



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 164
(2018, chapter 3)

**An Act respecting access to certain
documents held by the Conseil exécutif
or intended for the Conseil exécutif**

**Introduced 15 February 2018
Passed in principle 22 February 2018
Passed 20 March 2018
Assented to 20 March 2018**

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EXPLANATORY NOTES

This Act amends the Act respecting Access to documents held by public bodies and the Protection of personal information to confirm that the protection granted by that Act to certain documents held by the Conseil exécutif extends not only to communications from a member of the Conseil exécutif to one of his or her colleagues, but also to communications between two or more members of the Conseil exécutif.

The Act is also amended to ensure the protection of certain documents released to the Ministère du Conseil exécutif by another public body.

Lastly, the Charter of Ville de Montréal, metropolis of Québec is amended to make the required consequential amendments.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4).

Bill 164

AN ACT RESPECTING ACCESS TO CERTAIN DOCUMENTS HELD BY THE CONSEIL EXÉCUTIF OR INTENDED FOR THE CONSEIL EXÉCUTIF

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

1. Section 33 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is amended, in the first paragraph,

(1) by inserting “or more” after “one” in subparagraph 1;

(2) by replacing subparagraph 2 by the following subparagraph:

“(2) communications from one or more members of the Conseil exécutif to one or more other members of the Conseil exécutif, to the Conseil exécutif itself, to the Conseil du trésor or to a cabinet committee, unless the author or, if applicable, authors decide otherwise;”;

(3) by replacing subparagraphs 4 and 5 by the following subparagraphs:

“(4) recommendations from one or more members of the Conseil exécutif to the Conseil exécutif, to the Conseil du trésor or to a cabinet committee, unless the author or, if applicable, authors or the person receiving them decides otherwise;

“(5) studies, opinions and recommendations prepared within the Ministère du Conseil exécutif or the secretariat of the Conseil du trésor, or within another public body to the extent that they are released to the Ministère du Conseil exécutif, regarding a recommendation or request made by one or more ministers, a cabinet committee or a public body, or regarding a document contemplated in section 36;”.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

2. Section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended, in the first paragraph,

(1) by inserting “or more” after “one” in subparagraph 6;

(2) by replacing subparagraph 7 by the following subparagraph:

“(7) a communication from one or more members of the Conseil exécutif to one or more other members of the Conseil exécutif, to the Conseil exécutif itself, to the Conseil du trésor or to a cabinet committee, before the expiry of 25 years from the date of the communication;”;

(3) by replacing “a member” in subparagraph 9 by “one or more members”;

(4) by replacing subparagraph 10 by the following subparagraph:

“(10) a study, opinion or recommendation prepared within the Ministère du Conseil exécutif or the secretariat of the Conseil du trésor, or within another public body to the extent that it is released to the Ministère du Conseil exécutif, regarding a recommendation or request made by one or more ministers, a cabinet committee or a public body, or regarding a preliminary or final draft of a bill or regulation, before the expiry of 25 years from the date of the study, opinion or recommendation;”.

FINAL PROVISIONS

3. This Act is declaratory. In addition, it has effect despite the decisions of the Court of Appeal rendered on 6 December 2017 in records numbered 500-09-025956-160 and 500-09-025330-150 and despite the decisions of the Commission d'accès à l'information and the courts of justice which gave rise to those appeal decisions.

4. This Act comes into force on 20 March 2018.