

July 25, 2018

SENT BY EMAIL

[REDACTED]

Our organization has received your request dated July 6, 2018. In this request, you are seeking to obtain information regarding:

[REDACTED] I have a particular question about provincial government organizations and their processes in regards to awarding FRQSC bursaries to individuals convicted of criminal offences.

I am aware of one particular case involving [REDACTED], and I would like to know what you can tell me regarding the FRQSC policy on this matter and what kind of background checks your office completes, if any.

From my understanding, this is public funding, and individuals who break the criminal code, would not normally be selected to receive such funding, however, it appears that this has indeed occurred. I would like if you can email me the policy you may have on this as well as the contact details of the person /committee responsible for making these decisions.”

In response to your request, the FRQSC doesn't have a policy on this matter, nor does it complete background checks prior to awarding funds. To the best of our knowledge, the Quebec Government did not issue a policy on that matter. Nevertheless, the FRQSC is subject to the Charter of human rights and freedom (CQLR, c. C-12), which includes protections against discrimination.

The Fonds de recherche du Québec (Fonds de recherche du Québec – Nature et technologies, Fonds de recherche du Québec – Santé and Fonds de recherche du Québec – Société et culture, the FRQ) have a [Policy on the responsible conduct of research](#). The Policy allows us to apply sanctions to funding holders should a substantiated case of breach to the Policy arise, which is necessarily in connection with the funding holders research activities. The sanctions are always related to our funding and to the privileges we can grant. Breaches are listed under section 6 of the Policy. Among others, the following actions are considered breaches: mismanagement of grants or awards funds, falsification and fabrication of data, plagiarism, destruction of research

records, mismanagement of conflict of interests and misrepresentation in an agency application or related document.

When submitting an application for funding, candidates:

- 1- agree to comply with the Policy;
- 2- declare that they are not currently ineligible to receive funding from a Canadian or international research funding agency as the result of a substantiated case of breach of the responsible conduct of research;
- 3- undertake to advise the FRQ should they become ineligible to apply for funding or receive funding from a Canadian or international research funding agency as the result of a substantiated case of breach.

Should a substantiated case of breach arise, the following measures may be taken by the FRQSC, among others :

- revoke or suspend funding, request a reimbursement of funds, or render the party ineligible to receive FRQ funding for a given period of time;
- render a party ineligible to apply for FRQ funding or prohibit the party from sitting on FRQ evaluation committees for a given period of time;
- our constitutive Act, the *Act respecting the ministère de la Recherche, de l'Enseignement supérieur, de la Science et de la Technologie* (CQLR, M-15.1.0.1), provides that giving false or misleading information in view of obtaining or procuring financial support from the FRQSC is a punishable offence. Therefore, we can file a complaint pursuant to the legal provisions in Sections 61 and 62 of this Act
- seek any other applicable legal recourse or take any other measures available to the FRQ and deemed appropriate in the circumstances.

As for the specific case you mentioned in your request, we cannot give you any personal information regarding this funding holder. Sections 53, 54 and 59 of the *Act respecting access to documents held by public body and the protection of personal information* (CQLR, c. A-2.1) provide that information concerning a natural person which allows the person to be identified constitutes personal information. Personal information is confidential and shall not be released without the consent of the person to whom the information relates.

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.

Yours truly,

[ORIGINAL SIGNÉ]

Raphaëlle Dupras-Leduc
Substitut à la personne responsable de l'accès à l'information
Avocate, direction des affaires éthiques et juridiques

Notice of legal remedy (Sections 46, 48 and 51)

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:

Quebec

Bureau 1.10
575, Saint-Amable St.
Quebec (Quebec) G1R 2G4
Telephone : 418 528-7741
Toll-free number : 1 888 528-7741
Fax : 418 529-3102

Montreal

Bureau 18.200
500, Rene-Levesque Blvd. West
Montréal (Quebec) H2Z 1W7
Telephone : 514 873-4196
Toll-free number: 1 888 528-7741
Fax : 514 844-6170

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).

Act respecting the ministère de la Recherche, de l'Enseignement supérieur, de la Science et de la Technologie (CQLR, M-15.1.0.1)

§ 5. — Penal provisions

[61.](#) Every person who gives false or misleading information in view of obtaining or procuring financial support provided for by this division is guilty of an offence and liable to a fine of not more than \$5,000.

[62.](#) Where a legal person commits an offence against section 61, every director or representative of that legal person who was aware of the offence is deemed to be a party to the offence and is liable to a fine of not more than \$5,000 unless he proves to the satisfaction of the court that he did not acquiesce to the commission of the offence.

[63.](#) No person found guilty of an offence against section 61 or 62 or against section 380 of the Criminal Code (R.S.C. 1985, c. C-46) in connection with financial support contemplated under this chapter may, unless he has been pardoned, obtain financial support under this chapter for a period of two years from the conviction.

Act respecting access to documents held by public body and the protection of personal information (CQLR, c. A-2.1)

[53.](#) Personal information is confidential, except in the following cases:

- (1) the person to whom the information relates consents to its disclosure; in the case of a minor, consent may also be given by the person having parental authority;
- (2) where it relates to information obtained by a public body in the performance of an adjudicative function; the information remains confidential, however, if the body obtained it when holding a sitting in camera or if the information is contemplated by an order not to disclose, publish or distribute.

[54.](#) In any document, information concerning a natural person which allows the person to be identified is personal information.

[59.](#) A public body shall not release personal information without the consent of the person concerned.

[...]