

PUBLIC BODY

UNDERSTANDING YOUR APPLICATION FOR REVIEW AND THE COMMISSION'S ROLE

THE COMMISSION'S ROLE

The Commission d'accès à l'information (the Commission) is an oversight body and administrative tribunal. As an administrative tribunal, the Commission reviews decisions made by public bodies that refuse access to a document or to your personal information, or refuse to correct or destroy your personal information.

The Commission is the public body responsible mainly for applying two laws:

1. The ***Act respecting Access to documents held by public bodies and the Protection of personal information*** (Act respecting access);
2. The ***Act respecting the protection of personal information in the private sector*** (Act respecting the private sector).

The main bodies covered by the *Act respecting access*:

The *Act respecting access* applies to approximately 2,800 public bodies in the province of Québec, including the following:

- Government departments and agencies
- Municipalities and the bodies reporting to them
- Schools and educational institutions
- Health and social services establishments such as hospitals, CISSS and CIUSSS
- The professional orders (for documents held for the purpose of controlling the exercise of the profession)

ACCESS TO DOCUMENTS AND THE PROTECTION OF PERSONAL INFORMATION IN PUBLIC BODIES

The *Act respecting access* is divided into two parts. The first guarantees a general right of access to everyone. The second regulates the protection of the personal information of all citizens, and grants each individual the right to access and correct the personal information concerning them.

Rights recognized by the Act include access to administrative documents and the confidentiality of personal information held by public bodies.

ADMISSIBILITY: APPLYING TO THE COMMISSION FOR A REVIEW

1. Send a request for access or correction to a public body

You must send your request for access to administrative documents, access to personal information or correction of personal information to the public body's officer in charge of access.

Model forms, along with a list of officers in charge of access, can be found at: www.cai.gouv.qc.ca.

Documents provided with your application for review will be sent to the public body named in the application. They will also be public and accessible, unless a special motion to the contrary is granted.

For administrative documents: Your request to the officer in charge of access may be made verbally or in writing. However, if the officer refuses your request, the Commission can proceed with a review only ***if the request was made in writing.***

FOR YOUR PERSONAL INFORMATION, OR FOR CORRECTION OF YOUR PERSONAL INFORMATION:

- You may have access only to your own personal information, subject to certain exceptions, including holders of parental authority, heirs, testamentary executors, etc.
- You may ask the officer to correct your personal information if it is inaccurate, incomplete or equivocal.

- Your request to the officer in charge of access may be made verbally or in writing. However, if the officer refuses your request, the Commission can proceed with a review only ***if the request was made in writing***.

2. Response time

The officer must respond to your request for access or correction within 20 days of receiving it. However, this period may be extended by up to 10 days if necessary, provided you are notified in writing. Once this period has expired, failure to reply will be construed as a refusal by the officer.

3. Methods of access and cost

You may ask:

- to consult the documents at the public body's premises;
- to consult the documents on a digital platform (by e-mail, on a website, on a cloud, etc.), where that is possible;
- to obtain a paper copy or a digital copy on a support medium (USB key, CD, etc.), where that is possible.

Consultation on the premises is free of charge. However, the Act states that the public body may charge certain fees to cover transcription, reproduction or transmission of the document. The public body must inform you of the approximate amount of the fee before making the copies. Fees are set out in the *Regulation respecting fees for the transcription, reproduction or transmission of documents or personal information*.

If you are disabled, you may request reasonable accommodation measures to enable you to exercise your right of access.

4. If your request is refused, or if you do not receive a response: time allowed to file an application for review with the Commission d'accès à l'information.

If you sent a written request to a public body's officer in charge of access, you may apply for a review by writing to the Commission **within 30 days of the date of the officer's response or within 30 days of the date on which the response period expires, if the officer does not respond**. To do this, you must complete and sign the application form and attach a copy of the request sent to the public body along with a copy of the officer's response, if any.

You may ask the Commission to verify the time allowed for filing an application, by calling 1 (888) 528-7741. If you apply after the deadline has expired, you must provide reasonable grounds in order to be relieved of your failure to respect the time allowed.

5. Mediation

While your application is being processed, and depending on the object and circumstances of the case, the Commission will ask you to take part in a mediation process with its professionals and lawyers. It is important to understand that mediation is an independent process; it does not affect the scheduling of the hearing and does not delay the processing of the case by an administrative judge. Mediation is a confidential and voluntary alternative dispute settlement service offered by the Commission as a means of reducing waiting times and finding solutions that are satisfactory to the parties. Currently, it is used to settle nearly 70% of the cases brought before the Commission.