

Bill 133

**An Act respecting the governance and
management of the information
resources of public bodies and
government enterprises**

Section 1

AMENDMENT:

Replace “aimed at providing quality services to individuals and enterprises” in paragraph 1 by “based on the provision of quality services to individuals and enterprises and the preservation of the Government’s digital heritage”

*Adopte
VR*

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Section 2

AMENDMENT:

1. Insert "except those referred to in subparagraph 5," after "Financial Administration Act (R.S.Q., chapter A-6.001)," in subparagraph 2 of the first paragraph.

2. Replace "the Caisse de dépôt et placement du Québec," in subparagraph 3 of the first paragraph by "except those referred to in subparagraph 5 and the Agence du revenu du Québec, as well as".

3. Replace subparagraph 5 of the first paragraph by:

(5) health and social services agencies and public institutions governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2), legal persons and joint procurement groups referred to in section 383 of that Act, 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 (R.S.Q., chapter S-5), health communication centres within the meaning of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2), the Health and Welfare Commissioner, the Corporation d'urgences-santé, Héma-Québec, the Institut national d'excellence en santé et en services sociaux, the Institut national de santé publique du Québec, the Office des personnes handicapées du Québec and the Régie de l'assurance maladie du Québec; and

Adopté
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Section 2

AMENDMENT:

Replace “, the Office des personnes handicapées du Québec and the Régie de l’assurance maladie du Québec” in proposed subparagraph 5 by “and the Office des personnes handicapées du Québec.”

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VR*

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Section 4

AMENDMENT:

Add “, the Agence du revenu du Québec and the Caisse de dépôt et placement du Québec” at the end.

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Section 7

AMENDMENT:

Replace “the architecture of the enterprise of government” in paragraph 5 by
“government enterprise architecture”.

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Amendment 5 is withdrawn and now known as AM. c.

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Section 7

AMENDMENT:

1. Insert “and to human resources in relation to those information resources,” after “acquisitions,” in paragraph 2;
2. Replace paragraph 3 by:
 - (3) consolidating the three-year plans and compiling all the pertinent information contained in the reviews filed by public bodies;
3. Insert the following paragraph after paragraph 7:
 - (7.1) taking the necessary measures to ensure that public bodies consider open-source software on the same footing as any other software;

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Section 10

AMENDMENT:

1. Replace subparagraph 4 by:

(4) consolidating the three-year plans and compiling all the pertinent information contained in the reviews filed by those bodies;

2. Insert the following subparagraphs after subparagraph 6 of the first paragraph:

(6.1) defining, as necessary and in accordance with the rules set out in this Act, specific information management rules, including information security rules, which after being approved by the Conseil du trésor will apply to all or some of the public bodies in their sector;

(6.2) taking the necessary measures to ensure that public bodies consider open-source software on the same footing as any other software;

3. Replace the second paragraph by:

The specific rules defined under subparagraph 6.1 of the first paragraph by the network information officer designated under section 9 may, in the cases provided for in an Act administered by the Minister of Health and Social Services, also apply to bodies and persons in the health and social services network. That network information officer also exercises any functions required under such an Act.

*Adopté
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Section 10

AMENDMENT:

Replace "public bodies" in proposed subparagraph 6.2 by "those bodies."

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Section 11

AMENDMENT:

1. Replace “referred to in” by “referred to in any of”;
2. Add the following paragraph:

Despite the first paragraph, a particular public body may, after consultation with the chief information officer, enter into an agreement with the Minister responsible or with another public body under that Minister’s jurisdiction, specifying that the sectoral information officer for the department or other public body may also act as sectoral information officer for that particular public body.

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Section 12

AMENDMENT:

1. Replace paragraph 1 by:

(1) ensuring that each public body to which they are attached applies the governance and management rules established under this Act;

2. Insert the following paragraph after paragraph 3:

(3.1) taking the necessary measures to ensure that each public body to which they are attached considers open-source software on the same footing as any other software;

3. Replace paragraph 7 by the following paragraphs:

(7) advising the deputy minister or the chief executive officer of each public body to which they are attached on information resources and related human resources;

(7.1) defining, as necessary and in keeping with the rules set out in accordance with this Act, specific information management rules, including information security rules, which, after being approved by the Conseil du trésor, will apply to one or more of the public bodies to which they are attached; and

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Section 13

AMENDMENT:

Replace the third paragraph by:

The public body must forward the documents prepared under this section to its sectoral or network information officer who prepares a summary, gives an advisory opinion and makes recommendations to

(1) the relevant authority identified in section 14, in the case of the documents of a body referred to in any of subparagraphs 3 to 6 of the first paragraph of section 2; or

(2) the chief information officer, in the case of the documents of a public body referred to in subparagraph 1 or 2 of the first paragraph of section 2 or, if applicable, in section 3. In these cases, the chief information officer must prepare a summary, give an advisory opinion and make recommendations to the Conseil du trésor.

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Section 15

AMENDMENT:

1. Insert "lease," after "acquire," in the third paragraph;
2. Insert the following paragraph after the third paragraph:

However, for the purposes of this Act, an information resource project does not include research and technological development projects carried out in the context of teaching or research under the direction of a professor, researcher, senior lecturer, student, intern, technician, or research professional at a university institution referred to in subparagraph 4 of the first paragraph of section 2, or at an affiliated institution;

3. Replace the fifth paragraph by the following paragraph:

A public body must immediately forward a copy of the application to its network or sectoral information officer, who gives an advisory opinion and makes recommendations to the same party determined under the third paragraph of section 13.

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Section 16

AMENDMENT:

Replace by:

16. The sectoral or network information officer attached to a body referred to in any of subparagraphs 3 to 6 of the first paragraph of section 2 must, in all cases, forward without delay, to the chief information officer, a copy of the summaries, advisory opinions and recommendations sent to the relevant authority identified in section 14, so that the chief information officer may give an opinion and make recommendations to that authority and, if appropriate, to the Conseil du trésor.

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Section 17.1

AMENDMENT:

Insert the following section after section 17:

17.1. The Agence du revenu du Québec and the chief information officer must, by agreement, provide for the communication, under the terms and in the manner set out in the agreement, of any information on the Agency's information resource projects, and must share any information on the expertise and know-how developed in the course of such projects.

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Section 17.1

AMENDMENT:

Replace by:

17.1. The Agence du revenu du Québec must give the chief information officer information on its information resource projects and activities, including information on the expertise and know-how it has developed.

This information must be provided on the conditions and in the manner set by agreement.

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Section 19

AMENDMENT:

Replace “adopt” in subparagraphs 1 and 2 of the second paragraph by “provide for”.

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Section 20

AMENDMENT:

Replace the second and third paragraphs by:

It may also determine guidelines for the principles and practices to be emphasized in the field of information resource management, including the necessity of considering open-source software on the same footing as other software, which will serve as a reference for public bodies.

In addition, it may approve the specific information management rules defined by the network and sectoral information officers.

*Adopte
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Section 25.1

AMENDMENT:

Insert the following section after section 25:

25.1. Section 77.1 of the Act, enacted by section (*insert the section number of Bill 130 that enacts section 77.1 of the Public Administration Act*) of chapter (*insert the chapter number of that Act*) of the statutes of (*insert the year of assent to that Act*), is amended

- (1) by striking out paragraph 5;
- (2) by replacing “, physical and information” in paragraph 8 by “and physical”.

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Section 26

AMENDMENT:

Replace by:

26. Section 110.2 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by striking out "Chapter VI".

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Section 29.1

AMENDMENT:

Insert after section 29:

ELECTION ACT

29.1. Section 488.2 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing “subparagraph 3” in the first paragraph by “subparagraphs 1.1 and 3”.

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Section 32.1

AMENDMENT:

Insert after section 32:

PUBLIC PROTECTOR ACT

32.1. Section 35.1 of the Public Protector Act (R.S.Q., chapter P-32) is amended by replacing “subparagraph 3” in the first paragraph by “subparagraphs 1.1 and 3”.

Adopte
NR

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Section 35.1

AMENDMENT:

Insert after section 35:

AUDITOR GENERAL ACT

35.1. Section 67 of the Auditor General Act (R.S.Q., chapter V-5.01) is amended by replacing “subparagraph 3” in the first paragraph by “subparagraphs 1.1 and 3”.

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Sections 36, 37

AMENDMENT:

1. Strike out the heading preceding section 36 of the bill.
2. Strike out sections 36 and 37.

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Section 46

AMENDMENT:

Replace by:

46. This Act comes into force on *(insert the date of assent to this Act)*, except section 25.1, which comes into force on *(insert the date of coming into force of the section of Bill 130 that enacts section 77.1 of the Public Administration Act)*.

Adopte
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