

## Draft Regulations

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### Draft Regulation

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

Act respecting the protection of personal information in the private sector (chapter P-39.1)

### Anonymization of personal information

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 156 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), that the Regulation respecting the anonymization of personal information, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation, for the purposes of section 73 of the Act respecting Access to documents held by public bodies and the Protection of personal information and section 23 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), determines the criteria and terms applicable to the anonymization of personal information.

The draft Regulation guarantees that the personal information of citizens will be anonymized according to a rigorous process that will significantly reduce the re-identification risks associated with anonymization, thereby protecting the privacy of citizens.

Since the anonymization of personal information is optional, the draft Regulation will have an impact only on public bodies and on enterprises that choose to use anonymization.

Further information on the draft Regulation may be obtained by contacting François Verreau-Verge, lawyer, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875, Grande Allée Est, bureau 3.501, Québec (Québec) G1R 4Y8; telephone: 418 528-8024, extension 8992; email: francois.verreau-verge@mce.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Samuël, Director, Direction de l'accès à

l'information et de la protection des renseignements personnels, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875 Grande Allée Est, bureau 3.265, Québec (Québec) G1R 4Y8; email: daiprp@mce.gouv.qc.ca.

JEAN-FRANÇOIS ROBERGE

*Minister Responsible for Access to Information and the Protection of Personal Information*

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### Regulation respecting the anonymization 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. 6.3)

Act respecting the protection of personal information in the private sector (chapter P-39.1, s. 90, 1st par., subpar. 3.2)

### DIVISION I

#### SCOPE AND DEFINITIONS

**1.** This Regulation applies to all public bodies 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), and any person carrying on an enterprise and referred to in the Act respecting the protection of personal information in the private sector (chapter P-39.1).

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

**2.** In this Regulation,

“correlation criterion” means the inability to connect datasets concerning the same person;

“individualization criterion” means the inability to isolate or distinguish a person within a dataset;

“inference criterion” means the inability to infer personal information from other available information;

“body” means a public body, a person carrying on an enterprise or a professional order to which this Regulation applies.

**DIVISION II****CRITERIA AND TERMS APPLICABLE TO THE ANONYMIZATION OF PERSONAL INFORMATION**

**3.** Before beginning a process of anonymization, a body must establish the purposes for which it intends to use the anonymized personal information. The body must ensure that those purposes are consistent with section 73 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 23 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), as the case may be.

If a body wishes to use anonymized information for purposes other than those established before beginning the process of anonymization in accordance with the first paragraph, the body must, before using that anonymized information, ensure that those purposes are consistent with, as the case may be, section 73 or section 23.

**4.** The process of anonymization must be carried out under the supervision of a person qualified in the field.

**5.** At the beginning of a process of anonymization, a body must remove from the information it intends to anonymize all personal information that allows the person concerned to be directly identified.

The body must then conduct a preliminary analysis of the re-identification risks considering in particular the individualization criterion, the correlation criterion and the inference criterion, as well as the risks of other information available, in particular in the public space, being used to identify a person directly or indirectly.

**6.** On the basis of the re-identification risks determined in accordance with the second paragraph of section 5, a body must establish the anonymization techniques to be used, which must be consistent with generally accepted best practices. The body must also establish protection and security measures to reduce re-identification risks.

**7.** After implementing the anonymization techniques established for the process of anonymization and the protection and security measures in accordance with section 6, a body must conduct an analysis of the re-identification risks.

The results of the analysis must show that it is, at all times, reasonably foreseeable in the circumstances that the information produced further to a process of anonymization irreversibly no longer allows the person to be identified directly or indirectly.

For the purposes of the second paragraph, it is not necessary to demonstrate that zero risk exists. However, taking into account the following elements, the results of the analysis must show that the residual risk of re-identification is very low:

(1) the circumstances related to the anonymization of personal information, in particular the purposes for which the body intends to use the anonymized information;

(2) the nature of the information;

(3) the individualization criterion, the correlation criterion and the inference criterion;

(4) the risks of other information available, in particular in the public space, being used to identify a person directly or indirectly; and

(5) the measures required to re-identify the persons, taking into account the efforts, resources and expertise required to implement those measures.

**8.** A body must regularly assess the information it has anonymized to ensure that it remains anonymized. For that purpose, the body must update the analysis of the re-identification risks it conducted under section 7. The update must consider, in particular, technological advancements that may contribute to the re-identification of a person.

The results of the analysis must be consistent with the second paragraph of section 7. If they are not, the information is no longer considered anonymized.

**9.** A body that anonymizes personal information must record the following information in a register:

(1) a description of the anonymized personal information;

(2) the purposes for which the body intends to use anonymized personal information;

(3) the anonymization techniques used and the protection and security measures established in accordance with section 6;

(4) a summary of the results of the re-identification risk analysis conducted in accordance with section 7 or, as the case may be, section 8; and

(5) the date on which the re-identification risk analysis conducted in accordance with section 7 was completed and, as the case may be, the date on which the update of the analysis conducted in accordance with section 8 was completed.

## DIVISION III FINAL

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

106606

### Draft Regulation

Highway Safety Code  
(chapter C-24.2)

#### Road vehicle registration — 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 Regulation respecting road vehicle registration, appearing below, may be made by the Government on the expiry of 45 days following this publication.

This draft Regulation requires the first owner of a military-type road vehicle applying for the registration and the right to operate the vehicle on any public highway to provide a certificate by an engineer stating that the vehicle is safe to operate. The Regulation also provides that military-type road vehicles can be registered as road vehicles with limited area of operation.

In addition, the draft Regulation provides for the possibility to obtain a temporary registration certificate for a vehicle that, in order to be operated, must undergo technical appraisal for the purpose of dynamic recalibration of the vehicle's advanced driver assistance systems.

Lastly, the draft Regulation updates the definition of all-terrain vehicle and makes amendments that are consequential to the coming into force of the Act respecting off-highway vehicles (chapter V-1.3) as regards the contribution to be paid by the owners of off-highway vehicles for registering a snowmobile.

This draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting François Fortin, Director, Direction générale de l'expertise légale et de la sécurité des véhicules, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, E-4-34, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418-528-4438; email: francois.fortin@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; email: nadia.fournier@saaq.gouv.qc.ca. Comments will be forwarded by the Société to the Minister of Transport and Sustainable Mobility.

GENEVIÈVE GUILBAULT  
*Minister of Transport and Sustainable Mobility*

### Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code  
(chapter C-24.2, s. 618, pars. 2, 4.1, 7, 10, 11.0.1 and 12)

**1.** The Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended in section 2 by replacing the definition of all-terrain vehicle in the first paragraph by the following:

“all-terrain vehicle” means a quad bike, a recreational off-road vehicle, a trail bike, such as a motocross motorcycle, and any other motorized vehicle, except snowmobiles, adapted or designed mainly for operation on uneven surfaces or on land that is unpaved or difficult to access, in particular on surfaces consisting of snow, ice, earth, sand or gravel, as well as in wooded areas and other natural settings;”.

**2.** The following is inserted after section 43:

“**43.1.** Where a road vehicle must undergo technical appraisal provided for in Title IX.1 of the Highway Safety Code (chapter C-24.2), a temporary registration certificate may be issued to the owner to allow for the vehicle to be put back into operation only for the dynamic recalibration of the advanced driver assistance systems. The certificate is valid for 12 hours and may be renewed only once.

Despite the first paragraph, the Société may issue additional temporary registration certificates, each valid for 12 hours, provided the owner proves, prior to issue, that the dynamic recalibration of the advanced driver assistance systems could not be successfully conducted.

The owner is exempt from payment of the registration fees otherwise payable for the temporary registration of a road vehicle and for the right to operate the vehicle temporarily.