

6. Where the total number of full-time students determined under paragraphs 2 to 4 and 7 to 10 of section 3 of this Regulation exceeds by 200 or 2% the total number of full-time students determined for the 2023-2024 school year under paragraphs 2 to 4 and 7 to 10 of section 3 of the Regulation respecting computation of the amount for financing the local needs of school service centres for the 2023-2024 school year (chapter I-13.3, r. 2.5) and is at least 200 or 2% lower than the total number of full-time students in the categories referred to in paragraphs 2, 3, 4 and 7 to 10 of section 3 of this Regulation, established according to the Minister's school enrolment estimates for the 2024-2025 school year, paragraphs 2 to 4 of section 3 of this Regulation are to be read as follows:

“(2) calculating the number of 5-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established according to the Minister's school enrolment estimates for the 2024-2025 school year, except students referred to in paragraphs 7 and 8;

“(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established according to the Minister's school enrolment estimates for the 2024-2025 school year, except students referred to in paragraphs 7 and 9;

“(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established according to the Minister's school enrolment estimates for the 2024-2025 school year, except students referred to in paragraphs 7 and 10;”.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

106887

Gouvernement du Québec

O.C. 947-2024, 5 June 2024

Act respecting health and social services information and amending various legislative provisions (2023, chapter 5)

Regulation

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

WHEREAS, under subparagraph 5 of the first paragraph of section 4 of the Act respecting health and social services information and amending various legislative provi-

sions (2023, chapter 5), for the purposes of the Act, any other person or group determined by government regulation are health and social services bodies, to the extent determined by the Government;

WHEREAS, under the fifth paragraph of section 6 of the Act, a government regulation may determine the terms on which a person may give consent;

WHEREAS, under section 9 of the Act, a person's will to restrict or refuse access to health and social services information concerning him or her under section 7 or 8 of the Act must, to have effect, be expressed explicitly, in accordance with the terms determined by government regulation;

WHEREAS, under section 39 of the Act, 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 health and social services information held by a body in the health and social services sector on the conditions determined by government regulation in the cases provided for in that section;

WHEREAS, under the first paragraph of section 107 of the Act, a body in the health and social services sector must record in a register every technological product or service it uses and a government regulation may determine the content of the register;

WHEREAS, under the fourth paragraph of section 108 of the Act, a government regulation may determine the content and terms of the notices provided for in that section;

WHEREAS, under the first paragraph of section 110 of the Act, a body in the health and social services sector must keep a register of confidentiality incidents and a government regulation may determine the content of the register;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the application of certain provisions of the Act respecting health and social services information was published in Part 2 of the *Gazette officielle du Québec* of 21 February 2024 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 of Health:

THAT the Regulation respecting the application of certain provisions of the Act respecting health and social services information, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

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

Act respecting health and social services information and amending various legislative provisions (2023, chapter 5, 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-level educational institution or a university-level educational institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) is considered a body referred to in Schedule II to the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) 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 and amending various legislative provisions (2023, chapter 5), 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 and

amending various legislative provisions (2023, chapter 5) 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 and amending various legislative provisions (2023, chapter 5) 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 amending various legislative provisions; 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 and amending various legislative provisions (2023, chapter 5), 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 training with respect to the protection of information referred to in section 1 of the Regulation respecting the governance of health and social services information (*insert the reference to the Compilation of Québec Laws and Regulations*) 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 and amending various legislative provisions (2023, chapter 5).

Despite subparagraph 1 of the first paragraph, the following service providers may be granted an access authorization where they meet the conditions set out in subparagraphs 2 and 3 of the first paragraph:

(1) a student or a trainee, to the extent that the service offer is supervised by a health or social services professional as part of the studies of the student or trainee within a college- or university-level educational institution referred to in section 1;

(2) a volunteer who carries on activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26);

(3) an employee supplied by a personnel placement agency required to hold a personnel placement agency licence under section 92.5 of the Act respecting labour standards (chapter N-1.1) or a person who is independent labour referred to in section 338.2 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or section 668 of the Act to make the health and social services system more effective (2023, chapter 34).

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 and amending various legislative provisions (2023, chapter 5) 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 and amending various legislative provisions (2023, chapter 5), 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 amending various legislative provisions, 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 and amending various legislative provisions (2023, chapter 5), 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 and amending various legislative provisions (2023, chapter 5) 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 and amending various legislative provisions, 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 **TRANSITIONAL AND FINAL**

17. Until the date of coming into force of section 10.3.4 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), made by section 217 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), an organization that coordinates organ or tissue donations, designated by the Minister in accordance with section 2.0.11 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), is considered a body referred to in Schedule I to the Act.

18. Until 1 December 2024, section 8 of this Regulation must be read by replacing subparagraph 3 of the second paragraph by the following:

“(3) an employee supplied by a personnel placement agency required to hold a personnel placement agency licence under section 92.5 of the Act respecting labour standards (chapter N-1.1) or a person who is independent labour referred to in section 338.2 of the Act respecting health services and social services (chapter S-4.2).”

19. This Regulation comes into force on 1 July 2024.

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