



F08-07-MS Man Demands Minutes of School Board Meetings Discussing School Closure

A man concerned about the scheduled closing of the school in his neighbourhood asked the School Board to give him all the information used to make the decision. In his request for the records, he indicated his understanding that several discussions on which schools should be considered for closing had been held at *in camera* (not open to the public) meetings.

The School Board responded by providing a copy of a consultant's report that had been prepared to assist in the decision-making process, but withheld the records of the meetings, citing the provisions of the *School Act* permitting meetings to be held *in camera*. The man pointed out that the School Board's own policy required that "a record of in-camera meetings shall be provided to the public". He then wrote to our office expressing his belief that there were other records that he should have received and that the School Board had not conducted an adequate search for these records.

Section 6 of the *Freedom of Information and Protection of Privacy Act* requires public bodies to "make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely." Public bodies must search for and identify which records are responsive to a request before applying any FIPPA exceptions to disclosure of information. After we contacted the School Board to clarify this responsibility, the board conducted a further search and identified three meetings at which the subject matter of the complainant's request had been discussed.

Section 12(3)(b) of FIPPA allows public bodies to refuse to disclose information that would reveal the "substance of deliberations" of a meeting of a local public body's governing body if an Act authorizes the holding of the meeting in the absence of the public (*in camera*). In this case, the *School Act* clearly authorized holding meetings *in camera* and the meetings were properly held *in camera*. The School Board regularly published a "Notice of *In Camera* Meeting Held", which showed the date of the meeting and the topics on the agenda. This document was included with the notices of general meetings held and satisfied the requirements of the School Board policy. However, it did not satisfy all the requirements of FIPPA for the complainant's request.

Section 12(3)(b) protects discussion at *in camera* meetings in order for there to be frank and open debate before decisions are made. It does not, however, protect information

such as the identities of those who attended a meeting, the time, date and location of the meeting, and, in most cases, the identity of the subjects under discussion at the meeting.

After we explained this requirement, the School Board released to the complainant the responsive portions of the minutes from the three meetings, with the substance of deliberations withheld under section 12(3)(b). It also released certain attachments to the minutes that had been provided to the board members to assist them in their decision-making.