

**Board of Health Manual**  
**Public Health Sudbury & Districts**  
**Procedure**

**Category**

Communication

**Section**

Confidentiality

**Subject**

Freedom of Information

**Number**

F-III-10

**Approved By**

Board of Health

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**Process**

Except as described in this procedure, all Board of Health meetings are open to the public.

The *Municipal Act* applies to local boards or committees of local boards. Per the *Municipal Act* S.239 (2), a meeting or part of a meeting may be **closed** to the public under conditions as prescribed in the Act.

As per section 239 (3), a meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

(a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

(b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an

Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

As per section 239 (3.1), a meeting may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the education or training meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of education or training sessions, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under article 239 subsection 3.1 of the *Municipal Act*.

Copies of Board records in the possession or under the control of the Secretary to the Board may be made available to members of the public and shall be processed in accordance with the General Administrative Manual (GAM) policy for information requests. Payment of the costs of photocopying shall be in accordance with Public Health Sudbury & Districts fee schedule.

*Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32, Sched. A, s. 103 (3) of the *Municipal Act*.

In the event that Public Health Sudbury & Districts receives a complaint relating to a closed Board of Health meeting, Public Health Sudbury & Districts will utilize the services of the Ombudsman Ontario as the investigator when required in accordance with s.239 of the *Municipal Act*.

The Secretary to the Board of Health will ensure that members of the press covering Board meetings have access to relevant information.