

**35.** The plan's degree of solvency established before (*insert the date of coming into force of this Regulation*) for the purposes of payment referred to in section 83 pursuant to section 84, as the provisions read on that date, based on the date on which the pension committee received the application to exercise the rights referred to in section 38 may be used for payment purposes.

**36.** Subdivision 13 of Division X, enacted by section 27 of this Regulation, does not apply to member-funded pension plans for the purpose of liquidating benefits where the notice referred to in section 200 or 204 of the Act was sent before the actuarial valuation referred to in section 33 was sent to Retraite Québec. The provisions, in force on (*insert the date that occurs before the date of coming into force of this Regulation*), apply for the purpose of liquidating the benefits of members and beneficiaries affected by the withdrawal of an employer or the termination of the plan.

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

106728

## Draft Regulation

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

### Rules regarding the governance of health and social services information

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

The draft Regulation sets out the rules that would govern the health and social services information held by health and social services bodies. In that regard, the draft Regulation provides for responsibilities that would be incumbent on those bodies, terms for keeping and destroying information, and rules for the maintenance and evaluation of technological products or services.

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<sup>e</sup> 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<sup>e</sup> étage, Québec (Québec) G1S 2M1; email: ministre@msss.gouv.qc.ca.

CHRISTIAN DUBÉ  
*Minister of Health*

## Regulation respecting the governance of health and social services information

Act respecting health and social services information  
(chapter R-22.1, s. 90, 1st par., 2nd par., subpars. 1, 2 and 4)

### CHAPTER I RESPONSIBILITIES OF BODIES

**1.** A body must ensure that the members of its personnel and the professionals practising their profession within the body, including students and trainees, receive training regarding the protection of information recognized by the Minister as soon as they begin working or practising their profession within the body.

**2.** A body must see to it that the members of its personnel and the professionals practising their profession within the body, including students and trainees, undergo refresher training regarding the protection of information on an annual basis.

The refresher training concerns, in particular,

(1) the roles and responsibilities of the members of the body's personnel and of the professionals practising their profession within the body, including students and trainees, with regard to the information held by the body;

(2) the rules and terms for keeping, destroying and anonymizing information;

(3) the security measures for ensuring the protection of information put in place by the body, in particular to minimize the risk of a confidentiality incident;

(4) the procedure for processing confidentiality incidents; and

(5) the safe use of the body's technological products or services.

**3.** A body must keep proof of any consent it receives in accordance with section 6 of the Act respecting health and social services information (chapter R-22.1).

**4.** A body must identify, from among the members of its personnel and the professionals practising their profession within the body, a person in charge of communicating with the person who makes a notice of restriction under section 3 of the Regulation respecting the application of certain provisions of the Act respecting health and social services information, published as a draft in Part 2 of the *Gazette officielle du Québec* of 21 February 2024, in order to adequately inform the person, in clear and simple language, of the potential consequences and risks associated with exercising the right of restriction.

**5.** A body must take the necessary measures to ensure that the information it holds remains usable despite any incident affecting the medium on which it is stored.

**6.** At least once a year, a body must

(1) analyze the relevance of the categories of persons identified in the body's information governance policy adopted under section 105 of the Act respecting health and social services information (chapter R-22.1) and, where applicable, review those categories; and

(2) assess the compliance of the logging mechanisms and the effectiveness of the security measures put in place to ensure the protection of the information that the body holds and, where applicable, review those mechanisms and measures.

**7.** A body must, on a monthly basis, analyze accesses to the information it holds and all other uses and communications of that information, in particular to detect situations that do not comply with applicable standards and, where applicable, to take the appropriate measures.

Despite the first paragraph, a body referred to in Schedule II to the Act respecting health and social services information (chapter R-22.1) has an obligation to conduct such an analysis at least once a year.

**8.** A body, other than a body referred to in Schedule II to the Act respecting health and social services information (chapter R-22.1), must set up a committee on the governance of information responsible for supporting the person exercising the highest authority within the body in the exercise of the person's responsibilities under the Act respecting health and social services information.

The committee is under the responsibility of the person exercising the highest authority within the body. The committee is composed of the person in charge of the protection of information, the person designated under section 16 of this Regulation, and any other person whose expertise is required, including, where applicable, the person responsible for document management.

**9.** A body must ensure that records containing information it holds are kept in a manner that ensures their integrity.

In addition, information entered or recorded on the same medium must be entered or recorded in a uniform manner so as to facilitate its use or communication.

## CHAPTER II TERMS FOR KEEPING AND DESTROYING INFORMATION

**10.** A body must keep the information it holds in a manner that ensures its protection at all times, in particular by taking the necessary measures to control access to the premises where the information is kept.

**11.** A body must ensure that the information it holds that is subject to a restriction of access under section 7 of the Act respecting health and social services information (chapter R-22.1) or a refusal of access under section 8 of the Act is kept in a manner that complies with that restriction or refusal.

**12.** The destruction of any information held by a body must be done in a secure manner adapted to the sensitivity of the information and the medium on which it is stored, in keeping with generally accepted best practices. The destruction must be irreversible to prevent the reconstitution of the information.

**13.** Where the destruction of information held by a body is entrusted to a third person, the body must enter into a contract in writing with the third person for that purpose.

In addition to the elements referred to in the second paragraph of section 77 of the Act respecting health and social services information (chapter R-22.1), the contract must set out

(1) the procedure for the destruction of the information;

(2) where applicable, the third person's obligation to render an account to the body of the destruction of the information; and

(3) the obligation, for a third person that retains a person or group to perform the contract, to notify the body and ensure that the person or group complies with the other obligations incumbent on the third person under the contract.

For the purposes of subparagraph 3 of the second paragraph, the confidentiality agreement provided for in subparagraph *a* of subparagraph 3 of the second paragraph of

section 77 of the Act respecting health and social services information (chapter R-22.1) and the notice provided for in subparagraph *c* of that subparagraph must be sent to the third person by the person or group.

**14.** A body must keep proof of any destruction of information.

### CHAPTER III MAINTENANCE AND EVALUATION OF TECHNOLOGICAL PRODUCTS OR SERVICES

**15.** A body must take the necessary measures to avoid or mitigate any potential impact on the exercise of its functions or the carrying on of its activities due to the fact that a technological product it uses no longer complies with its intended use or a technological service it uses is no longer provided.

To that end, the body must, in particular, keep a calendar of the known or expected dates on which such products or services are to be terminated for the purpose of analyzing, in a timely manner, the relevance of maintaining or replacing them.

**16.** A body must designate, from among the members of its personnel and the professionals practising their profession within the body, a person in charge of ensuring the application of the standards applicable to the technological products or services the body uses, in particular the special rules defined by the network information officer under section 97 of the Act respecting health and social services information (chapter R-22.1).

That person is also in charge of supervising the implementation and maintenance of the security measures for ensuring the protection of the information contained in those products or services.

**17.** At least once every other year, a body must ensure that the products or services it uses undergo an evaluation pertaining to the standards referred to in the first paragraph of section 16 of this Regulation.

However, such an evaluation must be conducted every time a special rule referred to in that paragraph and pertaining to such a product or service is modified.

### CHAPTER IV FINAL

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

106729

## Draft Regulation

Act respecting health services and social services  
(chapter S-4.2)

Act to increase the supply of primary care services and to improve the management of that supply  
(SQ 2022, chapter 16)

### Health services and social services that may be provided and activities that may be conducted from a distance

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance, appearing below, may be made by the Minister of Health on the expiry of 45 days following this publication.

The draft Regulation determines the conditions under which health services and social services provided by health and social services institutions, as well as insured services within the meaning of the Health Insurance Act (chapter A-29) provided by professionals working or practising in specialized medical centres and private health facilities, may be provided from a distance. It does the same with regard to activities organized by health and social services institutions.

The draft Regulation regulates the provision from a distance of health services and social services, in particular to ensure the quality of those services for the benefit of the patients concerned. It imposes additional obligations on health and social services institutions, as well as on health professionals working or practising in specialized medical centres and private health facilities who offer insured services within the meaning of the Health Insurance Act.

Further information on the draft Regulation may be obtained by contacting Elizabeth Arpin, Assistant Director General, Direction générale adjointe des services hospitaliers, du médicament et de la pertinence clinique, Ministère de la Santé et des Services sociaux, 2021, avenue Union, Montréal (Québec) H3A 2S9; telephone: 514 831-6665; email: elizabeth.arpin@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<sup>e</sup> étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ  
*Minister of Health*