

In Camera Meeting Proceedings – B-G-015

Board of Health Policy

1.0 Policy Statement

- 1.1** Members of the Board of Health for the North Bay Parry Sound District Health Unit (Health Unit) meet regularly to perform such business as required by the *Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, s.4*. The Board of Health moves in camera to discuss confidential matters in accordance with Board of Health Bylaws and legislation in the Province of Ontario.
- 1.2** The definition of a “meeting” is any regular, special, or other meeting of the Board of Health, a Board of Health Committee, or the Committee of the Whole.
- 1.3** In accordance with the *Municipal Act, 2001, S.O. Chapter 25, s. 1. (1)*, minutes are considered a “record”.
- 1.4** Minutes are recorded and kept as a permanent record for all Board of Health/Committee in camera meetings.

2.0 Purpose

The purpose of this policy is to describe the requirements for in camera meetings.

3.0 Scope / Responsibility

- 3.1** This policy applies to the Board of Health for the Health Unit and anyone present at Board of Health/Committee meetings.
- 3.2** The Chairperson of the Board of Health ensures that all Board of Health members are aware of and comply with this policy.
- 3.3** The Board of Health through the Medical Officer of Health/Executive Officer ensures this policy is implemented.
- 3.4** Each member of the Board of Health, or other person(s) present during an in camera meeting, has the responsibility to follow this policy.
- 3.5** Each member of the Board of Health has the responsibility to comply with Board of Health Policy - [B-G-004](#) - Confidentiality of Information.
- 3.6** No person in attendance at an in camera meeting shall disclose confidential information discussed, or confidential documentation dealt with in camera to any person not in attendance at the in camera meeting.

4.0 Procedure

4.1 In Camera – Standing Agenda Item

- “In Camera” is a standing agenda item on all Board of Health/Committee agendas (Board of Health Policy - [B-G-009](#) - Board of Health/Committee Meeting Proceedings).

- Under the “In Camera” agenda item on the Board of Health/Committee agenda, the following is recorded for each confidential item considered:
 - The fact of holding an in camera meeting and the agenda item number.
 - General nature of the confidential subject matter (e.g. property matter, litigation matter, labour relations matter, educating or training of the members).
- In Camera supporting confidential documentation is:
 - Distributed to the Board of Health/Committee in a confidential manner.
 - Returned to the recording secretary at the end of the meeting, if in print.

4.2 Reasons for Moving In Camera

- In accordance with Board of Health Bylaws Section I, 10, and the *Municipal Act, 2001, c. 25, s. 239. Subsection 1, 2, 3 and 3.1*, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - a) Personal matters about an identifiable individual.
 - b) The security of the property of the Board of Health.
 - c) Proposed or pending acquisition of land for Board of Health purposes or disposition.
 - d) Labour relations or employee negotiations.
 - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the Board of Health.
 - f) The receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose.
 - g) A matter in respect of which the Board of Health/Committee or other body has authorized a meeting to be closed under another Act.
 - h) Information explicitly supplied in confidence to the Board by Canada, a province or territory or a Crown agency of any of them.
 - i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group or persons, or organization.
 - j) A trade secret or scientific, technical, commercial or financial information that belongs to the Board and has monetary value or potential monetary value.
 - k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Board.
 - l) A matter that relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Board of Health is acting as head of the institution for the purposes of the Act.
 - m) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*,

and Ombudsman referred to in subsection 223.13 (1) of this Act (*Municipal Act*), or the investigator referred to in subsection 239.2 (1).

- n) A meeting for the purpose of education or training of the members and in which no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Board of Health/Committee.

4.3 Action During In Camera Meeting

- During an in camera meeting, the Board of Health/Committee may:
 - a) Draft a motion(s) to be considered during the public meeting.
 - b) Vote, if the vote relates to matters described in item 4.2 (a - n) and if the vote is for a procedural matter or for giving directions or instructions to employees or persons retained by or under a contract with the Health Unit.
 - c) Give direction to Medical Officer of Health/Executive Officer and/or Health Unit management to take any specific action on a matter.

4.4 Returning to Public Meeting

- Upon completion of the in camera meeting, a resolution to rise and report to the public meeting is read by the Chairperson. Motions arising from the in camera meeting are put to vote in the public meeting and recorded in the regular Board of Health/Committee minutes.

4.5 Recorder

- In camera minutes are recorded by the recording secretary. In the recording secretary's absence, minutes are taken by the Medical Officer of Health /Executive Officer. In rare circumstances in which the Board of Health meets without the Medical Officer of Health/Executive Officer, the Board of Health Vice-Chairperson records the in camera minutes.

4.6 Minutes

- In camera minutes must record without comment all resolutions and conclusions.
- In camera minutes are distributed to the Board of Health/Committee in a confidential manner.
- In camera minutes are approved by the Board of Health/Committee at the next regular Board of Health/Committee meeting.
- Prior to discussion of in camera minutes, the Board of Health/Committee will move in camera, by resolution, using the original reason used to move in camera.
- Approved in camera minutes are kept in the Office of the Medical Officer of Health/Executive Officer.

4.7 Disclosure of a Record

- As stated in Clause 239 (9) of the *Municipal Act*, 2001, Chapter 25, Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a

record of a meeting closed under the *Municipal Act*, subsection (3.1), 2006, c. 32, Sched. A, s. 103 (3). Subsection 3.1 of the *Municipal Act* refers to educational or training sessions.

- In accordance with the *Municipal Act*, 2001, S.O. Chapter 25, s. 253 (1) (c), records considered during a meeting that is closed to the public are not subject to the *Municipal Freedom of Information and Protection of Privacy Act*.

4.8 Investigation Process

- Upon receipt of a written complaint of a perceived violation of the Board of Health In Camera Meeting Proceedings Policy, it is recommended that the Board of Health refer the complaint to the Local Authority Services (LAS) Branch of the Association of Municipalities in Ontario who would have the authority to investigate the complaint.

5.0 Records Retention

All records relating to this Policy are retained in accordance with the Records Retention and Management work instruction ([WI-HU-108](#)).

6.0 References

Internal References

- a) North Bay Parry Sound District Health Unit, [Board of Health Bylaws](#).
- b) Records Retention and Management – [WI-HU-108](#)
- c) Confidentiality of Information - [B-G-004](#)
- d) Meeting Proceedings for Board of Health/Committees - [B-G-009](#)

External References

- a) *Health Protection and Promotion Act*, R.S.O., 1990, c H.7. [Ontario E-Laws Website](#)
- b) *Municipal Act*, 2001, S.O. 2001, c. 25. [Ontario E-Laws Website](#)
- c) *Municipal Statute Law Amendment Act. 2006. S.O. Chapter 32. Sched. A. s 103.*
- d) *Municipal Freedom of Information and Protection of Privacy Act. R.S.O. 1990. Chapter M.56.*
- e) Robert's Rules of Order (Current Version).

7.0 Summary of Revisions

2020-02-10 – Letterhead updated and scheduled review with minor revision to section 1.1, 3.1, and updated hyperlinks.

8.0 Board Policy Development Details

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