



<b>RCRS Secondary:</b>	GOV-02	<b>Effective Date:</b>	2023-FEB-06
<b>Policy Number:</b>	COU-232	<b>Amendment Date/s:</b>	
<b>Title:</b>	Routine Release of In Camera Decisions	<b>Repeal Date:</b>	
<b>Department:</b>	Legislative Services	<b>Approval Date:</b>	2023-FEB-06

**PURPOSE:**

To provide a process for ensuring that the City of Nanaimo is being open and transparent in conducting City business at In Camera meetings.

Council has identified Governance Excellence as a theme in their strategic plan. Council, along with Staff are responsible for providing governance excellence. The routine release of In Camera meeting decisions once the requirement for confidentiality has passed, will support Council’s goals of openness and transparency, which is a significant element of good governance.

Council has approved the release of voting results of resolutions considered at In Camera Meetings.

**DEFINITIONS:**

In Camera Meeting: A meeting closed to the public under *Community Charter* section 90(1) or 90(2).

**SCOPE:**

This policy applies to all In Camera meetings of Council and its committees.

It is acknowledged that this policy does not limit a person’s right of access to records under the *Freedom of Information and Protection of Privacy Act*.

Authority to Act – Delegated to Staff.

**POLICY:**

The Corporate Officer shall ensure that In Camera decisions that have not been released through the Rise and Report section in an open meeting, and where the need for confidentiality is passed, be reviewed by Staff and presented to Council for release through the City of Nanaimo’s website on a bi-annual basis.

**PROCESS:**

Decisions may be withheld from release for the following reasons:

- third party information;
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- labour relations or other employee relations;
- the security of the property of the municipality;

- the acquisition, disposition or expropriation of land or improvements, if the staff considers that disclosure could reasonably be expected to harm the interests of the municipality;
- law enforcement, if staff considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- litigation or potential litigation affecting the municipality;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the staff, could reasonably be expected to harm the interests of the municipality if they were held in public;
- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
- a matter that, under another enactment, is such that the public may be excluded from the meeting;
- the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
- a matter that is being investigated under the Ombudsperson Act of which the municipality has been notified under section 14 [Ombudsperson to notify authority] of that Act;
- a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the Auditor General for Local Government Act.

### Responsibilities

Council is responsible for adoption and periodic review of this policy.

CAO is responsible for committing to the implementation and ongoing improvement of the policy to support achievement of the City's goals related to Governance Excellence, openness and transparency, while balancing the need to protect personal and sensitive information.

Corporate Officer (FOI Head) is responsible for coordination and administration of this policy.

Report writers/City Staff are responsible for:

- ensuring In Camera reports include a release clause;
- only include necessary information in In Camera reports.

### Benefits of Compliance

Implementing this policy will:

- Support Council's priority related to Governance Excellence by providing for the timely and routine release of Council decisions;
- Ensure decisions made In Camera, once confidentiality has passed, are made public; and
- Ensure confidential information remains confidential.

### Review Date

This policy should be reviewed from time to time as appropriate.

### **REPEAL/AMENDS:**

COU-194 (Routine Release of In-Camera Agendas) is hereby repealed.