Bill 64 Changes to the Quebec Act respecting Access to documents held by public bodies and the Protection of personal information, Chapter A-2.1

CHAPTER I

APPLICATION AND INTERPRETATION

1. This Act applies to documents kept by a public body in the exercise of its duties, whether it keeps them itself or through the agency of a third party.

This Act applies whether the documents are recorded in writing or print, on sound tape or film, in computerized form, or otherwise.

1.1. This Act also applies to documents held by a professional order, to the extent provided by the Professional Code (chapter C-26).

2. This Act does not apply to

(1) the acts and the register of civil status;

(2) the registers and other documents kept in registry offices for publication purposes;

(3) (paragraph replaced);

(3.1) the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1);

(4) private archives referred to in section 27 of the Archives Act (chapter A-21.1).

2.1. Access to documents contained in a file respecting the adoption of a person held by a public body and the protection of the personal information contained in such a file are governed by the Civil Code and other legislation respecting adoption.

In respect of the personal information contained in such a file, this Act applies only to allow the Commission to exercise the duty contemplated in paragraph 5 of section 123 and the powers contemplated in subparagraph 2 of the first paragraph of section 127 and in section 128.1.

2.2. Access to documents contained in a file held by the Public Curator on a person whom he represents or whose property he administers, and the protection of the personal information contained in such a file, are governed by the Public Curator Act (chapter C-81).

In respect of the personal information contained in such a file, this Act applies only to allow the Commission to exercise the duty contemplated in paragraph 6 of section 123 and the powers contemplated in subparagraph 3 of the first paragraph of section 127 and in section 128.1.

3. The Government, the Conseil exécutif, the Conseil du Trésor, the government departments and agencies, municipal and school bodies and the health services and social services institutions are public bodies.

For the purposes of this Act, the Lieutenant-Governor, the National Assembly, agencies whose members are appointed by the Assembly and every person designated by the Assembly to an office under its jurisdiction, together with the personnel under its supervision, are classed as public bodies.

The courts within the meaning of the Courts of Justice Act (chapter T-16) are not public bodies.

4. Government agencies include agencies not contemplated in sections 5 to 7 to which the Government or a minister appoints the majority of the members, to which, by law, the personnel are appointed in accordance with the Public Service Act (chapter F-3.1.1), or whose capital stock forms part of the domain of the State.

For the purposes of this Act, the Public Curator is a Government agency to the extent that he holds documents other than those referred to in section 2.2.

For the purposes of this Act, a person appointed by the Government or a minister, together with the personnel he manages, is, in respect of the exercise of the functions assigned to him by law, by the Government or by the Minister, to be a Government agency.

5. Municipal bodies include

(1) a municipality, a metropolitan community, an intermunicipal board, a public transit authority and the Kativik Regional Government;

(2) any body declared by law to be the mandatary or agent of a municipality, and any body whose board of directors is composed in the majority of members of the council of a municipality;

(2.1) any body whose board of directors includes at least one elected municipal officer sitting on the board in that capacity and for which a municipality or a metropolitan community adopts or approves the budget or contributes more than half the financing;

(3) a mixed enterprise company established under the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) and a similar body established under a private Act, in particular the legal persons constituted under chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004.

The James Bay Regional Administration and any delegate organization referred to in section 126.4 of the Municipal Powers Act (chapter C-47.1) are considered municipal bodies for the purposes of this Act.

However, the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) are not municipal bodies.

6. School bodies include regional school boards, the Comité de gestion de la taxe scolaire de l'île de Montréal, institutions whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), general and vocational colleges and the university institutions mentioned in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

They also include institutions accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1) and the persons that operate them, as regards the documents held in the performance of their duties relating to the educational services covered by the accreditation and to the management of the resources assigned to those services.

7. Health and social services institutions include public institutions governed by the Act respecting health services and social services (chapter S-4.2), private institutions governed by that Act which operate with sums of money from the Consolidated Revenue Fund, agencies referred to in that Act and a health communication centre established under the Act respecting pre-hospital emergency services (chapter S-6.2).

Health and social services institutions also include public institutions governed by the Act respecting health services and social services for Cree Native persons (chapter S-5), private institutions governed by that Act which operate with sums of money from the Consolidated Revenue Fund and regional health and social services councils established under that Act.

8. The person exercising the highest authority ~~in~~within a public body shall ~~perform the duties conferred by~~see to ensuring that this Act ~~on~~is implemented and complied with within the body. That person shall exercise the function of person in charge of access to documents ~~or of~~and the function of person in charge of the protection of personal information.

~~However, that person may designate~~All or part of those functions may be delegated in writing to a member of the public body or of its board of directors, as the case may be, or to a member of ~~its~~the management ~~staff~~personnel.

Where the person exercising the highest authority within a public body does not exercise those functions himself, he must see to it that such exercise is facilitated.

The public body must, as soon as possible, notify the Commission in writing of the title, contact information and starting date of the person who exercises the function of person in charge~~, and delegate all or part of his duties to him.~~ of access to documents and those of the person who exercises the function of person in charge of the protection of personal information.

~~The delegation must be made in writing, and the delegator must send a notice of it to the Commission d'accès à l'information.~~

8.1. Within a public body, a committee on access to information and the protection of personal information is responsible for supporting the body in the exercise of its responsibilities and the performance of its obligations under this Act. The committee shall also exercise the functions entrusted to it by this Act.

The committee is under the responsibility of the person exercising the highest authority within the public body or, in the case of a government department, of the deputy minister and, in the case of a municipality or a school board, of the director general. It is composed of the person in charge of access to documents, the person in charge of the protection of personal information and any other person whose expertise is required, including, if applicable, the person responsible for information security and the person responsible for document management.

A government regulation may exempt a public body from the obligation to establish such a committee or modify a body's obligations according to criteria it defines.

CHAPTER II

ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES

DIVISION I

RIGHT OF ACCESS

9. Every person has a right of access, on request, to the documents held by a public body.

The right does not extend to personal notes written on a document or to sketches, outlines, drafts, preliminary notes or other documents of the same nature.

10. The right of access to a document may be exercised by examining it on the premises during regular working hours or by remote access.

The applicant may also obtain a copy of the document, unless reproducing it would endanger its preservation or raise serious practical difficulties owing to its form.

At the request of the applicant, computerized documents must be communicated in the form of a written and intelligible transcript.

If the applicant is a handicapped person, reasonable accommodation must be provided on request to enable the applicant to exercise the right of access provided for in this division. For that purpose, the public body must take into account the policy established under section 26.5 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

11. Access to a document is free of charge.

However, a fee not greater than the cost of transcription, reproduction or transmission of the document may be charged to the applicant.

The amount and the terms of payment of the fee are prescribed by government regulation. The regulation may prescribe the cases where a person is exempt from payment and must be consistent with the policy established under section 26.5 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

A public body which intends to charge a fee under this section shall, before transcribing, reproducing or transmitting a document, inform the applicant of the approximate amount that will be charged to him. In a case of access to more than one document, the transcription or reproduction fee for each document identified must be clearly set out.

12. The exercise of the right of access to a document is subject to the rights respecting intellectual property.

13. The right of access to a document produced by or for a public body and having been published or distributed is exercised by examining the document on the premises during regular working hours or by remote access or by procuring enough information to enable the applicant to examine or obtain the document where it is available.

Furthermore, the right of access to a document produced by or for a public body and that is to be distributed or published six months or less after the request for access shall be exercised by an applicant in one or more of the following ways:

(1) examining the document on the premises during regular working hours or by remote access;

(2) procuring sufficient information to enable him to examine the document where it is available or to obtain it at the time of its publication or distribution;

(3) obtaining the document on loan, provided that that does not compromise its publication or distribution.

This section does not limit the right of access to a document distributed in accordance with section 16.1.

14. No public body may deny access to a document for the sole reason that it contains certain information that, according to this Act, it must or may refuse to release.

Where a request pertains to a document containing such information, the public body may deny access thereto where the information forms the substance of the document. In other cases, the public body must give access to the requested document after deleting only the information to which access is not authorized.

15. The right of access applies only to documents that can be released without requiring computation or comparison of information.

16. A public body must classify its documents in such a manner as to allow their retrieval. It must set up and keep up to date a list setting forth the order of classification of the documents. The list must be sufficiently precise to facilitate the exercise of the right of access.

For a public body referred to in paragraph 1 of the schedule to the Archives Act (chapter A-21.1), a classification plan takes the place of the list setting forth the order of classification of its documents.

A person has a right of access to the list or the classification plan on request, except as regards information confirmation of the existence of which may be refused under this Act

16.1. A public body, except the Lieutenant-Governor, the National Assembly or a person designated by the National Assembly to an office under its jurisdiction, must distribute through a web site the documents or information made accessible by law that are identified by regulation of the Government, and implement the measures promoting access to information enacted by the regulation.

17. The Commission shall distribute and update an index giving, for each public body, the title, address and telephone number of the person in charge of access to documents and of the person in charge of the protection of personal information.

DIVISION II

RESTRICTIONS TO THE RIGHT OF ACCESS

§ 1. — Information affecting intergovernmental relations

18. The Government or one of its departments may refuse to release information received from a government other than that of Québec, an agency of such a government or an international organization.

Similarly, the Lieutenant-Governor, the Conseil exécutif and the Conseil du trésor may refuse to release the information described.

19. A public body may refuse to release information if its disclosure would likely be detrimental to relations between the Gouvernement du Québec and another government or an international organization.

§ 2. — Information affecting negotiations between public bodies

20. A public body may refuse to release information if its disclosure would likely hamper negotiations in progress with another public body in a field within their competence.

§ 3. — Information affecting the economy

21. A public body may refuse to release or to confirm the existence of information if, as a result of its disclosure, borrowings, proposed borrowings, transactions or proposed transactions relating to property, services or works, a proposed tariffing, taxation or imposition of dues, or proposed amendments to taxes or dues would be revealed, where such disclosure would likely

(1) unduly benefit or seriously harm a person, or

(2) have a serious adverse effect on the economic interests of the public body or group of persons under its jurisdiction.

22. A public body may refuse to release an industrial secret that it owns.

It may also refuse to release other industrial, financial, commercial, scientific or technical information that it owns if its disclosure would likely hamper negotiations in view of a contract, or result in losses for the body or in considerable profit for another person.

A public body established for industrial, commercial or financial management purposes may also refuse to release such information if its disclosure would likely substantially reduce its competitive margin or reveal a loan, investment, debt management or fund management proposal or a loan, investment, debt management or fund management strategy.

23. No public body may release industrial secrets of a third person or confidential industrial, financial, commercial, scientific, technical or union information supplied by a third person and ordinarily treated by a third person as confidential, without his consent.

24. No public body may release information supplied by a third person if its disclosure would likely hamper negotiations in view of a contract, result in losses for the third person or in considerable profit for another person or substantially reduce the third person's competitive margin, without his consent.

25. A public body, before releasing industrial, financial, commercial, scientific, technical or union information supplied by a third person, must give him notice, in accordance with section 49, of the release to enable him to submit his observations unless the information was supplied under an Act that provides for the release of information, or unless the third person has waived the notice by consenting to the release of the information or otherwise.

26. (Repealed).

27. If, as the likely result of the disclosure of information, a mandate or a strategy concerning the negotiation of a collective agreement or a contract would be revealed, a public body may refuse to release the information, for a period of eight years from the opening of the negotiations.

A public body may also refuse to release, for a period of ten years from its date, a study prepared for the purposes of taxation, tariffing or the imposition of dues.

§ 4. — Information affecting the administration of justice and public security

28. A public body must refuse to release or to confirm the existence of information contained in a document that it keeps in the exercise of a duty provided for by law involving the prevention, detection or repression of crime or statutory offences, or that it keeps for the purpose of cooperating with a person or body responsible for such a duty, if its disclosure would likely

(1) impede the progress of proceedings before a person or body carrying on adjudicative functions;

(2) hamper a future or current investigation or an investigation that may be reopened;

(3) reveal a method of investigation, a confidential source of information, or a program or plan of action designed to prevent, detect or repress crime or statutory offences;

(4) endanger the safety of a person;

(5) cause prejudice to the person who is the source or the subject of the information;

(6) reveal the components of a communications system intended for the use of a person responsible for law enforcement;

(7) reveal information transmitted in confidence by a police force having jurisdiction outside Québec;

(8) facilitate the escape of a prisoner; or

(9) prejudice the fair hearing of a person's case.

The same applies to a public body that may be designated by regulation of the Government in accordance with the standards provided for therein, in respect of information obtained by the body through its internal security service in the course of an investigation conducted by such service to prevent, detect or repress crime or statutory offences that may be or have been committed within that body by its members, the members of its board of directors or of its personnel or the members of its agents or mandataries, if the disclosure of such information would likely entail one of the consequences set out in subparagraphs 1 to 9 of the first paragraph.

28.1. A public body must refuse to release or confirm the existence of information if disclosure would jeopardize state security.

29. A public body must refuse to release or to confirm the existence of information concerning a method or a weapon that is likely to be used to commit a crime or a statutory offence.

A public body must also refuse to release or to confirm the existence of information if disclosure would impair the efficiency of a program, plan of action or security system designed for the protection of persons or property.

29.1. Every decision rendered by a public body in the performance of its adjudicative functions is public.

A public body must, however, refuse to release information contained in the decision where the decision prohibits the release of the information on the ground that it was obtained when the body was holding a sitting in camera, where the body issued, in respect of the information, an order not to disclose, publish or distribute, or where the release of the information would reveal information the release or the confirmation of the existence of which must be refused under this Act.

A public body must also refuse to release information that would likely reveal the substance of deliberations related to the performance of adjudicative functions.

§ 5. — Information affecting administrative or political decisions

30. The Conseil exécutif may refuse to release or to confirm the existence of an order whose publication is deferred under the Executive Power Act (chapter E-18). It may do the same with regard to a decision resulting from its deliberations or a decision of one of its cabinet committees, until the day that is 25 years after the date on which it was made.

Subject to the Public Administration Act (chapter A-6.01), the Conseil du trésor may refuse to release or to confirm the existence of its decisions until the day that is 25 years after the date on which they were made.

30.1. A public body may refuse to release or to confirm the existence of information if, as a result of its disclosure, a budget policy of the Government would be revealed before it is made public by the Minister of Finance.

31. A public body may refuse to disclose a legal opinion concerning the application of the law to a particular case, or the constitutionality or validity of legislative or regulatory provisions, or a preliminary or final draft of a bill or regulations.

32. A public body may refuse to disclose a study if its disclosure might well affect the outcome of judicial proceedings.

33. In no case may the following information be released before the expiry of 25 years from its date:

(1) communications from the Conseil exécutif to one or more of its members, the Conseil du trésor or a cabinet committee, unless the Conseil exécutif decides otherwise;

(2) communications from one or more members of the Conseil exécutif to one or more other members of the Conseil exécutif, to the Conseil exécutif itself, to the Conseil du trésor or to a cabinet committee, unless the author or, if applicable, authors decide otherwise;

(3) recommendations from the Conseil du trésor or a cabinet committee to the Conseil exécutif, unless the author or the person receiving them decides otherwise;

(4) recommendations from one or more members of the Conseil exécutif to the Conseil exécutif, to the Conseil du trésor or to a cabinet committee, unless the author or, if applicable, authors or the person receiving them decides otherwise;

(5) studies, opinions and recommendations prepared within the Ministère du Conseil exécutif or the secretariat of the Conseil du trésor, or within another public body to the extent that they are released to the Ministère du Conseil exécutif, regarding a recommendation or request made by one or more ministers, a cabinet committee or a public body, or regarding a document contemplated in section 36;

(6) records or reports of the deliberations of the Conseil exécutif or a cabinet committee;

(7) a list of titles of documents containing recommendations to the Conseil exécutif or the Conseil du trésor;

(8) the agenda of a meeting of the Conseil exécutif, the Conseil du trésor or a cabinet committee.

The first paragraph applies with the necessary modifications to the records of the deliberations of the executive committee of a municipal body, to the recommendations made to it by its members, and to communications among its members.

34. No person may have access to a document from the office of a member of the National Assembly or a document produced for that member by the services of the Assembly, unless the member deems it expedient.

The same applies to a document from the office of the President of the Assembly or of a member of the Assembly contemplated in the first paragraph of section 124.1 of the Act respecting the National Assembly (chapter A-23.1) or a minister contemplated in section 11.5 of the Executive Power Act (chapter E-18), and to a document from the office staff or office of a member of a municipal or school body.

35. A public body may refuse to disclose the records of the deliberations of a meeting of its board of directors or, as the case may be, of its members in the performance of their duties until the expiry of fifteen years from their date.

36. A public body may refuse to release a preliminary draft of a bill or regulations until the expiry of ten years from its date.

Subject to subparagraph 5 of the first paragraph of section 33, the same applies to studies directly relating to the draft bill or draft regulation, unless the draft bill has been tabled in the National Assembly or the draft regulation has been made public in accordance with the law.

37. A public body may refuse to disclose a recommendation or opinion presented less than ten years earlier, and obtained from one of its members, a member of its personnel, a member of another public body or a member of the personnel of the other public body, in the discharge of his duties.

A public body may also refuse to disclose a recommendation or opinion presented, at its request, by a consultant or an adviser less than ten years earlier on a matter within its jurisdiction.

38. A public body may refuse to disclose a recommendation or opinion made by an agency under its jurisdiction or made by it to another public body until the final decision on the subject matter of the recommendation or opinion is made public by the authority having jurisdiction.

The same applies to a minister regarding a recommendation or opinion made to him by an agency under his authority.

39. A public body may refuse to disclose a study prepared in connection with a recommendation made within a decision making process until a decision is made on the recommendation or, if no decision is made, until five years have elapsed from the date the study was made.

40. A public body may refuse to disclose a test intended for the comparative appraisal of a person's knowledge, aptitudes, competence or experience, until the test is no longer used.

§ 6. — Information affecting auditing

41. The Auditor General or a person carrying out an auditing function in or for a public body may refuse to release or confirm the existence of information the disclosure of which would be likely to

(1) hamper an audit in progress;

(2) reveal an auditing program or operation plan;

(3) reveal a confidential source of information regarding an audit; or,

(4) seriously impair the power of appraisal granted to the Auditor General pursuant to sections 38, 39, 40, 42, 43, 43.1 and 45 of the Auditor General Act (chapter V-5.01).

§ 7. — Inapplicable restrictions

41.1. The restrictions set out in this division, except those described in sections 28, 28.1, 29, 30, 33, 34 and 41, do not apply to information that reveals or confirms the existence of an immediate hazard to the life, health or safety of a person or a serious or irreparable violation of the right to environmental quality, unless its disclosure would likely seriously interfere with measures taken to deal with such a hazard or violation.

Those restrictions, except the restriction set out in section 28 and, in the case of a document filed by or for the Auditor General, the restriction set out in section 41, do not apply to information concerning the quantity, quality or concentration of contaminants emitted, released, discharged or deposited by a source of contamination, or concerning the presence of a contaminant in the environment.

In the case of information supplied by a third person and referred to in the first paragraph, the person in charge must give that third person notice of a decision granting access to the information. The decision is executory despite section 49.

41.2. A public body may release information to which a restriction of the right of access under section 23, 24, 28, 28.1 or 29 applies in the following cases:

(1) to its attorney if the information is necessary to prosecute an offence under an Act administered by the body, or to the Director of Criminal and Penal Prosecutions if the information is necessary to prosecute an offence under an Act applicable in Québec;

(2) to its attorney, or to the Attorney General if the latter is acting as the body's attorney, if the information is necessary for the purposes of judicial proceedings other than those referred to in paragraph 1;

(3) to a person or body responsible by law for the prevention, detection or repression of crime or statutory offences, if the information is necessary to prosecute an offence under an Act applicable in Québec;

(4) to a person or body if the release of information is necessary for the application of an Act in Québec, whether or not the law explicitly provides for the release of the information;

(5) to a public body, in the case of information referred to in section 23 or 24, if the release of information is necessary for the purposes of a service to be provided to a third person; and

(6) to a person or body if the release of information is necessary for carrying out a mandate or performing a contract for work or services entrusted to that person or body by the public body.

In the case referred to in subparagraph 6 of the first paragraph, the public body must

(1) see that the mandate or contract is in writing; and

(2) specify in the mandate or contract which provisions of this Act apply to the information released to the mandatary or the person performing the contract, and the measures to be taken by the mandatary or person to ensure that the information is not used except for carrying out the mandate or performing the contract and that it is not kept by the person or body after the expiry of the mandate or contract.

The second paragraph does not apply if the mandatary or person performing the contract is a member of a professional order. Subparagraph 2 of the second paragraph does not apply if the mandatary or person performing the contract is another public body.

In addition, a police force may release to another police force information to which a restriction to the right of access set out in section 23, 24, 28, 28.1 or 29 applies.

However, the application of this section must not reveal a confidential source of information or the industrial secrets of a third person.

41.3. If information referred to in section 23 or 24 is released under the first paragraph of section 41.2, the person in charge of access to documents within the public body must record the release in a register the person keeps for that purpose.

DIVISION III

ACCESS PROCEDURE

42. To be receivable, a request for access to a document must be sufficiently precise to allow the document to be located.

If the request is not sufficiently precise or if a person requires it, the person in charge must assist in identifying the document likely to contain the information sought.

43. A request for access may be made in writing or orally.

The request must be addressed to the person in charge of access to documents within the public body.

If the written request is addressed to the person exercising the highest authority within the public body, he must transmit it with diligence to the person in charge ~~designated by him~~to whom that function has been delegated under section 8, where such is the case.

44. (Repealed).

45. The person in charge must inform the person who makes an oral request that he may make a written request and that only a decision on a written request may be reviewed under this Act.

46. The person in charge must give the person making a written request notice of the date his request is received.

The notice must be in writing. It must indicate the prescribed time for the processing of the request and the effect under this Act of failure by the person in charge to respect it. It must also inform the applicant of the proceeding for review provided for in Division III of Chapter IV.

47. The person in charge must, promptly and not later than twenty days from the date the request was received,

(1) grant access to the document, which may then be accompanied with information on the circumstances in which it was produced;

(1.1) grant access to the document by providing reasonable accommodation, if the applicant is a handicapped person;

(2) inform the applicant of the special conditions, if any, to which access is subject;

(3) inform the applicant that the agency is not in possession of the requested document or that full or partial access to the document cannot be granted to him;

(4) inform the applicant that his request should more appropriately be transferred to another public body or that it concerns a document filed by or for another public body;

(5) inform the applicant that the existence of the requested information cannot be confirmed;

(6) inform the applicant that the document concerned is a document to which Chapter II of this Act does not apply by virtue of the second paragraph of section 9;

(7) inform the applicant that a third person concerned by the request ~~cannot~~will be notified by ~~mail but will be informed by~~ a public notice; or

(8) inform the applicant that the body is requesting the Commission to disregard the applicant's request in accordance with section 137.1.

If the request cannot be processed within the time limit provided in the first paragraph without impeding the normal course of operations of the public body, the person in charge may, before the expiry of the time, extend it by not over 10 days. He must then give notice ~~thereof by mail~~of the extension in writing to the applicant within the time limit provided in the first paragraph.

48. Where a request referred to the person in charge should, in his opinion, more appropriately be transferred to another public body or concerns a document filed by or for another public body, the person in charge must, within the time limit provided in the first paragraph of section 47, indicate to the applicant the competent body and the name of the person in charge of access to documents in that body, and give him the particulars provided for in section 45 or in the second paragraph of section 46, as the case may be.

Where the request is made in writing, the indications must be communicated in writing.

49. Where the person in charge must give the third person the notice required in section 25, he must do so by ~~mail~~sending it to him in writing within 20 days from the date the request was received and provide him with an opportunity to submit written observations. He must also inform the applicant of the notice and indicate to him the time limits provided in this section.

If the person in charge does not succeed in notifying a third person ~~by mail~~in accordance with the first paragraph after taking reasonable steps to do so, the third person may be notified in another manner, such as by public notice in a newspaper in the place where the last known address of the

third person is located. If there is more than one third person and more than one notice is required, all third persons are deemed to have been notified only once all the notices have been published.

The third person concerned may submit his observations within 20 days of being informed of the intention of the person in charge. If he fails to do so within the time limit, he is deemed to have consented to granting access to the document.

The person in charge must give notice of his decision ~~by mail~~in writing to the applicant and the third person concerned within 15 days of presentation of the observations, or of expiry of the period prescribed for presentation. If the person in charge has given public notice, a notice of the decision need only be sent to the third person who submitted written observations. Where the decision grants access to the documents, it is executory on the expiry of 15 days from the date the notice was ~~mailed~~sent.

50. The person in charge must give the reasons for any refusal to disclose information, and indicate the provision of the Act on which the denial is based. If an applicant so requests, the person in charge must also help him understand the decision.

51. Where the request is in writing, the decision is made in writing by the person in charge, and a copy thereof is sent to the applicant, and, if such is the case, to the third person who submitted observations in accordance with section 49.

The decision must be accompanied by the text of the provision on which the refusal is based, where applicable, and a notice of the proceeding for review provided for in Division III of Chapter IV, indicating in particular the time limit within which it may be exercised.

52. On failure to give effect to a request for access within the applicable time limit, the person in charge is deemed to have denied access to the document. In the case of a written request, the failure gives rise to review proceedings as provided for in Division III of Chapter IV, as in the case of a denial of access. 52.1. The person in charge must see to it that every document that has been the subject of a request for access be kept for as long as is required to enable the applicant to exhaust the recourses provided in this Act.

52.2. A public body is responsible for protecting the personal information it holds.

CHAPTER III

PROTECTION OF PERSONAL INFORMATION

DIVISION I

CONFIDENTIALITY OF PERSONAL INFORMATION

53. Personal information is confidential, except in the following cases:

(1) the person to whom the information relates consents to its disclosure; ~~in the case of a minor, consent may also be given by the person having parental authority;~~

(2) where it relates to information obtained by a public body in the performance of an adjudicative function; the information remains confidential, however, if the body obtained it when holding a

sitting in camera or if the information is contemplated by an order not to disclose, publish or distribute.

53.1. Consent under this Act must be clear, free and informed and be given for specific purposes. It must be requested for each such purpose, in clear and simple language and separately from any other information provided to the person concerned. If the person concerned so requests, assistance must be provided to help him understand the scope of the consent requested.

The consent of a minor under 14 years of age is given by the person having parental authority. The consent of a minor 14 years of age or over is given by the minor or by the person having parental authority.

Consent is valid only for the time necessary to achieve the purposes for which it was requested.

Consent not given in accordance with this Act is without effect.

54. In any document, information concerning a natural person which allows the person to be identified is personal information.

55. Personal information which, by law, is public is not subject to the rules for the protection of personal information set out in this chapter. Nor is personal information concerning the performance of duties within an enterprise by the person concerned, such as the person's name, title and duties, as well as the address, email address and telephone number of the person's place of work.

However, a public body that holds a file containing such information may refuse access to all or part of it or allow it to be examined only on the premises if the person in charge has reasonable cause to believe that the information will be used for unlawful ends.

56. The name of a natural person is not personal information, except where it appears in conjunction with other information concerning him, or where the mere mention of his name would disclose personal information concerning him.

57. The following personal information is public information:

(1) the name, title, duties, classification, salary, address, email address and telephone number at work of a member~~, the~~ of a public body, its board of directors or ~~the~~its management personnel ~~of a public body~~ and those of the deputy minister, the assistant deputy ministers and the management personnel of a government department;

(2) the name, title, duties, address, email address and telephone number at work and classification, including the salary scale attached to the classification, of a member of the personnel of a public body;

(3) information concerning a person as a party to a service contract entered into with a public body, and the terms and conditions of the contract;

(4) the name and address of a person deriving an economic benefit granted by a public body by virtue of a discretionary power, and any information on the nature of that benefit;

(5) the name and address of the establishment of the holder of a permit issued by a public body and which is required by law to be held for the carrying on of an activity, the practice of a profession or the operation of a business.

However, the personal information contemplated in the first paragraph is not public information where its disclosure would be likely to hinder or impede the work of a person or body responsible under the law for the prevention, detection or repression of crime. Similarly, the personal information contemplated in subparagraphs 3 and 4 of the first paragraph is not public information to the extent that its release would reveal other information whose release must or may be refused under Division II of Chapter II.

Moreover, in no case may the personal information contemplated in subparagraph 2 of the first paragraph result in the disclosure of the salary of a member of the personnel of a public body.

58. The sole fact that a signature is affixed at the bottom of a document does not make the information shown therein personal.

59. A public body shall not release personal information without the consent of the person concerned. Such consent must be given expressly when it concerns sensitive personal information.

Notwithstanding the foregoing, a public body may release personal information without the consent of the person concerned in the following cases and strictly on the following conditions:

(1) to the attorney of that body if the information is necessary to prosecute an offence against an Act administered by that body or to the Director of Criminal and Penal Prosecutions, if the information is necessary to prosecute an offence against an Act applicable in Québec;

(2) to the attorney of that body, or to the Attorney General where he is acting as the attorney of that body, if the information is necessary for purposes of judicial proceedings other than those contemplated in paragraph 1;

(3) to a person or body responsible by law for the prevention, detection or repression of crime or statutory offences, if the information is necessary to prosecute an offence against an Act applicable in Québec;

(4) to a person to whom the information must be disclosed because of the urgency of a situation that threatens the life, health or safety of the person concerned;

~~(5) to a person authorized by the Commission d'accès à l'information, in accordance with section 125, to use the information for study, research or statistics purposes;~~

(6) (paragraph repealed);

(7) (paragraph repealed);

(8) to a person, body or agency, in accordance with sections 61, 63.7, 66, 67, 67.1, 67.2, 67.2.1, 68 and ~~68.1~~70.5;

(9) to a person involved in an incident that has been the subject of a report by a police force or by a person or body acting in conformity with an Act that requires a report of the same nature; in the case of information on the identity of any other person involved in the incident, except a witness, an informer or a person whose health or safety could be endangered by the release of such information.

For the purposes of this Act, personal information is sensitive if, due to its nature or the context of its use or release, it entails a high level of reasonable expectation of privacy.

59.1. In addition to the cases referred to in section 59, a public body may also release personal information, without the consent of the persons concerned, in order to prevent an act of violence, including suicide, where there is reasonable cause to believe that there is a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency.

The information may in such case be released to any person exposed to the danger or that person's representative, and to any person who can come to that person's aid.

The person exercising the highest authority in the public body must, by a directive, determine the terms and conditions according to which the information may be released by the personnel of the body. The personnel is required to comply with the directive.

For the purposes of the first paragraph, "serious bodily injury" means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.

60. Before releasing personal information pursuant to paragraphs 1 to 3 of section 59, a public body must ascertain that the information is necessary for the purposes of a prosecution or proceedings contemplated in the said paragraphs.

In the case contemplated in paragraph 4 of the said section, the body must, similarly, ascertain that an urgent and dangerous situation exists.

Where a public body has not ascertained that the information is necessary for such purposes or, where such is the case, that an urgent and dangerous situation exists, the public body must ~~refuse to~~not release the information.

Where a public body releases personal information ~~following a request made~~ pursuant to paragraphs 1 to 4 of section 59, the person in charge of the protection of personal information within the public body must record the fact.

60.1. The public body that releases information pursuant to section 59.1 may only release such information as is necessary to achieve the purposes for which the information is released.

Where information is so released, the person in charge of the protection of personal information within the public body must record the release in a register kept by the person for that purpose.

61. A police force may, without the consent of the person concerned, release personal information to another police force.

61.1. (Repealed).

62. Every person qualified to receive personal information within a public body has access to personal information without the consent of the person concerned where such information is necessary for the discharge of his duties.

Moreover, the person must belong to one of the categories of persons referred to in subparagraph 4 of the second paragraph of section 76 or in subparagraph 5 of the first paragraph of section 81.

63. (Repealed).

DIVISION II

COLLECTION, USE, RELEASE AND KEEPING OF PERSONAL INFORMATION

63.1. A public body must take the security measures necessary to ensure the protection of the personal information collected, used, released, kept or destroyed and that are reasonable given the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.

63.2. A public body, except the Lieutenant-Governor, the National Assembly or a person designated by the National Assembly to an office under its jurisdiction, must protect personal information by implementing the measures enacted for that purpose by regulation of the Government.

63.3. A public body must publish on its website governance rules regarding personal information. Such rules must be approved by its committee on access to information and the protection of personal information.

The rules may be in the form of a policy, directive or guide and must, in particular, define the roles and responsibilities of the members of its personnel throughout the life cycle of such information and provide a process for dealing with complaints regarding the protection of the information. They must include a description of the training and awareness activities offered by the public body to its personnel regarding the protection of personal information.

The rules must also include the protective measures to be taken in respect of the personal information collected or used as part of a survey, including an assessment of

(1) the necessity of conducting the survey; and

(2) the ethical aspect of the survey, taking into account, in particular, the sensitivity of the personal information collected and the purposes for which it is to be used.

63.4. 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.

A government regulation may determine the content and terms of the policy and the notice.

63.5. A public body must conduct an assessment of the privacy-related factors of any information system project or electronic service delivery project involving the collection, use, release, keeping or destruction of personal information.

For the purposes of such an assessment, the public body must consult its committee on access to information and the protection of personal information from the outset of the project.

The public body must also ensure that the project allows computerized personal information collected from the person concerned to be released to him in a structured, commonly used technological format.

63.6. The committee may, at any stage of a project referred to in section 63.5, suggest personal information protection measures applicable to the project, such as

(1) the appointment of a person to be responsible for implementing the personal information protection measures;

(2) measures to protect the personal information in any document relating to the project, such as specifications or a contract;

(3) a description of the project participants' responsibilities with regard to the protection of personal information; or

(4) training activities for project participants on the protection of personal information.

63.7. A public body that has cause to believe that a confidentiality incident involving personal information it holds has occurred must take reasonable measures to reduce the risk of injury and to prevent new incidents of the same nature.

If the incident presents a risk of serious injury, the public body must promptly notify the Commission. It must also notify any person whose personal information is concerned by the incident, failing which the Commission may order it to do so. It may also notify any person or body that could reduce the risk, by releasing to the person or body only the personal information necessary for that purpose without the consent of the person concerned. In the latter case, the person in charge of the protection of personal information must record the release of the information.

Despite the second paragraph, a person whose personal information is concerned by the incident need not be notified so long as doing so could hamper an investigation conducted by a person or body responsible by law for the prevention, detection or repression of crime or statutory offences.

A government regulation may determine the content and terms of the notices provided for in this section.

63.8. For the purposes of this Act, "confidentiality incident" means

(1) access not authorized by law to personal information;

(2) use not authorized by law of personal information;

(3) release not authorized by law of personal information; or

(4) loss of personal information or any other breach in the protection of such information.

63.9. In assessing the risk of injury to a person whose personal information is concerned by a confidentiality incident, a public body must consider, in particular, the sensitivity of the information concerned, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes. The body must also consult the person in charge of the protection of personal information within the body.

63.10. A public body must keep a register of confidentiality incidents. A government regulation may determine the content of the register.

A copy of the register must be sent to the Commission at its request.

64. No person may, on behalf of a public body, collect personal information if it is not necessary for the exercise of the rights and powers of the body or the implementation of a program under its management.

A public body may, however, collect personal information if it is necessary for the exercise of the rights and powers or for the implementation of a program of a public body with which it cooperates to provide services or to pursue a common mission.

The collection of information referred to in the second paragraph ~~is collected~~must be preceded by an assessment of privacy-related factors and carried out under a written agreement that is sent to the Commission. The agreement comes into force 30 days after it is received by the Commission.

~~65. A person who collects personal information verbally from the person to whom it relates on behalf of a~~ The agreement must indicate

(1) the identity of the public body ~~must introduce himself~~ collecting the information and~~, when information is first collected and subsequently on request, inform that person~~

~~(1) of the name and address~~ of the public body on whose behalf ~~the information~~it is ~~being~~ collected;

(2) ~~of~~ the purposes for which the information is collected;

(3) ~~ of~~ the ~~categories of persons who will have access to the~~ nature or type of information~~;~~ collected;

(4) ~~ of~~the means by which the ~~fact that a reply~~information is ~~obligatory, or that it is optional;~~ collected;

(5) ~~-~~the measures for ensuring the protection of the information;

(6) the intervals at which the information is collected; and

(7) the duration of the agreement.

64.1. The personal information concerning a minor under 14 years of age may not be collected from him without the consent of the person having parental authority, unless collecting the information is clearly for the minor's benefit.

65. Anyone who collects personal information from the person concerned on behalf of a public body must, when the information is collected and subsequently on request, inform that person

(1) of the name of the public body on whose behalf the information is collected;

(2) of the purposes for which the information is collected;

(3) of the means by which the information is collected;

(4) of whether the request is mandatory or optional;

(5) of the consequences for the person concerned or~~,~~ for the third person, as the case may be, for ~~the third person, in case of a refusal~~refusing to reply to the request or, if applicable, for withdrawing consent to ~~reply;~~ the release or use of the information collected pursuant to an optional request; and

(6)~~–~~ of the rights of access and correction provided by law.

~~The~~If applicable, the person concerned is informed of the name of the third person collecting the information on behalf of the public body and of the possibility that ~~must~~the information could be ~~given under subparagraphs 1 to 6 of the first paragraph must appear on any written document used to obtain~~released outside Québec.

On request, the person concerned is also informed of the personal information~~.~~ collected from him, the categories of persons who have access to the information within the public body, the duration of the period of time the information will be kept, and the contact information of the person in charge of the protection of personal information.

If personal information is collected from a third person, the person collecting it must ~~introduce himself and~~ give the third person the information referred to in subparagraphs 1, 5 and 6 of the first paragraph.

Notwithstanding the foregoing, a person duly authorized by a public body which holds files respecting the adoption of persons and collects information relating to the antecedents of a person

referred to in any of such files or permitting to locate a parent or an adopted person is not required to inform the person concerned or the third person of the use to which the information will be put nor the categories of persons who will have access to it.

This section does not apply to judicial inquiries or to any investigation or report made by a person or body responsible by law for the prevention, detection or repression of crime or statutory offences.

~~65.1. Personal~~65.0.1. In addition to the information that must be provided in accordance with section 65, anyone who collects personal information from the person concerned using technology that includes functions allowing the person concerned to be identified, located or profiled must first inform the person

(1) of the use of such technology; and

(2) of the means available, if any, to deactivate the functions that allow a person to be identified, located or profiled.

"Profiling" means the collection and use of personal information to assess certain characteristics of a natural person, in particular for the purpose of analyzing that person's work performance, economic situation, health, personal preferences, interests or behaviour.

65.0.2. Any person who provides his personal information in accordance with section 65 consents to its use for the purposes referred to in subparagraph 2 of the first paragraph of that section.

65.1. Unless the person concerned gives his consent, personal information may not be used within a public body except for the purposes for which it was collected. Such consent must be given expressly when it concerns sensitive personal information.

A public body may, however, use ~~such~~personal information for another purpose ~~with~~without the consent of the person ~~to whom it relates, or without that consent~~concerned, but only

(1) ~~—~~if ~~the information~~it is used for purposes consistent with the purposes for which it was collected;

(2) ~~—~~if ~~the information~~it is clearly used for the benefit of the person ~~to whom it relates; or~~ concerned;

(3) ~~–~~if ~~the information~~its use is necessary for the application of an Act in Québec, whether or not the law explicitly provides for its use~~.~~; or

(4) if its use is necessary for study or research purposes or for the production of statistics, and the information is de-identified.

In order for a purpose to be consistent within the meaning of subparagraph 1 of the second paragraph, it must have a direct and relevant connection with the purposes for which the information was collected.

If information is used in one of the cases referred to in subparagraphs 1 to 3 of the second paragraph, the person in charge of the protection of personal information within the body must record the use in the register provided for in section 67.3.

For the purposes of this Act, personal information is de-identified if it no longer allows the person concerned to be directly identified.

65.2. A public body that uses personal information to render a decision based exclusively on an automated processing of such information must, at the time of or before the decision, inform the person concerned accordingly.

It must also inform the person concerned, at the latter's request,

(1) of the personal information used to render the decision;

(2) of the reasons and the principal factors and parameters that led to the decision; and

(3) of the right of the person concerned to have the personal information used to render the decision corrected.

66. A public body may release information on the identity of a person without the person's consent in order to collect personal information already assembled by a person or a private body. The public body shall first inform the Commission of its intention.

67. A public body may, without the consent of the person concerned, release personal information to any person or body if ~~the information~~doing so is necessary for the application of an Act in Québec~~, whether or not the law explicitly provides for the release of the information.~~ and if

(1) the Act explicitly provides for the release of the personal information;

(2) the Act does not explicitly provide for the release of the information, the information is released on an ad hoc basis and, if personal information concerning any other person is also released, such information concerns only a limited number of persons; or

(3) the Act does not explicitly provide for the release of the information, and the information is released in accordance with the second, third and fourth paragraphs of section 68.

67.1. A public body may, without the consent of the person concerned, release personal information to any person or body if the information is necessary for the carrying out of a collective agreement, order, directive or regulation establishing conditions of employment.

67.2. A public body may, without the consent of the person concerned, release personal information to any person or body if the information is necessary for carrying out a mandate or performing a contract for work or services entrusted to that person or body by the public body.

In that case, the public body must

(1) see that the mandate or contract is in writing; and

(2) specify in the mandate or contract which provisions of this Act apply to the information released to the mandatary or the person performing the contract, as well as the measures to be taken by the mandatary or person to ensure the confidentiality of the information and to ensure that the information is used only for carrying out the mandate or performing the contract and that it is not kept after the expiry of the mandate or contract. Moreover, before releasing the information, the public body must obtain a confidentiality agreement from every person to whom the information may be released unless the person in charge of the protection of personal information does not consider it necessary. A person or body carrying out a mandate or performing a contract for services referred to in the first paragraph must notify the person in charge without delay of any violation or attempted violation of an obligation concerning the confidentiality of the information released, and must also allow the person in charge to verify compliance with confidentiality requirements.

~~The second paragraph does not apply if the mandatary or person performing the contract is a member of a professional order.~~ Subparagraph 2 of the second paragraph does not apply if the mandatary or the person performing the contract is another public body~~.~~ or a member of a professional order.

67.2.1. A public body may release personal information without the consent of the persons concerned to a person or body wishing to use the information for study or research purposes or for the production of statistics.

The information may be released if an assessment of the privacy-related factors concludes that

(1) the objective of the study or research or of the production of statistics can be achieved only if the information is released in a form allowing the persons concerned to be identified;

(2) it is unreasonable to require the person or body to obtain the consent of the persons concerned;

(3) the objective of the study or research or of the production of statistics outweighs the impact of releasing and using the information on the privacy of the persons concerned;

(4) the personal information is used in such a manner as to ensure confidentiality; and

(5) only the necessary information is released.

67.2.2. A person or body wishing to use personal information for study or research purposes or for the production of statistics must

(1) request it in writing;

(2) enclose the research protocol with the request;

(3) state the grounds supporting fulfillment of the criteria set out in subparagraphs 1 to 5 of the second paragraph of section 67.2.1;

(4) mention all the persons and bodies to whom or which the person or body is making a similar request for the purposes of the same study or research or production of statistics;

(5) if applicable, describe the different technologies that will be used to process the information; and

(6) if applicable, submit the documented decision of a research ethics committee relating to the study or research or the production of statistics.

67.2.3. A public body that releases personal information in accordance with section 67.2.1 must first enter into an agreement with the person or body to whom or which the information is to be sent that stipulates, among other things, that the information

(1) may be made accessible only to persons who need to know it to exercise their functions and who have signed a confidentiality agreement;

(2) may not be used for purposes other than those specified in the research protocol;

(3) may not be cross-matched with any other information file that has not been provided for in the research protocol; and

(4) may not be released, published or otherwise distributed in a form allowing the persons concerned to be identified.

The agreement must also

(1) specify the information that must be provided to the persons concerned if personal information concerning them is used to contact them to participate in the study or research;

(2) provide for measures for ensuring the protection of the personal information;

(3) determine a preservation period for the personal information;

(4) set out the obligation to notify the public body of the destruction of the personal information; and

(5) provide that the public body and the Commission must be informed without delay

(a) of non-compliance with any condition set out in the agreement;

(b) of any failure to comply with the protection measures provided for in the agreement; and

(c) of any event that could breach the confidentiality of the information.

The agreement must be sent to the Commission and comes into force 30 days after it is received by the Commission.

67.3. A public body must record in a register every release of personal information referred to in sections 66, 67, 67.1, 67.2, ~~68~~67.2.1 and 68~~.1~~, except that required by a person or body for posting to the account of a member of a public body, its board of directors or its personnel an amount required by law to be withheld or paid..

A public body must also record in the register an agreement on the collection of personal information referred to in the third paragraph of section 64, as well as the use of personal information for purposes other than those for which it was collected, referred to in subparagraphs 1 to 3 of the second paragraph of section 65.1.

In the case of a release of personal information referred to in the first paragraph, the register must include

(1) the nature or type of the information released;

(2) the person or body to which the information is released;

(3) the purpose for which the information is released and, if applicable, a statement to the effect that it is a release of personal information referred to in section 70.1; and

(4) the reason justifying the release.

In the case of an agreement on the collection of personal information, the register must include

(1) the name of the body for which the information is collected;

(2) the identification of the program, right or power for which the information is necessary;

(3) the nature or type of service to be provided or mission;

(4) the nature or type of information collected;

(5) the purpose for which the information is collected; and

(6) the category of person within the body collecting the information and within the receiving body that has access to the information.

In the case of personal information used for a purpose other than that for which it was collected, the register must include

(1) the subparagraph of the second paragraph of section 65.1 that allows the use;

(2) in the case referred to in subparagraph 3 of the second paragraph of section 65.1, the provision of the Act that makes the information necessary; and

(3) the category of person that has access to the information for the purpose stated.

67.4. Every person has a right of access, on request, to the register kept by a public body under section 67.3, except as regards information confirmation of the existence of which may be refused under sections 21, 28, 28.1, 29, 30, 30.1 and 41.

The right is exercised in accordance with the modalities provided in section 10.

68. A public body may, without the consent of the person concerned, release personal information

(1) to a public body or an agency of another government if it is necessary for the exercise of the rights and powers of the receiving body or the implementation of a program under its management;

(1.1) to a public body or an agency of another government if it is clearly for the benefit of the person to whom it relates;

(2) to a person or a body where exceptional circumstances justify doing so;

(3) to a person or body if it is necessary for the purposes of a service to be provided to the person concerned by a public body, in particular for identifying the person.

The information may be released if an assessment of the privacy-related factors concludes that

(1) the intended objective can be achieved only if the information is released in a form allowing the person concerned to be identified;

(2) it is unreasonable to require obtaining the consent of the person concerned;

(3) the objective for which the release of the information is required outweighs the impact of releasing and using the information on the privacy of the person concerned; and

(4) the personal information is used in such a manner as to ensure confidentiality.

The information is released under a written agreement that indicates

(1) the identity of the public body releasing the information and of the person or body collecting it;

(2) the purposes for which the information is released;

(3) the nature of the information released;

(4) the method of transmitting the information;

(5) the security measures necessary to ensure the protection of the information;

(6) the intervals at which the information is released; and

(7) the duration of the agreement.

~~68.1. A public body may, without the consent of the person concerned, release a personal information file for the purpose of comparing it with a file held by a person or body if the information is necessary for the application of an Act in Québec, whether or not the law explicitly provides for its release.~~

~~If the law does not explicitly provide for the release, the information is released under a written agreement.~~

~~If the law explicitly provides for the release, the information is released under a written agreement that is~~The agreement must be sent to the Commission~~. The agreement~~ and comes into force 30 days after it is received by the Commission.

68.1. (Repealed)

69. (Repealed).

~~70. An agreement referred to in section 68 or in the second paragraph of section 68.1 must be submitted to the Commission for an opinion.~~

~~The Commission must consider~~

~~(1) whether the agreement conforms to the conditions set out in section 68 or 68.1; and~~

~~(2) the impact of the release of the information on the privacy of the person concerned compared with the need for the information of the body or person given access to it.~~

~~The Commission must give an opinion with reasons within 60 days of receiving the request for an opinion accompanied by the agreement. If the request is amended during that period, the time limit runs from the most recent request. If it is the chair's belief that the request for an opinion cannot be processed within that time without impeding the normal course of operations of the Commission, the chair may, before the expiry of the time limit, extend it by up to 20 days. The chair must give notice to that effect to the parties to the agreement within the 60-day time limit.~~

~~The agreement comes into force on the Commission's giving a favourable opinion or on any later date provided in the agreement. The Commission must make the agreement and its opinion public. Failing an opinion within the time provided, the parties to the agreement are authorized to carry out the agreement.~~

~~If the Commission gives an unfavourable opinion, the Government may, on request, approve the agreement and set the applicable conditions. Before approving the agreement, the Government shall publish it in the Gazette officielle du Québec together with any conditions it intends to set and a notice that it may approve the agreement on the expiry of 30 days after the publication, and that, meanwhile, any interested person may send comments to the person designated in the notice. The agreement comes into force on the day of its approval or any later date set by the Government or specified in the agreement.~~

~~The agreement referred to in the fifth paragraph, together with the opinion of the Commission and the approval of the Government, are tabled in the National Assembly within 30 days of the approval if the Assembly is sitting or, if it is not sitting, within 30 days of resumption. The Government may revoke an agreement referred to in the fifth paragraph at any time.~~

70. (Repealed)

70.1. Before releasing personal information outside Québec ~~or entrusting a person or a body outside Québec with the task of holding, using or releasing such information on its behalf~~, a public body must ~~ensure~~conduct an assessment of privacy-related factors. It must, in particular, take into account

(1) the sensitivity of the information;

(2) the purposes for which it is to be used;

(3) the protection measures that ~~the~~ would apply to it; and

(4) the legal framework applicable in the State in which the information would be released, including the legal framework's degree of equivalency with the personal information protection principles applicable in Québec.

The information ~~receives protection equivalent to that afforded under this Act.~~

~~If the public body considers that the information referred to in the first paragraph will not~~may be released if the assessment establishes that it would receive protection equivalent to that afforded under this Act~~, it must refuse to~~. The release of the information must be the subject of a written agreement that takes into account, in particular, the results of the assessment and, if applicable, the terms agreed on to mitigate the risks identified in the assessment.

The same applies where the public body entrusts a person or body outside Québec with the task of collecting, using, releasing or keeping such information on its behalf.

This section does not apply to a release ~~the information or refuse to entrust a person~~of information under subparagraph 4 of the second paragraph of section 59 or under subparagraph 1.1 of the first paragraph of section 68. Nor does it apply to a release of information within the scope of an international commitment referred to in Chapter III of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a release of information within the scope of an agreement referred to in Chapter III.1 or III.2 of that Act, or a ~~body outside Québec with the task of holding~~communication of information under section 133 of the Public Health Act (chapter S-2.2).

70.2. The Minister shall publish in the Gazette officielle du Québec a list of States whose legal framework governing personal information is equivalent to the personal information protection principles applicable in Québec.

DIVISION II.1

PERSONAL INFORMATION MANAGER

70.3. The Government may, on the conditions it determines and after consultation with the Commission, designate one or more public bodies to exercise the function of personal information manager where it considers it to be in the public interest or for the benefit of the persons concerned.

A personal information manager collects, uses or releases personal information when doing so is necessary for any of the following purposes:

(1) providing joint services by more than one public body or pursuing missions that are common to more than one public body;

(2) carrying out a government-wide mandate or initiative;

(3) verifying a person's eligibility for a program or measure; or

(4) planning, managing, assessing or controlling government resources, programs or services.

An order made under this section must set out the purposes for which the personal information is thus necessary. The Government may also determine in the order the public bodies that must collect personal information from or release personal information to the manager.

70.4. Before collecting, using or releasing ~~it on its behalf.~~ personal information in the exercise of its function, a personal information manager must conduct an assessment of privacy-related factors and send it to the Commission.

~~DIVISION III~~

~~ESTABLISHMENT AND MAINTENANCE OF FILES~~

~~§ 1. Personal information files~~

The manager must also establish governance rules regarding personal information and have them approved by the Commission. The rules must, in particular, provide a framework for the keeping and destruction of such information, define the roles and responsibilities of the members of its personnel throughout the life cycle of the information and provide a process for dealing with complaints regarding the protection of the information. The rules must be resubmitted to the Commission for approval every two years.

The rules must be published on the manager's website, in a section dedicated to the manager's function.

70.5. Personal information is released by any public body to a personal information manager without the consent of the person concerned if its release is necessary for the purposes set out in an order made under section 70.3.

Similarly, personal information is released by a manager to another public body without the consent of the person concerned if its release is necessary for the purposes set out in such an order.

70.6. A personal information manager must keep the personal information that it holds in the exercise of its function separate from all other information.

If personal information can be used or released in a form that does not allow the person concerned to be identified directly, it must be used or released in that form.

70.7. A personal information manager must submit to the Commission, within 45 days of the end of each fiscal year, a report regarding the personal information collected, used or released in the exercise of its function. The report must include

(1) a description of the personal information released to the manager and the source of the information;

(2) the names of the public bodies to which personal information is released;

(3) a description of the purposes for which the personal information is collected, used or released;

(4) a description of the manner in which the personal information is released; and

(5) a description of the measures for ensuring the protection of the personal information.

The report must be published on the manager's website, in a section dedicated to the manager's function, within the same time limit.

71. Every public body shall file, in a personal information file established in accordance with this subdivision, all personal information

(1) that is identified or presented in such a manner as to be retrievable by reference to the name of a person or to a sign or symbol identifiable with that person, or

(2) that has been or is intended to be used by it in making a decision concerning a person.

72. Every public body must see to it that the personal information kept by it is up to date, accurate and complete so as to serve the purposes for which it is collected or used.

73. When the purposes for which personal information was collected or used have been achieved, the public body must destroy or anonymize the information, subject to the Archives Act (chapter A-21.1) or the Professional Code (chapter C-26).

For the purposes of this Act, information concerning a natural person is anonymized if it irreversibly no longer allows the person to be identified directly or indirectly.

Information anonymized under this Act must be anonymized according to generally accepted best practices.

74. (Repealed).

75. (Repealed).

76. A public body must establish and keep up to date an inventory of its personal information files.

The inventory must contain the following information:

(1) the title of each file, the classes of information it contains, the purposes for which the information is kept and the method used to manage each file;

(2) the source of the information entered in each file;

(3) the categories of persons to whom the information entered in each file relates;

(4) the categories of persons who have access to each file in carrying out their duties; and

(5) the security measures taken to ensure the protection of personal information.

A person has a right of access to the inventory on request, except as regards information confirmation of the existence of which may be refused under this Act.

77. (Repealed).

78. Sections 64 to 77 do not apply to the processing of personal information collected and used as a working tool by a natural person, to the extent that the information is not disclosed to any person other than the person concerned or to a body other than that to which he belongs, and that it is used judiciously.

The same rule applies to the processing of personal information collected by a natural person and which is used by him for scientific research purposes.

The public body is subject to the said sections from the time the person contemplated in the first or second paragraph discloses to the public body personal information that he has collected or which was obtained through processing.

79. Sections 63.1 to 63.4, 64 to 66 and 67.3 to 76 do not apply to documents transferred to Bibliothèque et Archives nationales in accordance with the Archives Act (chapter A-21.1).

Sections 63.1 to 63.4, 64 to 66, 67.3 ~~and~~, 67.4 and 71 to 76 do not apply to information released to the Institut de la statistique du Québec in accordance with the Act respecting the Institut de la statistique du Québec (chapter I-13.011).

§ 2. — Confidential file

80. The Government may by order authorize a public body to establish a confidential file.

A confidential file is a file consisting mainly of personal information intended for the use of a person or body responsible under the law for the prevention, detection or repression of crime or statutory offences.

81. The order must indicate the conditions with which the contemplated body must conform, and, in particular,

(1) the kind of information that may be collected and the purposes for which it may be kept;

(2) the use to which the file may be put;

(3) the security measures that must be taken to ensure the confidentiality of personal information;

(4) the conditions regarding the preservation and the destruction of personal information;

(5) the categories of persons who have access to personal information in the discharge of their duties, and where such is the case, the special restrictions and conditions of access;

(6) the special conditions to which the maintenance and examination of the file may be subject, where such is the case.

Furthermore, the conditions may concern a category of information, documents or files.

82. Before making, amending or repealing an order contemplated in section 80, the Government must obtain the opinion of the Commission.

The order authorizing the establishment of a confidential file or the order amending or repealing it and the opinion of the Commission must be tabled by the Minister of Justice in the National Assembly within fifteen days of the making of the order if the Assembly is in session or, if it is not sitting, within fifteen days after the opening of the next session or of resumption.

DIVISION IV

RIGHTS OF PERSONS CONCERNED BY PERSONAL INFORMATION

§ 1. — Right of access

83. Every person has the right to be informed of the existence of personal information concerning him in a personal information file.

Every person has the right to obtain any personal information kept on him.

Notwithstanding the foregoing, a minor under 14 years of age is not entitled to be informed of the existence of or to obtain personal information of a medical or social nature which concerns him, contained in the record established by a health or social services institution referred to in the second paragraph of section 7.

84. A public body shall release personal information to the person entitled to receive it by allowing him to examine the document on the premises during regular working hours or by remote access and to obtain a copy thereof.

At the request of the applicant, personal information that is kept in computerized form must be released in the form of a written and intelligible transcript.

Unless doing so raises serious practical difficulties, computerized personal information collected from the applicant must, at his request, be released to him in a structured, commonly used technological format. The information must also be released, at the applicant's request, to any person or body authorized by law to collect such information.

If the applicant is a handicapped person, reasonable accommodation must be provided on request to enable the applicant to exercise the right of access provided for in this division. For that purpose, the public body must take into account the policy established under section 26.5 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

84.1. Where a health services or social services institution referred to in the second paragraph of section 7, the Commission de la santé et de la sécurité du travail, the Société de l'assurance automobile du Québec, Retraite Québec or a professional order provides a person with personal information of a medical or social nature which concerns him, it shall, upon the request of the person, provide him with the assistance of a professional qualified to help him understand the information.

85. A person has access free of charge to personal information concerning him.

However, the applicant may be charged a fee not greater than the cost for transcribing, reproducing and sending the information.

The amount and terms of payment of the fee are prescribed by government regulation. The regulation may prescribe the cases where a person is exempt from payment and must be consistent with the policy established under section 26.5 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

A public body which intends to charge a fee under this section shall, before transcribing, reproducing or sending a document, inform the applicant of the approximate amount that will be charged to him.

§ 2. — Restrictions to the right of access

86. A public body may refuse to release or confirm the existence of personal information to the person concerned if the information is filed in a confidential file.

86.1. A public body may refuse to release to a person personal information concerning him where such information is contained in an opinion or recommendation given by one of its members or a member of its personnel, or a member of another public body or a member of its personnel, in the performance of his duties, or given at the request of the body by a consultant or adviser on a matter within his competence and where the body has not rendered its final decision on the matter which is the subject of the opinion or recommendation.

87. Except in the case provided for in section 86.1, a public body may refuse to release or to confirm the existence of personal information to the person concerned, to such extent as its release would disclose information whose release may or must be denied pursuant to Division II of Chapter II or pursuant to sections 108.3 and 108.4 of the Professional Code (chapter C-26).

87.1. A health services or social services institution referred to in the second paragraph of section 7, the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Société de l'assurance automobile du Québec, Retraite Québec or a professional order may refuse for the moment to release, to a recipient, personal information which concerns him where, in the opinion of his attending physician, serious harm to the person's health would likely result.

In the case of medical information, no other restriction may be put forward.

The public body, on the recommendation of the attending physician, shall determine when the information may be released and inform the person concerned.

A public body not referred to in the first paragraph that holds medical information may refuse to release it to the person to whom it relates only if serious harm to that person's health would likely result and on the condition that the body offers to release the information to a health care professional chosen by that person.

88. Except in the case provided for in paragraph 4 of section 59, a public body must refuse to release personal information to the person concerned if its release would likely disclose personal information concerning another natural person or the existence of such information and could seriously harm that other person, unless that other person gives written consent.

~~88.1. A~~88.0.1. A public body may release personal information that it holds concerning a deceased person to the spouse or a close relative of the person if knowledge of the information could help the applicant in the grieving process and if the deceased person did not record in writing his refusal to grant such a right of access.

88.1. Subject to section 88.0.1, a public body must refuse to release personal information to the liquidator of the succession, to a beneficiary of life insurance or of a death benefit or to the heir or successor of the person to whom the information relates unless the information affects their interests or rights as liquidator, beneficiary, heir or successor.

§ 3. — Right of correction

89. Every person who receives confirmation of the existence of personal information concerning him on a file may request that the file be corrected if the information is inaccurate, incomplete or equivocal, or if the collection, release or keeping of the information is not authorized by law.

89.1. A public body must refuse to accept a request for correction of personal information filed by the liquidator of the succession, the beneficiary of life insurance or of a death benefit, or by the heir or successor of the person to whom the information relates, unless the correction affects their interests or rights as liquidator, beneficiary, heir or successor.

90. If a request for correction is contested, the public body must prove that the file does not need to be corrected, unless it obtained the information in question from the person concerned or with his consent.

91. Every person concerned may demand that the request be recorded if the public body denies the request in whole or in part.

92. Where a public body accepts a request for correction of a file, it shall issue to the applicant, free of charge, a copy of any amended or added personal information or, as the case may be, an attestation of the deletion of personal information.

93. Every person who has requested the correction of a file may demand that the public body send a copy of the documents provided for in section 92 or, as the case may be, of the record contemplated in section 91, to the body from which it received the information or to every body to which the information may have been disclosed pursuant to an agreement under this Act.

§ 4. — Access or correction procedure

94. No request for release or correction may be considered unless it is made in writing by a natural person who proves that he is the person concerned or the representative, heir or successor of that person, the liquidator of the succession, a beneficiary of life insurance or of a death benefit, ~~or~~ the person having parental authority even if the minor child is deceased, or the spouse or close relative of a deceased person in accordance with section 88.0.1.

The request is addressed to the person in charge of protection of personal information within the public body.

If the request is addressed to the person exercising the highest authority within the public body, he must transmit it with diligence to the person in charge ~~designated by him~~to whom that function was delegated under section 8, where such is the case.

This section does not limit the release of personal information to the person concerned or its correction by a person other than the person in charge of the protection of personal information when that correction results from a service to be provided to the person concerned.

95. Where a request for release is made for personal information that is not kept in a personal information file, the request, to be receivable, must contain sufficiently specific indications to allow the person in charge to retrieve the information.

If the request is not sufficiently specific or if a person requires it, the person in charge must assist in identifying the document likely to contain the information sought.

96. (Repealed).

97. The person in charge must give the applicant notice of the date his request is received.

The notice must be in writing. It must indicate the prescribed time for the processing of the request, and the effect under this Act of failure by the person in charge to respect it. It must also inform the applicant of the proceeding for review provided for in Division III of Chapter IV.

98. The person in charge must give effect to a request for release or correction promptly, and not later than twenty days after receiving it.

If the person in charge believes the request cannot be processed within the time prescribed in the first paragraph without impeding the normal course of operations of the public body, he may, before the expiry of the time limit, extend the limit by not over ten days. He must then notify the applicant ~~thereof by mail~~of the extension in writing within the time limit provided in the first paragraph.

99. (Repealed).

100. The person in charge must give the reasons for any denial of a request and indicate the provision of the Act on which the denial is based. If an applicant so requests, the person in charge must also help him understand the decision

101. The person in charge must render his decision in writing and send a copy thereof to the applicant. It must be accompanied by the text of the provision on which the refusal is based, if applicable, and by a notice informing the applicant of the proceeding for review provided for in Division III of Chapter IV and indicating in particular the time limit within which it may be exercised.

102. On failure to reply to a request within the applicable time limit, the person responsible is deemed to have denied the request, and the failure gives rise to review proceedings as provided for in Division III of Chapter IV, as in the case of a denial of a request.

102.1. The person in charge must see to it that any information that has been the subject of a request for access be kept for as long as is required to enable the applicant to exhaust the recourses provided in this Act.

CHAPTER IV

COMMISSION D'ACCÈS À L'INFORMATION

DIVISION I

ESTABLISHMENT AND ORGANIZATION

103. The "Commission d'accès à l'information" is hereby established.

The Commission consists of two divisions: the oversight division and the adjudication division.

104. The Commission is composed of at least five members, including a chair and a vice-chair.

The members are appointed, on a motion of the Prime Minister, by a resolution of the National Assembly approved by not less than two-thirds of its members. The resolution states the division to which the members, other than the chair and the vice-chair, are assigned for the duration of their term of office. However, at least two members must be assigned to the adjudication division.

The Assembly shall determine, in the same manner, the remuneration, social benefits and other conditions of employment of the members of the Commission.

The members of the Commission hold office on a full time basis.

104.1. The members of the Commission are chosen beforehand according to the procedure for selecting persons qualified for appointment as members of the Commission established by regulation of the Office of the National Assembly. The regulation may, in particular,

(1) determine the manner in which a person may seek office as a member;

(2) establish a selection committee to assess the qualifications of candidates for the office of member and give an opinion on the candidates to the Office;

(3) determine the composition of the committee and the method of appointing the committee members;

(4) determine the selection criteria to be taken into account by the committee; and

(5) determine the information that the committee may require of a candidate and the consultations it may carry out.

The members of the committee are not remunerated, except in the cases, on the conditions and to the extent determined by the Office of the National Assembly. They are, however, entitled to the reimbursement of expenses incurred in the exercise of the functions of office, on the conditions and to the extent determined by regulation of the Office of the National Assembly.

105. The term of office of the members of the Commission is of fixed duration not exceeding five years.

On the expiry of their terms, however, the members remain in office until they are reappointed or replaced.

The selection procedure referred to in section 104.1 does not apply to a member whose term is renewed.

With the authorization of the chair and for a period the chair determines, a member who has been replaced may continue to exercise the functions of office as a supernumerary member in order to conclude any applications for review or for examination of disagreements that the member has received and has not yet decided

106. Before entering into office, the members of the Commission must make the oath provided in Schedule B, before the President of the National Assembly.

107. Every member of the Commission may resign at any time by giving a written notice to the President of the National Assembly.

A member may be dismissed only by a resolution of the Assembly approved by not less than two-thirds of its members.

107.1. ~~The vice-chair shall replace the chair if the latter is absent or unable to act or if the office of chair is vacant.~~ (Repealed)

~~In addition, the chair may delegate all or some of the chair's powers and duties to the vice-chair.~~

108. If the chair and the vice-chair of the Commission are absent or unable to act or if the offices of chair and vice-chair are vacant, the President of the National Assembly may, with the consent of the Prime Minister and the Leader of the Official Opposition in the Assembly, designate another member of the Commission to act in the place of the chair.

109. The President of the National Assembly may, with the consent of the Prime Minister and of the Leader of the Official Opposition in the Assembly, appoint a person to fill any vacancy on the Commission when the procedure established in section 104 cannot be followed owing to an adjournment of the Assembly or a prorogation of the session or the dissolution of the Legislature; he may also determine the remuneration and the conditions of employment of that person.

However, the appointment ceases to have effect at the expiry of thirty days from resumption of the Assembly unless it is ratified as provided in the second paragraph of section 104.

110. The chair of the Commission is responsible for the management and administration of the affairs of the Commission. The chair may exercise the powers of the Commission under sections 118 and 120 by delegation.

The functions of the chair include

(1) fostering the participation of the members in the formulation of guiding principles for the Commission so as to maintain a high level of quality and coherence in its decisions;

(2) coordinating and assigning the work of the members who, in that respect, must comply with the chair's orders and directives;

(3) seeing that standards of ethical conduct are observed; and

(4) promoting the professional development of the members as regards the exercise of their functions.

In order to expedite the business of the Commission, the chair may temporarily assign a member to another division.

110.0.1. The chair may delegate all or some of the chair's powers and duties to the vice-chair.

In addition, the chair may designate the vice-chair as the person in charge of one of the two divisions of the Commission.

110.0.2. In addition to the powers and duties that may otherwise be assigned to him or that may be delegated to him by the chair, the vice-chair

(1) assists and advises the chair in the exercise of the chair's functions;

(2) performs his administrative functions under the chair's authority; and

(3) replaces the chair if the latter is absent or unable to act or if the office of chair is vacant.

110.1. The Commission shall adopt internal management rules and rules of ethics by regulation.

The rules of ethics must be published in the Gazette officielle du Québec.

111. The secretary and the other members of the personnel of the Commission are appointed in accordance with the Public Service Act (chapter F-3.1.1).

112. No member of the Commission may, under pain of forfeiture of office, have a direct or indirect interest in an undertaking putting his own interest in conflict with that of the Commission.

However, forfeiture is not incurred if the interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

113. No member of the Commission or its personnel may be prosecuted by reason of an official act performed in good faith in the exercise of his duties.

114. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against the Commission or any of its members acting in their official capacity.

Two judges of the Court of Appeal may, on an application, summarily annul any judgment, decision, order or injunction rendered or granted or granted contrary to this Act in relation to a document.

115. The head office of the Commission is located in the territory of Ville de Québec, at the place determined by the Government; notice of the location or any change of location of the head office must be published in the Gazette officielle du Québec.

116. Every document and every copy of a document emanating from the Commission is authentic if certified by a member of the Commission or by the secretary.

117. The fiscal year of the Commission ends on 31 March each year.

118. The Commission shall send ~~to~~ the ~~designated Minister~~minister responsible for the administration of this Act, not later than 30 June each year, a report of its activities for the preceding fiscal year.

The report must deal, in particular, with how this Act is being observed and the means at the disposal of the Commission to enforce it.

The report may contain, in addition,

(1) recommendations in view of promoting the protection of personal information, and the exercise of the right of access to documents, in particular by cultural communities and handicapped persons;

(2) proposals relating to technical standards of preservation, classification, retrieval and the method of consultation of documents;

(3) suggestions from the public on any matter within the competence of the Commission.

The report must also deal with the application of the Act respecting the protection of personal information in the private sector (chapter P-39.1) and of Division V.1 of Chapter IV of the Professional Code (chapter C-26~~).~~) and with any other subject the Minister may submit to the Commission.

119. The report of activities must be tabled in the National Assembly within thirty days of its receipt, if the Assembly is in session, or, if it is not sitting, within thirty days of the opening of the next session, or of resumption.

119.1. The Committee on the National Assembly shall as soon as possible designate the committee which will examine the report of activities.

The designated committee shall study the report within sixty days of its tabling in the National Assembly.

120. The Commission shall furnish the ~~designated Minister~~minister responsible for the administration of this Act with all the information and financial statements he may require regarding its activities.

In addition, the Commission shall send the Minister, on request, a copy of the final notices it sends to a department or a government body referred to in the first paragraph of section 3, and a copy of the rules, reports, prescriptions and orders arising from its oversight functions.

121. (Repealed).

DIVISION II

OVERSIGHT DIVISION

122. The functions and powers of the Commission provided for in this division are exercised by the chair and the members assigned to the oversight division.

122.1. The function of the Commission is to oversee the carrying out of this Act and the Act respecting the protection of personal information in the private sector (chapter P-39.1).

The Commission must also ensure compliance with and promotion of the principles of access to documents and the protection of personal information. in particular by using awareness tools.

123. The Commission must also

(1) inquire into the application of this Act and the degree to which the Act is observed;

(2) approve agreements entered into between public bodies pursuant to section 172;

(3) give its opinion on the draft regulations submitted to it under this Act, on draft agreements on the transfer of information and on draft orders authorizing the establishment of confidential files;

(4) establish, if it considers it advisable to do so, rules for the keeping of the register contemplated in section 67.3;

(5) see to it that the confidentiality of personal information contained in files held by public bodies respecting the adoption of a person is respected;

(6) see to it that the confidentiality of personal information contained in files held by the Public Curator on persons whom he represents or whose property he administers is respected.

(7) conduct or commission research, inventories, studies or analyses; and

(8) issue opinions regarding proposed legislation and plans to develop information systems.

123.1. In the exercise of its oversight functions, the Commission may authorize members of its personnel or any other persons to act as inspectors.

123.2. Persons acting as inspectors may

(1) enter the establishment of a body or person subject to the oversight of the Commission at any reasonable time;

(2) request a person on the site to present any information or document required to exercise the Commission's oversight function; and

(3) examine and make copies of such documents.

123.3. Persons acting as inspectors must, on request, identify themselves and produce a certificate of authority.

Persons acting as inspectors may not be prosecuted for an act performed in good faith in the exercise of their duties.

124. The Commission may prescribe conditions applicable to a personal information file with which the public body must conform and respecting, in particular,

(1) the kind of information that may be collected and the purposes for which it may be kept;

(2) the use to which the file may be put;

(3) the security measures that must be taken to ensure the protection of personal information;

(4) the categories of persons who have access to personal information in the discharge of their duties and, where such is the case, the special restrictions and conditions of access;

(5) the special conditions to which the maintenance of the file may be subject, where such is the case.

125. ~~The Commission may, on a written request, grant a person or an agency the authorization to receive communication of personal information contained in a personal information file, for study, research or statistics purposes, without the consent of the persons concerned, if it is of the opinion~~ (Repealed).

~~(1) that the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in nominative form;~~

~~(2) that the personal information will be used in a manner that will ensure its confidentiality.~~

~~The authorization is granted for such period and on such conditions as may be fixed by the Commission. It may be revoked before the expiry of the period granted if the Commission has reason to believe that the authorized person or body does not respect the confidentiality of the information disclosed or the other conditions.~~

126. (Repealed).

127. The Commission may, of its own initiative or following a complaint from ~~an interested~~a person, investigate

(1) a confidential file to determine if the personal information contained therein was entered and used in accordance with the order;

(2) whether the confidentiality of personal information contained in a file held by a public body respecting the adoption of a person has been respected;

(3) whether the confidentiality of personal information contained in a file held by the Public Curator on a person whom he represents or of whose property he administers has been respected.

The investigation is secret. Only a member of the Commission or a member of its management staff designated in writing for that purpose by the Commission may examine the personal information entered in the file or the personal information contained in a file contemplated in subparagraph 2 or 3 of the first paragraph. However, a member of the staff of the Commission may, if the Commission so authorizes in writing, examine the personal information contained in a file contemplated in subparagraph 2 or 3 of the first paragraph.

127.1. The Commission may, by a formal demand notified by registered mail or personal service, require any person, whether subject to this Act or not, to file by registered mail or personal service, within a reasonable time specified in the demand, any information or documents to verify compliance with this Act or the regulations.

The person to whom the demand is made shall comply with it within the specified time regardless of whether the person has already filed such information or documents pursuant to a similar demand or pursuant to an obligation under this Act or the regulations.

127.2. The Commission may, when a confidentiality incident is brought to its attention, order any person, after giving him the opportunity to submit observations, to take any measure to protect the rights of the persons concerned that are granted to them by this Act, for the time and on the conditions the Commission determines. It may, in particular, order that the personal information involved be returned to the public body or destroyed.

If a person to whom an order applies was not given prior notice because, in the opinion of the Commission, urgent action is required or there is a danger of irreparable damage being caused, the person may, within the time specified in the order, submit observations so that the order may be reviewed by the Commission.

128. The Commission may, after investigating a personal information file or a confidential file and after giving the public body responsible for the file an opportunity to submit written observations,

(1) order that personal information be corrected or deleted from the file or that the use of the file made contrary to this Act, the order or the prescriptions of the Commission, as the case may be, be discontinued;

(2) order the public body to take the measures it considers appropriate to meet the conditions provided for by this Act or the prescriptions of the Commission;

(3) order the destruction of a personal information file established or used contrary to this Act;

(4) recommend to the Government that the order authorizing the establishment of a confidential file be amended or revoked.

128.1. On completion of an investigation pertaining to the matter contemplated in subparagraph 2 of the first paragraph of section 127 and after giving the public body holding the file contemplated in the said subparagraph an opportunity to make written representations, the Commission may

(1) order the public body to take the necessary measures to ensure the confidentiality of the personal information contained in such a file respecting the adoption of a person;

(2) indicate the measures that must be taken to ensure the confidentiality of the personal information contained in such a file;

(3) indicate the special conditions to which the maintenance of such a file may be subject.

The Commission shall exercise the same powers with respect to the Public Curator on completion of an investigation pertaining to the matter contemplated in subparagraph 3 of the first paragraph of section 127.

128.2. (Repealed).

129. The Commission, its members and every person appointed by it to inquire into the application of this division are vested, for that purpose, with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

The inquiries of the Commission are non-adversary investigations.

On completion of an inquiry and after giving the public body an opportunity to submit written observations, the Commission may recommend or order ~~it to~~that the public body take the measures the Commission considers appropriate within the time limit the Commission specifies.

129.1. Any order issued by the Commission's oversight division becomes executory in the same manner as a decision referred to in section 144.

130. Every public body must, at the request of the Commission, provide it with such information as it may require on the carrying out of this Act.

130.1. (Repealed).

130.2. A member of the Commission may act alone on behalf of the Commission to exercise the functions and powers conferred on it by paragraph 3 of section 123 as regards draft agreements on the transfer of information, sections 124, 127 to 128.1, the third paragraph of section 129 and section 164, as well as those referred to in the second paragraph.

The chair of the Commission may delegate to a member of its personnel all or some of the functions and powers conferred on the Commission by paragraphs 1, 2, 5 and 6 of section 123 and by ~~sections~~section 123.1 ~~and 125~~.

131. (Repealed).

132. (Repealed).

133. If, within a reasonable time after making a recommendation to a public body ~~or after making an order~~, the Commission considers that appropriate measures have not been taken to implement the recommendation, it may so notify the Government or, if it deems it expedient, submit a special report to the National Assembly ~~or~~, set out the situation in its annual report or inform the public accordingly.

134. The Committee on the National Assembly shall as soon as possible designate the committee which will study the special report.

The designated committee shall study the report within sixty days of its tabling in the National Assembly.

DIVISION III

ADJUDICATIVE DIVISION

134.1. The functions and powers of the Commission provided for in this division are exercised by the chair and the members assigned to the adjudicative division.

134.2. The function of the Commission is to decide applications for review made under this Act and applications for examination of disagreements made under the Act respecting the protection of personal information in the private sector (chapter P-39.1), to the exclusion of any other court.

134.3. When exercising the functions and powers provided for in this division, the Commission and its members are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

134.4. The parties to a proceeding must ensure that their actions, their pleadings and the means of proof they use are proportionate, in terms of the cost and time involved, to the nature and complexity of the matter and the purpose of the application.

The Commission must do likewise in managing each proceeding it is assigned. It must ensure that the measures and acts it orders or authorizes are in keeping with that principle of proportionality, while having regard to the proper administration of justice

135. Every person whose request has been denied, in whole or in part, by the person in charge of access to documents or of protection of personal information may apply to the Commission for a review of the decision.

Every person who has made a request under this Act may apply to the Commission for a review of any decision of the person in charge concerning the time prescribed for processing the request, the mode of access to a document or information, the application of section 9 or the fee payable.

The application must be made within thirty days of the date of the decision or of the time granted by this Act to the person in charge for processing a request. However, the Commission may, for any serious cause, release the applicant from a failure to observe the time limit.

136. A third person who has submitted observations in accordance with section 49 may, within 15 days after the ~~mailing~~date of transmission of the notice informing him of the decision to grant access, in whole or in part, to a document, apply to the Commission for a review of the decision.

Except in the case contemplated in the first paragraph of section 41.1, the application suspends the carrying out of the decision of the person in charge until the decision of the Commission on the application is executory.

137. The application for review must be made in writing; it may state briefly the reasons for which the decision should be reviewed.

Notice of the application is given to the public body by the Commission.

Where the application for review deals with the refusal to release information provided by a third person, the Commission must so notify the third person concerned.

If the Commission does not succeed in notifying a third person by ~~mail~~sending a written notice after taking reasonable steps to do so, the third person may be notified in another manner, such as by public notice in a newspaper in the place where the last known address of the third person is located. If there is more than one third person and more than one notice is required, all third persons are deemed to have been notified only once all the notices have been published.

137.1. The Commission may authorize a public body to disregard ~~applications~~requests that are obviously improper because of their number or their repetitious or systematic nature or ~~an application~~a request whose processing could seriously interfere with the body's activities. It may also limit the scope of the applicant's request or extend the time limit within which the public body must reply.

The same applies if, in the opinion of the Commission, the ~~applications~~requests are not consistent with the object of this Act concerning the protection of personal information.

The public body's application must be filed, from the date the applicant's most recent request was received, within the same time limit as would be applicable to the processing of a request under section 47 or 98.

137.2. The Commission may refuse or cease to examine a matter if it has reasonable cause to believe that the application is frivolous or made in bad faith or that its intervention would clearly serve no purpose.

In such cases, the Commission may prohibit a person from bringing an application except with the authorization of and subject to the conditions determined by the chair of the Commission. It may, in the same manner, prohibit a person from presenting a pleading in an ongoing proceeding.

137.3. The Commission must make rules of procedure and proof by regulation.

The regulation must include provisions to ensure the accessibility of the Commission and the quality and promptness of its decision-making process. To that end, the regulation must specify the time allotted to proceedings, from the time the application for review is filed until the hearing, if applicable.

The regulation must be submitted to the Government for approval.

137.4. The Commission may, at any stage of the proceeding, use technological means that are available to both the parties and itself. It may, even on its own initiative, order that such means be used by the parties. If the Commission considers it necessary, it may also, despite an agreement between the parties, require a person to appear in person at a hearing, conference or examination.

138. The members of the personnel of the Commission must lend assistance in drafting an application for review to every applicant concerned who requires it.

138.1. On receiving an application, the Commission may direct a person it designates to attempt to bring the parties to an agreement, if it considers it useful and the circumstances of the case allow it.

139. A member of the Commission may act alone on behalf of the Commission to exercise the powers provided for in sections 135, 136, 137.1, 137.2, 142.1 and 146.1.

140. On receiving an application for review, the Commission must give the parties an opportunity to submit their observations.

141. The Commission has all the powers necessary for the exercise of its jurisdiction; it may make every order it considers appropriate to protect the rights of the parties, and decide on every matter of fact or of law.

It may, in particular, order a public body to release a document or part of a document, refrain from doing so, correct, complete, clarify, update or delete any personal information, or discontinue the use or the release of personal information.

141.1. The Commission must exercise its functions and powers in matters of review diligently and efficiently.

The Commission must make its decision within three months after the matter is taken under advisement, unless the chair extends that time limit for valid reasons.

If a member of the Commission to whom a case is referred does not make a decision within the specified time limit, the chair may, by virtue of office or at the request of a party, remove the member from the case.

Before extending the time limit or removing from a case a member who has not made a decision within the applicable time, the chair must take the circumstances and the interest of the parties into account.

142. The Commission may, in deciding an application for review, fix such conditions as it may deem advisable to facilitate the exercise of a right conferred by this Act.

142.1. A decision containing an error in writing or in calculation or any other clerical error may be corrected by the Commission or the member who made the decision; the same applies to a decision which, through obvious inadvertence, grants more than was requested or fails to rule on part of the application.

A correction may be made on the Commission's or the concerned member's own initiative as long as execution of the decision has not commenced. A correction may be effected at any time on the motion of one of the parties, unless an appeal has been lodged.

The motion is addressed to the Commission and submitted to the member who made the decision. If the latter is no longer in office, is absent or is unable to act, the motion is submitted to the Commission.

If the correction affects the conclusions, the time limit for appealing or executing the decision runs from the date of the correction.

143. A copy of the decision of the Commission is sent to the parties by any means providing evidence of the date of receipt.

144. Every decision of the Commission prescribing a particular course of action to a public body is executory 30 days after its receipt by the parties.

Every decision prohibiting a course of action to a public body is executory from its delivery to the public body.

From the time a decision becomes executory, a certified copy thereof may be filed by the Commission or a party in the office of the clerk of the Superior Court of the district of Montréal or Québec or of the district where the head office, business establishment or residence of a party is situated.

The filing of a decision grants thereupon to the decision the force and effect of a judgment of the Superior Court.

145. Where it considers it necessary in the public interest, the Government may, by order, require a public body to postpone, for such period as it indicates, the execution of a decision of the Commission ordering the release of a document or information.

During that period, no request for access to the document or information contemplated in the order may be received.

No proceedings in appeal from the decision of the Commission may be brought or continued during that period.

Furthermore, the time limit for appeal from the decision of the Commission is interrupted during the postponement, counting from the making of the order.

The order is tabled in the National Assembly within fifteen days following the making of the order if the Assembly is in session or, if it is not sitting, within fifteen days of the opening of the next session or of resumption.

146. Every decision of the Commission on a question of fact within its competence is final.

146.1. The Commission may declare an application for review of an agreement perempted if one year has elapsed since the last useful proceeding was filed.

CHAPTER V

APPEAL AND CONTESTATION

147. A person directly interested may bring an appeal from the final decision of the Commission before a judge of the Court of Québec on a question of law or jurisdiction~~, including an order of the Commission issued following an investigation,~~ or, with leave of a judge of that Court, from an interlocutory decision that will not be remedied by the final decision.

The person may also contest before a judge of the Court of Québec an order issued by the Commission's oversight division.

147.1. The application for leave to appeal from an interlocutory decision must specify the questions of law or jurisdiction that ought to be examined in appeal and the reason the interlocutory decision will not be remedied by the final decision and, after notice to the parties and to the Commission, be filed in the office of the Court of Québec within 10 days after the date on which the parties receive the Commission's decision.

If the application is granted, the judgment authorizing the appeal serves as a notice of appeal.

148. The jurisdiction conferred by this division on a judge of the Court of Québec is exercised by only the judges of that Court that are appointed by the chief judge.

149. The appeal is brought by filing with the Court of Québec a notice to that effect specifying the questions of law or jurisdiction that ought to be examined in appeal.

The notice of appeal must be filed at the office of the Court of Québec within 30 days after ~~the date the parties receive~~notification of the final decision.

The proceeding to contest an order issued by the Commission's oversight division must be filed at the office of the Court of Québec within 30 days after notification of the order and must specify the questions that ought to be examined.

149.1. (Replaced).

150. The filing of the notice of appeal or of the application for leave to appeal from an interlocutory decision suspends the execution of the decision of the Commission until the decision of the Court is rendered. If it is an appeal from a decision ordering a public body to cease or refrain from doing something, the filing of the notice or application does not suspend execution of the decision.

The filing of the proceeding to contest an order issued by the Commission's oversight division does not suspend the execution of the order.

151. The notice of appeal must be served on the parties and on the Commission within 10 days after its filing at the office of the Court of Québec.

The secretary of the Commission shall send a copy of the ~~contested~~ decision appealed from and the accompanying documents ~~related to the contestation~~ to the office of the Court, to serve as a joint record.

The contestation of an order issued by the Commission's oversight division must be served on the Commission and, if applicable, on the other parties, within 10 days after its filing at the office of the Court of Québec. The secretary of the Commission shall send a copy of the contested order and the accompanying documents to the office of the Court, to serve as a joint record.

152. The appeal is governed by articles 351 to 390 of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications. The parties are not required, however, to file a statement of their claims.

The contestation is governed by the rules of the Code of Civil Procedure that are applicable in first instance.

153. The Court of Québec may, in the manner prescribed under the Courts of Justice Act (chapter T-16), make the regulations judged necessary for the carrying out of this division.

154. The decision of the judge of the Court of Québec is final.

CHAPTER VI

REGULATIONS

155. The Government may make regulations

(1) prescribing fees for the transcription, reproduction or transmission of documents or personal information, and the terms and conditions of payment of the fees, taking into account the policy established under section 26.5 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);

(2) providing for total or partial exemption from the payment of fees under this Act;

(3) defining what constitutes a document produced by or for another public body, for the purposes of section 48;

(3.1) for the purposes of sections 16.1 and 63.2, prescribing information distribution rules and rules for the protection of personal information including, among other things, measures to promote access to information and the protection of personal information; those rules may identify the types of documents or information made accessible by law that a public body must distribute, having regard, in particular, to their interest for the purposes of public information; the rules may ~~provide for the establishment of a committee to be responsible for supporting the public body in carrying out its responsibilities, and entrust functions to persons other than the person in charge of~~

~~access to documents or the protection of personal information; the rules may~~ vary with the body referred to in sections 3 to 7 to which they apply;

~~(4) (subparagraph repealed);~~

~~(5) (subparagraph repealed);~~

~~(6) (subparagraph repealed);~~

(4) exempt a public body from the obligation to establish the committee provided for in section 8.1 or modify a body's obligations under that section according to criteria it defines;

(5) determine the content and terms of the policy provided for in section 63.4;

(6) determine the content and terms of the notices provided for in section 63.7;

(6.1) determine the content of the register provided for in section 63.10;

(7) designating, according to the standards provided for in the regulation and for the purposes of the second paragraph of section 28, the public bodies that must refuse to release or to confirm the existence of information obtained through their internal security service;

(8) setting the fees payable for the acts performed by the Commission.

The Government, in exercising its power to make regulations, may establish categories of persons, public bodies, information, documents and files.

156. After obtaining the opinion of the Commission, the ~~designated~~ minister responsible for the administration of this Act shall publish in the Gazette officielle du Québec the text of every draft regulation made under this Act with a notice indicating that after a period of not less than forty-five days following the publication, the text will be submitted to the Government for adoption.

157. (Repealed).

CHAPTER VII

SANCTIONS

DIVISION I

PENAL PROVISIONS

158. ~~Every person~~Anyone who ~~knowingly~~

(1) denies or impedes access to a document or information ~~to which access~~that is ~~not to be denied under this Act is guilty of an offence and is liable to a fine of $100 to $500 and, in the case of a second or subsequent conviction, to a fine of $250 to $1,000.~~ accessible by law, in particular by destroying, modifying or concealing the document or by unduly delaying its release,

~~159. Every person who knowingly gives access to a document or to information which, under this Act, is not to be disclosed or to which, according to law, a public body denies access, is guilty of an offence and is liable to a fine of $200 to $1,000 and, in the case of a second or subsequent conviction, to a fine of $500 to $2,500.~~

~~159.1. Every person who knowingly~~

~~(1) gives~~

(2) grants access to a document to ~~a person who~~which the law does not ~~have a right of~~allow access or to ~~it under a provision of an Act~~ which ~~applies notwithstanding a provision of this Act,~~ a public body refuses access in accordance with the law,

~~(2)~~ (3) informs a person of the existence of information he does not have the right to be informed of under ~~a provision of an Act which applies notwithstanding a provision of this Act, or~~ the law,

~~(3) communicates information to a person who is not a person who may take communication of it under a provision of an Act which applies notwithstanding a provision of this Act~~

~~is guilty of~~ (4) hinders the person in charge of access to documents or the protection of personal information in the performance of his functions,

(5) collects or uses personal information in contravention of the law,

(6) fails to report, where required to do so, a confidentiality incident to the Commission or to the persons concerned, or

(7) fails to comply with the conditions set out in an agreement entered into under section 67.2.3

commits an offence and is liable to a fine of $~~200 to $~~1,000 ~~and, in a case of a second or subsequent conviction, to a fine of $500 to $2,500.~~

~~159.2. Every person who knowingly contravenes section 67.2 or the second paragraph of section 70.1 is liable to a fine of $5,000 to $50,000 and, in the case of a second or subsequent conviction,~~ to ~~a fine of~~ $10,000 in the case of a natural person and of $3,000 to $~~100~~30,000~~.~~ in all other cases.

~~160. Every person who~~159. Anyone who

(1) releases personal information in contravention of the law,

(2) identifies or attempts to identify a natural person using de-identified information without the authorization of the public body holding the information or using anonymized information,

(3) impedes the progress of an inquiry or inspection of the Commission or the ~~examination~~hearing of ~~a request or~~an application by the Commission by ~~knowingly~~ providing it with false or inaccurate information, ~~or otherwise, is guilty of an offence and is liable to the fine established in section 159.~~

~~161. Every person who impedes the progress of an inquiry or examination of a request or application by the Commission by knowingly~~by omitting to provide ~~it with the~~ information it requires ~~is guilty of an offence and is liable to a fine of $50 for each day or part of day during which the offence continues.~~ or otherwise,

~~162. Every person who contravenes this Act,~~(4) refuses or neglects to comply, within the ~~regulations of the government, or~~ prescribed time, with a demand sent under section 127.1, or

(5) fails to comply with an order of the Commission~~, is guilty of~~

commits an offence and is liable to ~~the~~a fine ~~prescribed~~ of $5,000 to $50,000 in ~~section 158.~~

the case of a natural person and of $15,000 to $150,000 in all other cases.

163. An error or omission made in good faith does not constitute an offence within the meaning of this Act.

164. The Commission may, in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under this division.

164.1. In the case of a subsequent offence, the fines under this division are doubled.

164.2. All penal proceedings must be instituted within three years of the commission of the offence.

165. (Repealed).

DIVISION II

REDRESS IN CERTAIN CASES

166. A natural person wronged by a decision of a public body concerning him may, if he has no other redress, apply to the Superior Court to nullify the decision if it is based on personal information which is inaccurate or which has been collected, used, kept or released in contravention of this Act.

The court shall nullify the decision if it is established that the inaccuracy of the information or the contravention of the Act or regulation was not caused by a deliberate act of the person concerned. However, the public body may have the application rejected if it establishes that its decision would have been maintained even if the information had been rectified in due time.

167. Except if the injury results from superior force, a public body that keeps personal information is bound to compensate for the injury resulting from the unlawful infringement of a right established by Chapter III.

In addition, where the infringement is intentional or results from gross neglect, the court shall also award punitive damages of not less than $~~200~~1,000.

CHAPTER VIII

GENERAL PROVISIONS

168. The provisions of this Act prevail over any contrary provision of a subsequent general law or special Act unless the latter Act expressly states that it applies notwithstanding this Act.

169. Subject to section 170, every provision of any general law or special Act that is inconsistent with the provisions of Chapter II respecting access to documents held by public bodies or the provisions of Chapter III respecting the protection of personal information ceases to have effect on 31 December 1987.

The same applies to every provision of a regulation that is inconsistent with the provisions of this Act or of a government regulation passed under this Act.

170. The legislative provisions mentioned in Schedule A continue to have effect.

171. Notwithstanding sections 168 and 169, this Act does not limit

(1) the exercise of a person's right of access to a document resulting from the carrying out of another Act or of a practice established before 1 October 1982, unless the exercise of the right interferes with the protection of personal information;

(2) the protection of personal information or the exercise of the right of access of a person to personal information concerning him, resulting from the application of another Act or a practice established before 1 October 1982;

(2.1) the protection of information contained in a tax record as provided for in Division VIII of Chapter III of the Tax Administration Act (chapter A-6.002) in respect of a person referred to in that division;

(3) the release of documents or information required by the Public Protector or by the summons, warrant or order of any body empowered to enjoin their release.

This section does not apply to a release of personal information under the provisions of Division II.1 of Chapter III.

172. The obligations imposed by this Act on a public body may be assumed by another public body in accordance with an agreement approved by the Commission.

173. The Public Protector and the Commission des droits de la personne et des droits de la jeunesse, on receiving a complaint in relation to a matter within the competence of the Commission, must transfer the file to the latter, thereby referring the case to the Commission pleno jure.

174. The minister designated by the Government is responsible for the administration of this Act.

The Minister shall advise the Government by providing opinions on access to information and the protection of personal information, in particular as regards proposed legislation and plans to develop information systems. The Minister may consult the ~~Commission~~Commission's oversight division to that end.

The Minister shall provide public bodies with the support necessary for the purposes of this Act.

For the purpose of exercising ministerial functions, the Minister may, in particular,

(1) enter into agreements with any person, association, partnership or body;

(2) conduct or commission research, inventories, studies or analyses and publish them; and

(3) obtain from departments and public bodies the information necessary to exercise those functions.

Note from the Quebec Official Publisher

The Minister Responsible for Democratic Institutions, Electoral Reform and Access to Information is responsible for the administration of this Act. Order in Council 920-2019 dated 4 September 2019, (2019) 151 G.O. 2 (French), 3976.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

175. (Amendment integrated into c. E-18, Division II.1, ss. 11.1-11.4).

176. For two years following the coming into force of those provisions of this Act which grant to a person the right of access to a document, a public body may deny access to any document dated more than two years prior to such coming into force.

177. Notwithstanding Division III of Chapter III, a public body which, at the time when that division becomes effective in its regard, is in possession of personal information, has 12 months to set up a personal information file or a confidential file in accordance with this Act.

178. The Commission, before 1 October 1985, must examine the provisions of the Acts and regulations referred to in section 169 and, after hearing the representations made by the persons concerned, make recommendations to the Government on the advisability of maintaining their application or of amending them.

179. Not later than 14 June ~~2011~~2026, and, subsequently, every five years, the Commission must report to the Government on the application of this Act and of Division V.1 of Chapter IV of the Professional Code (chapter C-26), as well as on any other subject the Minister may submit to it.

The report must also include any audit findings and recommendations that the Auditor General considers it appropriate to forward to the Commission under the Auditor General Act (chapter V-5.01) and that the Auditor General states are to be reproduced in the report.

The Minister shall table the report in the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.

179.1. The Committee on the National Assembly shall as soon as possible designate the committee which will study the report on the implementation of the Act.

Within one year after the tabling of the report in the National Assembly, the designated committee shall examine the advisability of amending this Act, and hear the representations of the persons and bodies concerned.

180. The sums required for the carrying out of this Act are taken, for the fiscal year 1982-1983, out of the Consolidated Revenue Fund and, for subsequent years, out of the sums granted annually for that purpose by Parliament.

181. Within twelve months from 1 October 1982, the Government must set up a timetable of the coming into force and effective dates of the provisions of this Act.

Within fifteen days of its adoption, the timetable must be tabled in the National Assembly if it is sitting or, if not, in the office of its President.

182. (This section ceased to have effect on 1 October 1987).

183. (Omitted).

SCHEDULE A

(section 170)

LEGISLATIVE PROVISIONS STILL HAVING EFFECT NOTWITHSTANDING

SECTION 169

TITLE PROVISIONS

Referendum Act Sections 16 to 18 and 61

(chapter C-64.1) to 155 of Appendix 2

Education Act for Cree, Inuit Sections 624 to 626

and Naskapi Native Persons

(chapter I-14)

An Act respecting Northern Sections 67 to 75

villages and the Kativik

Regional Government

(chapter V-6.1)

SCHEDULE B

(section 106)

OATH OF ALLEGIANCE, OF OFFICE AND OF DISCRETION

I, A. B., swear under oath that I will act with loyalty and true allegiance to the established authority and that I will fulfil the duties of my office with honesty, objectivity and impartiality, and that I will not accept any sum of money or consideration of any kind in carrying out the duties of my office, apart from my salary and any allowance that is given to me by law or by an order of the Government. In addition, I swear under oath that I will neither disclose nor make known anything whatsoever that I have learned in the exercise of my office, unless I have been duly authorized to do so.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 30 of the statutes of 1982, in force on 1 January 1983, is repealed, except section 183, effective from the coming into force of chapter A-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 155 to 157, 168, 169 and 178 of chapter 30 of the statutes of 1982, in force on 1 January 1984, are repealed effective from the coming into force of the updating to 1 January 1984 of chapter A-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 9 to 15, 17 to 68, 71 to 102, 122 to 130, 132 to 154, 158 to 167, 170 to 173, 175 to 177 and Schedule A of chapter 30 of the statutes of 1982, in force on 1 July 1984, are repealed effective from the coming into force of the updating to 1 July 1984 of chapter A-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 69 and 70 of chapter 30 of the statutes of 1982, in force on 1 September 1985, are repealed effective from the coming into force of the updating to 1 September 1985 of chapter A-2.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 16 of chapter 30 of the statutes of 1982, in force on 1 March 1986, is repealed effective from the coming into force of the updating to 1 March 1986 of chapter A-2.1 of the Revised Statutes.