

# LA FOIP Sound Bytes

## Webinar for cities, towns, villages, rural municipalities, etc.

### **Subjects:**

- Audio recording from in camera council meeting
- Confidential letters from citizens



Office of the  
Saskatchewan Information  
and Privacy Commissioner

# In this webinar

- Mayors, reeves, councillors, etc., will be referred to as elected officials
- Cities, towns, villages, resort villages, hamlets and rural municipalities will be referred to as local authorities or public bodies

Can an audio recording from an *in camera* meeting of council be subject to an access request?

# Can an audio recording from an *in camera* meeting of council be subject to an access request?

## Section 120 of *The Municipalities Act*:

120(1) Subject to subsections (2) and (3), councils and council committees are required to conduct their meetings in public.

(2) Councils and council committees may close all or part of their meetings to the public if the matter to be discussed:

(a) is within one of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*; or

(b) concerns long-range or strategic planning.

(3) Any committee or other body that is established by council solely for the purpose of hearing appeals may deliberate and make its decisions in meetings closed to the public.

Can an audio recording from an *in camera* meeting of council be subject to an access request?

- Section 5 of LA FOIP:
  - “Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the **possession or under the control** of a local authority.”

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- Possession is physical possession plus a measure of control of the record
- Control connotes authority. A record is under the control of a public body when the public body has the authority to manage the record including restricting, regulating and administering its use, disclosure or disposition.

# Can an audio recording from an *in camera* meeting of council be subject to an access request?

- Is there personal information of individuals other than the applicant? If so, sever pursuant to subsection 28(1) of LA FOIP.
- Do any of the exemptions found in Part III of LA FOIP apply?
  - Mandatory exemptions (shall) – subsections 13(1), 18
  - Discretionary exemptions (may) – subsections 13(2), 14, 15, 16, 17, 19, 20, 21 – Use discretion!

Can an audio recording from an *in camera* meeting of council be subject to an access request?

- Section 8 of LA FOIP provides:
  - “Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.”



# Can an audio recording from an in camera meeting of council be subject to an access request?

- Further reading
  - [IPC Resource - IPC Guide to Exemptions \(IPC Guide to FOIP/IPC Guide to LA FOIP\)](#)
  - [IPC Blog – Severing](#)
  - [IPC Webinar - Modern Age Severing Made A Lot Easier](#)
  - [IPC Resource: Best Practices for Responding to Access Requests](#)

Can a confidential letter sent from a citizen to council be subject to an access request?

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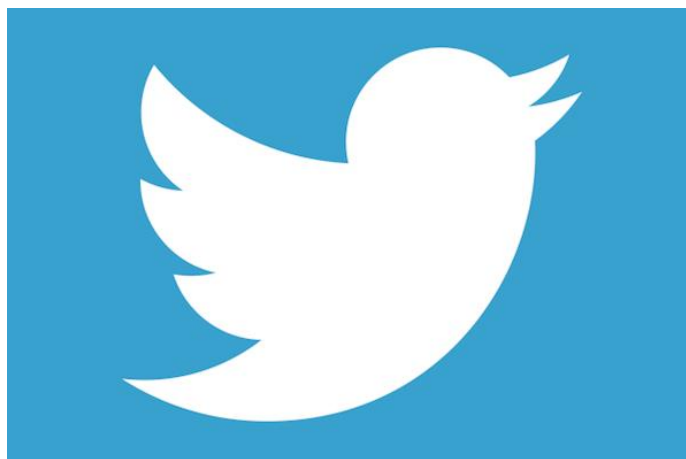
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- Further reading

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- [IPC Resource: \*Best Practices for Responding to Access Requests\*](#)

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