

Subject: Closed Meetings and Confidentiality	
Branch: Corporate Services	
Department: Legislative Services	Policy Reference: 0340-50

Purpose

To outline the responsibilities and obligations of persons with access to confidential materials and those who attend closed meetings of the Comox Valley Regional District (CVRD) Board and its committees and commissions. This policy also serves to ensure elected and appointed officials, as well as staff and others, understand their responsibilities and follow established guidelines to ensure the protection of confidential information, the disclosure of which may be harmful to an individual or to the best interests of the Comox Valley Regional District.

Scope

This policy applies to all elected and appointed officials, as well as staff and agents of the Comox Valley Regional District that produce or receive confidential materials or attend closed meetings in accordance with *Community Charter*.

Guiding Principles

- Openness and Transparency - the Community Charter provides that regional district board and committee meetings must be open to the public unless expressly authorized to be closed by the legislation. Such legislation ensures that proceedings are only closed to the public under strict and limited conditions that generally protect the regional district, its financial interests, operations and the personal privacy of individuals.
- Accountability and Integrity – Representatives of the Comox Valley Regional District must take responsibility for their decisions and actions and are required to carry out their duties to the highest standard of integrity. This includes conducting themselves impartially, ethically and not misusing information or resources to advance their personal, financial or other private interests.
- Respect for Confidentiality - In the course of regional district business, personal and other confidential material or information is routinely produced, received and considered. Staff, elected and appointed officials and agents of the CVRD have a duty to safeguard and not disclose any confidential information without proper authorization.

Policy Statement

1. Staff shall:
 - a. adhere to the Comox Valley Regional District Code of Conduct Policy;
 - b. have a duty to safeguard and hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the CVRD;
 - c. not disclose confidential information without the proper authorization from their General Manager or from the person or persons designated as the head of the regional district for the purposes of the *Freedom of Information and Protection of Privacy Act*;

- d. not use, copy, or disclose confidential information or any other information not generally available to the public, for personal gain or advantage or for the profit or benefit of staff or any other person;
 - e. immediately notify their branch General Manager where an employee knows there has been an unauthorized disclosure of information.
2. Elected and appointed officials shall:
- a. be aware of their responsibilities under the Local Government Act and the Community Charter which sets out legislation and requirements with respect to the duty to respect confidentiality and which all elected and appointed officials shall fulfill. Any collection, use and disclosure of personal and or private business information must be managed in accordance with the Freedom of Information and Protection of Privacy Act and for the purpose for which it is intended to be used;
 - b. not disclose or release to anyone, confidential information acquired by virtue of their office in either oral, electronic or written form except when required by law or authorized by the board or a committee or commission with the authority to do so.
 - c. make decisions and take actions based on high standards of ethical conduct and not based on personal relationships or benefits.

Closed Meeting Procedures

3. Closed (in-camera) meetings of the board and its committees and commission are held in compliance with the applicable provisions of the *Community Charter*.
4. Before closing a portion of a meeting to the public, the board, committee or commission must endorse a resolution during an open meeting, that the meeting is to be closed and specifying the basis under the applicable section of the *Community Charter* on which the meeting is to be closed.
5. With respect to closed meetings, the board, committee or commission may allow:
- a. one or more regional district officers and employees to attend as it considers appropriate;
 - b. elected or appointed officials of the CVRD to attend that are not members of the board, committee or commission as it considers appropriate;
 - c. persons other than regional district officers and employees to attend if desired or necessary.
6. As an exception to section 5.b, as the head and chief executive officer of the regional district, the Comox Valley Regional District Board Chair or in the absence of the Chair, the Vice-Chair may attend and observe any closed meeting of a committee or commission of the regional district.
7. Closed meeting agenda packages:
- a. are to be accessed through the CVRD secure website using a unique security certificate installed by the CVRD on the elected or appointed official's tablet or other electronic device;
 - b. where appropriate or required, will be emailed to the board, committee or commission member in a Portable Document Format (PDF);
 - c. are to be provided to all members, or alternate members if attending on behalf of the elected or appointed member, of the respective board, committee or commission meeting unless, by virtue of their appointment as an observer or other status, are not permitted to attend closed meetings or restricted from certain confidential matters;
 - d. will be printed on pink paper for those instances where a hard copy is required.

8. The Corporate Legislative Office or his/her designate where deemed appropriate based on the following criteria and the guiding principles of this policy, shall consider distributing closed meeting agendas or specific closed meeting materials to appointed alternate directors or other persons:

- Involvement – the individual has participated in the report or item development, through collaboration with staff or otherwise and their provision of such materials will benefit or support the CVRD interests and objectives.
- Expertise – the individual possesses valuable knowledge into the matter(s) being considered and can, with such information, directly assist in advancing the CVRD’s interests and objectives.
- Impact – the individual will be directly impacted by the matter and is legally entitled to receive and review the materials in order to provide representations to the board or one of its committees or commission.
- Governance – the individual has been appointed to the executive or board of directors of an external organization which provides services, under contract to the CVRD, and the provision of such confidential materials is deemed to support the exercise of their duties.

9. It is recognized that the primary obligation of the Corporate Legislative Office and his/her designate is to ensure that the attending elected and appointed members of the board, committee or commission receive all necessary materials in order to participate in the meetings and made decisions.

10. The Corporate Legislative Office or his/her designate may refer a request or decision respecting the distribution of closed meeting information to the respective board, committee or commission for determination.

11. A board, committee or commission may, by resolution, direct the release any closed meeting materials or information except where restricted by the *Freedom of Information and Protection of Privacy Act*.

Approval History

Policy adopted:	March 31, 2020
Policy amended:	