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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 180

**An Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals**

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**Introduction**

**Introduced by  
Madam Linda Goupil  
Minister of Justice**

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## **EXPLANATORY NOTES**

*This bill introduces provisions into the legislation pertaining to professional orders and the legislation respecting the protection of personal information in order to allow the communication of confidential information without the consent of the person concerned in situations where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or a group of persons.*

*However, the bill prescribes that the communication of information must be limited to such information as is necessary to achieve the purposes for which the information is communicated and that the information may only be communicated to the person or persons who are exposed to the danger or to persons who can come to their aid.*

*The bill also proposes certain related amendments in respect of youth protection.*

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

- 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 Barreau du Québec (R.S.Q., chapter B-1);
- Professional Code (R.S.Q., chapter C-26);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Notarial Act (R.S.Q., chapter N-2);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

# **Bill 180**

## **AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS AS REGARDS THE DISCLOSURE OF CONFIDENTIAL INFORMATION TO PROTECT INDIVIDUALS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. 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 the following section after section 59 :

“59.1. In addition to the cases referred to in section 59, a public body may also release nominative information, without the consent of the persons concerned, in order to prevent an act of violence, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or a group of persons.

The information may in such case be released to the person or persons who are exposed to the danger or to any person who can come to their aid.”

2. The said Act is amended by inserting the following section after section 60 :

“60.1. The public body that releases information pursuant to section 59.1 may only release such information as is necessary to achieve the purposes for which the information is released.

Where information is so released, the person in charge of the protection of personal information within the public body must record the release.”

3. Section 131 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended

(1) by adding “or where so ordered by law” at the end of subsection 2 ;

(2) by adding the following subsection at the end :

“(3) An advocate may also communicate information that is protected by professional secrecy, in order to prevent an act of violence, where the advocate has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or a group of persons. However, the advocate may only communicate the information to the person or persons who are

exposed to the danger or to persons who can come to their aid. The advocate may only communicate such information as is necessary to achieve the purposes for which the information is communicated.”

4. Section 60.4 of the Professional Code (R.S.Q., chapter C-26) is amended by adding the following paragraph at the end:

“The professional may also communicate information that is protected by professional secrecy, in order to prevent an act of violence, where he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or a group of persons. However, the professional may only communicate the information to the person or persons who are exposed to the danger or to persons who can come to their aid. The professional may only communicate such information as is necessary to achieve the purposes for which the information is communicated.”

5. Section 87 of the said Code is amended by adding the following paragraph at the end:

“Such code may include provisions stating the manner in which a professional may communicate the information pursuant to the third paragraph of section 60.4.”

6. Section 69 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by inserting the following paragraph after the second paragraph:

“A public servant may, in order to prevent an act of violence, communicate information under the conditions prescribed in sections 59.1 and 60.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”;

(2) by replacing “third” in the first line of the fourth paragraph by “fourth”.

7. Section 15 of the Notarial Act (R.S.Q., chapter N-2), amended by section 197 of chapter 40 of the statutes of 1999, is again amended by replacing paragraph *a* by the following paragraph:

“(a) not to divulge confidential knowledge acquired in the practice of the notarial profession, unless the notary

(1) is expressly or implicitly authorized to do so by those who made such confidences;

(2) is so ordered by law; or

(3) has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or a group of persons and the

information is communicated in order to prevent an act of violence. However, the notary may only communicate the information to the person or persons who are exposed to the danger and to persons who can come to their aid. The notary may only communicate such information as is necessary to achieve the purposes for which the information is communicated;”.

8. Section 36 of the Youth Protection Act (R.S.Q., chapter P-34.1) is replaced by the following section :

“36. Where the director decides to act on a situation that has been brought to his attention regarding a child, in a case referred to in section 38, the director and any person acting under section 32 or 33 may, if they have reasonable cause to believe that it is necessary to consult the child’s record to assess the child’s situation, at any reasonable time or any time in an emergency, enter a facility maintained by an institution to examine on the premises the record kept on the child and make copies thereof. The institution shall, on request, transmit a copy of the record to the director.

In addition, where the director decides to act on a situation that has been brought to his attention in a case referred to in the first paragraph, the director and any person acting under section 32 may, if they have reasonable cause to believe that there is a threat to the life or security of the child concerned or of another child and that it is necessary for that reason to have access to the information in the record of a person involved in the situation, require that the director of professional services of an institution or any person designated by the executive director of the institution communicate such information contained in the record of the person as is necessary to assess the situation of the child.

This section applies notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2) and section 7 of the Act respecting health services and social services for Cree Native persons (chapter S-5).”

9. Section 72.7 of the said Act is replaced by the following sections :

“72.7. If there is reasonable cause to believe that the security or development of a child is in danger on any of the grounds set out in subparagraph *c* or *g* of the first paragraph of section 38, the director or the Commission, according to their respective powers, may, to ensure the protection of the child or of another child, report the situation to the Attorney General or to a police force without it being necessary to obtain the consent of the person to whom it relates or an order of the tribunal.

“72.8. The director or the Commission, as the case may be, may also, in order to prevent an act of violence, communicate confidential information without the consent of the person or persons concerned or an order of the tribunal, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or a group of persons.

The information may in such case be communicated to the person or persons exposed to the danger or to any person who can come to their aid.

The director or the Commission, as the case may be, may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

“72.9. Sections 72.7 and 72.8 apply notwithstanding section 72.5 of this Act and notwithstanding subparagraphs 1, 3 and 4 of the second paragraph of section 59 and section 59.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

10. The Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by inserting the following section after section 18:

“18.1. In addition to the cases referred to in section 18, a person who carries on an enterprise may also communicate personal information included in a file the person holds on another person, without the consent of the persons concerned, in order to prevent an act of violence, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or a group of persons.

The information may in such case be communicated to the person or persons who are exposed to the danger or to any person who can come to their aid.

A person carrying on an enterprise who communicates information pursuant to this section may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

Where information is so communicated by a person carrying on an enterprise, the person must make an entry of the communication. That entry is part of the file.”

11. The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following section after section 19:

“19.01. Notwithstanding section 19, information contained in the record of a user may be communicated, in order to prevent an act of violence, without the consent of the user or the person authorized to give such consent on his behalf or an order of the court, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to the user, another person or a group of persons.

The information may in such case be communicated to the person or persons who are exposed to the danger or to any person who can come to their aid. The information may only be communicated by a person or a person

belonging to a class of persons authorized by the director of professional services or, failing such a director, by the executive director of the institution.

The persons so authorized may only communicate such information as is necessary to achieve the purposes for which the information is communicated.”

12. Section 7 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), amended by section 4 of chapter 45 of the statutes of 1999, is again amended

(1) by inserting the following paragraph after the first paragraph :

“However, information contained in the record of a beneficiary may be communicated, in order to prevent an act of violence, without the consent of the beneficiary or an order of the court, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to the beneficiary, another person or a group of persons. The information may in such case be communicated to the person or persons exposed to the danger or to any person who can come to their aid. The information may be communicated only by a person or a person belonging to a class of persons authorized by the director of professional services or, failing such a director, by the executive director of the institution. The persons so authorized may only communicate such information as is necessary to achieve the purposes for which the information is communicated.”;

(2) by replacing “However” at the beginning of the second paragraph by “In addition”;

(3) by replacing “eighth” in the first line of the last paragraph by “ninth”.

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