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KRAMER, Victor

Applicant

v.

**COMMISSION SCOLAIRE
MARIE-VICTORIN**

Respondent

THE APPLICATION FOR REVIEW

On August 13, 2001, Mr. Victor Kramer requested certain documents from the Commission scolaire Marie-Victorin (the school board) as follows:

- (A) Letter of A. Prindzins to me dated, June 26, 1974;
- (B) Letter of A. Prindzins to me dated Jan. 6, 1977;
- (C) All my medical certificates sent to CSRC;
- (D) The document that changed me to 260 days instead of 200 days as a certified teacher under TPP;
- (E) Cases of fired certified teachers from 1968-1977 under the CSRC;
- (F) The legal successor of my defamation suit against the defunct CSRC.

On September 2001, he made an application for review to the Commission d'accès à l'information (the Commission) on the grounds that his request had not been acknowledged.

THE PETITION OF THE RESPONDENT

Counsel for the respondent school board asked the Commission to examine Mr. Kramer's application in the light of article 130.1 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*¹ which states:

¹ R.S.Q. c. A-2.1.

130.1 The Commission may refuse or cease to examine a matter if it has reasonable cause to believe that the request is frivolous or made in bad faith or that its intervention would clearly serve no purpose.

Counsel argues that the Commission has extensively examined previous requests of Mr. Kramer for documents which he believes to be in the possession of the Marie-Victorin school board and rendered judgement on September 11, 2002 in a series of files numbered, 00 05 08, 00 16 25, 00 18 25 and 00 20 68. Counsel points out that all the documents sought relate to the conditions of employment and the non-renewal of the teaching contract of Mr. Kramer in 1977. Counsel quotes from the previous above-mentioned decisions where the Commission notes that the school board offered Mr. Kramer access to his own file, which he refused, and that the school board had done all it could to respond to Mr. Kramer's attempt to document what the latter characterizes as his « search for truth and justice » concerning his past employment.

Counsel further pleads that Mr. Kramer's request targets the same area which has already been covered in the Commission's previous decisions. He argues that this new request is made for the same purpose which is to continue to question past events concerning Mr. Kramer's employment, in spite of final arbitration in 1979. Referring, by analogy, to the concept of « chose jugée » in civil law, he pleads that the present request of Mr. Kramer should be considered to have been answered by previous Commission decisions.

THE OBSERVATIONS OF THE APPLICANT

Asked for his observations on this request to close his file, Mr. Kramer repeated that he was in search of truth and justice, that his request was made in good faith and that « this document » was vital and pivotal in this case. To deny it to him would be tantamount to obstruction of justice. He added that he had a suit pending in Superior Court.

DECISION

Mr. Kramer requests documents which relate to the conditions of his employment by the school board : letters from the director of personnel, medical certificates, a document attesting a change in his employment status as well as cases of other fired certified teachers (sic) and the legal successor of a previous school board (Commission scolaire régionale de Chambly) against whom he has a defamation suit.

The Commission's decision in the files 00 05 08, 00 16 25, 00 18 25, 00 20 68 which were grouped together for adjudication, takes note of the fact that some 92 pages of documents have been given to Mr. Kramer. Mr. Robert Lemieux, Associate general secretary of the school board testified under oath as to the limits of the documentation concerning Mr. Kramer available in 2001, although some 39 boxes of archival material were gone through. The Commission notes, in its decision, that Mr. Kramer was given the opportunity to consult his personal file at the hearing in the above-mentioned requests for review and that he refused. Specifically, the Commission states in its conclusion « [...] the Commission scolaire Marie-Victorin has undertaken a complete search of its archives and has not identified additional documents » relating to Mr. Kramer's term of employment.

Although Mr. Kramer may honestly believe that further documents exist which will help him to redress perceived wrongs, his repeated requests give the impression that he formulated these requests without examining carefully the information already at his disposal. For example, in the present request, he asks for the successor to the Chambly Regional school board. At the hearing into his previous requests, Mr. Lemieux explained the process by which several school boards, including the Chambly school board were amalgamated into the Commission scolaire Marie-Victorin in 1998.

Mr. Kramer's search for truth and justice will continue, but it must not have the effect of duplicating, to all extents and purposes, the adjudication of his previous requests, and forcing the respondent public body, who has attempted in good faith to supply the documents requested, to repeat its position as to the non-existence of other documents sought.

CONSEQUENTLY, it is not in the public interest for the Commission to reexamine questions of the non-existence of documents already noted in previous decisions.

Having examined the evidence I conclude that the Commission has reasonable grounds to decide that its intervention would clearly serve no purpose and **CLOSES** the file.

Montreal, August 15, 2002

JENNIFER STODDART
Commissioner

M^c Gilles Paquette
Attorney of Respondent