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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 6  
(2021, chapter 33)

**An Act to enact the Act respecting  
the Ministère de la Cybersécurité  
et du Numérique and to amend other  
provisions**

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**Introduced 28 October 2021  
Passed in principle 10 November 2021  
Passed 2 December 2021  
Assented to 3 December 2021**

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## EXPLANATORY NOTES

*This Act establishes the Ministère de la Cybersécurité et du Numérique.*

*The Act prescribes the missions of the Minister of Cybersecurity and Digital Technology, in particular, the missions of instigating and coordinating state action in the areas of cybersecurity and digital technology, proposing general policy directions for those areas to the Government, determining the sectors of activities in which the Minister intends to act as a matter of priority and proposing to the Government measures to increase the efficiency of the fight against cyber attacks and cyber threats in Québec.*

*More specifically, the Act entrusts the Minister with the responsibilities currently conferred on Infrastructures technologiques Québec under its constituting Act, including that of providing public bodies with common technology infrastructure services and support system services and acting as a cloud broker. It entrusts the Minister with the functions of Chair of the Conseil du trésor as regards information resources, in particular with respect to digital transformation, information security and digital government data. It also entrusts the Minister and the Government with responsibilities as regards information resources currently conferred on the Conseil du trésor. It also provides that the Deputy Minister of Cybersecurity and Digital Technology acts as chief information officer.*

*The Act establishes the Cybersecurity and Digital Technology Fund, dedicated, in particular, to financing public bodies' common technology infrastructures and support systems, the services provided by the Minister and projects in the areas of cybersecurity and digital technology.*

*The Act amends the composition and the mandate of the harmonization committee provided for by the Act to establish a legal framework for information technology. It provides that the chief information officer chairs that committee and that an employee of the Ministère de la Justice who is a member of the Barreau du Québec or of the Chambre des notaires du Québec sits on the committee.*

*The Act repeals the Act respecting Infrastructures technologiques Québec. It contains amending, miscellaneous and transitional provisions, in particular, concerning the transfer of employees from Infrastructures technologiques Québec and from the Secrétariat of the Conseil du trésor.*

**LEGISLATION AMENDED BY THIS ACT:**

- Financial Administration Act (chapter A-6.001);
- Public Administration Act (chapter A-6.01);
- Act to establish a legal framework for information technology (chapter C-1.1);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Executive Power Act (chapter E-18);
- Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);
- Act respecting the laicity of the State (chapter L-0.3);
- Act respecting the Ministère des Relations internationales (chapter M-25.1.1);
- Government Departments Act (chapter M-34);
- Act to ensure the occupancy and vitality of territories (chapter O-1.3);
- Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2);

- Act respecting the sharing of certain health information (chapter P-9.0001);
- Act respecting health services and social services (chapter S-4.2);
- Act to facilitate the public administration’s digital transformation (chapter T-11.003);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);
- Act to amend the Act respecting the governance and management of the information resources of public bodies and government enterprises and other legislative provisions (2021, chapter 22).

**LEGISLATION ENACTED BY THIS ACT:**

- Act respecting the Ministère de la Cybersécurité et du Numérique (2021, chapter 33, section 1).

**LEGISLATION REPEALED BY THIS ACT:**

- Act respecting Infrastructures technologiques Québec (chapter I-8.4).

**REGULATIONS AMENDED BY THIS ACT:**

- Règles sur les modalités de gestion administrative, financière et d’engagement de personnel et des commissions d’enquête instituées en vertu de la Loi sur les commissions d’enquête (chapter C-37, r. 1, French only);
- Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1);
- Regulation respecting contracts of the Chief Electoral Officer (chapter E-3.3, r. 6.1);
- Règlement sur les contrats du Protecteur du citoyen (chapter P-32, r. 2, French only).

## **Bill 6**

### **AN ACT TO ENACT THE ACT RESPECTING THE MINISTÈRE DE LA CYBERSÉCURITÉ ET DU NUMÉRIQUE AND TO AMEND OTHER PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **ENACTMENT OF THE ACT RESPECTING THE MINISTÈRE DE LA CYBERSÉCURITÉ ET DU NUMÉRIQUE**

**1.** The Act respecting the Ministère de la Cybersécurité et du Numérique, the text of which appears in this chapter, is enacted.

“AN ACT RESPECTING THE MINISTÈRE DE LA CYBERSÉCURITÉ ET DU NUMÉRIQUE

#### **“CHAPTER I**

##### **“MINISTER OF CYBERSECURITY AND DIGITAL TECHNOLOGY**

**“1.** The mission of the Minister of Cybersecurity and Digital Technology is to instigate and coordinate state action in the areas of cybersecurity and digital technology.

The Minister proposes general policy directions in those areas to the Government, determines the sectors of activities in which the Minister intends to act as a matter of priority and advises the Government and public bodies. The Minister also proposes to the Government measures to increase the effectiveness of the fight against cyber attacks and cyber threats in Québec.

For the purposes of this Act, the bodies referred to in section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) are public bodies.

**“2.** The Minister must set objectives and develop policies, strategies and programs to ensure the carrying out of the Minister’s mission. The Minister directs, coordinates and oversees the application of the objectives, policies, strategies and programs.

The Minister is responsible for the administration of the Acts assigned to the Minister and performs any other function assigned by the Government.

**“3.** The responsibilities of the Minister with regard to public bodies, which form the public administration for the purposes of this section, are the following:

(1) developing a set of means to offer individuals and enterprises quality digital services, ensuring as much as possible not to cause a digital divide;

(2) seeing to the optimal use of digital technologies in the delivery of public services;

(3) ensuring the development, implementation and deployment of the digital public administration initiative and the promotion and implementation of any measure furthering the adaptation of public services to digital public administration;

(4) ensuring the implementation of a strategy for the public administration’s digital transformation, including, as applicable, the implementation of any related plan, and assisting public bodies in implementing the strategy;

(5) coordinating the efforts of public bodies and supporting them in adopting optimal management practices with respect to information resources;

(6) ensuring that public bodies adopt the best cybersecurity practices;

(7) ensuring government coordination in matters of information security and establishing targets applicable to all public bodies to measure their performance in strategic, tactical and operational terms, as well as government efficiency in addressing threats, vulnerabilities and incidents involving information security;

(8) establishing information security requirements applicable to public bodies and ordering them, when required, to implement those requirements to ensure the protection of their information assets and the information such assets hold; and

(9) establishing the governance framework for information resource projects of government-wide interest and ensuring the development of related technological solutions.

**“4.** The Minister provides public bodies with common technology infrastructure services and support system services capable of, among other things, supporting such bodies in the exercise of their functions and in their delivery of services so as to promote their digital transformation.

The Minister pools and develops in-house expertise on common technology infrastructures. The Minister contributes to enhancing digital information security within public bodies and the availability of services to individuals and enterprises through the increased use of secure, high-performance shared technology infrastructures within such bodies.

The Minister determines, in writing, the offer of common technology infrastructure services and support system services provided by the Minister. The Minister describes the services and determines their nature and extent as well as any other conditions. The Minister publishes the list of services provided on the website of their department as well as any amendment to the list, within a reasonable time.

**“5.** For the purposes of section 4, the Minister must, more specifically,

(1) ensure that the common technology infrastructure services and support system services under the Minister’s responsibility are accessible;

(2) ensure that the Minister’s services meet public bodies’ needs, taking into account government priorities and the portfolio of priority projects, and ensure the development of those services;

(3) seek to optimize the design, execution, maintenance, operation and development costs of the Minister’s services so as to improve their efficiency and effectiveness with respect to performance objectives and contribute to government-wide savings;

(4) establish customer relationship management processes to support public bodies using the Minister’s services and measure their level of satisfaction with respect to the services provided;

(5) see to it that the standards conducive to ensuring the confidentiality, integrity and availability of the public body information the Minister keeps are complied with and maintained, in particular by putting security measures in place; and

(6) contribute to the emergence of exemplary and innovative technology management practices in collaboration with the various stakeholders in the information technology community.

**“6.** The Minister acts as cloud broker for public bodies by making cloud offerings available by type of good or service.

For that purpose, the Minister must prepare a catalogue of cloud offerings designed to meet the bodies’ needs and assist them in such matters.

**“7.** The Minister may provide the services referred to in section 4 and make available the offerings referred to in section 6 to any other person or entity designated by the Government.

**“8.** In exercising his or her functions, the Minister may, in particular,

(1) enter into agreements with any person, association, partnership or body;

(2) enter into agreements, in accordance with the applicable legislative provisions, with a government other than that of Québec or a department or body of such a government, or with an international organization or a body of such an organization;

(3) conduct or commission consultations, research, studies and analyses; and

(4) grant, on the conditions the Minister determines, financial or technical assistance.

**“9.** If the Minister considers it expedient, the Minister may establish a committee of experts to advise the Minister in the areas of cybersecurity or digital technology.

The committee is made up of persons appointed by the Minister who have expertise, experience and a marked interest in the area concerned.

The members of such a committee are not remunerated, except in the cases, on the conditions and to the extent that may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**“10.** The Minister determines the tariff of fees as well as the other forms of remuneration payable for the services he or she provides, including those for the acquisition of goods necessary for the provision of the services. The tariff and other forms of remuneration may vary according to the service provided or the clientele served.

The above forms of remuneration require the approval of the Conseil du trésor.

The Minister publishes on the Minister’s department’s website, within a reasonable time, the rate schedule and any amendment to it.

## **“CHAPTER II**

### **“MINISTÈRE DE LA CYBERSÉCURITÉ ET DU NUMÉRIQUE**

**“11.** The Ministère de la Cybersécurité et du Numérique is under the direction of the Minister of Cybersecurity and Digital Technology.

**“12.** The Government appoints a Deputy Minister of Cybersecurity and Digital Technology in accordance with the Public Service Act (chapter F-3.1.1).

**“13.** Under the Minister’s direction, the Deputy Minister administers the department.

In addition, the Deputy Minister performs any other function assigned by the Government or the Minister.

**“14.** The Deputy Minister has the Minister’s authority in the exercise of his or her functions.

**“15.** The Deputy Minister may, in writing and to the extent the Deputy Minister specifies, delegate the exercise of the Deputy Minister’s functions to a public servant or to the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions the Deputy Minister specifies; in such a case, the Deputy Minister identifies the public servant or holder of a position to whom they may be subdelegated.

**“16.** The personnel of the department consists of the public servants required for the exercise of the Minister’s functions; the public servants are appointed under the Public Service Act.

The Minister determines those public servants’ duties if they are not determined by law or by the Government.

**“17.** The Minister’s or Deputy Minister’s signature gives authority to any document emanating from the department.

No instrument, document or writing is binding on the Minister or may be attributed to the Minister unless it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or a holder of a position but, in the latter two cases, only to the extent determined by regulation of the Minister.

**“18.** The Minister may, by regulation and on the conditions the Minister determines, allow a signature to be affixed by means of an automatic device or by means of any other information technology-based process.

**“19.** A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 17, is authentic.

### **“CHAPTER III**

#### **“CYBERSECURITY AND DIGITAL TECHNOLOGY FUND**

**“20.** The Cybersecurity and Digital Technology Fund is established under the Minister’s responsibility.

**“21.** The Fund is dedicated to

(1) financing public bodies’ common technology infrastructures and support systems;

- (2) financing the services offered or provided by the Minister;
- (3) financing projects or activities in the area of cybersecurity or digital technology; and
- (4) paying any financial assistance granted under this Act.

The financing of a common technology infrastructure or support system may cover its design, execution, maintenance, development and operation.

**“22.** The following are credited to the Fund:

- (1) the sums collected by the Minister for the services the Minister provides, including those for acquisition of the goods necessary for the provision of the services;
- (2) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);
- (3) the sums transferred to it by a minister or by a budget-funded body listed in Schedule 1 to the Financial Administration Act out of the appropriations granted for that purpose by Parliament;
- (4) the gifts, legacies and other contributions paid into the Fund to further the achievement of its purposes; and
- (5) the interest earned on the sums credited to the Fund.

**“23.** The sums required to pay any expense needed to finance or pay the elements specified in section 21, excluding the Minister’s administrative expenses, are debited from the Fund.

**“24.** Any surpluses accumulated by the Fund are transferred to the general fund on the dates and to the extent determined by the Government.

**“25.** The Auditor General audits the Fund’s books and accounts each year and whenever ordered by the Government.”

## **CHAPTER II**

### **AMENDING PROVISIONS**

#### **FINANCIAL ADMINISTRATION ACT**

**2.** Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Infrastructures technologiques Québec”.

## PUBLIC ADMINISTRATION ACT

**3.** Section 21 of the Public Administration Act (chapter A-6.01) is amended, in the first paragraph,

(1) by striking out “or, as applicable, Infrastructures technologiques Québec”;

(2) by replacing “conferred on them by, respectively, the Act respecting the Centre d’acquisitions gouvernementales (chapter C-7.01) and the Act respecting Infrastructures technologiques Québec (chapter I-8.4) and which they may not” by “conferred on it by the Act respecting the Centre d’acquisitions gouvernementales (chapter C-7.01) and which it may not”.

**4.** Section 77.1 of the Act is amended

(1) by striking out subparagraphs 1, 2 and 6 to 6.5 of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“For the purposes of this section, the bodies referred to in the second paragraph of section 4 of the Act respecting the Centre d’acquisitions gouvernementales (chapter C-7.01) are public bodies.”

## ACT TO ESTABLISH A LEGAL FRAMEWORK FOR INFORMATION TECHNOLOGY

**5.** Sections 1, 8, 12, 15 and 50 of the Act to establish a legal framework for information technology (chapter C-1.1) are amended by striking out “technical”.

**6.** The heading of Division I of Chapter IV of the Act is amended by replacing “TECHNICAL SYSTEMS, NORMS AND STANDARDS” by “SYSTEMS, NORMS, STANDARDS AND OTHER ELEMENTS FOR THE USE OF TECHNOLOGY”.

**7.** Section 63 of the Act is amended

(1) in the first paragraph,

(a) by striking out “technical processes,”;

(b) by replacing “and standards” by “and standards and other elements for the use of technologies”;

(c) by replacing “Government” by “Minister”;

(d) by replacing “Bureau de normalisation du Québec” by “chief information officer”;

(2) in the second paragraph,

(a) by replacing “a representative of the Bureau de normalisation du Québec. The” by “the chief information officer. An employee of the Ministère de la Justice who is designated for this purpose by the Minister of Justice and who is a member of the Barreau du Québec or the Chambre des notaires du Québec also sits on the committee. The”;

(b) by replacing “Bureau” by “Ministère de la Cybersécurité et du Numérique”;

(3) by adding the following paragraph at the end:

“The chief information officer may, for the purposes of the second paragraph, designate a substitute.”

**8.** Section 64 of the Act is amended

(1) by replacing “harmonization committee is to examine” in the introductory clause by “committee for the harmonization of systems, norms and standards and other elements for the use of technologies is to examine or determine”;

(2) by striking out “technical” in paragraph 1;

(3) by striking out paragraph 6;

(4) by adding the following paragraph at the end:

“The functions of the committee also include the following:

(1) making recommendations to the Minister respecting the administration of the Act; and

(2) carrying out any other mandate entrusted by the Government or the Minister.”

**9.** Section 65 of the Act is amended

(1) in the first paragraph,

(a) by replacing “shall develop” by “may develop”;

(b) by inserting “or any other document” after “guidelines”;

(2) by replacing “guidelines shall determine the common technical standards selected, such as” by “guidelines or other documents shall determine the systems, norms and standards and other elements selected for the use of technologies, such as, in particular,” in the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

“The guidelines and other documents are published and updated on the website designated by the Minister.”

**10.** Section 66 of the Act is amended by replacing the first paragraph by the following paragraph:

“The chief information officer must report every two years to the Minister on the proceedings of the committee and on the voluntary implementation of the guidelines and other documents.”

**11.** Section 67 of the Act is amended by inserting “or other documents” after “guidelines”.

**12.** Section 68 of the Act is amended by replacing “technical process, norm or standard” in the introductory clause by “system, norm, standard or other element for the use of technologies”.

**13.** Section 104 of the Act is replaced by the following section:

“**104.** The Minister of Cybersecurity and Digital Technology is responsible for the administration of this Act, except sections 5 to 16, 22, 27, 31, 33, 36, 37, 39, 61 and 62, for which the Government designates the minister responsible for their administration.”

#### CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

**14.** Section 43 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended

(1) by replacing “Infrastructures technologiques Québec or with a department that is not required to call on the Centre’s services or on those of Infrastructures technologiques Québec” in the first paragraph by “the Minister of Cybersecurity and Digital Technology or another minister who is not required to call on the Centre’s services or on those of the Minister of Cybersecurity and Digital Technology”;

(2) by replacing “, to Infrastructures technologiques Québec or to a department” in the second paragraph by “or to a minister”;

(3) by replacing “, Infrastructures technologiques Québec or a department” in the third paragraph by “or by a minister”.

## CITIES AND TOWNS ACT

**15.** Section 29.9.2 of the Cities and Towns Act (chapter C-19) is amended

(1) by replacing “Infrastructures technologiques Québec or to a department that is not required to call on the Centre’s services or on those of Infrastructures technologiques Québec” in the first paragraph by “the Minister of Cybersecurity and Digital Technology or another minister who is not required to call on the Centre’s services or on those of the Minister of Cybersecurity and Digital Technology”;

(2) by replacing “, Infrastructures technologiques Québec or a department” in the third paragraph by “or by a minister”.

## MUNICIPAL CODE OF QUÉBEC

**16.** Article 14.7.2 of the Municipal Code of Québec (chapter C-27.1) is amended

(1) by replacing “Infrastructures technologiques Québec or to a department that is not required to call on the Centre’s services or on those of Infrastructures technologiques Québec” in the first paragraph by “to the Minister of Cybersecurity and Digital Technology or to another minister who is not required to call on the Centre’s services or on those of the Minister of Cybersecurity and Digital Technology”;

(2) by replacing “, Infrastructures technologiques Québec or a department” in the third paragraph by “or by a minister”.

## EXECUTIVE POWER ACT

**17.** Section 4 of the Executive Power Act (chapter E-18) is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(9) a Minister of Cybersecurity and Digital Technology;”.

## ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF THE INFORMATION RESOURCES OF PUBLIC BODIES AND GOVERNMENT ENTERPRISES

**18.** Section 5 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) is amended by replacing “Conseil du trésor” by “Minister of Cybersecurity and Digital Technology”.

**19.** Section 6 of the Act is replaced by the following section:

“**6.** The Deputy Minister of the Ministère de la Cybersécurité et du Numérique acts as chief information officer.”

**20.** Section 7 of the Act is amended, in the first paragraph,

(1) by replacing “Chair of the Conseil du trésor” in subparagraph 0.1 by “Minister”;

(2) by replacing “Chair of the Conseil du trésor and the Conseil du trésor” in subparagraph 2 by “Minister”;

(3) by replacing subparagraph 3 by the following subparagraph:

“(3) proposing to the Minister an investment and expenditure plan, described in section 16.1, for the information resources of public bodies and any other planning document requested by the Minister;”;

(4) by replacing “Chair of the Conseil du trésor” in subparagraphs 7 and 10 by “Minister”.

**21.** Section 12.1 of the Act is amended

(1) by replacing paragraph 0.1 by the following subparagraph:

“(0.1) recommending to the Minister the common technology infrastructure services and support system services that the Minister could provide;”;

(2) by replacing “Conseil du trésor” in paragraphs 1 and 2 by “Minister”.

**22.** Section 12.5 of the Act is amended

(1) by replacing “Chair of the Conseil du trésor” by “Minister”;

(2) by replacing “secretariat of the Conseil du trésor” by “Ministère de la Cybersécurité et du Numérique”.

**23.** Section 12.6 of the Act is amended

(1) in paragraph 2,

(a) by replacing “to the Conseil du trésor” by “to the Minister”;

(b) by striking out “recommending to the Chair of the Conseil du trésor” and “performance”;

(2) by replacing “Conseil du trésor” in paragraph 3 by “Minister”;

(3) in paragraph 6,

(a) by replacing “Chair of the Conseil du trésor” by “Minister”;

(b) by striking out “performance”;

(4) by replacing “Chair of the Conseil du trésor” in paragraph 7 by “Minister”.

**24.** Section 16.1 of the Act is amended, in the first paragraph,

(1) by replacing “chief information officer” in the introductory clause by “Minister”;

(2) by replacing “master plans” in subparagraph 1 by “strategies referred to in paragraph 1 of section 13”;

(3) by replacing “Conseil du trésor” in subparagraph 3 by “Government”.

**25.** Section 16.2 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“A public body must comply with the project management conditions and procedures determined by the Government, on a proposal of the Minister and on the recommendation of the Chair of the Conseil du trésor, relating to the stages a project must go through and the required opinions and authorizations. The Government also determines the types of projects that must be authorized and the authority responsible for authorizing a project or a phase of a project, which authorization may vary according to the costs of the project, its complexity and the risks it involves.

Such a body must also comply with the conditions and procedures determined by the Minister concerning the criteria to be considered for granting authorizations and for project follow-up. Those conditions and procedures may, in particular, pertain to the type of documents to be produced, their required content and form, and the deadlines by which they must be sent.”;

(2) by replacing the last two paragraphs by the following paragraph:

“The Government may also allow the decision-making authority to delegate its power of authorization.”

**26.** Section 16.3 of the Act is amended by replacing “Conseil du trésor” in the first paragraph by “Government”.

**27.** Section 22 of the Act is amended

(1) by replacing “Conseil du trésor may, on the recommendation of the chief information officer and under the conditions it determines, confer on Infrastructures technologiques Québec or on another public body the Conseil du trésor” in the first paragraph by “Government may, on the recommendation of the Minister and under the conditions it determines, confer on a public body the Government”;

(2) by replacing “Conseil du trésor” in the second paragraph by “Government”.

**28.** Section 22.1 of the Act is amended, in the first paragraph,

(1) by replacing “Conseil du trésor” in the introductory clause by “Minister”;

(2) by replacing “Infrastructures technologiques Québec or of another” in subparagraph 1 by “the Minister or of a”.

**29.** Section 22.4 of the Act is replaced by the following section:

**“22.4.** The Minister makes any recommendations the Minister may have to the minister responsible for the body being audited. The ministers may jointly require the public body to take corrective measures, conduct any appropriate follow-up or comply with any other measure they determine, including oversight or support measures. The ministers may also jointly recommend to the authority responsible for authorizing a project or a phase of a project the suspension or termination of the project. All or part of the amount intended for such a body may also be retained or cancelled by the minister responsible, on the recommendation of the Conseil du trésor.”

**30.** Section 48 of the Act is replaced by the following section:

**“48.** The Minister of Cybersecurity and Digital Technology is responsible for the administration of this Act.”

**31.** In any other provision of the Act, except in the provisions of sections 44 and 45, the expressions “Chair of the Conseil du trésor” and “Conseil du trésor” are replaced by “Minister”.

#### ACT RESPECTING INFRASTRUCTURES TECHNOLOGIQUES QUÉBEC

**32.** The Act respecting Infrastructures technologiques Québec (chapter I-8.4) is repealed.

#### ACT RESPECTING THE LAICITY OF THE STATE

**33.** Schedule II to the Act respecting the laicity of the State (chapter L-0.3) is amended by striking out “, Infrastructures technologiques Québec” in paragraphs 6 and 8.

#### ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES

**34.** Section 30 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) is amended by replacing “Act respecting Infrastructures technologiques Québec (chapter I-8.4)” by “Act respecting the Ministère de la Cybersécurité et du Numérique (2021, chapter 33, section 1)”.

## GOVERNMENT DEPARTMENTS ACT

**35.** Section 1 of the Government Departments Act (chapter M-34) is amended by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(6) the Ministère de la Cybersécurité et du Numérique;”.

## ACT TO ENSURE THE OCCUPANCY AND VITALITY OF TERRITORIES

**36.** Section 4 of the Act to ensure the occupancy and vitality of territories (chapter O-1.3) is amended by striking out “Infrastructures technologiques Québec,” in paragraph 2.

## ACT TO MODIFY THE ORGANIZATION AND GOVERNANCE OF THE HEALTH AND SOCIAL SERVICES NETWORK, IN PARTICULAR BY ABOLISHING THE REGIONAL AGENCIES

**37.** Section 151 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) is amended by striking out “by the Conseil du trésor” in the third paragraph.

## ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION

**38.** Section 4 of the Act respecting the sharing of certain health information (chapter P-9.0001) is amended by replacing “defined by the health and social services network information officer and approved by the Conseil du trésor” in the introductory clause of the first paragraph by “defined and approved”.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**39.** Section 520.2 of the Act respecting health services and social services (chapter S-4.2) is amended, in the first paragraph,

(1) by striking out “by the Conseil du trésor”;

(2) by replacing “chair of the Conseil du trésor” by “Minister of Cybersecurity and Digital Technology”.

## ACT TO FACILITATE THE PUBLIC ADMINISTRATION’S DIGITAL TRANSFORMATION

**40.** Section 2 of the Act to facilitate the public administration’s digital transformation (chapter T-11.003) is amended by replacing “Conseil du trésor” by “Government”.

**41.** Section 5 of the Act is amended by replacing “Chair of the Conseil du trésor” in the second paragraph by “Minister”.

**42.** Section 10 of the Act is amended by replacing all occurrences of “Chair of the Conseil du trésor” in the first and second paragraphs by “Minister”.

**43.** Section 12 of the Act is amended by replacing “Chair of the Conseil du trésor” by “Minister of Cybersecurity and Digital Technology”.

ACT TO AMEND THE ACT RESPECTING THE GOVERNANCE AND  
MANAGEMENT OF THE INFORMATION RESOURCES OF PUBLIC  
BODIES AND GOVERNMENT ENTERPRISES AND OTHER  
LEGISLATIVE PROVISIONS

**44.** Section 26 of the Act to amend the Act respecting the governance and management of the information resources of public bodies and government enterprises and other legislative provisions (2021, chapter 22) is amended by replacing “by the Chair of the Conseil du trésor” by “by the Minister of Cybersecurity and Digital Technology”.

**CHAPTER III**

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**45.** The expression “Infrastructures technologiques Québec” is replaced by “Minister of Cybersecurity and Digital Technology” wherever it appears in the following provisions, with the necessary modifications:

- (1) sections 29.12.2 and 573.3.2 of the Cities and Towns Act (chapter C-19);
- (2) articles 14.18 and 938.2 of the Municipal Code of Québec (chapter C-27.1);
- (3) section 114 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- (4) section 107 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- (5) section 104 of the Act respecting public transit authorities (chapter S-30.01);
- (6) sections 207.1 and 358.5 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);
- (7) section 8 of the Règles sur les modalités de gestion administrative, financière et d’engagement de personnel et des commissions d’enquête instituées en vertu de la Loi sur les commissions d’enquête (chapter C-37, r. 1, French only);

(8) section 48 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1);

(9) section 58.1 of the Regulation respecting contracts of the Chief Electoral Officer (chapter E-3.3, r. 6.1), introduced by the Regulation to amend the Regulation respecting contracts of the Chief Electoral Officer, approved on 10 June 2021 by Decision 2162-2 of the Office of the National Assembly;

(10) sections 69 and 102 of the Règlement sur les contrats du Protecteur du citoyen (chapter P-32, r. 2, French only).

**46.** The Minister of Cybersecurity and Digital Technology replaces Infrastructures technologiques Québec; the former acquires the latter's rights and assumes its obligations.

**47.** The Minister replaces the Chair of the Conseil du trésor with respect to the functions entrusted to the Minister by this Act; the Minister acquires the Chair's rights and assumes the Chair's obligations.

**48.** The assets and liabilities of the Government Infrastructure and Digital Services Fund are transferred to the Cybersecurity and Digital Technology Fund established by section 20 of the Act respecting the Ministère de la Cybersécurité et du Numérique (2021, chapter 33, section 1), enacted by section 1 of this Act.

**49.** The expenditure and investment estimates for the Cybersecurity and Digital Technology Fund, set out in Schedule I, are approved for the fiscal year 2021–2022. The estimates take into account the amounts unused on 31 December 2021 in the expenditure and investment estimates for the Government Infrastructure and Digital Services Fund approved in accordance with section 48 of the Financial Administration Act (chapter A-6.001) for that fiscal year.

**50.** The first audit under section 25 of the Act respecting the Ministère de la Cybersécurité et du Numérique, enacted by section 1 of this Act, covers the period from 1 January 2022 to 31 March 2023.

**51.** Until 31 March 2022, out of the sums credited to the general fund, the Chair of the Conseil du trésor pays, out of the appropriations granted to the Chair by Parliament, the sums required with respect to the functions entrusted to the Minister of Cybersecurity and Digital Technology by this Act, out of the “Conseil du trésor—Administration gouvernementale” portfolio in the Expenditure Budget for the 2021–2022 fiscal year.

If necessary, the sums lacking for the provision for the functions entrusted to the Minister by this Act during the fiscal year 2021–2022 are taken out of the Consolidated Revenue Fund.

**52.** The employees of Infrastructures technologiques Québec become without further formality employees of the Ministère de la Cybersécurité et du Numérique, except those who exercise their functions within the communications directorate, who become employees of the Ministère du Conseil exécutif, and those who belong to the class of positions of advocate and notary within the legal affairs directorate of Infrastructures technologiques Québec or to the class of positions of legal manager within the same directorate, who become employees of the Ministère de la Justice.

The same applies to the employees of the Sous-secrétariat du dirigeant principal de l'information et de la transformation numérique of the Secrétariat of the Conseil du trésor assigned to functions related to those entrusted to the Minister by this Act.

**53.** The records, archives and other documents of Infrastructures technologiques Québec become the records, archives and documents of the Ministère de la Cybersécurité et du Numérique.

The same applies to the records, archives and other documents of the Secrétariat of the Conseil du trésor with respect to the functions entrusted to the Minister under this Act.

**54.** The Attorney General of Québec becomes, without continuance of suit, a party to all proceedings to which Infrastructures technologiques Québec was a party.

**55.** The Minister provides, without interruption, the services that, on 31 December 2021, were provided by Infrastructures technologiques Québec, including the required services referred to by an order made under section 22.1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03).

**56.** Until the coming into force of the first decision of the Minister made in accordance with the third paragraph of section 4 of the Act respecting the Ministère de la Cybersécurité et du Numérique, enacted by section 1 of this Act, the offer of services provided by the Minister are those determined by the Conseil du trésor in accordance with the third paragraph of section 3 of the Act respecting Infrastructures technologiques Québec (chapter I-8.4).

**57.** Until the coming into force of an order made in accordance with section 7 of the Act respecting the Ministère de la Cybersécurité et du Numérique, enacted by section 1 of this Act, persons or entities other than public bodies to whom or which the Minister may provide services are those designated by the Chair of the Conseil du trésor, in accordance with section 6 of the Act respecting Infrastructures technologiques Québec.

**58.** Tariffs and other forms of remuneration applicable to public bodies for services provided by Infrastructures technologiques Québec and in force on 31 December 2021 continue to apply with respect to the services provided by the Minister until the date of coming into force of the first rate schedule in accordance with section 10 of the Act respecting the Ministère de la Cybersécurité et du Numérique, enacted by section 1 of this Act.

**59.** Persons and bodies other than the public bodies that, on 31 December 2021, were served by Infrastructures technologiques Québec continue to be served in the same manner by the Minister, with no obligation on the part of such persons and bodies to use the Minister's services.

**60.** Calls for tenders published on 31 December 2021 in the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1), under the responsibility of Infrastructures technologiques Québec, are continued under the Minister's responsibility, without interruption.

**61.** The information resource projects referred to in Order in Council 511-2020 dated 13 May 2020 and Order in Council 596-2020 dated 10 June 2020 continue under the same conditions, under the aegis of the Minister.

**62.** Information resource projects that have not been completed and are designated as being of government-wide interest by the Conseil du trésor on 31 December 2021 are deemed to be so designated by the Government in accordance with section 16.3 of the Act respecting the governance and management of the information resources of public bodies and government enterprises, as amended by section 26 of this Act.

**63.** The provisions of a regulation made under section 14 or 15 of the Act respecting Infrastructures technologiques Québec continue to apply, with the necessary modifications, to the Ministère de la Cybersécurité et du Numérique and remain in force until they are replaced or repealed by a regulation made under the second paragraph of section 17 or section 18 of the Act respecting the Ministère de la Cybersécurité et du Numérique, enacted by section 1 of this Act.

**64.** The policy directions, the standards, the directives and the terms and conditions made or determined by the Conseil du trésor under any of sections 16, 16.2, 20 or 21 of the Act respecting the governance and management of the information resources of public bodies and government enterprises and in force on 31 December 2021, are deemed to have been made or determined by the Minister until they are replaced.

In those documents, with respect to the functions entrusted to the Minister by this Act,

(1) a reference to the Chair of the Conseil du trésor is a reference to the Minister of Cybersecurity and Digital Technology; and

(2) a reference to the Conseil du trésor is a reference to the Minister of Cybersecurity and Digital Technology, except in the provisions of section 32 and subparagraphs *b* and *c* of subparagraph 1 of section 42 of the Règles relatives à la planification et à la gestion des ressources informationnelles (C.T. 219062 dated 26 March 2018, French only), as they read on 31 December 2021.

**65.** Unless the context indicates otherwise, in any document referred to in section 64 and any document other than an Act or a regulation,

(1) a reference to Infrastructures technologiques Québec is a reference to the Minister of Cybersecurity and Digital Technology;

(2) a reference to the Government Infrastructure and Digital Services Fund is a reference to the Cybersecurity and Digital Technology Fund; and

(3) a reference to the Act respecting Infrastructures technologiques Québec (chapter I-8.4) or any of its provisions is a reference to the Act respecting the Ministère de la Cybersécurité et du Numérique (2021, chapter 33, section 1) or the corresponding provision of that Act.

**66.** The term of the president and chief executive officer of Infrastructures technologiques Québec ends on 31 December 2021 without any compensation other than the severance allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, made by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

**67.** The term of the vice-presidents of Infrastructures technologiques Québec ends on 31 December 2021. The vice-presidents are reintegrated into the public service under the conditions governing an eventual return to the public service set out in their instrument of appointment or receive the severance allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, made by Order in Council 450-2007 (2007, G.O. 2, 2723, French only), without further compensation, if a severance allowance is provided for in their instrument of appointment.

**68.** The term of the members of the audit committee of Infrastructures technologiques Québec ends on 31 December 2021, without compensation.

**69.** This Act comes into force on 1 January 2022.

SCHEDULE I  
(Section 49)

CYBERSECURITY AND DIGITAL TECHNOLOGY FUND

<b>Estimates for 3 months</b>		<b>2021–2022</b>
<b>Revenues</b>		<b>\$120,764,135</b>
<b>Expenditures</b>		
Remuneration	\$30,457,199	
Operation	\$95,285,635	
Debt service	<u>\$1,411,178</u>	
		<b>\$127,154,012</b>
Surplus (deficit) for the fiscal year		(\$6,389,877)
Ending cumulative surplus (deficit)		<b>\$37.0M</b>
<b>Investments</b>		
Information resources capital assets		\$54.1M
Tangible capital assets		\$5.9M
<b>Total investments</b>		<b>\$60.0M</b>
Owed to the FCR		\$8.2M
Balance of loans from other entities (SQI)		\$6.3M
Line of credit	\$74.0M	
Long-term debt	<u>\$243.7M</u>	
Balance of loans from the Financing Fund		\$317.7M
<b>Total loans or advances<sup>1</sup></b>		<b>\$332.2M</b>

1. To (from) the Financing Fund and the general fund.