

7.25 In-Camera Policy

Overview

The term “in-camera” means “in private”. Although RECA Council meetings are not open to the public, Council meeting minutes are available to the public on its website. Therefore, the term has a modified meaning for the purposes of this policy.

Sometimes it is necessary for Council to meet privately in order to protect personal information or discuss sensitive business information.

Given the desire to improve the openness and transparency of Council proceedings, it is necessary to have a formal in-camera policy to ensure that only meeting portions that meet the stated criteria proceed in-camera. This policy sets out the criteria and process to move a Council meeting in-camera.

Criteria

Council shall only move in-camera if the topic(s) to be discussed include(s):

- executive director compensation/performance
- information protected by privacy legislation
- security issues
- legal advice
- information that is subject to privilege
- litigation
- commercially sensitive business matters, including negotiations with third-parties/vendors, and matters subject to confidentiality agreements with third parties
- A sensitive matter related to the conduct of one or more council members or a conflict within Council

Process

An in-camera session can be a regularly scheduled part at the beginning or end of a Council meeting, it can be called by the Chair, or by formal motion through majority vote of Council.

When possible, an agenda for an in-camera Council proceeding is to be determined during the preparation of the Council meeting agenda.

If a member of Council wishes to move a matter in-camera, a Council member needs to make a motion, and Council as a whole must vote on it. As part of the motion, the Council member needs to indicate the criteria under which the meeting is proceeding in-camera.

Participants

Only Council members and the executive director are entitled to attend an in-camera session, unless Council requires and invites other staff or a third-party to attend in order to provide information and/or commentary on a topic being discussed in-camera.

The Council may meet in-camera without the executive director to discuss his or her compensation or performance.

An in-camera Council proceeding will operate under the same procedures as an open session, with the exception that all information and proceedings will be kept confidential unless and until Council makes a decision on the matter at hand.

Outcomes

If Council makes a decision or gives a direction during an in-camera session that otherwise should not be kept confidential, that decision shall be recorded in the minutes from the Council meeting as a whole.

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Examples:

- 1) if, during an in-camera proceeding, Council reviews a legal opinion and, after discussing that opinion, decides to accept that legal opinion, upon reconvening the open Council meeting, a Council member shall make a formal motion to accept that legal opinion. That motion shall be recorded in the Council meeting minutes, but the discussion that took place around the opinion during the in-camera session will not be.
- 2) if, during an in-camera proceeding, Council reviews three vendor responses to an RFP, and selects a vendor, upon reconvening the open Council meeting, a Council member shall make a formal motion to select that vendor. That motion shall be recorded in the Council meeting minutes, but the discussion that took place around the three vendors, the non-successful vendors, etc., will not be recorded in the Council meeting minutes.