

BY EMAIL: [REDACTED]

Montréal, July 13, 2023

RE: Request for access – Cyber breach notification requirements
Our file: GDC05-06-01-3383

[REDACTED]

This is further to the access request received on June 26, 2023 at the Corporate Secretariat of the *Autorité des marchés financiers* (“AMF”) regarding the above-mentioned matter which was worded as follows:

“ I am looking into whether the Quebec Financial Market Authority has any cyber breach notification requirements in place for the Credit Unions it regulates and would appreciate it if you would be able to confirm what, if any, requirements are in place and provide a copy of the document setting out these requirements.”

In response to your request, we refer you to the Guideline on information and communications technology risk management by using the following link:

[Guideline on Information and Communications Technology Risk Management | AMF \(lautorite.qc.ca\)](#)
(more specifically to the pages 5 and 13 of this document).

All other documents related to your request are confidential pursuant to section 16 of the *Act respecting the regulation of the financial sector*, CQLR, c. E-6.1, section 564.1 of the *Act respecting financial services cooperatives*, CQLR, c. C-67.3, section 1 of the *Regulation respecting the supervisory information of financial services cooperatives*, CQLR, c. C-67.3, r. 2.1 and section 36 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*, CQLR, c. A-2.1.

You may apply to the *Commission d'accès à l'information* for a review of this decision. Attached is a document explaining how to exercise this recourse.

Yours truly,

Original signé

M^e Benoit Longtin
Information Access Officer
Assistant Corporate Secretary
Autorité des marchés financiers

Encl.

Québec

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2640, boulevard Laurier, bureau 400
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Téléphone : 418 525-0337
Numéro sans frais : 1 877 525-0337
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800, rue du Square Victoria,
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Section 16 of the *Act respecting the regulation of the financial sector*, CQLR, c. E-6.1

16. No person employed by the Authority or authorized by the Authority to exercise the powers to make an inspection or inquiry shall communicate or allow to be communicated to anyone information obtained under this Act or a regulation made by the Government, or allow the examination of a document filed under this Act or the regulation, unless the person is authorized to do so by the Authority. The same applies to any information or document relating to the application of guidelines and provided voluntarily to the Authority.

Notwithstanding sections 9 and 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information ([chapter A-2.1](#)), only a person generally or specially authorized by the Authority may have access to such information or such a document.

Section 36 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*, CQLR, c. A-2.1

36. A public body may refuse to release a preliminary draft of a bill or regulations until the expiry of ten years from its date.

Subject to subparagraph 5 of the first paragraph of section 33, the same applies to studies directly relating to the draft bill or draft regulation, unless the draft bill has been tabled in the National Assembly or the draft regulation has been made public in accordance with the law.

Section 564.1 of the *Act respecting financial services cooperatives*, CQLR, c. C-67.3

564.1 Such information as is determined by the Minister by regulation that is held by a financial services cooperative in relation to the Authority's supervision of the cooperative is confidential. It may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose.

No person may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information.

Section 1 of the *Regulation respecting the supervisory information of financial services cooperatives*, CQLR, c. C-67.3, r. 2.1

1. For the purposes of section 564.1 of the Act respecting financial services cooperatives ([chapter C-67.3](#)) and in addition to the information protected under the professional secrecy of an advocate or notary, by litigation privilege or by a communication restriction provided for by the rules governing the law of evidence, in favour of a financial services cooperative and communicated by the financial services cooperative to the Autorité des marchés financiers, such information and the following information, held by a financial services cooperative in relation to the supervision of the financial services cooperative by the Autorité des marchés financiers, is confidential information:

(1) any risk profile assessment rating assigned to the financial services cooperative, when the rating is established by the Autorité des marchés financiers or a federation or a third person based on information obtained from them;

(2) any intervention stage rating assigned to the financial services cooperative under a framework of the Autorité des marchés financiers for the supervision of financial institutions;

(3) any instruction, order or recommendation, or any report produced by the Autorité des marchés financiers or a federation with regard to the financial services cooperative under the powers conferred by the Act respecting financial services cooperatives;

(4) any report, including a self-assessment, produced by the financial services cooperative at the request of the Autorité des marchés financiers or of a federation under the powers of inspection conferred by the Act respecting financial services cooperatives;

(5) any correspondence exchanged between the Autorité des marchés financiers and the federation, as the case may be, and the directors, officers or managers of the financial services cooperative with regard to the information referred to in this section.

NOTICE OF RECOURSE

(Pursuant to a decision rendered in accordance with the *Act respecting access to documents held by public bodies and the protection of personal information*, CQLR, c. A-2.1) (the « Act »)

REVIEW

a) Power

Section 135 of the Act stipulates that every person whose request has been denied, in whole or in part, by the person in charge of access to documents or of the protection of personal information may apply to the *Commission d'accès à l'information* for a review of the decision. An appeal may also be brought for a failure to respond within the applicable time limit.

The application for review must be made in writing; it may state briefly the reasons for which the decision should be reviewed (section 137).

The *Commission d'accès à l'information* may be reached at the following addresses :

QUÉBEC CITY

Bureau 2.36
525, boul. René-Lévesque Est
Québec (Québec) G1R 5S9

Phone : (418) 528-7741
Fax : (418) 529-3102

MONTRÉAL

Bureau 900
2045, rue Stanley
Montréal (Québec) H3A 2V4

Phone : (514) 873-4196
Fax : (514) 844-6170

Toll-free number for both offices : 1-800-528-7741

b) Grounds

An application for review may be based on grounds pertaining to the decision, the time prescribed for processing the request, the mode of access to a document or information, the fees payable, or the application of section 9 (personal notes written on a document, sketches, outlines, drafts, preliminary notes or other documents of the same nature which are not deemed to be documents held by a public body).

c) Time limit

The application for review must be made to the *Commission d'accès à l'information* within thirty (30) days of the date of the decision or of the time granted by the Act to the person in charge for processing a request (section 135).

The Act specifically provides that the *Commission d'accès à l'information* may, for any serious reason, release the applicant from a failure to respect the thirty-day time limit (section 135).

APPEAL TO THE COURT OF QUÉBEC

a) Power

Section 147 of the Act stipulates that a person directly concerned may bring an appeal from a decision of the *Commission d'accès à l'information* before a judge of the Court of Québec on any question of law or jurisdiction. However, an appeal from an interlocutory decision may only be brought with leave of a judge of the Court of Québec. The judge shall grant leave if the interlocutory decision will not be remedied by the final decision.

b) Time limit

Under section 149 of the Act, the motion for leave to appeal must be filed in the office of the Court of Québec, within thirty (30) days of receipt of the decision of the *Commission d'accès à l'information* by the parties.

c) Procedure

Under section 151 of the Act, the notice of appeal must be served on the parties and on the Commission within ten (10) days after its filing at the office of the Court of Québec.