

Policy concerning the distribution of information and the protection of personal information

<p>PREAMBLE</p>	<p>GIVEN that the Québec Ombudsman is not subject to the Regulation respecting the distribution of information and the protection of personal information (CQLR c A-2.1, r 2), pursuant to the first section of the said regulation, but nevertheless wishes to adhere voluntarily to the principal obligations set out therein, with due respect for its institutional characteristics;</p> <p>GIVEN the nature and scope of the Québec Ombudsman's mission and duties;</p> <p>GIVEN that transparency is one of the values underpinning the Québec Ombudsman's actions, as confirmed in its Declaration of Services to the Public;</p> <p>GIVEN the provisions of the Public Protector Act (CQLR c P-32) and the Act respecting the Health and Social Services Ombudsman (CQLR c P-31.1), which protect the confidentiality of information obtained by the Québec Ombudsman during the exercise of its duties, and which stipulate that the Québec Ombudsman's interventions must be conducted in private;</p> <p>GIVEN the institution's obligations concerning the primacy of distributing certain documents and information for the benefit of the National Assembly;</p> <p>GIVEN the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (CQLR c A-2.1), hereinafter referred to as the "Act respecting Access";</p> <p>Accordingly, with due respect for these principles, it hereby adopts this policy.</p>
<p>OBJECTIVES</p>	<p>Article 1: The objectives of this policy are as follows</p> <ol style="list-style-type: none"> 1. Provide the Québec Ombudsman with clear and appropriate rules concerning public distribution of information, in light of the legal and administrative features and obligations of the Québec Ombudsman, including the fact that its interventions are conducted in private; 2. Identify the documents and information that may be distributed; 3. Ensure that the said documents are distributed on the Québec Ombudsman's website; 4. Establish the roles and responsibilities of the various people in charge of applying and enforcing this policy.
<p>DOCUMENTS AND INFORMATION CONCERNED</p>	<p>Article 2: This policy confirms that the following documents and information will be distributed on the Québec Ombudsman's website, or, if required, by a link redirecting to another website</p> <ol style="list-style-type: none"> 1. The institution's organization chart; 2. The names and titles of the management and supervisory personnel; 3. The name of the person in charge of access to information and the protection of personal information, and his or her contact information; 4. The document classification plan required by section 16 of the Act respecting Access;

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5. The inventory of its personal information files established under section 76 of the Act respecting Access;
6. The register established under section 67.3 of the Act respecting Access;
7. The intervention reports produced by the institution, the distribution of which is authorized by law and is considered to be of interest in informing the general public;
8. The studies, research or statistical reports produced by or for the institution, whose distribution is of interest for the purposes of public information, and that the Québec Ombudsman is legally authorized to distribute;
9. The documents sent under a request for access, together with the anonymized decision of the person in charge of access to documents, except for documents containing:
 - a) personal information, unless the information is considered public information within the meaning of section 55 of the Act respecting Access;
 - b) information supplied by a third person within the meaning of section 23 or 24 of the Act respecting Access;
 - c) information whose communication must be refused under section 28, 28.1, 29 or 29.1 of the Act respecting Access;
 - d) information whose communication can or must be refused under the Public Protector Act and the Act respecting the Health and Social Services Ombudsman;
10. A description of the services offered by the institution and the conditions and forms relating thereto;
11. The legislation, regulations, codes and rules of conduct and ethics, policies, directives and other official documents of a similar nature concerning citizens' rights recognized in the legislation that the Québec Ombudsman is responsible for applying, and that it is legally authorized to distribute;
12. Information concerning the contracts entered into by the institution, in accordance with sections 71 and 72 of the Regulation respecting contracts of the Public Protector (CQLR c P-32, r.1);
13. The documents produced by the institution and tabled in accordance with the National Assembly Regulation, for the purposes of a public session of the National Assembly or of one of its committees or subcommittees, including those contained in the list drawn up in accordance with section 58 of the said Regulation, and interventions carried out pursuant to section 27.3 of the Public Protector Act, the distribution of which is considered to be appropriate.
14. The total travel expenses of staff members, including management staff, with the exception of the Québec Ombudsman and the Deputy Ombudsmen;
15. The information pertaining to travel expenses in Québec for each of the activities of the Québec Ombudsman or the Deputy Ombudsmen, invoiced directly to the institution or paid by that person and reimbursed by the public body, namely:
 - a) the name and position of the person who travelled;
 - b) the date of travel;
 - c) the city or municipality of travel;
 - d) the purpose of travel;
 - e) the travel expenses incurred for the use of a public or a chartered means of transport;
 - f) where applicable, the amount of the lump sum allowance or the lodging and meal expenses; and
 - g) the amount and a description of other related expenses.

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16. The information pertaining to travel expenses outside Québec for each of the activities of the Québec Ombudsman or the Deputy Ombudsmen, invoiced directly to the institution or paid by that person and reimbursed by the public body, namely:
 - a) the name and position of the person who travelled;
 - b) the date of travel;
 - c) the city or municipality of travel;
 - d) the purpose of travel;
 - e) the travel expenses incurred for the use of a public or a chartered means of transport;
 - f) the name and position of the persons accompanying them, and the total travel, lodging, meal and other related expenses for these persons;
 - g) where applicable, the amount of the lump sum allowance or the lodging and meal expenses of the Québec Ombudsman and the Deputy Ombudsmen;
 - h) the amount and a description of other related expenses;
 - i) when travelling outside Canada, the fees related to meeting halls and the services of a photographer or an interpreter, and potential mission reports; also indicating, where applicable, the expenses that are borne by another public body and which public body.
17. The information pertaining to each official expense of the Québec Ombudsman and the Deputy Ombudsmen, namely, the name and position of the person concerned, a description of each expense, the date and the cost;
18. The information pertaining to the expenses for each hospitality activity held in accordance with the policy respecting recognition of retirement namely, a description of the activity, the date, the cost and the number of expected participants;
19. The information pertaining to the expenses for each attendance, by a member of the personnel, at a training activity, a conference or a convention, namely, the name of the administrative unit to which the member of the personnel belongs, the date, place and a description of the training conference or convention, and the registration cost;
20. The information pertaining to training contracts, namely, the name of the supplier and the amount of the contract, and, for each training activity, a description, the date and place, and the number of expected participants;
21. The following information pertaining to publicity and promotion contracts, namely, contracts for the distribution of printed material such as advertising signs or posters, or the distribution of publicity in magazines, in newspapers, on radio, on television or on the Internet:
 - a) the date of the contract;
 - b) the name of the supplier;
 - c) a description of the contract;
 - d) the amount of the contract;
22. The information pertaining to mobile telecommunication contracts, namely, the name of the supplier and the types of devices, and, for each type of device, the number of active cell plans in circulation, the number of cell plans in reserve, the acquisition costs and the monthly service costs;
23. The information pertaining to each lease of space occupied by the institution, namely, the address, the name of the lessor, the leased area and the annual amount of rent;
24. A list of the annual salaries, indemnities and allowances of the Québec Ombudsman and the Deputy Ombudsmen;

The Ombudsman is not required to distribute the information referred to in subparagraphs 18 to 20 in the case of a contract involving confidential information or a contract for which no waiver of professional secrecy has been obtained.

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RESPONSIBILITIES	<p>Article 3: This policy confers the following responsibilities on the persons indicated</p> <p>1. Committee on access, protection and security of information (CAPSI)</p> <p>The Québec Ombudsman's Committee on Access, Protection and Security of Information is composed of the following people:</p> <ol style="list-style-type: none">the Québec Ombudsperson, who acts as its chair;the person in charge of access to information and the protection of personal information;the Information Technology and Data Management Manager 4° the officer in charge of information security;the person appointed to advise on access to information and the protection of personal information. <p>The Committee plays a general advisory role on matters relating to access to information, the protection of personal information and information security. It assists the person in charge of access to information and the protection of personal information in his or her capacity as the officer in charge of access to information and the protection of personal information, and the Information Technology and Data Management Manager in his or her capacity as the officer in charge of information security.</p> <p>More specifically, the Committee receives, examines and identifies the documents and information or the categories of documents and information that may be distributed pursuant to Article 2 of this policy.</p> <p>The Committee is also responsible for guiding the person in charge of access to information and the protection of personal information in all matters appertaining to this policy, and may, for that purpose, involve any other person whose expertise is necessary to fulfill its duties.</p> <p>2. Person in charge of access to information and the protection of personal information</p> <p>The person in charge of access to information and the protection of personal information is responsible for implementing the responsibilities and obligations set out in this policy.</p> <p>He or she also oversees staff training and reporting in connection with the application and enforcement of this policy:</p> <ol style="list-style-type: none"><i>Staff training</i> <p>The person in charge of access to information and the protection of personal information oversees the awareness and training of the Québec Ombudsman's employees, managerial personnel and supervisory personnel in connection with obligations and practices in the area of access to information and the protection of personal information.</p> <ol style="list-style-type: none"><i>Annual management report</i> <p>The person in charge of access to information and the protection of personal information is responsible for inserting a review in the annual report, presenting:</p> <ul style="list-style-type: none">- the nature and number of requests for access to information received, the time taken to process them, and the number of cases that the Commission d'accès à l'information was asked to review;- the activities relating to access to information and the protection of personal information carried out by the Québec Ombudsman, including personnel training sessions.
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	<p>3. Communications Branch</p> <p>The Communications Branch is responsible for updating the content of the Québec Ombudsman's website.</p> <p>Therefore, any document or information covered by this policy, the distribution of which is authorized by the CAPSI, shall be sent by the CAPSI to the Communications Branch to be placed on the Québec Ombudsman's website.</p> <p>The Communications Branch is also responsible for distributing all documents and information that are modified after initially being authorized for distribution by the CAPSI, in compliance with article 4 of this policy.</p> <p>4. Managers</p> <p>It is up to the managers concerned to provide the CAPSI with the documents and information that may be distributed pursuant to article 2 of this policy.</p>
CONDITIONS	<p>Article 4: Sending and Updating Documents</p> <p>The Québec Ombudsman must promptly distribute a document or information referred to in article 2 and leave it there for as long as it is up-to-date or until it acquires the status of a semi-active document according to its retention schedule.</p> <p>The documents referred to in subparagraph 9 of article 2 must be distributed, to the extent possible, within 5 business days following the date on which they are sent to the applicant.</p> <p>The documents or information referred to in subparagraphs 14 to 22 of article 2 must be distributed within 45 days following the end of each quarter, in connection with the expenses incurred during the quarter.</p> <p>The information referred to in subparagraphs 23 and 24 of article 2 must be distributed within 45 days following the end of each fiscal year of the Québec Ombudsman, in connection with the expenses, salaries, indemnities and allowances relating to the fiscal year.</p> <p>Any amendment to a document or information that has been distributed in accordance with this policy shall be sent to the Communications Branch to be placed on the website of the Québec Ombudsman.</p> <p>If the document or information is amended substantially, it shall be submitted to the Committee on Access, Protection and Security of Information in accordance with subparagraph 4 of article 3 of this policy.</p> <p>Article 5: Network of officers responsible for access to documents</p> <p>The Québec Ombudsman encourages its designated employees to join any of the Québec Government's network of officers responsible for access to documents and the protection of personal information, in order to upgrade their skills, obtain information and training, and have opportunities for discussion.</p> <p>Article 6: Measures to protect personal information</p> <p>6.1 Electronic information or service delivery systems</p> <p>The appropriate branches of the Québec Ombudsman must, where necessary, inform the CAPSI of any plans to acquire, develop or review an electronic information or service delivery system that collects, uses, stores, distributes or destroys personal information.</p> <p>The CAPSI suggests which of the projects should be structured to include special measures to protect personal information. Such measures may include:</p> <ol style="list-style-type: none"> a) the appointment of a person for each project, to be responsible for implementing measures to protect personal information; b) at the preliminary stage, an assessment of the risks of breaching the protection of personal information;

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- c) special measures to ensure that personal information is protected during the project application process and during the subsequent use, maintenance, modification and development of the electronic information or service delivery system;
- d) a description of the personal information protection requirements in the book of specifications or contract relating to the project, unless the organization responsible for carrying out the contract is another public agency;
- e) a description of the project participants' responsibility to protect personal information;
- f) training activities for project participants, on the protection of personal information.

6.2 Survey

The appropriate branches of the Québec Ombudsman must formally consult the CAPSI in respect of any special measures required to protect personal information in surveys that collect or use such information.

The measures must include an assessment of:

- a) the need for the survey;
- b) the ethical aspects of the survey, based among other things on the sensitivity of the personal information collected and the purpose for which it will be used;
- c) the methodology used to conduct the survey.

For the purposes of the assessment and examination of appropriate measures, the CAPSI shall base its actions on the *Directive concerning surveys carried out by the Québec Ombudsman*.

6.3 Video surveillance

If a branch of the Québec Ombudsman considers the possibility of using video surveillance technology for serious and necessary reasons relating to the safety of persons, property or facilities, it must first consult the CAPSI on the special measures to be applied in order to protect personal information.

Such measures must include an assessment of:

- a) the need to use the technology;
- b) compliance of the use of such technology with the right to privacy.

COMING INTO FORCE

Article 7: This policy comes into force on October 4, 2010

September 28, 2010

Original signed

The Ombudsperson,
Raymonde Saint-Germain

This Policy was adopted by the Québec Ombudsman's Executive Committee on October 19, 2015