

**File:** 01 14 45  
**Date :** 20030807

**Commissioner:** M<sup>e</sup> Christiane Constant

**Mr. X**

and

**Mr. Y**

Applicants

vs

**Ministère de l'Éducation**

Public Body

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## DECISION

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### APPLICATION FOR REVIEW IN TERMS OF ACCESS

[1] On August 16, 2001, Applicants requested from the Ministère de l'Éducation (the « Ministère »), access to certified copies of arbitration decisions, « in reference to certified teachers service under the same school board just like » a person they identify « S.A. 0225, from 1964-1982, in the whole province of Quebec and across the board ».

[2] Mrs. Diane Gagnon, responsible of access to documents and the protection of personal information for the Ministère responds on August 29, 2001 that the public body has some of the documents. She explains that:

The education sector's arbitration registry was set up in 1970. Thus the Ministère has only those arbitration decisions in the education sector that were registered after 1970.

[3] In the same letter, Mrs. Gagnon provides to Applicants the location where they may find the information they are looking for.

[4] On September 20, 2001, Applicants demand that the Commission d'accès à l'information (the « Commission ») review the Ministère's decision.

### **DECISION**

[5] On November 4, 2002, M<sup>e</sup> Stoddart requested that Applicants provide to the Commission and to the Ministère, their comments regarding Mrs. Gagnon's letter before November 22 of the same year. They did not provide their comments nor in writing or by telephone within the time limits set out by the Commission. At the time of the decision, Applicants still do not respond.

[6] Furthermore, the writing evidence indicates to the Commission that the Ministère responds to Applicants, by referring them to two locations where they may have access to arbitration decisions which are registered after 1970 according to article 13 of *Act respecting Access to documents held by public bodies and the Protection of personal information*<sup>1</sup>:

13. The right of access to a document produced by or for a public body and having been published or distributed is exercised by examining the document on the premises during regular working hours or by remote access or by procuring enough information to enable the applicant to examine or obtain the document where it is available.

[...]

[7] **FOR THESE REASONS, THE COMMISSION:**

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

**CLOSES** the present file bearing the number 01 14 45.

**CHRISTIANE CONSTANT**  
Commissioner

Montreal, August 7, 2003

M<sup>e</sup> Jean Émond

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<sup>1</sup> R.S.Q., c. A-2.1.

Attorney for Ministère de l'Éducation