

**File:** 01 17 63  
**Date:** 20030807

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

**Mr. X**

Applicant

vs

**Commission administrative des  
régimes de retraite et d'assurance**

Public Body

---

**DECISION**

---

**APPLICATION FOR REVIEW IN TERMS OF ACCESS**

[1] On October 26, 2001, the Applicant requested from the Commission administrative des régimes de retraite et d'assurance (« CARRA »), access to his former employer's annual reports from 1968 to 1977, the Commission scolaire régionale de Chambly « CSRC ».

[2] On November 12, 2001, M<sup>e</sup> Serge Birtz, director of Legal Affairs, and responsible of access to documents and the protection of personal information at CARRA, responds as follows :

I acknowledge receipt of the request you faxed to CARRA on October 26, 2001.

You are asking us for the annual statements of your employer for the years 1973 to 1977. In several previous communications, such as our letter of March 2, 2000 (copy enclosed), we informed you that CARRA does not have these documents. By this letter, we wish to reiterate our answer and suggest you **contact your employer**.

[3] On November 19, 2001, the Applicant requests the intervention of the Commission d'accès à l'information (the « Commission ») to review CARRA's decision.

[4] However, in a letter dated July 4<sup>nd</sup>, 2002, the Commission asked CARRA, through M<sup>e</sup> Birtz, for the reasons motivating Public Body's position before August 3<sup>rd</sup> 2002.

[5] On July 23<sup>rd</sup>, 2002, M<sup>e</sup> Birtz informs the Commission that this public body responded to the Applicant's request within twenty days from the date the request was received. He also informs that CARRA does not have the annual reports for the concerned years

[6] On September 5, 2002, M<sup>e</sup> Birtz indicates to the Applicant that he received, from the Commission, a letter on August 8, 2002, in relation with the access of the documents. He furthermore reiterates that said annual reports for the school years 1967 to 1977

[...] were no longer available since they were deposited in accordance with the retention schedule authorized by the Archives nationales du Québec, which provides that only the annual reports for the 7 years are preserved. Therefore, we suggest that you contact your employer of that period to obtain the information you need.

[7] Also, M<sup>e</sup> Birtz explains that with some additional research, CARRA was able to trace some documents from the Applicant's former employer, CRSC, which from its point of view represents « a computerized statement from the Ministère des Finances entitled : Analyse du journal de paie – S.I.M.E.Q. for the school years 1968-69 to 1972-73 for the Chambly school board ».

## **DECISION**

[8] On November 4, 2002, M<sup>e</sup> Stoddart requested that the Applicant provides to the Commission and to CARRA, his comments regarding M<sup>e</sup> Birtz's letter no later than November 22 of the same year. He did not provide his comments nor in writing or by telephone within the time limits set out by the Commission. At the time of this decision, the Applicant still does not respond.

[9] According to the writing evidence submitted to the Commission, CARRA forwarded to the Applicant, on September 5, 2002, copies of some documents for school years 1968-69 to 1972-73 it has obtained from the Applicant's former employer, CSRC, even it was not legally obliged to do so.

[10] Article 1 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*<sup>1</sup> indicates that:

1. This Act applies to documents kept by a public body in the exercise of its duties, whether it keeps them itself or through the agency of a third party.

This Act applies whether the documents are recorded in writing or print, on sound tape or film, in computerized form, or otherwise.

[11] In the present case, the evidence shows that CARRA does not have in its possession copies of the documents requested by the Applicant for the concerned school years for the reasons above-mentioned.

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

**REJECTS** the application for review in terms of access of the Applicant against the Commission administrative des régimes de retraite et d'assurance;

**CLOSES** the present file bearing the number 01 17 63.

**CHRISTIANE CONSTANT**  
Commissioner

Montreal, August 7, 2003

M<sup>e</sup> Serge Birtz  
Attorney for the CARRA

---

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