

File: 02 06 50
Date: 20030815

Commissioner: M^e Christiane Constant

Mr. X

Applicant

vs.

Ministère de la Sécurité publique

Public body

DECISION

APPLICATION FOR REVIEW IN TERMS OF ACCESS

[1] On April 1st, 2002, R.A.B. sent to the Ministère de la Sécurité publique (the « Ministère ») a letter, indicating that he is authorized by the Applicant to request the followings :

- All personal information which concerns the SUBJECT;
- A list of all persons who have consulted information which concerns the SUBJECT;
- A list of categories of persons who were exempted from registering when they consulted information which concerns the SUBJECT.

[2] On April 9, 2002, Mr. André Marois, Access to Information Officer, indicates to R.A.B. that he received his request for access and that the Ministère may respond within thirty days.

[3] On April 30, Mr. Marois, for the Ministère, considers this request too vague and too broad in order to locate the informations that he is looking for. He indicates that according to article 42 of the *Act respecting Access to documents held by*

*public bodies and the Protection of personal information*¹ (the « Act »), a request for access to a document must be sufficiently precise to allow the document to be located. He asks for the original of Applicant's consent.

[4] In the meantime, on May 4, 2002, R.A.B. asks the Commission d'accès à l'information (the « Commission ») to review the Ministère's decision, with a document attached to his letter.

[5] However, on June 8, 2002, R.A.B provides to the Ministère a document containing a list of twenty-one type of informations he wishes to obtain and on July 10, 2002, he sends the same document to the Commission .

DECISION

[6] On November 4, 2002, M^e Jennifer Stoddart, President of the Commission, sends a letter to M^e Jean-François Boulais, from the Law Firm Bernard Roy & Associés, requesting the Ministère's position concerning R.A.B.'s letter, before November 22, 2002.

[7] On that date, the Ministère refers M^e Stoddart to the letter that it sent on April 30, 2002 to R.A.B, which contains the reasons it does not proceed with the request because:

- The request is too vague and too broad in scope considering the services offered by the ministère de la Sécurité publique;
- The authorization document did not meet the standard consent criteria. The major difficulty is that we cannot verify the identity of those whose signature appears on the consent forms, and we cannot verify whether the decision to sign these authorizations was an informed one and without duress;
- It received R.A.B.'s clarifications and a new authorization on his request on June 19, 2002.

[8] The Ministère also indicates that « In order to resolve this issue, I would be prepared to send a copy of the documents in question directly to » the Applicant; it would provide to R.A.B. a copy of the same document.

[9] Furthermore, on December 2, 2002, the Ministère indicates to the Commission that it sent to the Applicant the English translation of its response (November 22, 2002).

¹ R.S.Q., c. A-2.1.

[10] On January 9, 2003, M^e Stoddart asks R.A.B. to submit to the Commission his comments regarding the Ministère's position no later than February 3, 2003.

[11] An extension of the delay was requested by R.A.B., which was granted by the Commission who gave him until May 30, 2003.

[12] On March 1st, 2003, R.A.B. indicates to the Ministère, among other things, that « [...] if you wish to send a copy of the information I requested to » the Applicant, « you may do so; only if you send me first an identical copy of the requested informations as well. [...] »

[13] For the reasons above-mentioned, the Commission takes into consideration that the Ministère will send directly to the Applicant the documents requested by R.A.B., in conformity with article 83 of the Act:

83. Every person has the right to be informed of the existence of nominative information concerning him in a personal information file.

Every person has the right to obtain any nominative information kept on him.

[...].

[14] FOR THESE REASONS, THE COMMISSION:

GRANTS the application for review in terms of access of the Applicant against the Ministère de la Sécurité publique;

TAKES NOTE THAT the Ministère will send directly to the Applicant the documents in question and copy to R.A.B.;

CLOSES the present file bearing the number 02 06 50.

CHRISTIANE CONSTANT
Commissioner

Montreal, August 15, 2003

M^e Jean-François Boulais
BERNARD ROY & ASSOCIÉS

Attorneys for the Ministère de la Sécurité publique