

NATIONAL ASSEMBLY

FIRST SESSION

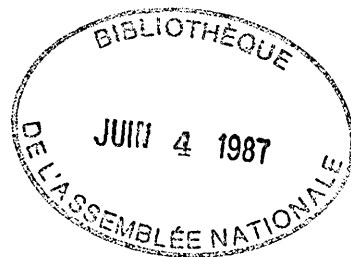
THIRTY-THIRD LEGISLATURE

Bill 28

**An Act to amend various legislation having
regard to the Act respecting Access
to documents held by public bodies
and the Protection of personal information**

Introduction

**Introduced by
Mr Richard D. French
Minister of Communications**



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EXPLANATORY NOTES

Section 168 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) gives that Act precedence over other Acts. Moreover, section 169 of the said Act provides that, subject to section 170, any provision of a general law or special Act that is inconsistent with the provisions of Chapters II and III relating to access to documents held by public bodies or to the protection of personal information ceases to have effect on 30 June 1987.

In that respect, the object of this bill is to bring into harmony various legislative provisions that are inconsistent with the Act respecting Access to documents held by public bodies and the Protection of personal information. Through this harmonization, every person will be assured of the full exercise of his rights regarding access to documents held by public bodies and the protection of personal information.

To that effect, this bill proposes the repeal or amendment of certain statutory provisions. It also proposes that certain provisions be maintained notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information.

Lastly, certain amendments have been made where, although the existing text is not inconsistent with the Access to information Act, clarification and coherence with other Acts require them.

ACTS AMENDED BY THIS BILL:

- Bees Act (R.S.Q., chapter A-1);
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Automobile Insurance Act (R.S.Q., chapter A-25);

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting farm income stabilization insurance (R.S.Q., chapter A-31);
- Act respecting insurance (R.S.Q., chapter A-32);
- Cultural Property Act (R.S.Q., chapter B-4);
- Act respecting the change of name and of other particulars of civil status (R.S.Q., chapter C-10);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Companies Act (R.S.Q., chapter C-38);
- Act respecting the James Bay Regional Zone Council (R.S.Q., chapter C-59.1);
- Referendum Act (R.S.Q., chapter C-64.1);
- Cooperatives Act (R.S.Q., chapter C-67.2);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting the development of Québec firms in the manufacturing industry (R.S.Q., chapter D-8.1);

Act respecting elections in certain municipalities (R.S.Q., c

Election Act (R.S.Q., chapter E-3.2);

Public Officers Act (R.S.Q., chapter E-6);

Act respecting municipal taxation (R.S.Q., chapter F-2

Grain Act (R.S.Q., chapter G-1.1);

Hydro-Québec Act (R.S.Q., chapter H-5);

Act respecting the Inspector General of Financial Instit
., chapter I-11.1);

Education Act (R.S.Q., chapter I-14);

Act respecting lotteries, racing, publicity constest
ment machines (R.S.Q., chapter L-6);

Mining Act (R.S.Q., chapter M-13);

Farm Products Marketing Act (R.S.Q., chapter M-35)

Act to authorize municipalities to collect duties on trans
eables (R.S.Q., chapter M-39);

Act respecting liquor permits (R.S.Q., chapter P-9.1);

Farm Producers Act (R.S.Q., chapter P-28);

Agricultural Products, Marine Products and Food Act (F
r P-29);

Public Health Protection Act (R.S.Q., chapter P-35);

Mental Patients Protection Act (R.S.Q., chapter P-41)

Act to preserve agricultural land (R.S.Q., chapter P-4

Act respecting building contractors vocational qualific
., chapter Q-1);

Act respecting the Québec Pension Plan (R.S.Q., chapte

Act respecting supplemental pension plans (R.S.Q., c

- Act to promote the regrouping of municipalities (R.S.Q., chapter R-19);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting child day care (R.S.Q., chapter S-4.1);
- Act respecting health services and social services (R.S.Q., chapter S-5);
- Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01);
- Cooperative Syndicates Act (R.S.Q., chapter S-38);
- Act respecting public agricultural lands (R.S.Q., chapter T-9.1);
- Securities Act (R.S.Q., chapter V-1.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

Bill 28

An Act to amend various legislation having regard to the Act respecting Access to documents held by public bodies and the Protection of personal information

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BEES ACT

1. Section 13 of the Bees Act (R.S.Q., chapter A-1) is amended by striking out the words “, and may be published by order of the Minister” in the second and third lines.

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

2. Section 2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by inserting, after paragraph 4, the following paragraph:

“(5) judicial and administrative files respecting the adoption of a person.”

3. Section 8 of the said Act is amended by replacing the word “another” in the first line and in the second line of the second paragraph by the word “a”.

4. Section 11 of the said Act is amended by adding, after the third paragraph, the following paragraphs:

“The Minister of Municipal Affairs, on the application of a municipal body, may fix a different fee for the body from that prescribed by regulation.

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.”

5. Section 59 of the said Act is amended by replacing what precedes paragraph 1 by the following:

“**59.** A public body shall not release nominative information without the consent of the person concerned.

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

6. Section 85 of the said Act is amended by adding, after the third paragraph, the following paragraphs:

“The Minister of Municipal Affairs, on the application of a municipal body, may fix a different fee for the body from that prescribed by regulation.

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.”

7. The said Act is amended by inserting, after section 87, the following section:

“**87.1** A health services or social services establishment, the Commission de la santé et de la sécurité du travail or the Régie de l’assurance automobile du Québec may refuse for the moment to release, to a recipient, nominative information which concerns him where, in the opinion of his attending physician, serious harm to the person’s health would likely result.

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

The public body shall, on the application of the person concerned, provide him with the assistance of a qualified professional to help him understand the information.

8. The said Act is amended by adding, after section 159, the following section:

“159.1 Every person who knowingly

(1) gives access to a document to a person who does not have a right of access to it under a provision of an Act which applies notwithstanding a provision of this Act,

(2) communicates information to a person who does not have a right to be informed of the existence of the information under a provision of an Act which applies notwithstanding a provision of this Act, or

(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 an offence and liable, in addition to costs, to a fine of \$200 to \$1 000 and, for each subsequent offence within two years, to a fine of \$500 to \$2 500.”

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

9. Section 142 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by replacing the last three lines of the first paragraph by the following:

“meeting and that a copy of it might then be issued by the person in charge of access to documents of the municipality.”;

(2) by replacing the words “secretary-treasurer” in the first line of the second paragraph by the words “person in charge”.

10. Section 218 of the said Act is amended by replacing the words “or the secretary” in the fourth line by the words “, the secretary or the person in charge of access to documents of the Commission”.

11. Section 226 of the said Act is amended by striking out the words “, on payment of the fee prescribed by government regulation,” in the second and third lines of the second paragraph.

12. Section 241 of the said Act is amended by striking out subparagraph 8.

AUTOMOBILE INSURANCE ACT

13. Section 70 of the Automobile Insurance Act (R.S.Q., chapter A-25) is repealed.

14. Section 72 of the said Act is amended by replacing the words “considered confidential under section 70” in the third line by the words “relating to a claimant obtained under this Act”.

15. Section 73 of the said Act is amended by replacing the words and figures “sections 70 and 72 do” in the first line by the words and figure “section 72 does”.

HEALTH INSURANCE ACT

16. Section 64 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

(1) by replacing the first paragraph by the following paragraph:

“**64.** A person who has furnished or received a service insured by the Board, his advocate or his representative duly authorized by or acting for him under the law may have access, notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), only to the following information:

- (a) the date on which the service was furnished;
- (b) the name and address of the person who furnished the service;
- (c) the sums paid by the Board for the service and the name of the persons to whom they were paid.”;

(2) by striking out the word “also” in the first line of the second paragraph.

ACT RESPECTING FARM INCOME STABILIZATION INSURANCE

17. Section 32 of the Act respecting farm income stabilization insurance (R.S.Q., chapter A-31) is repealed.

ACT RESPECTING INSURANCE

18. Section 16 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing the first paragraph by the following paragraphs:

“16. No person employed by the Government or authorized by the Inspector General to exercise the powers conferred by sections 10 to 12 or to make an inquiry shall communicate or allow to be communicated to anyone information obtained under this Act, or allow the examination of a document filed under this Act, unless the person is authorized to do so by the Inspector General.

Notwithstanding sections 9, 23, 24 and 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), only a person generally or specially authorized by the Inspector General himself may have access to such information or such a document.”

19. Section 19 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The registers and duplicates are public documents.”

CULTURAL PROPERTY ACT

20. The Cultural Property Act (R.S.Q., chapter B-4) is amended by inserting, after section 39, the following section:

“39.1 Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person has a right of access to the information contained in the report before the expiry of a period of five years following the date on which it was given to the Minister, unless the release of the information is authorized by the permit holder.”

ACT RESPECTING THE CHANGE OF NAME AND OF OTHER PARTICULARS OF CIVIL STATUS

21. Section 9 of the Act respecting the change of name and of other particulars of civil status (R.S.Q., chapter C-10) is amended by inserting the word “true” before the word “copy” in the first line of the second paragraph.

CITIES AND TOWNS ACT

22. Section 91 of the Cities and Towns Act (R.S.Q., chapter C-19) is renumbered 114.2 and is amended

(1) by replacing the word “clerk” in the first line of the first paragraph by the words “person in charge of access to documents of the municipality” and by striking out the words “, upon payment of

the fees exigible under the tariff fixed by the council and payable to the municipal treasury,” in the first three lines of the same paragraph

(2) by striking out the second paragraph.

23. Section 93 of the said Act is amended by replacing the word “office” in the third line by the words “regular working”.

24. Section 102 of the said Act is amended by replacing the word “office” in the second line by the words “regular working”.

25. Section 103 of the said Act is repealed.

26. The said Act is amended by inserting, after section 114.1 the following:

*“VIII.—The person in charge of access
to documents of the municipality”.*

27. The said Act is amended by inserting, after section 114.2 the following section:

“114.3 Copies and extracts from documents of the municipality certified true by the person in charge of access to documents of the municipality are proof of their contents.”

28. Section 249 of the said Act is amended by replacing the first paragraph by the following paragraph:

“249. The person in charge of access to documents of the municipality shall issue certified true copies from every poll-book, report return or other document concerning any election, except ballot-papers to any person who applies therefor. These documents, except the ballot papers, are public documents.”

29. Section 250 of the said Act is amended

(1) by replacing the words “No person shall be allowed to inspect any ballot-paper in the custody of the clerk of the municipality” in the first and second lines of the first paragraph by the words: “Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q. chapter A-2.1), no person is entitled to have access to a ballot-paper after a candidate listed on it has been declared elected”;

(2) by replacing the word “clerk” in the first line of the fourth paragraph by the words “person in charge of access to documents of the municipality”.

30. Section 333 of the said Act is amended by replacing the words “all ratepayers who wish” in the sixth line of the first paragraph by the words “any person who wishes”.

31. Section 336 of the said Act is amended by replacing the words “or by the clerk of the council” in the third line by the words “by the clerk of the council or by the person in charge of access to documents of the municipality.”

32. Section 356 of the said Act is amended

(1) by replacing the word “clerk” in the first line of the third paragraph by the words “person in charge of access to documents of the municipality” and by striking out the words “upon payment of the fees payable under the tariff fixed under section 91” in the first and second lines of the same paragraph;

(2) by replacing the words “The clerk” in the first line of the fourth paragraph by the word “He”.

33. Section 359 of the said Act is amended by replacing the words “copy certified by himself” in the second line of the second paragraph of subsection 1 by the words “certified true copy”.

34. Section 368 of the said Act is amended

(1) by inserting, after the word “clerk” in the second line, the words “or by the person in charge of access to documents of the municipality”;

(2) by inserting, after the word “clerk” in the fifth line, the words “or person in charge”.

35. Section 372 of the said Act is amended by replacing paragraph *c* by the following paragraph:

“(c) the hours during which the by-law may be consulted at the office of the municipality;”.

36. Section 392 of the said Act is amended by inserting, after the word “clerk” in the fourth line, the words “or by the person in charge of access to documents of the municipality”.

37. Section 468.30 of the said Act is amended by inserting, after the word “secretary” in the third line, the words “or by the person in charge of access to documents of the management board”.

38. Section 468.31 of the said Act is amended

(1) by replacing the word “office” in the fourth line of the first paragraph by the words “regular working”;

(2) by replacing the words “secretary or, as the case may be, the treasurer” in the first line of the second paragraph by the words “person in charge of documents of the management board”;

(3) by striking out the second sentence of the second paragraph.

LABOUR CODE

39. Section 57.1 of the Labour Code (R.S.Q., chapter C-27) is amended by adding, at the end, the following paragraph:

“Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person has a right of access to such a document.”

MUNICIPAL CODE OF QUÉBEC

40. Section 208 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing the words “in his possession as” in the second and third lines of the first paragraph by the words “forming part of”;

(2) by replacing the words “between 9 o’clock in the morning and 4 o’clock in the afternoon on office days” in the fourth and fifth lines of the first paragraph by the words “during regular working hours”;

(3) by striking out the second paragraph.

41. Section 209 of the said Code is amended

(1) by replacing the expression “secretary-treasurer” in the first line of the first paragraph by the words “person in charge of access to documents of the corporation”;

(2) by striking out the words “upon payment of the fees exigible under the tariff fixed by the council and payable to the general fund of the corporation” in the second and third lines of the first paragraph;

(3) by striking out the second paragraph;

(4) by replacing the words "It is also his duty to" in the first line of the third paragraph by the words "The secretary-treasurer shall" and by replacing the words "fees exigible under the preceding paragraph" in the eleventh line of the same paragraph by the words "the costs exigible";

(5) by replacing the words "The secretary-treasurer is nevertheless" in the first line of the fourth paragraph by the words "Notwithstanding the second and third paragraphs of section 11 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)", and by inserting the word "municipal" before the word "corporation" in the last line of the same paragraph.

42. The said Code is amended by inserting, after section 267, the following:

"TITLE V.1

"PERSON IN CHARGE OF ACCESS TO DOCUMENTS OF THE CORPORATION

"267.1 Copies and extracts from documents of the corporation certified true by the person in charge of access to documents of the corporation are proof of their contents."

43. Section 418 of the said Code is amended by adding, after the first paragraph, the following paragraph:

"The copy may also be attested by the person in charge of access to documents of the corporation."

44. Section 445 of the said Code is amended by replacing the third paragraph by the following paragraph:

"The person in charge of access to documents of the corporation shall issue a copy of the by-law to every person requesting it within the two juridical days preceding the meeting. He shall also take the necessary measures to ensure that copies of the by-law are put at the disposal of the public at the beginning of the meeting, for reference."

45. Section 599 of the said Code is amended by inserting, after the word "secretary" in the third line, the words "or the person in charge of access to documents of the management board".

46. Section 600 of the said Code is amended

(1) by replacing the word “office” in the fourth line of the first paragraph by the words “regular working”;

(2) by replacing the words “secretary or, as the case may be, the treasurer” in the first line of the second paragraph by the words “person in charge of access to documents of the management board”;

(3) by striking out the second sentence of the second paragraph.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

47. The Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by inserting, after section 25, the following section:

“25.1 Any record of the Commission concerning an appeal, application or request is confidential. Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), only a person authorized by the Commission may have access to the record.”

ACT RESPECTING THE COMMISSION MUNICIPALE

48. Section 16 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by striking out subsection 4.

49. The said Act is amended by inserting, after section 16, the following section:

“16.1 The person in charge of access to documents of the Commission shall furnish a certified copy of any order, rule of practice or other document contemplated in subsection 3 of section 16 to any person who applies therefor.”

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

50. Section 49 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended

(1) by inserting, after the word “secretary” in the second line, the words “or the person in charge of access to documents of the Community”;

(2) by inserting, after the word “secretary” in the fourth line, the words “or the person in charge”.

51. Section 73 of the said Act is amended by adding, after the word “secretary” at the end of the fourth paragraph, the words “or the person in charge of access to documents of the Community”.

52. Section 73.1 of the said Act is amended by replacing the word “ce” in the second line by the words “regular working”.

53. Section 73.2 of the said Act is amended

1) by replacing the word “secretary” in the first line of the first paragraph by the words “person in charge of access to documents of the Community”;

2) by striking out the words “on payment of the fees payable under a tariff fixed by the Council” in the second line of the first paragraph;

3) by striking out the second paragraph.

54. Section 169.4 of the said Act is amended by inserting, after the word “secretary” in the fifth line of the second paragraph, the words “the person in charge of access to documents of the Commission.”

55. Section 212 of the said Act is amended

(1) by inserting, after the word “secretary” in the second line, the words “or the person in charge of access to documents of the Corporation”;

(2) by inserting, after the word “secretary” in the fourth line, the words “or the person in charge”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

56. Section 68 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by inserting, after the word “secretary” in the second line, the words “or the person in charge of access to documents of the Community”;

(2) by inserting, after the word “secretary” in the fourth line, the words “or the person in charge”.

57. Section 82.9 of the said Act is amended

(1) by replacing the first sentence of the third paragraph by the following:

“The public safety committee may, by resolution, decide to make the recommendations it considers confidential and which are directly related to the prevention, detection and repression of crime or breaches of the law to the executive committee instead of to the Council.”;

(2) by adding, after the third paragraph, the following paragraph:

“The executive committee may render any confidential recommendation made to it by the public safety committee, and the notice and examination accompanying it, available to the public.”

58. Section 110 of the said Act is amended by adding, after the word “secretary” at the end of the fourth paragraph, the following words: “or the person in charge of access to documents of the Community”.

59. Section 110.1 of the said Act is amended by replacing the word “office” in the second line by the words “regular working”.

60. Section 110.2 of the said Act is amended

(1) by replacing the word “secretary” in the first line of the first paragraph by the words “person in charge of access to documents of the Community”;

(2) by striking out the words “upon payment of the fees payable under the tariff fixed by the executive committee,” in the second and third lines of the first paragraph;

(3) by striking out the second paragraph.

61. Section 110.3 of the said Act is replaced by the following section:

110.3 Notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person has the right to be informed of the existence of or to obtain communication of information concerning him and contained in a book or part of a book, register or document relating to a subject discussed or to be discussed at a meeting *in camera* of the public safety committee and directly related to the prevention, detection and repression of crime or breaches of the law.”

62. The said Act is amended by inserting, after section 262, the following section:

“262.1 Copies of documents of the Corporation certified true by the person in charge of access to documents of the Corporation are authentic.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

63. Section 43 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing the words “all interested persons who wish” in the eighth line by the words “any person who wishes”.

64. Section 81 of the said Act is amended

(1) by inserting, after the word “secretary” in the seventh line of the third paragraph, the words “or the person in charge of access to documents of the Community”;

(2) by replacing the word “he” in the eighth line of the third paragraph by the words “the secretary”.

65. Section 232 of the said Act is amended

(1) by replacing the word “secretary” in the third line by the words “person in charge of access to documents of the Community”;

(2) by replacing the words “normal office” in the fourth line by the words “regular working”;

(3) by striking out the words “upon payment of the fees payable under the tariff fixed by the Council and approved by the Minister” in the fifth and sixth lines.

COMPANIES ACT

66. Section 123.169 of the Companies Act (R.S.Q., chapter C-38) is amended by replacing the word “copying” in the second line of paragraph 1 by the word “certifying”.

ACT RESPECTING THE JAMES BAY
REGIONAL ZONE COUNCIL

67. Section 21 of the Act respecting the James Bay Regional Zone Council (R.S.Q., chapter C-59.1) is amended by striking out the word “interested” in the fourth line.

REFERENDUM ACT

68. Appendix 2 to the Referendum Act (R.S.Q., chapter C-64.1) is amended by replacing, in the first line of the third paragraph of section 204, the words “the warden” by the words “notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the warden”.

COOPERATIVES ACT

69. Section 244 of the Cooperatives Act (R.S.Q., chapter C-67.2) is amended by replacing the words “, examination or reproduction” in the first and second lines of paragraph 1 by the words “and examination”.

ACT RESPECTING MUNICIPAL AND
INTERMUNICIPAL TRANSIT CORPORATIONS

70. Section 32 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended

(1) by replacing the word “office” in the third line by the words “regular working”;

(2) by replacing the words “having an interest therein” in the third and fourth lines by the words “who so desires”;

(3) by adding, at the end, the following paragraph:

“The person in charge of access to documents of the corporation shall issue copies or extracts from those registers and documents to any person who applies therefor.”

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC
FIRMS IN THE BOOK INDUSTRY

71. Section 36 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is repealed.

ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

72. Section 3.5 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is amended by replacing the word “elector” in the second line by the word “person”.

73. Section 6 of the said Act is amended by replacing the words “any elector, within the meaning of section 3.6,” in the second and third lines by the words “any person”.

74. Section 86 of the said Act is replaced by the following section:

“**86.** Returns and other documents submitted to the treasurer under this subdivision are public documents.

The treasurer shall, as soon as possible after receiving such returns and other documents,

- (1) transmit a copy of them to the chief electoral officer;
- (2) give public notice in a newspaper circulated in the municipality that they have been received and are available.

Receipts issued for contributions of \$100 or less are not contemplated in this section.”

75. Section 104.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

“These documents shall be preserved for two years from their receipt. At the expiry of that period, the treasurer shall return the invoices and vouchers to any candidate who so requests; otherwise, he shall destroy them.”

ELECTION ACT

76. Section 204 of the Election Act (R.S.Q., chapter E-3.2) is amended by replacing the words “The warden” in the first line of the third paragraph by the following: “Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the warden”.

77. Section 403 of the said Act is amended

- (1) by replacing the first paragraph by the following paragraph:

“**403.** The reports, returns and other documents prescribed in this division are public documents. Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person has a right of access thereto before the date of expiry of the period prescribed for their filing. If the documents are filed after the prescribed time, they are available from the date of their filing.”;

(2) by replacing the word “office” in the second line of the third paragraph by the words “regular working”.

PUBLIC OFFICERS ACT

78. Section 22 of the Public Officers Act (R.S.Q., chapter E-6) is amended by striking out the words “, on paying the fee fixed by order-in-council” in the second and third lines.

79. Section 36 of the said Act is amended by inserting the word “certified” before the word “copy” in the third line of the first paragraph.

ACT RESPECTING MUNICIPAL TAXATION

80. Section 73 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out the word “interested” in the third line.

81. Section 79 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**79.** Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person has a right of access to the documents contemplated in the second paragraph of section 78.”

GRAIN ACT

82. Section 19 of the Grain Act (R.S.Q., chapter G-1.1) is repealed.

83. Section 58 of the said Act is amended by striking out paragraph 11.

HYDRO-QUÉBEC ACT

84. Section 49 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by adding, after the second paragraph, the following paragraph:

“The by-laws may determine

(1) that only a member, a beneficiary or the mandatary of either may make an application for communication or correction of information contained in the retirement plan;

(2) the mode and frequency of applications for communication and correction of such information;

(3) the time allowed the person in charge of access to documents to follow up such an application.

This section applies notwithstanding sections 83, 94 and 98 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)."

ACT RESPECTING THE INSPECTOR GENERAL
OF FINANCIAL INSTITUTIONS

85. Section 14 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is replaced by the following section:

"14. Neither the Inspector General, nor any member of his personnel nor any other person authorized by the Inspector General to exercise the powers contemplated in sections 8 to 10 may communicate or allow anyone to communicate to whomsoever other than a person generally or specially authorized by the Minister himself any information obtained under the provisions of this Act, or allow any person not authorized in the same manner to examine or consult a report furnished under this Act.

The first paragraph applies notwithstanding sections 9, 23, 24 and 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)."

86. Section 15 of the said Act is repealed.

EDUCATION ACT

87. Section 328 of the Education Act (R.S.Q., chapter I-14) is amended

(1) by replacing the words "interested party, or his agents, during office hours" in the fourth and fifth lines of the first paragraph by the words "person during regular working hours";

(2) by replacing the second paragraph by the following paragraph:

"The person in charge of access to documents of the school board shall give access to the documents mentioned in the first paragraph."

88. Section 329 of the said Act is replaced by the following section:

"329. The person in charge of access to documents of the school board shall issue to any person applying therefor copies or extracts

from any register, book, roll or other document which forms part of the archives of the secretary-treasurer.”

89. Section 332 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The person in charge of access to documents of the school board shall furnish a copy of the summary or of the statement as approved by the school board to every person applying therefor.”

90. Section 349 of the said Act is amended by striking out the second paragraph.

91. Section 534 of the said Act is amended by striking out the word “interested” in the second line of the first paragraph.

ACT RESPECTING LOTTERIES, RACING, PUBLICITY CONTESTS
AND AMUSEMENT MACHINES

92. Section 40 of the Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., chapter L-6) is repealed.

MINING ACT

93. Section 284 of the Mining Act (R.S.Q., chapter M-13) is amended

(1) by striking out the words “, unless the Minister decides otherwise” in the third line;

(2) by adding, after the first paragraph, the following paragraph:

“Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person has a right of access to the plans and surveys unless the Minister decides otherwise.”

94. Section 296 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, a regulation made under any of paragraphs *e* to *h*, *j*, *n* or *s* of the first paragraph may prohibit or limit, according to the conditions specified therein, access to documents held within the scope of its application.”

95. Section 332 of the said Act is amended by adding, at the end, the following paragraph:

“Such entries are public documents.”

FARM PRODUCTS MARKETING ACT

96. Section 21 of the Farm Products Marketing Act (R.S.Q., chapter M-35) is amended

(1) by replacing the word “The” in the first line of the third paragraph by the words “Notwithstanding the second and third paragraphs of section 11 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the”;

(2) by striking out the word “interested” in the second line of the same paragraph.

97. Section 98 of the said Act, amended by section 198 of chapter 95 of the statutes of 1986, is repealed.

ACT TO AUTHORIZE MUNICIPALITIES TO
COLLECT DUTIES ON TRANSFERS OF IMMOVABLES

98. Section 22 of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39) is amended by inserting, after the second paragraph, the following paragraph:

“This section applies notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

ACT RESPECTING LIQUOR PERMITS

99. Section 20 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by striking out the second and third paragraphs.

FARM PRODUCERS ACT

100. Section 43 of the Farm Producers Act (R.S.Q., chapter P-28), amended by section 235 of chapter 95 of the statutes of 1986, is again amended by striking out the second paragraph.

AGRICULTURAL PRODUCTS, MARINE PRODUCTS
AND FOOD ACT

101. Section 35 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by striking out the second paragraph.

PUBLIC HEALTH PROTECTION ACT

102. Section 3 of the Public Health Protection Act (R.S.Q., chapter P-35) is repealed.

103. Section 67 of the said Act, amended by section 257 of chapter 95 of the statutes of 1986, is again amended by striking out the second paragraph.

MENTAL PATIENTS PROTECTION ACT

104. Section 28 of the Mental Patients Protection Act (R.S.Q., chapter P-41) is amended by replacing the word “Every” in the first line by the words “Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), every”.

ACT TO PRESERVE AGRICULTURAL LAND

105. Section 80 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by striking out the words “, the duties to be paid to obtain copies of documents filed in the record office” in the second and third lines of paragraph 8.

ACT RESPECTING BUILDING CONTRACTORS
VOCATIONAL QUALIFICATIONS

106. Section 65 of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1) is repealed.

ACT RESPECTING THE QUÉBEC PENSION PLAN

107. Section 192 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by adding, after the second paragraph, the following paragraph:

“This section applies notwithstanding sections 83 and 94 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

108. Section 193 of the said Act is amended by adding, after the third paragraph, the following paragraph:

“The second and third paragraphs apply notwithstanding sections 89 and 94 of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

109. Section 207 of the said Act is amended by striking out the words “Except as provided in this Act,” in the third line of the first paragraph.

110. Section 211 of the said Act is amended by replacing the word “Such” in the second paragraph by the words “Notwithstanding sections 83, 89 and 94 of the Act respecting Access to documents held by public bodies and the Protection of personal information, such”.

111. Section 223 of the said Act is amended by striking out paragraph *g*.

ACT RESPECTING SUPPLEMENTAL PENSION PLANS

112. Section 75 of the Act respecting supplemental pension plans (R.S.Q., chapter R-17) is amended by replacing the words “, inspection of plans and for the issue by the Board of copies of a plan’s provisions” in the second and third lines of paragraph *k* by the words “and inspection of plans”.

ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

113. Section 7 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended by striking out the word “interested” in the second line.

114. Section 10 of the said Act, amended by section 1 of chapter 3 of the statutes of 1987, is again amended by replacing the words “interested in examining” in the third and fourth lines of subsection 4 by the words “who wishes to examine”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

115. Section 175 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing the words “and on the conditions determined by it, in particular to ensure that the use made of it does not allow the person concerned by the information to be identified” in the last four lines by the words “granted according

to the criteria established in section 125 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

ACT RESPECTING CHILD DAY CARE

116. Section 44 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended by adding, after the first paragraph, the following paragraph:

“The person having parental authority may also apply to the Commission d’accès à l’information in accordance with section 135 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), where the refusal mentioned in the first paragraph is related to a written application made to a body contemplated in the said Act.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

117. Section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5), amended by section 306 of chapter 95 of the statutes of 1986, is again amended by adding, after the fifth paragraph, the following paragraph:

“Notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no recipient has a right to be informed of the existence nor to take communication of information concerning him given by a third person, unless that person agrees in writing to the disclosure of such information and the source thereof to the recipient.”

118. Section 8 of the said Act, amended by section 307 of chapter 95 of the statutes of 1986, is again amended

(1) by adding, after the word “minor” in the second line of subparagraph *c* of the first paragraph, the words “under fourteen years of age”;

(2) by adding, after the third paragraph, the following paragraphs:

“Notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person having parental authority in respect of a minor under fourteen years of age has a right to be informed of the existence or take communication of information contained in the record of the

minor if the information or communication could cause serious harm to the minor's health; the establishment, before determining whether the information or communication could cause such harm, shall consult the minor.

This section applies notwithstanding the first paragraph of section 94 of the Act respecting Access to documents held by public bodies and the Protection of personal information."

119. Section 114 of the said Act is amended by replacing the third paragraph by the following paragraph:

"Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information, the records and minutes of the council of physicians, dentists and pharmacists and of each of its committees relating to the carrying out of responsibilities described in subparagraphs 1 and 2 of section 112 are confidential. No person may gain access to them except members of the council and of its committees, the Commission and the representatives of a professional corporation in the performance of functions assigned to it by law. The executive committee of the council of physicians, dentists and pharmacists has access to the records and minutes of its committees."

ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT INDUSTRIEL DU QUÉBEC

120. Section 51 of the Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01) is amended

(1) by striking out the first sentence of the first paragraph;

(2) by replacing the words "such information" in the third line of the first paragraph by the words "information obtained under this Act".

COOPERATIVE SYNDICATES ACT

121. Section 41 of the Cooperative Syndicates Act (R.S.Q., chapter S-38) is repealed.

ACT RESPECTING PUBLIC AGRICULTURAL LANDS

122. Section 5 of the Act respecting public agricultural lands (R.S.Q., chapter T-9.1) is amended by replacing the words " , making any registration required under this Act or obtaining copy of documents or of written information relating to any land that is subject to this

Act or for which letters patent have been issued” in the third, fourth, fifth and sixth lines by the words “and for making any registration required under this Act”.

123. Section 47 of the said Act is amended by replacing paragraph 4 by the following paragraph:

“(4) establish tariffs of fees for the preparation of documents and for any registration required under this Act and determine the cases of exemption from payment of such fees;”.

SECURITIES ACT

124. Section 296 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the Commission may, where it deems it advisable, prohibit access to certain documents.”

125. Section 297 of the said Act is amended by inserting, after the word “Commission” at the end, the words “, notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

126. Section 59 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is renumbered “62.1” and amended

(1) by replacing the expression “secretary-treasurer” in the first line by the words “person in charge of access to documents of the municipal corporation”;

(2) by striking out the words “, upon payment of the fees determined by the council, which must be paid into the municipal treasury,” in the second and third lines;

(3) by replacing the word “his” in the fourth line by the words “the secretary-treasurer’s”.

127. Section 61 of the said Act is amended

(1) by replacing the words “office hours” in the fourth line by the words “regular working hours”;

(2) by replacing the words “to all electors of the municipality or their attorneys” in the fourth and fifth lines by the words “by any person”.

128. The said Act is amended by inserting, after section 62, the following:

“CHAPTER IV

“PERSON IN CHARGE OF ACCESS TO DOCUMENTS OF THE MUNICIPAL CORPORATION”.

129. The said Act is amended by inserting, after section 62.1, the following section:

“**62.2** Copies and extracts from documents of the municipal corporation that are certified true by the person in charge of access to documents are proof of their content.”

130. Section 144 of the said Act is amended by inserting, after the word “treasurer” in the second line, the words “or the person in charge of access to documents of the municipal corporation”.

131. Section 275 of the said Act is amended by replacing the words “all interested persons who wish” in the fourth and fifth lines by the words “any person who wishes”.

132. Section 306 of the said Act is amended by inserting, after the word “secretary” in the seventh line, the words “or the person in charge of access to documents”.

133. Section 307 of the said Act is amended

(1) by replacing the word “secretary” in the first line by the words “person in charge of access to documents of the Regional Government”;

(2) by striking out the words “upon payment of the fees determined by the council,” in the second line.

134. This Act comes into force on 30 June 1987.

Section 85 has effect from 1 October 1986.

Section 86 has effect from 16 December 1982.