

DATE OF MEETING | May 27, 2019 |

AUTHORED BY | MEGAN WAGGONER, RECORDS/INFORMATION & PRIVACY  
COORDINATOR

SUBJECT | VIDEO RECORDING AND PUBLISHING OF PUBLIC HEARINGS

## **OVERVIEW**

### **Purpose of Report**

To provide Council with information regarding video recording and publishing of Public Hearings, and to seek direction from Council on how to proceed.

### **Recommendation**

That Council provide direction regarding how to proceed with video recording and publishing of Public Hearings.

## **BACKGROUND**

Council requested that Staff provide information regarding the recording and publishing of Public Hearings. In addition to legal consultation, Staff researched the practices of comparable municipalities and learned that many municipalities record Public Hearings and publish the videos on their websites. There are several procedures that would need to be implemented if the decision were made to proceed with recording and publishing of these meetings.

Some examples of practices used by other municipalities:

- Ensure the Mayor reads a disclaimer prior to the commencement of the Public Hearing advising that the information will be published on the City's website and publicly available.
- Update delegation sign-up forms to indicate that information will be posted on the City of Nanaimo website, and that individuals are not permitted to share the personal information of others during their presentation.
- Display collection notices in the meeting room, on the website, on all agendas, and on the speaker podium.

Although it has been the City's practice to record Council, Committee of the Whole, Finance and Audit Committee, and Governance and Priorities Committee meetings, there is no legal requirement for the City to do so. It is important to note that if Council's direction is to commence recording and publishing of Public Hearings, the resulting records will be subject to requests under *FOIPPA*. Additionally, the appropriate consent clauses and disclaimers would need to be implemented to ensure that citizens are aware of how the City is using personal information. Finally, prior to Staff commencing such recordings a Privacy Impact Assessment (PIA) would need to be completed to ensure that all privacy considerations are addressed appropriately.

In addition to the privacy implications noted above, Staff obtained information on costs associated with recording Public Hearings. While there would be no additional costs incurred from eSCRIBE for recording and storing Public Hearings, additional costs for Shaw's recording services would work out to \$45.00 per hour.

Consideration of the purpose of a Public Hearing should be taken into account prior to making a decision regarding recording Public Hearings. The purpose of a Public Hearing is to provide an opportunity for the public, including individuals who believe their interest in property may be affected by a proposed bylaw, to speak or submit written comments on the bylaw. It is not a forum in which elected officials should be debating among themselves or with proponents or opponents. This is in contrast to a recorded Council meeting, where Council has gathered to make decisions and debate issues before them. It is common to find that members of the public speaking at Public Hearings are intimidated by the situation and are uncomfortable with public speaking. Recording Public Hearings may not add value to the process and may inadvertently dissuade those who were hesitant to speak, from sharing their views. Council must find a balance between requests for transparency and encouraging public participation in Public Hearings. |

## **OPTIONS**

1. That Council direct Staff to initiate the appropriate steps to commence the recording and publishing of Public Hearings, subject to a privacy impact assessment.
  - **Budget Implication:** There would be additional costs of \$45.00 per hour associated with recording these meetings at the Shaw Auditorium.
  - **Legal Implication:** The City has legal obligations under *FOIPPA*.
  - **Policy Implication:** The City would have to update applicable policies to address the additional collection of personal information.
  - **Engagement Implication:** Recording and publishing Public Hearings would provide citizens with an additional method of viewing these meetings.
  - **Strategic Priorities Implication:** Further engagement with citizens is good governance.
  - **Political Implication:** Transparency and openness are politically favourable.
2. That Council direct Staff to maintain the status quo and continue to not record or publish Public Hearings.
  - **Budget Implication:** No change to current budget.
  - **Legal Implication:** None.
  - **Policy Implication:** No change to current policy.
  - **Engagement Implication:** Opportunities for engagement still exist with participation at these meeting; however, the only record of events would be the minutes document.
3. That Council provide alternative direction to Staff regarding the recording and publishing of Public Hearings. |

**SUMMARY POINTS**

- Council requested information regarding the recording and publishing of Public Hearings, Staff have obtained legal advice regarding this matter.
- Staff obtained information from other municipalities regarding best practices.
- Procedures would have to be implemented and a PIA undertaken before Staff could commence recording and publishing of Public Hearings.

**Submitted by:**

Sheila Gurrie,  
Corporate Officer