

HALIFAX

Board of Police Commissioners

Office of the Municipal Clerk

May 11, 2015

Board of Police Commissioners

As you are aware being appointed as a Commissioner to the Board of Police is both a Privilege and a Responsibility

- Whether an elected official or community member
 - Appointed by Regional Council to serve on behalf of Regional Council
 - Serve at the discretion of Regional Council (*except for Provincial appointment who serves at the discretion of the Minister of Justice*)

Administrative Order No 1 (AO1)

- By-Law P- 100 S. 6 *“The Board shall conduct its business according to the procedure established by the Council for the conduct of its business subject to such modifications as may be required to fit the needs of the Board”*
- AO1 - are the procedures of Council adopted by Regional Council
- As an accountable body modifications adopted by the Board would be required to be “by motion and duly recorded”

- Procedures have been adopted in the interest of:
 - Transparency
 - Order & Good Governance
 - Appropriate notice for the consideration of business

- Procedures are meant to assist a “deliberative body” in reaching the outcomes required of “the body” in this case the Board of Police Commissioners.

- Rule: The more responsible and accountable the body the greater the reliance on and responsibility to conduct themselves in accordance with legislation and procedure.

AO1- Highlights

- Quorum – 50% (both the Act & AO1)
- Election of Chair & Vice chair (AO1 Nov & Act 1st meeting of the year)
consistent intention- annually
- Meetings – called by the Clerk with notice as required under AO1 in consultation with the Chair and/or in accordance with a schedule approved by the Board
- Agenda – managed by the Chair (Act) direction re: procedures/authority for items is found in AO 1 (oversight by Clerk's Office)
- Meeting Procedures
 - Added items require written notice and 2/3 approval during the approval of the Order of Business
 - Reports are before the Board only with proper authority
 - No motion flowing from an information item
 - Direction from the deliberative body comes in a form of motions duly voted on and passed (motion/debate/vote)
- Role of the Legislative Assistant/Solicitor to work with Chair to ensure procedural compliance and effective outcomes for the Board as a body.

Access & Privacy

- Part XX of the Municipal Government Act referenced in the Halifax Regional Municipal Charter
- The Act outlines provision for:
 - Right to request a copy of any records in the custody and control of a municipality and/or municipal public body
 - “Access to” and “Protection of” individuals’ private information
 - Preventing the unauthorized collection, use and disclosure of personal information

Board of Police Commissioners (BOPC) is a “municipal public body” in accordance with the Act.

What is a record?

The Official Municipal record of the BOPC is created and retained under the authority of the Municipal Clerk, and officially approved by the Body.

Your records as a Commissioner include anything recorded in any form related to the BOPC. Ex.

- Written & post-it notes
- Types reports, correspondence, notes etc.
- Emails including text messages and other forms of electronic communication
- Notebooks, day-timers, journals etc.
- Office and working files
- Invoices, expense claims, accounting records etc.
- Any piece of information capable of reproduction
- Maps, drawings, photos, audio recordings, video recordings etc.

What is personal information?

Information about an identified individual is considered to be personal information including:

- Name
- Address
- Phone numbers
- Email address
- Characteristics
- Status
- An identifying number, symbol or (ex. SIN, MSI # etc.)
- Education and employment history
- Personal history
- Opinions
- References about an individual
- An individual's views or opinions (not already in the public realm)

Can my records be accessed?

YES.

- Any record you create or have in your possession that relates to the BOPC is considered a municipal record and can be requested
- They are not your personal records – even if on your personal email account
- You should not expect privacy when you are creating or have access to records (*reminder of definition of record*) related to BOPC
- Create, store and manage records with access in mind.

Do I have privacy obligations?

YES.

- You have the responsibility not to disclose and to protect personal information that you have access through BOPC (not just In Camera matters)
- You are required to take appropriate measure to protect any personal information you have access to through BOPC
 - Ex. where files are stored, if files are locked, files not left in vehicles, not talking about information in public places, not disclosing an individuals personal information without written prior consent.

Reporting

- Any request for Release of Information must be handled through the appropriate channels
 - Office of the Municipal Clerk
 - Access & Privacy Office
 - Who engage other bodies as required
- Any breach in privacy must be immediately report to the Chair and Office of the Municipal Clerk
- Commissioners are responsible to ensure that they and the municipality meets the legislative responsibilities and commitments to appropriate Access to Information and Protection of Privacy

Questions or more information?

- The Clerk's office would be pleased to invite Nancy Dempsey, Access and Privacy Officer to meet with the Board if/when required