



F07-23-MS Municipality on Solid Ground withholding Consultant's Report

A reporter asked us to review a municipality's decision to withhold from him a copy of a consultant's report released to council in an *in-camera* meeting.

Section 12(3)(b) of the *Freedom of Information and Protection of Privacy Act* states that the head of a public body may refuse to disclose information that would reveal the substance of deliberations of a meeting of its elected officials if legislation authorizes holding the meeting in the absence of the public (i.e., an *in-camera* meeting). The municipality stated that the consultant's report was reviewed by council in an *in-camera* meeting and releasing the report would reveal the substance of council's deliberations.

Section 12(3)(b) requires that three tests be met. The municipality must establish that it has legislative authority to hold an *in-camera* meeting, that the *in-camera* meeting has been properly held and that revealing the disputed records would reveal the substance of deliberations of the meeting. The municipality provided our office with a copy of the meeting minutes and a copy of the consultant's report.

The municipality was able to establish that s. 90(1) of the *Community Charter* authorized it to hold an *in-camera* meeting; that the *in-camera* council meeting minutes confirmed that the meeting was properly held; and that the contents of the report were deliberated on by council and releasing the report would enable the substance of deliberations to be inferred.

The reporter accepted our conclusion that the municipality was authorized to withhold the consultant's report under section 13(3)(b).