

## 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*)

### REVIEW

#### a) Power

Article 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 (article 137).

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

#### QUÉBEC

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

#### 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 Article 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 (Article 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 (Article 135).

## **APPEAL TO THE COUR DU QUÉBEC**

### **a) Power**

Article 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 Cour du 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 Cour du Québec. The judge shall grant leave if the interlocutory decision will not be remedied by the final decision.

### **b) Time limit**

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

### **c) Procedure**

Under Article 151 of the Act, the notice of appeal must be served on the parties and on the Commission within 10 days after its filing at the office of the Cour du Québec.