regulation to amend the Regulation respecting the distribution of information and the protection of personal information was obtained on 10 October 2014;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the distribution of information and the protection of personal information was published in Part 2 of the *Gazette officielle du Québec* of 26 November 2014 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Access to Information and the Reform of Democratic Institutions:

THAT the Regulation to amend the Regulation respecting the distribution of information and the protection of personal information, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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 documents, except for documents containing

(a) personal information, unless the information is considered public information within the meaning of section 55 of the Act;

(b) information supplied by a third person 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 “(T.B. 198195, 2002-04-30)” in subparagraph 2 of the first paragraph by “(630) adopted by C.T. 198195 dated 30 April 2002 and amended by C.T. 200154 dated 9 September 2003, C.T. 203042 dated 29 November 2005, C.T. 203658 dated 1 May 2006, C.T. 210771 dated 8 November 2011, C.T. 211151 dated 13 March 2012, C.T. 211453 dated 15 May 2012 and C.T. 213307 dated 29 October 2013 (Recueil des politiques de gestion 2-2-2-1)”;

(3) 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 concernant certains engagements de 25 000 \$ et plus et les règles relatives aux paiements faits sur le fonds consolidé du revenu adopted by C.T. 128500 dated 26 August 1980

and amended by C.T. 150150 dated 17 April 1984, C.T. 167860 dated 14 June 1988, C.T. 186210 dated 1 November 1994, C.T. 189886 dated 11 February 1997, C.T. 210425 dated 7 July 2011, C.T. 211305 dated 3 April 2012 and C.T. 212782 dated 18 June 2013 (Recueil des politiques de gestion 9-2-4-2);”;

(4) 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 a minister;

(17) the information pertaining to travel expenses in Québec for each of the activities of a minister or the holder of a full-time senior position within the public body, invoiced directly to the public body or paid by that person and reimbursed by the public body, namely:

(a) for a minister:

i. the name and position of the minister 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 the holder of a full-time senior position:

i. the name and position of the holder of a full-time senior position 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 a minister or the holder of a full-time senior position within the public body, invoiced directly to the public body or paid by that person 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 of the Minister or the holder of a full-time senior position;

(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 a minister or the holder of a full-time senior position 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 an executive secretary or the holder of a full-time senior position within the public body and, 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 Règles sur les réceptions et les frais d'accueil (R.R.Q., 1981, c. A-26, r. 24), amended by C.T. 142182 dated 14 December 1982, C.T. 153400 dated 30 October 1984, C.T. 161313 dated 10 June 1986 and C.T. 186210 dated 1 November 1994 (Recueil des politiques de gestion 6-1-3-2), 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 mobile telecommunication contracts, namely, the name of the supplier and the types of devices, and, for each type of device, the number of active cell plans in circulation, the number of cell plans in reserve, the acquisition costs and the monthly service costs;

(26) the information pertaining to each subsidy granted under the discretionary budgets of a minister, 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.”;

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

“As regards travel in Québec and outside Québec referred to in subparagraphs 17 and 18 of the first paragraph, a Government agency with a commercial purpose whose mission is to manage funds and investments, including the Caisse de dépôt et placement du Québec and Investissement Québec, is required to distribute only the following information, within 45 days following the end of each quarter, in connection with the expenses incurred during the quarter:

- (a) the name and position of the holder of a full-time senior position who travelled;
- (b) the total amount of transportation expenses of the holder of a full-time senior position;
- (c) the total amount of meal and lodging expenses of the holder of a full-time senior position;
- (d) the total amount of other expenses related to travel by the holder of a full-time senior position;
- (e) the number of trips in Québec and outside Québec by the holder of a full-time senior position;
- (f) where applicable, the number of companions who travelled outside Québec, and the total travel, lodging, meal and other related expenses for those persons.

A public body is not required to distribute 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.”;

(6) 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

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

“For the purposes of this section,

“minister” means a person who is part of the Conseil exécutif within the meaning of section 4 of the Executive Power Act (chapter E-18);

“holder of a full-time senior position” means one of the following persons carrying on his or her duties on a full time basis and for whom the Government determines remuneration and other conditions of employment:

(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. For the purposes of the fourth paragraph of section 5 replaced by section 2 of this Regulation, a public body whose fiscal year ended on 31 December 2014 must distribute the information referred to in subparagraph 27 of the first paragraph of section 4 amended by section 1 of this Regulation, not later than 15 May 2015.

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

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Gouvernement du Québec

O.C. 129-2015, 25 February 2015

An Act respecting the Barreau du Québec
(chapter B-1)

Professional Code
(chapter C-26)

Advocates

— Code of Professional Conduct of advocates

Code of Professional Conduct of advocates

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his or her clients and his or her profession, particularly the duty to discharge his or her professional obligations with integrity;

WHEREAS the General Council of the Barreau du Québec made, on 19 and 20 December 2013, the Code of ethics of advocates;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the order at least 30 days before its adoption by the General Council;

WHEREAS, under section 95 and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order is transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Code of ethics of advocates was published in Part 2 of the *Gazette officielle du Québec* of 12 February 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS, it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice: