

November 2, 2018

SENT BY EMAIL



**Re: Response to your request dated October 3, 2018**



Our organization has received your request dated October 3, 2018. In this request, you are seeking to obtain information regarding:

“ [...] We would like to include research funding amounts from major funders in Canada to better inform policymaking. Therefore, we would like to ask for your organization's the clinical research\* expenses and total research expenses between January 2016 and December 2016. Your data will help policy makers to better understand a big picture of health research funding in Canada.

\*According to CIHR: Clinical research is research with the goal of improving the diagnosis, and treatment (including rehabilitation and palliation), of disease and injury; improving the health and quality of life of individuals as they pass through normal life stages.”

We are able to respond partially to your request [section 47(3) of the *Act respecting Access to documents held by public bodies and the Protection of personal information*, RLRQ, c. A-2.1 (the Act)].

You will find in the table attached information regarding our organization's total research expenses and expenses for each program (in French). You can also find this information in our annual management reports (in French), on our website (section 13 of the Act): <http://www.frqs.gouv.qc.ca/le-frqs/publications>.

As for our organization's clinical research expenses, our application forms do not include a specific field that would allow us to identify the projects that would fall under CIHR's definition of clinical research. Also, our programs do not specifically focus on clinical research (for example, our [Clinical Research Scholars Program – Chercheurs-boursiers cliniciens](#) – is designed to support clinical research as well as other types of research, such as basic research). Therefore, we do not have the “informational tools” that would allow us to “mechanically” sort the relevant applications and measure expenses. In fact, to respond properly to your request, we would need a scientific expert who would read each funded application in order to sort them “manually”, a process that would require a lot of time and resources. Under the Act, " the right of access applies only to documents that can be released without requiring computation or comparison of information " (section 15 of the Act). As a result, we are not able to respond fully to your request.

You can find on our website a table listing all the applications (program, title, field, key words, etc.) that received funding from the FRQS: <http://www.frqs.gouv.qc.ca/en/le-frqs/donnees-et-statistiques>.

In accordance with Section 51 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*, RLRQ, c. A-2.1 (the Act) we inform you that you can request a review of this decision with the Commission d'accès à l'information. You will find enclosed an explanatory note on the exercise of that legal remedy.

Please note that according to the *Regulation respecting the distribution of information and the protection of personal information* (RLRQ, c. A-2.1, r. 2), information regarding your application will also be available on the FRQS's website. However, be assured that your identity will not be disclosed. You will find enclosed an explanatory note on the exercise of that legal remedy.

Yours truly,

**ORIGINAL SIGNÉ**

**Me Mylène Deschênes, B.C.L., LL.B., LL.M.**

**Person in charge of access to documents  
and the protection of personal information**

Directrice, affaires éthiques et juridiques  
Bureau du scientifique en chef

Enc. Notice of legal remedy - (Sections 47 and 101 of the Act)

## **Notice of legal remedy - (Sections 47 and 101)**

Following a decision made under the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

### **Review**

#### **a) Request for review**

Section 135 of the Act provides that a person whose request was refused in whole or in part by the person in charge of access to documents and of the protection of personal information may apply to the Commission d'accès à l'information to review the decision. The request must be in writing and may outline the reasons why the decision should be reviewed (Section 137).

The address of the Commission d'accès à l'information is:

#### **Québec**

Bureau 2.36  
525 boul. René-Lévesque Est  
Québec (Québec) G1R 5S9  
Tél. : 418 528-7741  
Numéro sans frais : 1 888 528-7741  
Télééc. : 418 529-3102  
Courrier électronique : [cai.communications@cai.gouv.qc.ca](mailto:cai.communications@cai.gouv.qc.ca)

#### **Montréal**

Bureau 18.200  
500, boul. René-Lévesque Ouest  
Montréal (Québec) H2Z 1W7  
Tél. : 514 873-4196  
Numéro sans frais : 1 888 528-7741  
Télééc. : 514 844-6170  
Courrier électronique : [cai.communications@cai.gouv.qc.ca](mailto:cai.communications@cai.gouv.qc.ca)

#### **b) Grounds for review**

The grounds for review may include the decision on the application processing time, on the mode of access to a document or to information, on the fees payable or on the application of Section 9 (personal notes written in a document, sketches, outlines, drafts, preliminary notes or other documents of the same nature which are not considered as documents of a public body).

#### **c) Time limit**

Requests for review must be submitted to the Commission d'accès à l'information within 30 days of the date of the decision or of the expiration of the period granted to the person in charge of access to documents and of the protection of personal information for responding to an access request (Section 135).

The Act specifically provides that the Commission d'accès à l'information may, for any serious cause, release the applicant from a failure to observe the time limit of 30 days (Section 135).

**RELEVANT SECTIONS OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND  
THE PROTECTION OF PERSONAL INFORMATION**

13. The right of access to a document produced by or for a public body and having been published or distributed is exercised by examining the document on the premises during regular working hours or by remote access or by procuring enough information to enable the applicant to examine or obtain the document where it is available.

[...]

15. The right of access applies only to documents that can be released without requiring computation or comparison of information.

47. The person in charge must, promptly and not later than twenty days from the date the request was received,

[...]

(3) inform the applicant that the agency is not in possession of the requested document or that full or partial access to the document cannot be granted to him;

[...]