

204.4.A FOIP Guidance for In-Camera (Closed to Public) Meetings

The Board of Trustees is authorized under the *Education Act, Section 64(1)(3)*, when a majority of the trustees present at a meeting of the board are of the opinion that it is in the **public interest** to hold the meeting or a part of the meeting in private for the **purpose of considering any matter**, the board may by resolution exclude any person from the meeting.

Board Policy 204.4 In Camera Board Meetings:

The Education Act permits the Board to hold a meeting or portion of a meeting “in camera” (in private) and, by resolution, exclude any person from that meeting or portion of the meeting. **The Board believes that In Camera Meetings should be limited to discussion of issues of a sensitive or confidential nature.**

The Freedom of Information and Privacy Act (FOIP) outlines exemptions to the disclosure of information in Division 2, Part 1 of the *FOIP Act*, Sections 16 to 29). These exemptions can be used as a guide to determine if it is in the **public interest** to hold the meeting in private as well as issues **that could be considered sensitive or confidential in nature.**

Public bodies should not:

- Reveal confidential employee evaluations.
- Disclose local public body confidences, or advice from officials; or
- Disclose information that is subject to any kind of legal privilege. For example, a discussion regarding the employment of an individual should be held in camera to protect the privacy of that individual.

The most relevant types of exceptions to public disclosure under the *FOIP Act* and examples are in the table on the next page, to guide the development of in-camera agendas and determination of when an item should be discussed in-camera rather than in the open board meeting.

Type of item	Section of FOIP Act	Further information/Examples
Third Party Business Interests	S. 16	Detailed vendor information, labour relations information, information supplied in confidence. E.g. Detailed RFP Respondent information.
Third Party Personal Privacy	S. 17	Would be unreasonable invasion of personal privacy. Personnel matters. E.g. Superintendent Growth Plan and evaluations. Employee evaluations. Items that could potential disclose sensitive personal information of an individual.
Confidential Evaluations	S. 19	Information that is evaluative or opinion for employment, awarding contracts, or other benefits. EG. Superintendent Growth plan or evaluation.
Law Enforcement	S.20	Legal or police matters or other matters that could harm or threaten safety and security of property or systems.
Intergovernmental Relationships	S. 21	Items supplied in confidence or could harm relations between any body of government. In confidence information provided by Alberta Education.
Local Public Body Confidences	S. 23	A draft resolution, by law or other legal instrument not finalized for consideration in public. Eg. Versions of draft budget prior to full consideration. Annual Planning versions, etc. Advice on matters not ready for full consideration.
Advice from Officials	S. 24	Information generated through the decision-making process. Advice, proposals, recommendations, analysis, or policy options. Promotes candour during policy-making process. Plans related to contractual or other negotiations, management of personnel or administration of public body not yet implemented.
Economic or Other Interests	S. 25	Financial and other information the disclosure of which could result in a financial loss, prejudice the competitive position, or interfere with contractual or other negotiations. Eg. Discussion of strategic bargaining plan for negotiations.
Privileged Information	S. 27	Information subject to legal privilege. Eg. Any legal matter before the board.