

Draft Regulations

Draft Regulation

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

Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25)

Exemption of certain public bodies from the obligation to establish a committee on access to information and the protection of personal information

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to exempt certain public bodies from the obligation to establish a committee on access to 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 Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25), assented to on 22 September 2021, introduces into the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), in particular, section 8.1 and subparagraph 4 of the first paragraph of section 155. Those provisions provide for the obligation for public bodies to establish a committee on access to information and the protection of personal information, and for the possibility for the Government to exempt a public body from that obligation by regulation.

The draft Regulation exempts the Lieutenant-Governor, the National Assembly and all other public bodies employing 50 employees or fewer from the obligation to establish a committee on access to information and the protection of personal information.

For the bodies so exempt, the draft Regulation provides that the person in charge of the protection of personal information must perform the duties entrusted to the committee on access to information and the protection of personal information by the Act respecting Access to documents held by public bodies and the Protection of personal information.

The draft Regulation has no significant impact on the public, since it only exempts certain public bodies from the administrative requirement to establish such a committee. The draft Regulation has no impact on businesses since it modifies obligations applicable only to public bodies.

Further information on the draft Regulation may be obtained by contacting Jean-Philippe Miville-Deschênes, attorney, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875, Grande Allée Est, bureau 3.513, Québec (Québec) G1R 4Y8; email: jp.miville-deschenes@mce.gouv.qc.ca; telephone: 418 528-8024, extension 8993.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Samuël, Director, Direction de l'accès à l'information et de la protection des renseignements personnels, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875 Grande-Allée Est, bureau 3.265, Québec (Québec) G1R 4Y8; email: daiprp@mce.gouv.qc.ca; telephone: 418 528-8024, extension 1241.

JEAN-FRANÇOIS ROBERGE

Minister Responsible for Access to Information and the Protection of Personal Information

Regulation to exempt certain public bodies from the obligation to establish a committee on access to information and the protection of personal information

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, s. 155, 1st par., subpar. 4)

Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25, s. 67, par. 2)

I. The Lieutenant-Governor and the National Assembly are exempt from the obligation to establish a committee on access to information and the protection of personal information provided for in section 8.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

2. All other public bodies that, on 31 March of the preceding fiscal year, employed 50 employee or fewer are also exempt, for one fiscal year, from the obligation to establish the committee on access to information and the protection of personal information provided for in section 8.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

For the purposes of the application of the first paragraph, an employee is any natural person who undertakes to do work for remuneration under the direction or control of an employer, except:

(1) a student who works during the school year in an establishment chosen by an educational institution under a program recognized by the Ministère de l'Éducation, du Loisir et du Sport or the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie which combines practical experience with academic training or a student who works in a field related to his field of study in the educational institution he is attending;

(2) a student employed for his vacation period;

(3) a trainee undergoing professional training recognized by law;

(4) a person who, engages in an activity within the framework of an employment-assistance measure or program established under Title I of the Individual and Family Assistance Act (chapter A-13.1.1) and in respect of whom the provisions concerning the minimum wage in the Act respecting labour standards (chapter N-1.1) do not apply.

3. In the case of the public bodies referred to in sections 1 and 2, the person in charge of the protection of personal information must perform the duties entrusted to the committee on access to information and the protection of personal information by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

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

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Draft Regulation

Act respecting the legal publicity of enterprises (chapter P-44.1)

Compagnies Act (chapter C-38)

Business Corporations Act (chapter S-31.1)

Legal publicity of enterprises

Names of legal persons or associations governed by Part III of the Companies Act

Names of companies governed by Part I of the Companies Act

Names of companies governed by Part IA of the Companies Act
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the legal publicity of enterprises and the Regulation to amend the Regulation respecting names of legal persons or associations governed by Part III of the Companies Act, the Regulation respecting names of companies governed by Part I of the Companies Act and the Regulation respecting names of companies governed by Part IA of the Companies Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation respecting the legal publicity of enterprises replaces the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45, r. 1)

The object of the draft Regulation is to implement certain provisions of the Act mainly to improve the transparency of enterprises (2021, chapter 19), by defining

— the cases and conditions in which a natural person is considered to be an ultimate beneficiary of a registrant;

— the terms for the declaration of the percentage of voting rights that an ultimate beneficiary may exercise based on the number of the registrant's shares or units that the beneficiary holds or controls, or of which the ultimate beneficiary is the beneficiary;

— the addition of information concerning a minor natural person who is an ultimate beneficiary that cannot be consulted in the enterprise register.