

Regulations and other Acts

Gouvernement du Québec

O.C. 744-2023, 3 May 2023

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

Exemption of certain public bodies from the obligation to establish a committee on 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

WHEREAS, under the first paragraph of section 8.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), within a public body, a committee on access to information and the protection of personal information is responsible for supporting the body in the exercise of its responsibilities and the performance of its obligations under the Act, and the committee must also exercise the functions entrusted to it by the Act;

WHEREAS, under subparagraph 4 of the first paragraph of section 155 of that Act, the Government may make regulations exempting a public body from the obligation to establish the committee provided for in section 8.1 of the Act or modify a body's obligations under that section according to criteria it defines;

WHEREAS, under section 156 of that Act, the Minister Responsible for Access to Information and the Protection of Personal Information received a first opinion from the Commission d'accès à l'information on 19 July 2022 and a second one on 13 March 2023;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to exempt certain public bodies from the obligation to establish a committee on access to information and the protection of personal information was published in Part 2 of the *Gazette officielle du Québec* of 21 December 2022 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 Protection of Personal Information:

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, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

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)

1. The Lieutenant-Governor and the National Assembly are exempt 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).

2. All public bodies that employed 50 employees or fewer during the preceding calendar year are exempt 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).

The number of employees in a public body is its average number of employees, determined on the basis of the number of employees on the employer's payroll for each pay period in a calendar year.

3. For the purposes of the application of section 2, 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 the student's field of study in the educational institution the student is attending;

(2) a student employed for his or her vacation period or employed part-time during the school year;

(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;

(5) a firefighter.

4. In the case of a public body referred to in sections 1 and 2, 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) are performed by the person in charge of the protection of personal information or, in the case of a municipality, a professional order or a school service centre, by the director general.

5. 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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Gouvernement du Québec

O.C. 769-2023, 3 May 2023

Civil Code of Québec
(Civil Code)

Keeping and publication of the register of civil status — Amendment

Regulation to amend the Regulation respecting the keeping and publication of the register of civil status

WHEREAS, under the second paragraph of article 146 of the Civil Code, as made by section 41 of the Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status

(2022, chapter 22), the registrar of civil status may issue certificates of birth, marriage, civil union or death bearing only the particulars determined by government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the keeping and publication of the register of civil status was published in Part 2 of the *Gazette officielle du Québec* of 25 January 2023 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting the keeping and publication of the register of civil status, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the keeping and publication of the register of civil status

Civil Code of Québec
(Civil Code, art. 146; 2022, chapter 22, s. 41)

1. The Regulation respecting the keeping and publication of the register of civil status (chapter CCQ, r. 11) is amended by inserting the following after section 5:

“DIVISION II.1 CERTIFICATES OF BIRTH, MARRIAGE, CIVIL UNION OR DEATH

5.1. The certificate of birth of a person shall state

(1) the name of the person;

(2) the designation of sex;

(3) the place, date and time of birth of the person;

(4) the names of the person's father and mother or parents, as well as their parental designation;

(5) an indication that the person has died, where applicable; and

(6) the registration number of the act of birth.