

## PUBLIC PRESENCE AT MEETINGS OF THE BOARD

### 1. INTRODUCTION

- (1) The *Health Authorities Act* states at Section 8(3) that “Meetings of a board are open to the public, but the board may exclude the public from a meeting if the board considers that, in order to protect the interests of a person or the public interest, the desirability of avoiding disclosure of information to be presented outweighs the desirability of public disclosure of the information”.
- (2) In formulating and administering its policy in this regard, the Board of Directors (the “Board”) must give consideration to several separate but related issues – the potential benefits of public participation, the implications of relevant legislation, and the demands on the Board to address their agendas in the time available.
- (3) The Potential Benefits of Public Access
  - (a) The Board has a Policy promoting a comprehensive communications program that addresses the needs of all partners. Within this broader program, open meetings of the Board can offer potential benefits as an opportunity to:
    - (i) provide the public with balanced and objective information;
    - (ii) ensure that public issues and concerns are recognized and understood;
    - (iii) build trust through transparency in respect to Interior Health’s (the “Authority”) goals, services and programs;
    - (iv) hear public suggestions in respect to health service requirements and possible alternative delivery methods; and
    - (v) obtain independent feedback on the critical issue of the quality of patient care.
- (4) The Implications of Relevant Legislation
  - (a) Public involvement in, and awareness of, the business affairs of the Board are governed in part by the *Freedom of Information and Protection of Privacy (FOIPP) Act* and the *Evidence Act*.

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- (b) The *FOIPP Act* makes no determination on whether a public body can hold meetings in-camera. However, it does provide that the records of an in-camera meeting cannot be protected unless the agenda item(s) are specifically exempted from disclosure. These exemptions include but are not limited to:
- (i) disclosure harmful to the business interests of a third party;
  - (ii) disclosure harmful to personal privacy;
  - (iii) proposed or pending property acquisition or program bids with monetary implications;
  - (iv) draft resolutions, bylaws or regulations;
  - (v) personal matters of an individual and specific nature, or management or administration plans not yet implemented including salary negotiations, union negotiations, tendering, and labour relations issues;
  - (vi) confidential patient or client information;
  - (vii) credentialing, discipline, and quality reviews including external reviews of quality;
  - (viii) litigation matters and solicitor legal advice;
  - (ix) security information;
  - (x) personal information about potential Board members including the nomination screening process; and
  - (xi) the in-camera agenda itself.
- (c) The *Evidence Act* provides that records and information arising out of quality assurance activities in hospitals are privileged and are not subject to the *FOIPP Act* other than sections 44(1), 44(2), 44(2.1) and 44(3) of the *FOIPP Act* as stated in Section 51 of the *Evidence Act*.
- (d) The Board may hold in camera meetings or have an in-camera agenda for part of a meeting whenever the issues to be dealt with are reasonably judged to come within the spirit and intent of the *Health Authorities Act*. At the same time, the Board must recognize that the records of its in-camera deliberations may become public unless the discussions pertain to matters exempted from disclosure by either the *FOIPP Act* or the *Evidence Act*.

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- (5) Board Needs
  - (a) The Board meets on a scheduled basis five times a year and must address at each meeting a lengthy agenda including the reports and recommendations from its several Committees, the reports of the President and Chief Executive Officer (the “CEO”), and Vice-Presidents, and other management presentations regarding important current and pending issues. In these circumstances, there must be very careful time management in respect to allowances for public input and formal presentations to the Board.

## 2. BOARD POLICY

- (1) All regularly scheduled meetings of the Board will normally be open to the public and advance notice will be given of the time at which the agenda provides for this involvement. Meetings, or parts thereof, may be required to be held in-camera if the agenda deals with items that must necessarily be dealt with in-camera.
- (2) Business conducted within Committees will not be open to the public.
- (3) As a general practice, the public will be welcomed at the start of each meeting at 0800 hours or such other time as the Chair may choose to convene the directors.
- (4) The Chair will arrange the agenda to separate general and routine business from issues that should properly be handled in-camera, respecting the provisions of the *FOIPP Act* and the *Evidence Act*.
- (5) The presence of the public does not make the meeting a public hearing. The purpose of the meeting is to conduct the business of the Board. At the discretion of the Board the agenda for this portion of the meeting may include a “Public Forum” item or an item of similar name which provides an opportunity for the public to be heard.
- (6) The Board may also exercise discretion to hear from a delegation. Persons or groups wishing to make presentations to the Board must fully complete the “Request to Address the Board” form and submit their request in writing to the Board Resource Officer at least 15 business days in advance of the date of the meeting to allow appropriate consideration and scheduling.
- (7) Staff and medical staff, and/or their representatives who are raising issues requesting policy, procedure or fiscal response must use administrative processes available to them prior to completing the “Request to Address the Board” form. (See Appendix I)

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- (8) The Chair may limit the time available to any speaker from the audience and may require that questions be submitted in writing to the Board Resource Officer prior to the start of the meeting or before a particular agenda item.
- (9) The Chair may decline to hear such presentations in circumstances where it is felt that the issues involved have already been identified and debated by the Board, or, where the presentation would be more appropriately made to a Committee of the Board or management.
- (10) Where presentations are to be heard by the Board, persons or groups scheduled to appear will be asked to provide an advance written copy of their presentation so the Board and management can study the issues to be raised and access any background information which may be relevant.
- (11) Except when the agenda specifically provides for public involvement as intended in Sections 2(5) and 2(6), participation in the discussions of the Board will be limited to Board members, the CEO, and other management personnel who may be present at the invitation of the Board.
- (12) The Chair will manage any exchange with the audience and will re-direct questions to senior staff as judged appropriate. Individual Board members will take an active part only at the specific request of the Chair.
- (13) When the agenda for the regular meeting of the board has been completed, the Chair will so state and will adjourn the meeting briefly to allow any member of the public who may be present to withdraw.
- (14) Each time the Board chooses to hold a meeting, or part of a meeting, in camera it will pass a motion to that effect, thereby confirming that it has actually considered the upcoming business and decided that it should properly be dealt with in camera.
- (15) As provided for in Section 12.3 of the *FOIPP Act* the agenda for the in-camera meeting of the Board need not be made available to the public provided that the topics being discussed would be considered exempted and thus in-camera under the *FOIPP or the Evidence Acts*.
- (16) In accordance with Section 12.3 of the *FOIPP Act*, where the topics to be discussed would be considered exempted, the Minutes of the in-camera portion of the Board meeting will be separated from those of the regular meeting and are not subject to disclosure.

### 3. POLICY REVIEW

## **PUBLIC PRESENCE AT MEETINGS OF THE BOARD**

- (1) This policy will be reviewed annually by the Board to ensure that, in practice, it properly balances the requirement for, and benefits of, public access to the Board and the ability of the Board to deal efficiently with the full business agenda in the time normally set aside for Board meetings.