

MUNICIPALITY OF THE COUNTY OF RICHMOND

POLICY

POLICY NAME: POLICY ON CONFIDENTIALITY AND NON-DISCLOSURE

APPROVAL DATE: OCTOBER 10, 2000

The following policy is enacted by Council for the Municipality of the County of Richmond, pursuant to Section 23(1)(b) of the *Municipal Government Act*.

This policy may be referred to as the *Confidentiality Policy*

WHEREAS the *Municipal Government Act* identifies good government as a municipal function and intends to give council broad authority to govern;

AND WHEREAS council authority under the *Act* includes (at s.23(1)(b)) the authority to make policies regulating council's own proceedings and preserving order at council meetings;

AND RECOGNIZING parliamentary procedure has historically recognized the value to good governance of "in camera" deliberations in Committee of the Whole, where freer debate and more detailed consideration is possible;

AND FINDING that productive and meaningful deliberations in Committee of the Whole require the proceedings be kept confidential and the content and tone of deliberations not be disclosed outside the Committee nor made public nor otherwise disseminated by any of the participants;

AND TAKING NOTE that the *Municipal Government Act* expressly authorizes Council to meet in closed session ("in camera") to discuss matters relating to:

- (a) acquisition, sale, lease and security of municipal property;
- (b) setting a minimum price to be accepted by the municipality at a tax sale;
- (c) personnel matters;
- (d) labour relations;
- (e) contract negotiations;
- (f) litigation or potential litigation;
- (g) legal advice eligible for solicitor-client privilege;
- (h) public security

IT IS THE CONCLUSION OF COUNCIL that it is important and reasonable, and consistent with the public interest, to stipulate by way of policy that Members of Council respect and uphold at all times the confidentiality of "in camera" deliberations:

1. This policy shall apply to each Member and former Member of Council in respect of "in camera" deliberations in which that Member participated.
2. This policy shall apply in respect of "in camera deliberations" which shall be understood to include Committee of the Whole meetings and deliberations and other "in camera" deliberations and meetings of Council, whether fully attended or not.
3. Members of Council shall adhere to and uphold the confidentiality of "in camera" deliberations.
4. Members of Council shall respect the principle of non-disclosure in respect to "in camera" deliberations.
5. No Member of Council shall disclose to any person, other than another Member of Council, the subject, content or tone of any "in camera" deliberations, unless and except under order of a Court to do so.
6. Every Member of Council who is or becomes aware of the breach of this policy by any other Member or Members shall report same to the Committee of the Whole forthwith, and a Meeting of the Committee of the Whole shall be convened if necessary to address the breach without delay.
7. Any Member alleged by another Member to have breached this policy shall be given an opportunity to respond to the allegation within the Committee of the Whole.
8. Where the Member is found by the other Members in Committee of the Whole to have committed the breach, that Member shall be required to leave the room while those remaining determine the appropriate course of action.

9. Council may decide, by majority in Committee of the Whole, to issue a verbal or written reprimand to the Member.
10. Where it is found that a Member has breached this policy, Council may, by resolution find the breach to constitute a malfeasance, breach of trust or misconduct by the Member for the purposes of applying Section 12 of the *Municipal Conflict of Interest Act*.
11. Council may thereafter, and by resolution, ask the Attorney General to appoint an individual to conduct an inquiry into the breach by the Member.