

File: 01 12 26
Date: 20030807

Commissioner: M^e Christiane Constant

Mr. X

Applicant

vs

Ministère de l'Éducation

Public Body

DECISION

APPLICATION FOR REVIEW IN TERMS OF ACCESS

[1] On June 27, 2001, the Applicant requested from the Ministère de l'Éducation (the « Ministère »), access to the following documents :

(...) I am respectfully requesting certified copies only of the officially designated bilingual arbitrators in the Educ. Sector for the six years : (A) 1977-78; (B) 1978-1979; (C) 1979-80. (...)

[2] At this same request, the Applicant asks a question concerning a person whom he identifies.

[3] Without response from the Ministère, he applies on July 28, 2001 before the Commission d'accès à l'information (the « Commission ») to review its presumed decision.

[4] On July 4, 2002, M^e Jennifer Stoddart, President of the Commission, sent a letter to Mrs. Diane Gagnon, Responsible for the *Act respecting Access to documents held by public bodies and the Protection of personal information*¹, requesting the position of the Ministère before August 3rd.

[5] On July 10, 2002, M^e Jean Émond, the attorney for the Ministère, informs M^e Stoddart, among other things, that a response was sent to the Applicant, as indicated in a letter dated July 13, 2002, signed by Mrs. Gagnon :

In reply to your letter received on June 26, 2001 concerning the above mentioned subject, we are pleased to grant you access to the documents and the information that you have requested.

You will find enclosed excerpts of the teachers' collective agreements for the period that you inquired about, i.e. from 1977 to 1982. We wish to draw your attention to section 9-2.03 of the collective agreements for the years 1975-1978, 1978-1980 and 1979-1982. This section includes the names of the arbitrators designated by agreement between the parties.

Mr. Rodrigue Blouin's name is included in the list of persons designated to preside over the arbitration board under the 1978-1980 and 1979-1982 agreements. Otherwise, we do not have any information indicating whether or not the designated persons are bilingual. We can, however, certify that the representatives of the anglophones teachers signed these agreements. [...]

DECISION

[6] On November 4, 2002, M^e Stoddart requested that the Applicant provides to the Commission and to the Ministère, his comments regarding this letter before November 22 of the same year. The Applicant did not provide his comments nor in writing or by telephone within the time limits set out by the Commission.

[7] Furthermore, according to the writing evidence submitted to the Commission, the Ministère sent to the Applicant, on July 13, 2002, copies of the documents he requested. At the time of this decision, the Applicant still does not respond.

¹ R.S.Q., c. A-2.1.

[8] FOR THESE REASONS, THE COMMISSION:

REJECTS the application for review in terms of access of the Applicant against the Ministère de l'Éducation;

CLOSES the present file bearing the number 01 12 26.

CHRISTIANE CONSTANT
Commissioner

Montreal, August 8, 2003

M^e Jean Émond
Attorney for Ministère de l'Éducation