

Nova Scotia Freedom of Information & Protection of Privacy
Review Office

Closed (In-Camera) Meeting Guidelines for
Local Public Bodies

The following is solely intended to provide for a point of reference and guidance regarding closed (in-camera) meetings.

Freedom of Information and Protection of Privacy Act

The *Freedom of Information and Protection of Privacy Act (FOIPOP)* provides for a general right public access to records in the custody or control of the local public body. The *Act* also sets out a specific exemption regarding closed meetings.

Section 3(1)(ea) of *FOIPOP* states a “local public body” means

- (i) a hospital,
- (ii) a university,
- (iii) a school board as defined in the Education Act,
- (iv) the Collège de l'Acadie established by the Community Colleges Act, or
- (v) the Nova Scotia Community College established by the Community Colleges Act

The legislative provision which exempts the records of closed meetings from access is s.19A:

- 19A Where an enactment authorizes a meeting of the elected officials or the governing body of a local public body or a committee of the governing body of the local public body to be held in the absence of the public, the head of the local public body may refuse to disclose to an applicant any record that would reveal
- (a) the draft of a resolution, by-law or other legal instrument by which the local public body acts or the draft of a local bill that has been considered at a meeting held in the absence of the public unless the draft or legal instrument requested by the applicant has been considered at a meeting open to the public or the record has been in existence for more than fifteen years; or

(b) the substance of deliberations at a meeting held in the absence of the public unless the subject matter of the deliberations has been considered at a meeting that is open to the public or the record has been in existence for more than fifteen years.

What are Closed Meetings?

In their broadest application, closed meetings, also commonly referred to as *in camera* meetings, are meetings conducted in private from which the public is excluded.

Guidelines when considering the use of Closed Meetings

A motion is normally required for an closed meeting, including a statement of the purpose and subject matter to be discussed. Discussions held during the closed meeting remained limited to the subject mentioned in the motion for closure. Records should reflect the motion and t approval for the closed meeting.

Closed meetings are generally requested for the following reasons:

- To maintain the privacy of identifiable individuals, if the matter cannot be discussed without identifying the said individual.
- To protect from disclosure the intimate, personal or financial information of an individual.
- To preserve solicitor-client privilege and/or receive legal advice from a solicitor. General policy matters that would be subject to discussion in an open session may not be moved to a closed session merely because of the presence of a solicitor.
- To consider matters relating to the negotiation of contracts and/or the acquisition or sale of real property. Discussions regarding financial and other details of an already negotiated contract are generally conducted in an open meeting.
- To discuss certain specified personnel matters such as considering the qualifications, competence, performance, character, or fitness of an incumbent public employee or officer, and/or collective bargaining matters. General personnel policy issues or issues relating to the position, functions or remuneration of an officer, employee or member of a local public body are generally considered in an open meeting.

- To hear or investigate a complaint, charge, or grievance by or against a local public officer or employee. However, if the result of the investigation or hearing is the discharge of a local public officer or employee, such action generally takes place in an open meeting.
- To plan, conduct or hear reports concerning investigations of alleged criminal misconduct.
- To discuss the security of the property of the Committee or Board.