

Regulations and other Acts

Gouvernement du Québec

O.C. 1544-2023, 25 October 2023

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

Confidentiality policies of public bodies that collect personal information through technological means

Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means

WHEREAS, under the first paragraph of section 63.4 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a public body that collects personal information through technological means must publish on its website a confidentiality policy drafted in clear and simple language and disseminate it by any appropriate means to reach the persons concerned; it must do the same for the notice required for any amendment to such a policy;

WHEREAS, under the second paragraph of that section, a government regulation may determine the content and terms of the policy and the notice;

WHEREAS, under subparagraph 6 of the first paragraph of section 155 of the Act, the Government may make regulations determining the content and terms of the policy provided for in section 63.4 of the Act;

WHEREAS, in accordance with section 156 of the Act, the Minister Responsible for Access to Information and the Protection of Personal Information obtained the opinion of the Commission d'accès à l'information on 14 April 2023;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means was published in Part 2 of the *Gazette officielle du Québec* of 12 July 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 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 respecting the confidentiality policies of public bodies that collect personal information through technological means, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting the confidentiality policies of public bodies that collect personal information through technological means

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, s. 63.4, 2nd par., and s. 155, 1st par., subpar. 6)

DIVISION I SCOPE AND DEFINITION

1. This Regulation applies to a public body referred to in section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

It also applies to professional orders, to the extent provided for by the Professional Code (chapter C-26).

For the purposes of this Regulation, the expression “public body” includes a professional order.

DIVISION II CONFIDENTIALITY POLICY

2. A confidentiality policy referred to in section 63.4 of the Act must contain at least

(1) the name of the public body that collects the personal information and, where the information is collected by a third person on behalf of the public body, the name of that third person;

- (2) a description of the collected personal information;
- (3) the purposes for which the personal information is collected;
- (4) the categories of persons who, within the public body, have access to the personal information;
- (5) the means by which the personal information is collected;
- (6) if applicable, a description of the measures that may be taken to refuse the collection of personal information and the potential consequences of that refusal;
- (7) if applicable, a mention regarding the technological means available so that the person concerned by the personal information may consult or correct that information;
- (8) a mention regarding the rights of access and correction provided for by the Act, as well as the name of the person in charge of the protection of personal information at the public body and the contact information to communicate with that person;
- (9) if applicable, the name of the third persons or categories of third persons to whom it is necessary to release personal information for the purposes referred to in paragraph 3, and specifying that information or categories of information and those purposes;
- (10) if applicable, a mention as to the possibility that the personal information may be released outside Québec;
- (11) a brief description of the measures taken to ensure the confidentiality and security of personal information;
- (12) a mention of the right of the person concerned by the personal information to pursue the process for dealing with complaints regarding the protection of personal information provided for in the governance rules of the public body with respect to personal information, published under section 63.3 of the Act;
- (13) the contact information of the person, the concerned body or an administrative unit of that body to which questions regarding the confidentiality policy may be addressed;
- (14) the date of coming into force of the confidentiality policy and its most recent update, if applicable.

3. Certain public bodies may have a common confidentiality policy insofar as they are jointly collecting personal information.

Certain public bodies may also have a common confidentiality policy insofar as a public body collects personal information on behalf of other public bodies.

DIVISION III **NOTICE OF AMENDMENT**

4. A confidentiality policy may not be amended before the expiry of a period of 15 days from the date of publication of a notice of amendment of that policy or, if applicable, before the expiry of a shorter period mentioned in that notice of amendment. The notice must

- (1) indicate the date of its publication;
- (2) indicate the general purpose of the amendments made to the confidentiality policy, which must be specified in a section dedicated to the policy on the website of the public body;
- (3) indicate the date of coming into force of the amendments;
- (4) where the notice mentions a period shorter than the period of 15 days, indicate the reasons for which the policy must be amended in that shorter period.

DIVISION IV **PROVISIONS COMMON TO A CONFIDENTIALITY POLICY AND A NOTICE OF AMENDMENT**

5. Before being published, a confidentiality policy must be the subject of a consultation with the committee on access to information and the protection of personal information referred to in section 8.1 of the Act.

The same applies to any notice of amendment concerning a significant amendment to a policy.

6. A confidentiality policy and a notice of amendment must be published in a section dedicated to the policy on the website of the public body.

The most recent former version of the policy and the corresponding notice of amendment, if applicable, must also be published in that section. The public body must ensure that the former version of the policy is not mistaken for the version that is in force.

7. When personal information is collected by technological means, the confidentiality policy concerning that personal information and, if applicable, the notice of amendment of that policy must be brought to the attention of the person concerned by that information.

DIVISION V
FINAL

8. This Regulation comes into force on 1 January 2024.

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Gouvernement du Québec

O.C. 1570-2023, 25 October 2023

Québec Immigration Act
(chapter I-0.2.1)

Québec Immigration
— Amendment

Regulation to amend the Québec Immigration Regulation

WHEREAS, under section 9 of the Québec Immigration Act (chapter I-0.2.1), for each class of foreign nationals wishing to stay temporarily or settle permanently in Québec, the Government may, by regulation, determine immigration programs and, for each program, the selection conditions and any selection criteria applicable to foreign nationals;

WHEREAS, under section 12 of the Act, a foreign national who belongs to one of the classes listed in section 6 of the Act must be selected by the Minister of Immigration, Francization and Integration by obtaining the Minister's consent to the foreign national's stay and such consent is required, unless the foreign national is covered by an exemption provided for by government regulation;

WHEREAS, under the first paragraph of section 15 of the Act, the Government may, by regulation, determine the conditions an employer wishing to hire a foreign national who wishes to stay temporarily in Québec must comply with and may, in particular, determine the cases in which an employer must obtain a positive assessment from the Minister as to the employment offer's impact on Québec's labour market before hiring such a foreign national and the conditions the employer must meet to obtain such an assessment;

WHEREAS, under the second paragraph of section 22 of the Act, the Government determines, by regulation, which persons or groups of persons may file a sponsorship undertaking application with the Minister and the applicable conditions;

WHEREAS, under section 23 of the Act, an undertaking is entered into according to the terms and for the time prescribed by government regulation;

WHEREAS, under section 26 of the Act, the Government may, by regulation, determine that achieving a score obtained by applying a selection grid is one of the selection conditions referred to in section 9 of the Act and such a grid may include selection factors and criteria such as training, work experience and knowledge of French;

WHEREAS, under the first paragraph of section 29 of the Act, the Government may, by regulation, determine the conditions an employer wishing to hire a foreign national who wishes to settle permanently in Québec or a permanent resident who has already settled in Québec must comply with and it may, in particular, determine the cases in which an employer may, in order to facilitate a foreign national's selection for permanent immigration, file an application with the Minister for the validation of the employment offer and the conditions the employer must meet to obtain such validation;

WHEREAS, under the first paragraph of section 30 of the Act, subject to section 31 of the Act, the conditions applicable to a person who or a partnership that participates in the management of an investment or of a deposit of a sum of money by a person who files an application in the economic class are determined by government regulation;

WHEREAS, under the second paragraph of section 30 of the Act, the Government also determines, by regulation, conditions relating to the investment, deposit, management and disposition of the sums invested or deposited, including their reimbursement and confiscation;

WHEREAS, under the first paragraph of section 38 of the Act, despite section 19 of the Act and in the cases determined by government regulation, the Minister may select for permanent immigration a foreign national who does not meet a condition or selection criterion applicable to him or her if, after examining the application, the Minister is of the opinion that the foreign national can successfully settle in Québec;

WHEREAS, under paragraph 3 of section 56 of the Act, the Minister may refuse to examine a person's application in any other case provided for by government regulation;

WHEREAS, under the paragraph 6 of section 57 of the Act, the Minister may reject a person's application in any other case provided for by government regulation;