

TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health

DATE: 2020 October 15

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## UPDATE ON CONFIDENTIAL BOARD OF HEALTH REPORTS AND CRITERIA

### ***Recommendation***

*It is recommended that Report No. 046-20 re: “Update on Confidential Board of Health Reports and Criteria” be received for information.*

### **Key Points**

- While most proceedings of the Middlesex-London Board of Health are open to the public, the *Municipal Act, 2001*, provides direction and legislative requirements to councils and Boards on when discussions may be closed to the public.
- In order to ensure accountability and ongoing transparency, a new confidential Board of Health report template with a checklist ([Appendix A](#)) has been developed in order to ensure Middlesex-London Health Unit (MLHU) staff carefully review and consider the criteria for bringing a confidential report forward in closed session.
- MLHU staff will continue to evaluate and clarify which criteria apply to a report, prior to recommending it be considered as a confidential report in closed session.

### **Background**

The Middlesex-London Health Unit values transparency, and reports come forward to the Board of Health whenever possible. Sometimes, however, information being considered needs to be kept confidential, which requires MLHU staff to bring a confidential report forward for consideration in closed session. The *Municipal Act, 2001*, S.O 2001, c. 25 ([section 239](#)) helps to guide the decision on what information can be confidential and when a meeting may be closed to the public, in order to bring forward a confidential report in closed session.

### **Process**

Health Unit staff consider the criteria provided in the *Municipal Act* when determining whether a Board of Health report needs to be confidential or public. According to criteria in the Act, discussions and reports may come forward in a closed session if the subject matter being considered is one or more of the following:

- the security of the property of the municipality or local board
- personal matters about an identifiable individual, including municipal or local board employees
- a proposed or pending acquisition or disposition of land by the municipality or local board
- labour relations or employee negotiations
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act

- information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them
- a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization
- a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value
- a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board
- a request under the [\*Municipal Freedom of Information and Protection of Privacy Act\*](#), if the council, board, commission or other body is the head of an institution for the purposes of that Act
- an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ontario Ombudsman, a municipal Ombudsman, or meeting investigator

A meeting may also be closed to the public if the following conditions are both satisfied:

- the meeting is held for the purpose of educating or training the members; AND
- at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

### Next Steps

Health Unit staff will continue to submit reports to the Board of Health in a timely and efficient manner. This new template will further enhance the Health Unit's ability to remain accountable and transparent.

This report was prepared by the Office of the Medical Officer of Health.



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