

Dossier : 03 04 78

Date : 4 avril 2003

Commissaire : M^e Hélène Grenier

X

Applicant

c.

CURATEUR PUBLIC

Public Body

DÉCISION

OBJET

DEMANDE DE RÉVISION EN MATIÈRE D'ACCÈS

[1] In her request for access dated December 9, 2002, the applicant wrote:

*« By judgment dated Jan. 20, 1998, a regime of protection was opened for me and I was placed under the Public Curator. My file number is...
Could you please provide me with a copy of all the documents in my file.
Could you also please provide me with the annual accountings of the Public Curator's administration for the fiscal years ending in 1999, 2000, 2001 and 2002. ».*

[2] In her answer dated December 18, 2002, 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 her request for review, dated February 4, 2003, the applicant wrote:

« I was placed under a regime of public protection by judgment of January 20, 1998. By letter of Dec. 9, 2002 I asked the Public Curator for a copy of my file. I received an acknowledgement of receipt dated Dec. 18, 2002 but the Public Curator never gave me a copy of the contents of my file nor did it give me any reason for refusal within the legal delay which has expired. I would like to have the unmotivated 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 her request for access to her file, dated Dec. 9, 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* 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 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**
- [9] **CONSIDERS** that its intervention would clearly serve no purpose;
- [10] **REFUSES** to examine the matter.

HÉLÈNE GRENIER
Commissaire