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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 795

**An Act to facilitate the Auditor  
General's access to documents and  
information necessary for the  
exercise of the Auditor General's  
powers and duties**

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**Introduction**

**Introduced by  
Mr. Vincent Marissal  
Member for Rosemont**

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## **EXPLANATORY NOTES**

*The purpose of this bill is to facilitate the Auditor General's access to documents and information necessary for the exercise of the Auditor General's powers and duties.*

*To that end, the bill amends the Act respecting Access to documents held by public bodies and the Protection of personal information so that it is no longer necessary for the Auditor General to demonstrate harm in order to refuse to release or confirm the existence of information relating to an audit.*

*The bill also specifies that the Auditor General's power to require documents and information may be in respect of certain Conseil exécutif documents to which a 25-year communication restriction applies under the Act respecting Access to documents held by public bodies and the Protection of personal information.*

*Lastly, the bill states that a disclosure to the Auditor General for the purposes of an audit does not constitute a waiver of the right of the professional secrecy of lawyers or a waiver of litigation privilege, settlement privilege or the confidentiality of a document of the Conseil exécutif.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- Auditor General Act (chapter V-5.01).

## **Bill 795**

### **AN ACT TO FACILITATE THE AUDITOR GENERAL'S ACCESS TO DOCUMENTS AND INFORMATION NECESSARY FOR THE EXERCISE OF THE AUDITOR GENERAL'S POWERS AND DUTIES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

**1.** Section 41 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is amended

- (1) by replacing “The Auditor General or a” by “A”;
- (2) by striking out paragraph 4;
- (3) by adding the following paragraph at the end:

“The Auditor General may refuse to release or confirm the existence of information relating to an audit or the disclosure of which could 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).”

AUDITOR GENERAL ACT

**2.** Section 48 of the Auditor General Act (chapter V-5.01) is amended

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

“The bodies, agencies, grant beneficiaries, associations and persons referred to in section 47 and their directors, executive officers and employees shall provide to the Auditor General, upon request, any document or information in their possession that the Auditor General requests, including any document referred to in subparagraph 5 of the second paragraph of section 33 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). They shall also provide any explanation necessary for a proper understanding of such documents and information.”;

- (2) by inserting “and any other communication restrictions provided for under other statutes of Québec” at the end of the second paragraph;

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

“A disclosure to the Auditor General under the first paragraph does not constitute a waiver of the right of professional secrecy of lawyers or a waiver of litigation privilege, settlement privilege or the confidentiality of a document of the Conseil exécutif.”

**3.** This Act comes into force on (*insert the date of assent to this Act*).