

paragraph, provided an order is made to prohibit or restrict its publication, disclosure or dissemination, or an order is made for a hearing in camera.

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

104434

M.O., 2020-12

Order number S-29.02-2020-12 of the Minister of Finance dated 13 May 2020

Trust Companies and Savings Companies Act
(chapter S-29.02)

Regulation respecting the supervisory information of authorized trust companies

CONSIDERING section 156 of the Trust Companies and Savings Companies Act (chapter S-29.02), which provides that such information as is determined by the Minister of Finance by regulation that is held by an authorized trust company in relation to the supervision by the Autorité des marchés financiers of the trust company is confidential, that it may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose, and that no one may be compelled, in any civil or administrative proceedings, to testify or produce a document relating to that information;

CONSIDERING paragraph 2 of section 157 of the Act, which provides that, despite section 156 of the Act, the authorized trust company concerned may, in accordance with the regulation made by the Minister of Finance, use that information as evidence in any proceedings concerning the administration or enforcement of the Act or the Business Corporations Act (chapter S-31.1) that are brought by the company, the Minister of Finance, the Autorité des marchés financiers or the Attorney General;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the supervisory information of authorized trust companies was published in Part 2 of the *Gazette officielle du Québec* of 26 February 2020 with a notice that it could be made by the Minister of Finance on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

THEREFORE, the Minister of Finance hereby makes the Regulation respecting the supervisory information of authorized trust companies, attached to this Order, with amendments.

13 May 2020

ERIC GIRARD,
Minister of Finance

Regulation respecting the supervisory information of authorized trust companies

Trust Companies and Savings Companies Act
(chapter S-29.02, ss. 156 and 157)

1. For the purposes of section 156 of the Trust Companies and Savings Companies Act (chapter S-29.02) and in addition to the information protected under the professional secrecy of an advocate or notary, by litigation privilege or by a communication restriction provided for by the rules governing the law of evidence, in favour of an authorized trust company and communicated by the authorized trust company to the Autorité des marchés financiers, such information and the following information, held by an authorized trust company in relation to the supervision of the authorized trust company by the Autorité des marchés financiers, is confidential information:

(1) any risk profile assessment rating assigned to the authorized trust company, when the rating is established by the Autorité des marchés financiers or a third person based on information obtained from the Autorité des marchés financiers;

(2) any intervention stage rating assigned to the authorized trust company under a framework of the Autorité des marchés financiers for the supervision of financial institutions;

(3) any instruction, order or recommendation, or any report produced by the Autorité des marchés financiers with regard to the authorized trust company;

(4) any report, including a self-assessment, produced by the authorized trust company at the request of the Autorité des marchés financiers;

(5) any correspondence exchanged between the Autorité des marchés financiers and the directors or officers of the authorized trust company with regard to the information referred to in this section.

2. For the purposes of paragraph 2 of section 157 of the Trust Companies and Savings Companies Act (chapter S-29.02), the authorized trust company concerned by the information referred to in section 1 may use that information as evidence in any proceedings referred to in that paragraph, provided an order is made to prohibit or restrict its publication, disclosure or dissemination, or an order is made for a hearing in camera.

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

104435

M.O., 2020-13

Order number A-32.1-2020-13 of the Minister of Finance dated 13 May 2020

Insurers Act
(chapter A-32.1)

Regulation respecting the supervisory information of authorized insurers

CONSIDERING section 178 of the Insurers Act (chapter A-32.1), which provides that such information as is determined by the Minister of Finance by regulation that is held by an authorized insurer in relation to the supervision by the Autorité des marchés financiers of the insurer is confidential, that it may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose, and that no one may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information;

CONSIDERING paragraph 2 of section 179 of the Act, which provides that, despite section 178 of the Act, the authorized insurer concerned by the information made confidential by that section may, in accordance with the regulation made by the Minister of Finance, use that information as evidence in any proceedings concerning the administration or enforcement of the Insurers Act or the Business Corporations Act (chapter S-31.1) that are brought by the insurer, the Minister of Finance, the Autorité des marchés financiers or the Attorney General;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the supervisory information of authorized insurers was published in Part 2 of the *Gazette officielle du Québec* of 26 February 2020 with a notice that it could be made by the Minister of Finance on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

THEREFORE, the Minister of Finance hereby makes the Regulation respecting the supervisory information of authorized insurers, attached to this Order, with amendments.

13 May 2020

ÉRIC GIRARD,
Minister of Finance

Regulation respecting the supervisory information of authorized insurers

Insurers Act
(chapter A-32.1, ss. 178 and 179)

1. For the purposes of section 178 of the Insurers Act (chapter A-32.1) and in addition to the information protected under the professional secrecy of an advocate or notary, by litigation privilege or by a communication restriction provided for by the rules governing the law of evidence, in favour of an authorized insurer or a federation of mutual companies and communicated by one of them, as the case may be, to the Autorité des marchés financiers or the federation of mutual companies, such information and the following information, held by an authorized insurer in relation to the supervision of the authorized insurer by the Autorité des marchés financiers, is confidential information:

(1) any risk profile assessment rating assigned to the authorized insurer, when the rating is established by the Autorité des marchés financiers or a federation of mutual companies or a third person based on information obtained from them;

(2) any intervention stage rating assigned to the authorized insurer under a framework of the Autorité des marchés financiers for the supervision of financial institutions;

(3) any instruction, order or recommendation, or any report produced by the Autorité des marchés financiers with regard to an authorized insurer or a federation of mutual companies, as well as the report referred to in section 442 of the Insurers Act produced by a federation of mutual companies;

(4) any report, including a self-assessment, produced by the authorized insurer or a federation of mutual companies at the request of the Autorité des marchés financiers, as well as any report, including a self-assessment,