

PRIVATE ENTERPRISE

UNDERSTANDING YOUR APPLICATION FOR EXAMINATION OF A DISAGREEMENT AND THE COMMISSION'S ROLE

THE COMMISSION'S ROLE

The Commission d'accès à l'information (the Commission) is an oversight body and administrative tribunal. As part of its judicial role, the Commission examines the decisions of enterprises that refuse to provide access to your personal information or correct or destroy your personal information.

The Commission is the public body responsible for applying two laws:

1. The **Act respecting Access to documents held by public bodies and the Protection of personal information** (Act respecting access);
2. The **Act respecting the protection of personal information in the private sector** (Act respecting the private sector).

Which enterprises are covered by the **Act respecting the private sector**?

The Act applies to all enterprises doing business in the province of Québec and collecting, holding, using or communicating personal information, with some exceptions. It also applies to the professional orders, for personal information other than that held for the purpose of controlling the exercise of the profession.

ACCESS TO PERSONAL INFORMATION HELD BY ENTERPRISES: WHAT ARE YOUR RIGHTS?

With some exceptions, enterprises must:

1. allow you to access your personal information; and
2. allow you to correct your personal information if it is inaccurate, incomplete or equivocal.

ADMISSIBILITY: HOW TO REQUEST ACCESS TO PERSONAL INFORMATION OR ASK FOR PERSONAL INFORMATION TO BE CORRECTED

1. Send a request to an enterprise

You may access only your own personal information. You may also ask for your personal information to be corrected, for example if it is inaccurate, incomplete or equivocal. You must submit your request for access to your personal information or your request to correct your personal information to the enterprise holding it. However, if your request is refused, the Commission can examine the decision only **if the request was made in writing**.

Model forms to request access or correction can be found at: www.cai.gouv.qc.ca.

Documents provided with your application for examination of a disagreement will be sent to the enterprise concerned. They will also be public and accessible, unless a special motion to the contrary is granted.

2. Response time

The enterprise must respond to your request for access or correction within 30 days of receiving it. After that time, failure to reply will be construed as a refusal by the enterprise.

3. Methods of access and cost

You may ask:

- to consult your personal information at the enterprise's premises;
- to consult your information on a digital platform (e-mail, website, cloud, etc.), where that is possible;
- to obtain a paper copy or a digital copy on a support medium (USB key, CD, etc.), where that is possible.

Consultation on the premises is free of charge. Reasonable fees can be charged for transcription, reproduction or transmission of the information.

If you are disabled, you may request reasonable accommodation measures to enable you to exercise your right of access.

4. If your request is refused, or if you do not receive a response: time allowed to file an application for examination of a disagreement with the Commission d'accès à l'information

If you sent a written request to an enterprise, you may apply for examination of a disagreement by writing to the Commission **within 30 days of the date of the response** or **within 30 days of the date on which the response period expires**. To do this, you must complete and sign the application form and attach a copy of the request sent to the enterprise, along with a copy of its response, if any.

You may ask the Commission to verify the time allowed for filing an application by calling 1 (888) 528-7741. If you apply after the deadline has expired, you must provide reasonable grounds in order to be relieved of your failure to respect the time allowed.

5. Mediation

While your application is being processed, and depending on the object and circumstances of the case, the Commission will ask you to take part in a mediation process with its professionals and lawyers. It is important to understand that mediation is an independent process; it does not affect the scheduling of the hearing and does not delay the processing of the case by an administrative judge. Mediation is a confidential and voluntary alternative dispute settlement service offered by the Commission as a means of reducing waiting times and finding solutions that are satisfactory to the parties. Currently, it is used to settle nearly 70% of the cases brought before the Commission.