



F15-02-MS

Applicant requests minutes from a governing body's *in camera* meeting

An applicant asked us to review the decision of a governing body of an occupation that declined his request for a copy of the minutes of a meeting of one of its committees. The governing body withheld the minutes in their entirety except for subject headings, explaining that they related to a meeting closed to the public and were therefore subject to s. 12(3)(b) of the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), which provides that:

- "(3) The head of a local public body may refuse to disclose to an applicant information that would reveal
 - (b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public."

The applicant's lawyer questioned the application of s. 12(3)(b), noting that the legislation setting up the body was silent about *in camera* meetings. Although that was true, the bylaws established by the body provided for *in camera* meetings. Section 1 of the *Interpretation Act* provides that "regulation" includes a bylaw enacted in execution of a power conferred under an Act. The enabling legislation of the body in question authorized its board to enact bylaws. It followed that the relevant bylaw would be a regulation under s. 12(3)(b).

The applicant's lawyer had assumed that the governing body was a local public body under FIPPA. We decided to check whether that assumption was correct. Schedule 1 of FIPPA defines "local public body" to include "a governing body of a profession or occupation, if the governing body is designated in, or added by regulation to, Schedule 3". Although the body in question could be characterized as a governing body, our review of Schedule 3 revealed that it had not been listed there, so it could not avail itself of the s. 12(3)(b) exception. Instead, it was listed as a public body in Schedule 2. Once we brought this to the attention of the governing body, it acknowledged that it had been mistaken about its status and released the requested record with appropriate severing.