

THE FOLLOWING RECOURSES ARE POSSIBLE AS A RESULT OF A DECISION UNDER THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION (CQLR, CHAPTER A-2.1)

Request for review

a) Power

Under section 135 of the Act, every person whose request has been denied, in whole or in part, by the person in charge of access to documents or of protection of personal information, or where the time limit to reply has expired, may apply to the *Commission d'accès à l'information* for a review of the decision.

The application for review must be made in writing; it may state briefly the reasons for which the decision should be reviewed (section 137).

Commission d'accès à l'information

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b) Reasons

The reasons for a revision may be related to the decision, the time prescribed for processing the request, the mode of access to a document or information, the fee payable or the application of section 9 (the access right does not extend to personal notes written on a document or to sketches, outlines, drafts, preliminary notes or other documents of the same nature).

c) Time limit

Applications for review must be made to the *Commission d'accès à l'information* within thirty days of the date of the decision or of the time granted to the person in charge for processing a request (section 135).

However, the Commission may, for any serious cause, release the applicant from a failure to observe the time limit (section 135).

Appeal before the Court of Québec

a) Power

According to section 147 of the Act, a person directly interested may bring an appeal from the final decision of the Commission before a judge of the Court of Québec on a question of law or jurisdiction. An appeal can only be lodged with leave of a judge of the Court of Québec. The judge grants permission for a question that should be examined in appeal.

b) Time limit and fees

According to section 149, the motion for leave to appeal must be filed at the office of the Court of Québec, in Montréal or Québec, within 30 days after the date the parties receive the Commission's decision, after notice to the parties and to the Commission. The fees for this request are set by the judge.

A motion for leave to appeal must specify the questions of law or jurisdiction that ought to be examined in appeal.

c) Procedure

According to section 151 of the Act, the appeal is brought by filing with the Commission a notice to that effect served upon the parties, within 10 days after the date the parties receive the final decision. The filing of this notice takes the place of a notification to the *Commission d'accès à l'information*.