

Bill 95

**An Act to amend the Act respecting the
governance and management of the
information resources of public bodies
and government enterprises and other
legislative provisions**

Section 7

AMENDMENT:

Replace "the officer" in the third paragraph of proposed section 12.8 by "the Chair".

*Adopté
SPE*

Bill 95

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Section 7

AMENDMENT:

Add the following paragraph at the end of proposed section 12.10:

The first paragraph must not be interpreted as having the effect of changing public bodies' obligations in respect of personal information that they hold or a person's rights in respect of such information.

*Adopté
SPR*

Bill 95

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Section 7

AMENDMENT:

Insert after proposed section 12.10:

“**12.10.1.** The powers conferred by this chapter must be exercised in a manner consistent with respecting the right to privacy and the principle of transparency and with promoting public confidence in measures to ensure the security, confidentiality, availability and integrity of government digital data.

*Adopté
SPR*

Bill 95

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Section 7

AMENDMENT:

Insert after proposed section 12.17:

“12.17.1. Any person to whom or body to which personal information is communicated by a body designated as an official source of government digital data or by another public body referred to in an order made under section 12.13, in the context of a mandate or contract related to carrying out an administrative or public service purpose specified in such an order and entrusted to the person or body in accordance with section 67.2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), must submit to an external audit aimed at ensuring compliance with the highest standards and best practices in matters of information security and protection of such information.

The Chair of the Conseil du trésor may determine the cases and circumstances in which the first paragraph does not apply, and makes the criteria leading to the decision public.

Adopté
SP

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Section 11

AMENDMENT:

Insert after proposed section 16.6.1:

“16.6.1.1. A public body must, not later than (*insert the date that is two years after the date of assent to this Act*) and subsequently every five years, carry out an audit on compliance with the information security obligations under this Act.

Accepté
SPR

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Section 12

AMENDMENT:

Add the following sentence at the end of proposed section 22.1.1: “The regulation must, in particular, specify the procedures and the grounds for communications between the government chief information security officer or the deputy chief information security officer and a public body whose resources or information have been the subject of a breach referred to in the second paragraph of section 12.2 or are at risk of such a breach, as well as the conditions for providing proper protection of personal information communicated abroad under section 12.4.”

*Adopté
SPC*

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Section 17

AMENDMENT:

Replace by:

17. Section 69.1 of the Act is amended by adding the following subparagraph after subparagraph z.9 of the second paragraph:

“(z.10) a public body designated as an official source of government digital data under section 12.13 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), solely to the extent that the information is required for an administrative or public service purpose specified by the Government under that section.”

*Adopté
SPR*

AM 8
s. 19 (69.8)

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Section 19

AMENDMENT:

Amendment 8 has been withdrawn and renamed amendment b.

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Section 18

AMENDMENT:

Replace “z.8” in proposed section 69.5.4 by “z.10”.

*Adopté
SPE*

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Section 17.1

AMENDMENT:

Insert after section 17:

17.1. The Act is amended by inserting the following section after section 69.1:

“69.1.1. For the purposes of subparagraph *z.10* of the second paragraph of section 69.1, the public body must, prior to the communication,

(*a*) make an evaluation of the privacy factors, with the necessary modifications relating to the information required under this division, and send the evaluation to the Commission d'accès à l'information; and

(*b*) establish rules for its governance in respect of information obtained under subparagraph *z.10* of the second paragraph of section 69.1 and have the rules approved by the Commission.

The first paragraph also applies when the public body uses or communicates information obtained under subparagraph *z.10* of the second paragraph of section 69.1 in the exercise of its function.

The rules provided for in subparagraph *b* of the first paragraph must include rules applicable to the preservation and destruction of the information concerned, the roles and responsibilities of the public body's personnel members with regard to such information over the course of its life cycle and a procedure for dealing with complaints regarding information protection. They must be submitted again for approval to the Commission every two years.

The body must also, for the purposes of sections 12.16 and 12.17 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), take into account the

information obtained under subparagraph z.10 of the second paragraph of section 69.1.”

Adept
SP

Bill 95

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Section 19

AMENDMENT:

Replace by:

19. Section 69.8 of the Act is amended by inserting “section 69.0.0.16.1 if the information is not communicated solely to confirm a person’s identity,” after “may be communicated under” in the introductory clause of the first paragraph, and by inserting “and subparagraph z.10 of that second paragraph, solely to the extent that communication of the information is required to confirm a person’s identity” after “of the second paragraph of that section 69.1” in that introductory clause.

*Adopté
SPR*