

DATE OF MEETING JULY 22, 2019

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SUBJECT ROUTINE RELEASE OF "IN CAMERA" INFORMATION POLICY UPDATES

OVERVIEW

Purpose of Report

To request that Council amend the Routine Release of "In Camera" Resolutions and Related Reports and Information Policy.]

Recommendation

That Council approve amendments to Routine Release of "In Camera" Resolutions and Related Reports and Information Policy.

BACKGROUND

In May of 2013 Council adopted the "Routine Release of "In Camera" Resolutions and Related Reports and Information" Policy (Policy). The intent of the Policy was to provide for the routine release of "In Camera" Council reports, minutes and related documentation on a quarterly basis.

In September 2013 Council amended the Policy at an "In Camera" meeting to include in the quarterly release voting results of resolutions considered at "In Camera" Meetings that have been approved for release to the public.

The intent of the Policy is for Legislative Services Staff, under the direction of the Corporate Officer, to review with the originating departments on a quarterly basis, all "In Camera" meeting reports, minutes and documentation, prepare a package of information for Council's consideration and request direction from Council whether to release information which is no longer required to be kept confidential.

In practice, Council and Staff have found the quarterly release process to be cumbersome due to the requirement of Council approving the release where they are not involved in day to day operations or may not have firsthand knowledge if an item has concluded. For example, Council may not be aware if negotiations related to an item have resolved but are requested to vote on the release of documents related to negotiations. The current policy lacks clarity and references "documents" to be released in addition to reports and minutes, however, there is no definition for "documents" provided in the policy.]

DISCUSSION

Staff recommend that Council amend their Policy to direct that "In Camera" meeting agendas, which include past minutes and reports, be released by staff on a monthly basis, once the requirement for confidentiality has passed. The documents Staff have advised can be released

will be posted to the City of Nanaimo's website. Documents that cannot be released at the time of initial review will be continually reviewed and released when appropriate.

Some documents, depending on subject matter such as third party information or legal matters, may never be released. Exceptions to release are listed in the draft policy. The name of the Policy has been amended to better reflect the intent of the policy.

It is anticipated that the proposed policy changes, if adopted, will provide clarity to Staff, Council and the public, regarding the release of "In Camera" information. It is important to note the Policy does not limit a person's right to access records under the *Freedom of Information and Protection of Privacy Act*.

Currently, documents from 2010 up to and including quarter three of 2017 have been released to the City's website. Quarter four of 2017 is anticipated to be released in the coming weeks. If approved, this policy will apply to 2018 and 2019 "In Camera" documents, and documents created moving forward. Staff do not anticipate reviewing and releasing documents created prior to 2010. Staff have recently changed the "In Camera" report template to include a notation regarding the release of reports. This notation will assist Staff in determining if and when the requirement for confidentiality has passed.

A number of similar sized municipalities were contacted to determine if comparable policies exist. Of the responses received, only one municipality was considering implementing a related policy. It is not a legislated requirement for Council to release "In Camera" information once confidentiality obligations are no longer applicable; however, routinely releasing documents, once the requirement for confidentiality has passed, supports Council's strategic plan related to Governance Excellence, openness and transparency, while balancing the need to protect personal and sensitive information.

OPTIONS

- Option 1 – That Council approve amendments to Routine Release of "In Camera" Resolutions and Related Reports and Information Policy.
 - Budget implications are not expected with the implementation of policy amendments. Council is not legally required to release any "In Camera" information. Amendments to the current policy will provide clarification and procedures for Staff to follow. "In Camera" decisions will be released on a monthly basis, when confidentiality is no longer required. This policy amendment supports Council's strategic theme of Governance Excellence.
- Option 2 – That Council maintain the current Routine Release of "In Camera" Resolutions and Related Reports and Information Policy.
 - Staff will continue to process documents for release on a quarterly schedule and bring documents forward for a Council decision. Budget implications are not expected by maintaining the status quo.

- Option 3 – That Council rescind the Routine Release of "In Camera" Resolutions and Related Reports and Information Policy.
 - Staff would discontinue the release of "In Camera" documents. Budget implications would not be expected with this option. Council has set a precedent by releasing "In Camera" information and may be criticized for discontinuing this Policy.]

SUMMARY POINTS

- Staff have identified a number of changes to the Routine Release of "In Camera" Resolutions and Related Reports and Information" Policy to provide clarification and procedures for staff to follow.
- Documents will be released on a monthly basis.
- If documents contain third party information or a reason for redaction, they may not be released.
- Documents up to and including quarter three of 2017 have previously been released. Quarter four of 2017 is anticipated to be released in the coming weeks and 2018 - 2019 "In Camera" documents will be released based on the new policy, if approved.]

ATTACHMENTS:

Attachment A – Proposed Release Policy

Attachment B – Current Routine Release of "In Camera" Resolutions and Related Reports and Information Policy

Submitted by:]

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