

Draft Regulation

Act respecting health and social services information
(chapter R-22.1)

Regulation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the application of certain provisions of the Act respecting health and social services information, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes that, in certain cases, a college- or university-level educational institution be considered a health and social services body referred to in Schedule II to the Act respecting health and social services information (chapter R-22.1).

The draft Regulation also determines

—the terms on which a person could give consent to the use or communication of health and social services information concerning him or her;

—the terms according to which a person could express his or her will to restrict or refuse access to health and social services information concerning him or her under section 7 or 8 of the Act respecting health and social services information;

—the conditions on which a service provider who is not a professional within the meaning of the Professional Code (chapter C-26) could be informed of the existence of and have access to health and social services information held by a health and social services body in one of the cases provided for in section 39 of the Act respecting health and social services information;

—the content of the register in which a health and social services body would have to record every technological product or service it uses;

—the content and terms of the notices that a health and social services body would have to send when a confidentiality incident could present a risk of serious injury, as well as the content of the register of confidentiality incidents that a health and social services body would have to keep.

The draft Regulation will have the following impacts on enterprises:

—indirect costs of approximately \$7M are estimated for implementation, followed by approximately \$2M per year for health and social services bodies that are also private enterprises relating to the application of the provisions concerning the conditions of access to health and social services information by health and social service providers who are not professionals within the meaning of the Professional Code;

—indirect costs of roughly just over \$1M annually are also estimated for the obligations of those bodies relating to the management of confidentiality incidents.

In accordance with the Politique gouvernementale sur l'allègement réglementaire et administratif – pour une réglementation intelligente, the draft Regulation underwent a regulatory impact analysis with respect to the above impacts on enterprises. The analysis is available for consultation on the website of the Ministère de la Santé et des Services sociaux.

Further information on the draft Regulation may be obtained by contacting Pier Tremblay, Direction de la gouvernance des données, Ministère de la Santé et des Services sociaux, 930, chemin Sainte-Foy, 4^e étage, Québec (Québec) G1S 2L4; email: pier.tremblay@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1; email: ministre@msss.gouv.qc.ca.

CHRISTIAN DUBÉ
Minister of Health

Regulation respecting the application of certain provisions of the Act respecting health and social services information

Act respecting health and social services information (chapter R-22.1, s. 4, 1st par., subpar. 5, s. 6, 5th par., ss. 9 and 39, s. 107, 1st par., s. 108, 4th par., and s. 110, 1st par.)

CHAPTER I OTHER HEALTH AND SOCIAL SERVICES BODY

1. A college- or university-level educational institution is considered a body referred to in Schedule II to the Act respecting health and social services information (chapter R-22.1) with respect to its activities related

to the provision of health services or social services, including the provision of such services to the students of that institution.

CHAPTER II TERMS FOR GIVING CONSENT AND FOR EXERCISING RIGHTS TO RESTRICT AND REFUSE ACCESS

DIVISION I CONSENT

2. In accordance with section 6 of the Act respecting health and social services information (chapter R-22.1), any person may give consent, verbally or in writing, to the use or communication of information concerning him or her.

That consent may be withdrawn, verbally or in writing, at any time.

DIVISION II RIGHTS OF RESTRICTION AND REFUSAL

§1. *Rights of restriction*

3. A person who wishes to restrict access to information concerning him or her under section 7 of the Act respecting health and social services information (chapter R-22.1) must inform in writing the body holding the information concerned.

The notice of restriction must contain

- (1) the name and contact information of the person concerned by the information;
- (2) the identity of the service provider or the category of service providers concerned by the restriction; and
- (3) a description of the information concerned by the restriction.

A notice concerning a minor under 14 years of age is made by the person having parental authority or the tutor. In addition to the information referred to in the second paragraph, the notice must indicate the name and contact information of the person who makes it. The same applies to a notice made by the representative of a person other than such a minor.

The notice must be signed by the person who makes it.

4. A person who wishes to withdraw or amend their restriction may do so at any time by sending a written request to the body.

The request must indicate the name and contact information of the person concerned by the information and, in the case of a request for amendment, the information referred to in subparagraph 2 or 3 of the second paragraph of section 3 as it should be amended.

The third and fourth paragraphs of that section apply, with the necessary modifications, to the request.

§2. *Right of refusal*

5. A person who wishes to refuse access to information concerning him or her under section 8 of the Act respecting health and social services information (chapter R-22.1) must inform the body concerned in writing.

The notice of refusal must contain

- (1) the name and contact information of the person concerned by the information;
- (2) the person or persons to whom the refusal applies, among the persons referred to in the first paragraph of section 8 of the Act respecting health and social services information; and
- (3) in the case of a refusal applicable to the persons referred to in subparagraph 4 of the first paragraph of that section, the information, research themes or categories of research activities covered by the refusal.

A notice concerning a minor under 14 years of age is made by the person having parental authority or the tutor. In addition to the information referred to in the second paragraph, the notice must indicate the name and contact information of the person who makes it. The same applies to a notice made by the representative of a person other than such a minor.

The notice must be signed by the person who makes it.

6. A person who wishes to withdraw or amend their refusal may do so at any time by sending a written request to the body.

The request must indicate the name and contact information of the person concerned by the information and, in the case of a request for amendment, the information referred to in subparagraph 2 or 3 of the second paragraph of section 5 as it should be amended.

The third and fourth paragraphs of that section apply, with the necessary modifications, to the request.

CHAPTER III**CONDITIONS OF ACCESS TO INFORMATION BY A SERVICE PROVIDER WHO IS NOT A PROFESSIONAL WITHIN THE MEANING OF THE PROFESSIONAL CODE**

7. A service provider who is not a professional within the meaning of the Professional Code (chapter C-26) may be informed of the existence of and have access to information held by a body in one of the cases provided for in section 39 of the Act respecting health and social services information (chapter R-22.1), where the service provider was granted an access authorization under this Chapter.

8. The person exercising the highest authority within a body or the health or social services professional designated by that person may grant an access authorization to a service provider referred to in section 7 who

(1) is a member of the body's personnel;

(2) completed the training with respect to the protection of information referred to in section 1 of the draft Regulation respecting the governance of health and social services information, published in Part 2 of the *Gazette officielle du Québec* of 21 February 2024, and underwent refresher training on that subject in accordance with section 2 of that Regulation; and

(3) undertakes in writing to exercise discretion and to refrain from disclosing confidential information that he or she may examine in the exercise of his or her functions, other than in accordance with the Act respecting health and social services information (chapter R-22.1).

For the purposes of subparagraph 1 of the first paragraph, a service provider who offers health services or social services as part of his or her studies within a college- or university-level educational institution referred to in section 1 is considered a personnel member, to the extent that such service offer is supervised by a health or social services professional.

9. The person exercising the highest authority within a body or the health or social services professional designated by that person may suspend, for the time he or she determines, an access authorization granted to a service provider who

(1) fails to undergo the refresher training referred to in subparagraph 2 of the first paragraph of section 8; or

(2) does not comply with the undertaking referred to in subparagraph 3 of the first paragraph of section 8.

The access authorization of a service provider who ceases to be a member of the body's personnel is revoked.

CHAPTER IV**REGISTER OF TECHNOLOGICAL PRODUCTS AND SERVICES**

10. The register of technological products and services provided for in section 107 of the Act respecting health and social services information (chapter R-22.1) must contain

(1) the type of technological product or service;

(2) a brief description of the technological product or service and the purposes for which it is used;

(3) the name of the technological product or service supplier;

(4) if applicable, an indication that the technological product or service is certified by the Minister; and

(5) if applicable, an indication that the technological product or service uses information to render a decision based exclusively on automated processing.

CHAPTER V**NOTICE OF CONFIDENTIALITY INCIDENTS AND REGISTER OF CONFIDENTIALITY INCIDENTS****DIVISION I****NOTICE TO THE MINISTER AND TO THE COMMISSION D'ACCÈS À L'INFORMATION**

11. The notice to the Minister and to the Commission d'accès à l'information that a confidentiality incident presents a risk of serious injury, made under the second paragraph of section 108 of the Act respecting health and social services information (chapter R-22.1), must be in writing and must contain

(1) the name of the body affected by the confidentiality incident;

(2) the name and contact information of the person to be contacted in that body with regard to the incident;

(3) a description of the information concerned by the incident or, if that information is not known, the reasons why it is impossible to provide such a description;

(4) a brief description of the circumstances of the incident and what caused it, if known;

(5) the date or time period when the incident occurred or, if that is not known, the approximate time period;

(6) the date or time period when the body became aware of the incident;

(7) the number of persons concerned by the incident and the number of those who reside in Québec or, if that is not known, the approximate numbers;

(8) a description of the elements that led the body to conclude that there is a risk of serious injury to the persons concerned, such as the sensitivity of the information concerned, any possible ill-intentioned uses of such information, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes;

(9) the measures the body has taken or intends to take to notify the persons concerned by the incident, under the second paragraph of section 108 of the Act respecting health and social services information, and the date on which such persons were notified, or the expected time limit for the notification;

(10) the measures the body has taken or intends to take after the incident occurred, including those aimed at reducing the risk of injury or mitigating any such injury and those aimed at preventing new incidents of the same nature, and the date or time period on which the measures were taken or the expected time limit for taking the measures; and

(11) if applicable, an indication that a person or body outside Québec that exercises similar functions to those of the Commission d'accès à l'information with respect to overseeing the protection of personal information has been notified of the incident.

12. The body must send to the Minister and the Commission d'accès à l'information all the information listed in section 11 that it becomes aware of after sending the notice described therein. The additional information must promptly be sent after the body becomes aware of it.

DIVISION II NOTICE TO THE PERSONS CONCERNED

13. The notice to persons whose information is concerned by a confidentiality incident presenting a risk of serious injury, made under the second paragraph of section 108 of the Act respecting health and social services information (chapter R-22.1), must contain

(1) a description of the information concerned by the incident or, if that information is not known, the reason why it is impossible to provide such a description;

(2) a brief description of the circumstances of the incident;

(3) the date or time period when the incident occurred or, if that is not known, the approximate time period;

(4) a brief description of the measures the body has taken or intends to take after the incident occurred in order to reduce the risks of injury;

(5) the measures that the body suggests the person concerned take in order to reduce the risk of injury or mitigate any such injury; and

(6) the contact information where the person concerned may find out more about the incident.

14. The notice referred to in section 13 is sent to the persons concerned by the confidentiality incident.

The notice may also be made by way of a public notice if there is a need to act rapidly to reduce the risk of a serious injury or to mitigate any such injury. In such cases, the body must still send a notice to the person concerned with proper diligence.

Despite the first and second paragraphs, the notice is made only by way of a public notice when the fact of sending such notice is likely to cause increased injury to the person concerned or when the fact of sending such notice is likely to cause undue hardship for the body, including when the body does not have the contact information for the person concerned.

A public notice may be made by any method that could be reasonably expected to reach the person concerned.

DIVISION III REGISTER OF CONFIDENTIALITY INCIDENTS

15. The register of confidentiality incidents provided for in section 110 of the Act respecting health and social services information (chapter R-22.1) must contain

(1) a description of the information concerned by the incident or, if that information is not known, the reason why it is impossible to provide such a description;

(2) a brief description of the circumstances of the incident;

(3) the date or time period when the incident occurred or, if that is not known, the approximate time period;

(4) the date or time period when the body became aware of the incident;

(5) the number of persons concerned by the incident or, if that is not known, the approximate number;

(6) a description of the elements that led the body to conclude whether or not there is a risk of serious injury to the persons concerned, such as the sensitivity of the information concerned, any possible ill-intentioned uses of such information, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes;

(7) if the incident presents a risk of serious injury, the transmission dates of the notices to the Minister, the Commission d'accès à l'information and the persons concerned by the incident, under the second paragraph of section 108 of the Act respecting health and social services information, as well as an indication of whether the body issued public notices and its reason for doing so, if applicable; and

(8) a brief description of the measures the body has taken after the incident occurred in order to reduce the risks of injury.

16. The information in the registers must be kept up to date and kept for at least 5 years after the date or time period when the body became aware of the incident.

CHAPTER VI FINAL

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

106704

Draft Regulation

Building Act
(chapter B-1.1)

Safety Code — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Safety Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends Chapter VIII, Building, of the Safety Code (chapter B-1.1, r. 3) to incorporate by reference the 2020 edition of the National Fire Code of Canada, to which amendments were made to meet specific needs in Québec. The draft Regulation provides for the renewal of most of the amendments for Québec made to the previous edition.

The measures proposed could result in additional maintenance and operational costs estimated at \$440.9 million.

Further information on the draft Regulation may be obtained by contacting Zine Eddine Aizel, advisor, Régie du bâtiment du Québec, 255, boulevard Crémazie Est, bureau 100, Montréal (Québec) H2M 1L5; email: projet.reglement@rbq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Caroline Hardy, Secretary General, Director, institutional affairs, Régie du bâtiment du Québec, 800, place D'Youville, 16e étage, Québec (Québec) G1R 5S3; email: projet.reglement.commentaires@rbq.gouv.qc.ca.

MICHEL BEAUDOIN
President and Chief Executive Officer,
Régie du bâtiment du Québec

Regulation to amend the Safety Code

Building Act
(chapter B-1.1, s. 175, 1st and 2nd pars., 3rd par., subpars. 1 to 7, ss. 176, 176.1 and 178, section 185, pars. 0.1, 0.2, 0.3, 5, 20, 33 and 38, and section 192)

1. The Safety Code (chapter B-1.1, r. 3) is amended in section 344

(1) by replacing “July” in the text in the third and fourth rows of the left-hand column of the table by “January”;

(2) by replacing the sentence in the left-hand column of the last line of the table by the following:

“Building constructed or altered between 8 January 2022 and (*insert the date corresponding to the day preceding the date of coming into force of this Regulation*):”;