

Bill 3

**An Act respecting health and social
services information and amending
various legislative provisions**

Section 1

AMENDMENT:

Replace the first paragraph by:

The purpose of this Act is to establish standards to ensure the protection of health and social services information while enabling optimization of the use made of the information as well as its timely communication, excluding its sale or any other form of alienation. The Act thus seeks to improve the quality of the services offered to the population by simplifying the circulation of such information so that it follows the persons concerned by it in their care journey, and by enabling management of the health and social services system that is based on knowledge of the needs of persons and of the utilization of services.

adopté
TK

AM 2
s. 3

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Section 3

AMENDMENT:

Replace “a use or communication not authorized by law of information” in the definition of “confidentiality incident” by “access to information or any other use or communication of information not authorized by law”.

*Adopté
FK*

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Section 4

AMENDMENT:

Insert the following sentence at the end of the fourth paragraph: "In addition, where this Act refers to a person or a group, such a body is included in that reference."

Adopted
7/11

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Section 8

AMENDMENT:

Insert the following subparagraph before subparagraph 1 of the first paragraph:

(0.1) the person's spouse or close relative, if the access sought is in connection with a grieving process;

Adopte

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Section 14

AMENDMENT:

Add the following paragraph at the end:

Any person who provides information concerning him or her in accordance with the first paragraph consents to its use for the purposes referred to in subparagraph 2 of that paragraph.

*Adopté
FLL*

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Section 15

AMENDMENT:

Strike out the third paragraph.

Adopté 

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Section 18

AMENDMENT:

Replace by:

18. Every person has the right to be informed of the name of any person or group having accessed information concerning him or her that is held by a body or otherwise having used the information or received communication of it. Likewise, every person has the right to be informed of the date and time of the access, use or communication.

Adopted
ML

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Section 27.1

AMENDMENT:

Insert after section 27:

27.1. The spouse or close relative of a deceased person has the right to be informed of the existence of and to have access to information concerning the person where the information could help them in their grieving process, unless the deceased person refused access to that information under subparagraph 0.1 of the first paragraph of section 8.

*Adopte
MK*

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Section 33.1

AMENDMENT:

Insert after section 33:

33.1. Where the person in charge of the protection of information grants a request, the person must, if the applicant requires it, be sure to provide the applicant with the assistance of a professional qualified to help him or her understand the information.

*Adopté
MN*

AM 10
s. 44

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Section 44

AMENDMENT:

Replace "this subdivision" by "the agreement the researcher entered into under section 43".

Adopted

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Section 44.1

AMENDMENT:

Insert after section 44:

44.1. A researcher authorized to be informed of the existence of or to have access to information may, with the authorization of the person exercising the highest authority within the body to which the researcher is attached, communicate the information to a person or group that requires it if the person or group needs the information to verify responsible conduct or compliance with standards of scientific ethics and integrity or to analyze the scientific conformity, validity or reproducibility of the research project.

The obligations incumbent on the researcher under the agreement the researcher entered into under section 43 apply, with the necessary modifications, to that person or group.

Adopté
ML

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Section 46.1

AMENDMENT:

Insert after section 46:

46.1. Each year, the person exercising the highest authority within a body referred to in Schedule I, a public institution or a private institution under agreement that operates a hospital centre sends to the Minister and to the Commission d'accès à l'information a report concerning the research projects for which a request for authorization had been addressed to him or her. The Minister determines the form and content of the report.

Adopté
JK

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Section 54

AMENDMENT:

Replace "it has granted authorization" by "a request for authorization has been addressed to it".

*Adopted
RU*

AM 14
s. 36

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Section 36

AMENDMENT:

Strike out the second and third paragraphs.

Adopted
[Signature]

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Section 36.1

AMENDMENT:

Insert after section 36:

36.1. A service provider who is not a professional within the meaning of the Professional Code may be informed of the existence of and have access to information held by a body on the conditions determined by government regulation if the service provider

(1) needs the information to provide health services or social services to the person concerned; or

(2) needs the information to provide technical or administrative support services to another service provider who offers health services or social services to the person concerned.

*Adopté
JC*

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Section 36.2

AMENDMENT:

Insert after section 36.1, introduced by amendment:

36.2. Sections 36 and 36.1 apply subject to any restriction determined under the first paragraph of section 7. In accordance with the second paragraph of that section, such a restriction may be disregarded where the service provider considers that the restriction could endanger the life or integrity of the person concerned and it is impossible to obtain, in a timely manner, the person's consent to lifting the restriction. In such a case, the service provider must document the reasons that led to that conclusion.

Adopté
[Signature]

AM 17
s. 37

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Section 37

AMENDMENT:

Replace "section 36" in the first paragraph by "sections 36 and 36.1".

*Adopted
RU*

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Section 37.1

AMENDMENT:

Insert after section 37:

37.1. Despite sections 36 and 36.1, a service provider may not be informed of the existence of or have access to information, except in the cases and on the conditions prescribed by government regulation, where the information is covered by the regulation or belongs to a category of information covered by the regulation, including because the risk of injury that would be caused by the disclosure of the information is clearly greater than the anticipated benefits for the person concerned.

*Adapté
RC*

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Section 38

AMENDMENT:

Replace by:

- 38.** The Minister may, by regulation,
- (1) determine the guidelines to be used by service providers in assessing whether it is necessary to be informed of the existence of or to have access to information for any of the purposes provided for in sections 36 and 36.1;
 - (2) define standard access profiles by category of service providers; and
 - (3) prescribe the procedure and means by which a service provider may be informed of the existence of information and have access to it in accordance with this division.

*Adopté
7/10*

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Section 64

AMENDMENT:

Add the following sentence at the end of the second paragraph:

The information is communicated by a means determined by the access centre that is suitable for ensuring the protection of the information.

*Adopté
7/11*

AM 21
s. 83

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Section 83

AMENDMENT:

Strike out subparagraph 2 of the second paragraph.

Adopted
7/2

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Section 83.1

AMENDMENT:

Insert after section 83:

§1.1 — *Reporting as regards research*

83.1. On the basis of the reports obtained under sections 46.1 and 54, the Minister must, each year, publish on his or her department's website a report on the requests for authorization submitted by researchers under Division II of Chapter IV, which must, in particular, state the number of requests accepted or refused and the processing time for those requests.

*Adopté
TU*

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Section 95

AMENDMENT:

1. In the first paragraph,
 - (a) Replace “uses of the information it holds” by “accesses to the information it holds or all other uses of the information”.
 - (b) Replace the last sentence by: “The logging must make it possible to identify which information was accessed or otherwise used or communicated, who accessed it or otherwise used or received communication of it, and the date and time it was accessed, used or communicated.”
2. Replace “all such uses and communications, excluding those by a service provider” in the second paragraph by “all such accesses or other uses or communications, excluding those by a service provider”.
3. Strike out the third paragraph.

Adopté
JK

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Section 105.1

AMENDMENT:

Insert after section 105:

105.1. The Commission may enter into an agreement with any person or group authorized by law to conduct investigations with regard to the protection of personal information, in order to coordinate its actions with those of the person or group.

*Adopté
RN*

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Division II heading

AMENDMENT:

Strike out "AND PENAL INVESTIGATION".

adopted

AM 26
s. 108

Bill 3

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Section 108

AMENDMENT:

Withdraw.

*Adopté
7/6*

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Section 109

AMENDMENT:

Strike out “or investigators” in the first paragraph, and replace “an inspector or an investigator” in the second paragraph by “inspectors”.

*Adopté
JK*

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Division II.1, Section 109.1

AMENDMENT:

Insert after section 109:

**DIVISION II.1
PENAL INVESTIGATION**

109.1. The Commission may designate any person to conduct a penal investigation into any matter relating to the application of this Act or the regulations.

*Adopté
JK*

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Section 109.2

AMENDMENT:

Insert after section 109.1, introduced by amendment:

109.2. On request, a person designated under section 109.1 must identify himself or herself and produce a certificate of authority.

No judicial proceedings may be brought against such a person for an act performed in good faith in the exercise of his or her functions.

*Adopte
RL*

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Section 114

AMENDMENT:

Replace “the information it holds” in the second paragraph by “information”.

*Adopté
7/11*

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Section 122

AMENDMENT:

1. Insert the following paragraph after the first paragraph:

Such a person may also apply to the Commission for a review of any decision of a person in charge of the protection of information regarding the mode of access to information.

2. Replace "The application" in the second paragraph by "An application".

*Adopté
17/11*

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Section 128.1

AMENDMENT:

Insert after section 128:

128.1. The Commission may require from a person or group any information it considers necessary for the examination of an application.

Adopté
AL

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Section 148

AMENDMENT:

1. Replace “collects, keeps, uses” in paragraph 1 by “keeps”.
2. Replace “the conditions set out” in paragraph 5 by “a condition, other than a condition relating to the use of information, set out”.

Adopté

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Section 149

AMENDMENT:

1. Insert after paragraph 1:

(1.1) collects, accesses or otherwise uses information in contravention of this Act or a regulation made under this Act;

(1.2) sells or otherwise alienates information held by a body or information communicated to them by a body, unless, in the latter case, the information concerns them;

2. Insert after paragraph 2:

(2.1) fails to comply with a condition relating to the use of information set out in an authorization issued under section 75 or provided for by an agreement entered into under section 43, 70 or 77;

Adopté

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Section 171.1

AMENDMENT:

Insert after section 171:

171.1. Section 11.1 of the Act, enacted by section 1 of chapter 16 of the statutes of 2022, is amended

(1) in the first paragraph,

(a) by replacing “more than one appointment booking system” by “more than one appointment booking system or mechanism”,

(b) by replacing “an appointment booking system other than the one referred to in the sixth paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5)” by “an appointment booking system or mechanism other than the one referred to in subparagraph 6 of the second paragraph of section 521 of the Act respecting health services and social services (chapter S-4.2)”;

(2) by inserting “or mechanisms” after “those systems” in the second paragraph.

Adopté
ML

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Section 240

AMENDMENT:

In the second paragraph of proposed section 521:

1. Replace subparagraphs 1 and 2 by:

(1) the keeping, by the institutions and the Cree Board of Health and Social Services of James Bay, of the records concerning, as the case may be, their users or their beneficiaries, and the preserving, on their behalf, of the information contained in those records;

(2) the indexing of information held by the other health and social services bodies within the meaning of the Act respecting health and social services information and amending various legislative provisions (*insert the year and chapter number of that Act*) and contained in the records they keep on the persons who receive health services or social services from them;

2. Replace “keeping” in subparagraphs 4 and 5 by “the keeping, by the Minister, of”.

3. Replace “putting in place” in subparagraphs 6 and 7 by “the putting in place, by the Minister, of”.

4. Replace “simplified use and communication” in subparagraph 8 by “the simplifying of access to and of any other use and communication”.

Adopté
[Signature]

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Section 240

AMENDMENT:

In the second paragraph of proposed section 522:

1. Insert “, and for preserving, on their behalf, the information contained in those records” at the end of subparagraph 1.
2. Replace “concerning the persons to whom they offer health services or social services as well as the use and communication of that information by means of the national information filing system” in subparagraph 2 by “that they hold and that is contained in the records they keep on the persons who receive health services or social services from them”.

Adopté
[Signature]

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Section 240

AMENDMENT:

In proposed section 524:

1. Replace “involving information” in the first paragraph by “involving personal information”.
2. Replace “any information necessary” in the second paragraph by “any personal information necessary”.
3. Replace “a use or communication not authorized by law of information, the loss of information” in the fifth paragraph by “access to personal information or any other use or communication of such information not authorized by law, the loss of such information”.

Adopté

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Section 240

AMENDMENT:

Replace the second and third paragraphs of proposed section 527 by:

The Minister or, if applicable, the operations manager must

(1) put in place security measures for ensuring the protection of information as well as its availability in a manner consistent with, as concerns health and social services information within the meaning of the Act respecting health and social services information and amending various legislative provisions (*insert the year and chapter number of that Act*), the health and social services information governance rules referred to in section 83 of that Act and the special rules defined by the health and social services network information officer under section 89 of that Act; and

(2) proactively monitor the national information filing system access logs.

When the Minister entrusts all or part of the operations management of the system or of a register to an operations manager, the Minister shall enter into a written agreement with the operations manager, which agreement must, among other things, set out the obligations provided for in the second paragraph as well as the obligations

(1) to send to the Minister, each year, an assessment report enabling the Minister to, among other things, validate the security measures put in place and assess the efficiency and performance of the system as well as the benefits resulting from its establishment; and

(2) to notify the Minister without delay of any confidentiality incident.

Adopté

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Section 209

AMENDMENT:

Replace by:

209. Section 14 of the Act respecting the Health and Social Services Ombudsman (chapter P-31.1) is amended

(1) by striking out “, notwithstanding section 19 of that Act,”;

(2) by replacing “the information or documents contained in the user’s record” by “health and social services information, within the meaning of the Act respecting health and social services information and amending various legislative provisions (*insert the year and chapter number of that Act*), or documents containing such information”.

Adopté
JL

AM 41
s. 210 (37)

Bill 3

**An Act respecting health and social
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Section 210

AMENDMENT:

Replace by:

210. Section 37 of the Act is repealed.

Adopted
JK

Bill 3

**An Act respecting health and social
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various legislative provisions**

Section 226

AMENDMENT:

Insert the following paragraph at the end of proposed section 76.9:

This section does not prevent the communication of a copy of a user's complaint record to the Health Services Ombudsman under the Act respecting the Health and Social Services Ombudsman (chapter P-31.1).

*Adopté
FK*

Bill 3

**An Act respecting health and social
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various legislative provisions**

Section 195.1

AMENDMENT:

Insert after section 195:

ACT RESPECTING THE HEALTH AND WELFARE COMMISSIONER

195.1. Section 20 of the Act respecting the Health and Welfare Commissioner (chapter C-32.1.1) is amended by inserting “and any other health and social services body within the meaning of the Act respecting health and social services information and amending various legislative provisions (*insert the year and chapter number of that Act*)” after “(chapter A-2.1)”.

Adopté

Bill 3

**An Act respecting health and social
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Section 253.1

AMENDMENT:

Insert after section 253:

253.1. Until the date of coming into force of section 191 of this Act, the Régie de l'assurance maladie du Québec communicates, on request, to an institution governed by the Act respecting health services and social services or by the Act respecting health services and social services for Cree Native persons (chapter S-5) the name of the family physician of any user to enable the institution to guide the user toward the appropriate services.

For the same purpose, until the date of coming into force of section 191 of this Act or until the date of coming into force of subparagraph 6 of the second paragraph of section 521 of the Act respecting health services and social services, enacted by section 240, whichever occurs first, the Régie confirms or denies to an institution, on request, whether a user is entered in the system that is designed to allow every insured person, within the meaning of the Health Insurance Act (chapter A-29), to find a physician who agrees to provide medical care to the person in collaboration, if applicable, with other health and social services professionals.

Adopté 

Bill 3

**An Act respecting health and social
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Section 261.1

AMENDMENT:

Insert after section 261:

261.1. Until the date of coming into force of subparagraph 1 of the first paragraph of section 523 of the Act respecting health services and social services, enacted by section 240, the Régie de l'assurance maladie du Québec communicates, on request, to the Minister the information contained in the register of users that it maintains under section 74 of the Act respecting the sharing of certain health information so the Minister can use the information for purposes relating to the organization, planning or provision of services or the supply of goods or resources in the field of health or social services.

Adopté

Bill 3

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Section 267

AMENDMENT:

Replace by:

267. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 253.1 and 261.1, which come into force on *(insert the date of assent to this Act)*.

Adopté
JK

Bill 3

**An Act respecting health and social
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Section 4

AMENDMENT:

Replace “, the Nunavik Regional Board of Health and Social Services established under section 530.25 of the Act respecting health services and social services and the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons” in subparagraph 3 of the first paragraph by “and the Nunavik Regional Board of Health and Social Services established under section 530.25 of the Act respecting health services and social services”.

Adopté

AM 48
Sched. I

Bill 3

**An Act respecting health and social
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Schedule I

AMENDMENT:

Strike out paragraph 7.

Adopted