

**Dossier :** 03 06 62

**Date :** 29 avril 2003

**Commissaire :** M<sup>e</sup> Hélène Grenier

**X**

Applicant

c.

**CURATEUR PUBLIC**

Public Body

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## DÉCISION

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### **OBJET**

#### DEMANDE DE RÉVISION EN MATIÈRE D'ACCÈS

[1] In his request for access dated December 27, 2002, the applicant wrote:

*« After having suffered an incapacitating stroke, I was interdicted by Superior Court judgment on February 26, 1990 and my wife,..., was appointed my curator. As I have been only partially incapacitated, since April 15, 1990, I have been under a regime of tutorship. My wife and tutor died on October 22, 2001. In January 2002, when the annual report was due, my daughter, ..., informed the Public Curator of the death. My daughter just recently received a letter dated December 10, 2002, from client representative, ..., informing her that I have been automatically under public curatorship since the death of my tutor. My file number is...*

*Would you please send me a copy of the statement of the Public Curator's administration of my finances with all justifying documents as well as a copy of all the documents entered in my file since October 22, 2001.».*

[2] In her answer dated January 8, 2003, the person in charge wrote :

*« I am currently reviewing your request under the Public Curator Act and assure you that you will receive a response as soon as possible... ».*

[3] In his request for review, dated February 10, 2003, the applicant wrote:

*« My wife and tutor died on October 22, 2001. Since then, the Public Curator has been my tutor d'office. By letter dated Dec. 27, 2002 I asked the Public Curator to give me a copy of the contents of my file however I have not received a copy of the file nor any reason for refusal. I want to have the unmotivated presumed refusal of the Public Curator revised by the Commission for access to information. ».*

[4] The Commission understands that the applicant was placed under a regime of public protection and that his request for access to his file, dated December 27, 2002, was addressed to the Public Curator.

[5] Section 122 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*<sup>1</sup> provides that the object of the Commission is to hear, to the exclusion of every other court, the requests for review made under this Act.

[6] Section 2.2 of the *Act respecting Access to documents held by public bodies and the Protection of personal information* provides that :

- Access to documents contained in a file held by the Public Curator on a person whom he represents or whose property he administers, and the protection of the personal information contained in such a file, are governed by the Public Curator Act;
- In respect of the personal information contained in such a file, the *Act respecting Access to documents held by public bodies and the Protection of personal information* applies only to allow the Commission to exercise the duty contemplated in paragraph 6 of section 123 and the powers

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

contemplated in subparagraph 3 of the first paragraph of section 127 and in section 128.1.

[7] By virtue of sections 2.2 and 122, abovementioned, the Commission has no jurisdiction to hear the applicant's request for review. The applicant's request for review is not within the object of the Commission and is not a request for review made under the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

[8] **FOR THESE REASONS, the Commission**

**CONSIDERS** that its intervention would clearly serve no purpose;

**REFUSES** to examine the matter.

**HÉLÈNE GRENIER**  
Commissaire