

# Policy on Open Board Meetings and Forums

## 1. PURPOSE

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This Policy establishes the approach to be taken by the Board of Directors of Vancouver Coastal Health (the “Authority”) to its Open Board Meetings and Forums. Under legislation<sup>1</sup>, the Board must make itself available to the public through a portion of its regularly scheduled meetings. It can also make itself available to the public through information sessions or forums. The Board has discretion to determine the content of those meetings and whether part or all of the proceedings of a Board meeting should be held in camera in order to protect the public interest, or the interests of an individual or business entity.

Open Meetings and Forums are some of the many avenues used by the Authority to ensure accountability and communication with the public; other avenues include establishment of community advisory committees, website information and regular reports to the public. Under the Health Authorities Act, the public is entitled to observe meetings of the Board, while the Forums provide the public with an opportunity to interact with the Board through a question and answer component.

For the purposes of this Policy, “public” includes the media as well as residents of British Columbia.

### 1.1 Advantages to Public Presence

The Board Communications Policy establishes a comprehensive communications program for addressing the needs of all stakeholders. Within this broader program, Meetings and Forums of the Board can provide the public with an opportunity to:

- a) learn more about the Board’s decision-making processes and gain an understanding of the rationale for plans and decisions; and
- b) ensure that public issues and concerns are recognized and understood.

### 1.2 Protection of Confidential Matters

Under the Section 8(3) of the *Health Authorities Act*, the Board has discretion to keep matters confidential in order to protect the public interest, or the interests of an individual or a business entity by declaring such discussions as being in camera.

Additionally, the Board has certain legal responsibilities to ensure deliberations and records are protected from public disclosure as required under the *Freedom of Information and Protection (FOIPP) Act* and the *Evidence Act*. In exercising its discretion to address certain items of business in camera, the Board will consider the protection of the public interest or the interests of an individual or a business entity, including the interests protected by the *FOIPP Act* and Section 51 of the *Evidence Act*. These requirements will also be considered when determining content for the Forums.

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<sup>1</sup> Section 8(3) Meetings of a board are open to the public, but the board may exclude the public from a meeting if the board considers that, in order to protect the interests of a person or the public interest, the desirability of avoiding disclosure of information to be presented outweighs the desirability of public disclosure of the information

The *FOIPP Act* states that the records of an in camera meeting cannot be protected from public disclosure unless the agenda item(s) are specifically exempted from such disclosure. These exemptions include:

- a) disclosure harmful to the business interests of a third party;
- b) disclosure harmful to personal privacy;
- c) information that would reveal the substance of deliberations by Cabinet, including any advice, recommendations, policy considerations or draft legislation or regulations prepared for Cabinet (or any of its committees);
- d) proposed or pending property acquisition or program bids with monetary implications;
- e) personal matters of an individual and specific nature, or management or administration plans not yet implemented (including salary negotiations, union negotiations, tendering, and labour relations issues);
- f) confidential patient or client information;
- g) credentialing, discipline, and quality reviews including external reviews of quality;
- h) litigation matters and solicitor legal advice;
- i) security information;
- j) personal information about potential Board members including the nomination screening process; and
- k) the in camera agenda itself.

The *Evidence Act* provides that records and information arising out of quality assurance activities in hospitals are privileged and are not subject to the *FOIPP Act*. (See the Terms of Reference of the Quality and Performance Measurement Committee for a fuller discussion of the *Evidence Act*).

Accordingly, the Board understands that the records of its Meetings and Forums are public unless the discussions pertain to matters exempted from disclosure by either the *FOIPP Act*<sup>2</sup> or the *Evidence Act*.

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<sup>2</sup> If a formal request is made under the *FOIPP Act* for such records, the Authority's *FOIPP Act* coordinator will be asked to go through the required steps to determine whether the information being requested is, in fact, exempted from disclosure under the *Act* and may rule that certain or all of the records should or should not be made available. If the decision of the Authority is that the records should not be made available, then the requester may ask the Information & Privacy Commissioner's office for a review. Note that to the extent a portion of the records is exempt from disclosure, this part of the record should also not be discussed in the open "public" portion of the meeting.

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## **2. GENERAL APPROACH TO BOARD MEETINGS**

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- 2.1 In accordance with the Health Authorities Act, Board Meetings can be open to the public although some, in keeping with legislation, may be fully in camera depending on the subject matter.
- 2.2 The Board will determine the items of business that will be conducted in camera in accordance with this Policy.
- 2.3 In preparing the agenda, the Chair will recommend items of business that in his or her opinion should be addressed in camera in accordance with this Policy. The Chair will circulate his/her recommendations to the Board members in advance of the scheduled Meeting Board members should notify the Chair promptly after receiving the proposed agenda of any suggested content changes.
- 2.4 At the beginning of the Meeting the Board will, in camera, pass a motion approving the in camera agenda.
- 2.5 Business conducted within Committees will not be open to the public. However, Committee business must be reported to the Board, and the Board may decide to receive those reports (in whole or in part) in camera according to the same criteria they apply to other Board business.

## **3. GENERAL APPROACH TO OPEN FORUMS**

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- 3.1 The Board will hold Open Forums on a scheduled basis at least three times a year and must provide an opportunity at each Forum for interaction with the community. Such Forums will include a report of the CEO, or VP, and other management presentations regarding important current and pending issues as appropriate.
- 3.2 The Board will determine the items of business that will be shared at the Forums in accordance with this Policy.
- 3.3 Notice of Open Forums will be advertised at least 14 days in advance and the Board will attempt to vary the location of such meetings across the Region. Open Forums will be advertised across a variety of platforms / mediums, based on appropriate channels for the region in focus.
- 3.4 Except during a public question and answer period, participation in the discussions of the presentations will be limited to Board members, the CEO, and other management personnel or guests who may be present at the invitation of the Board.
- 3.5 Open Board Forums may adopt a remote-first approach, utilizing telephone and web technology where appropriate. This format is based on event scalability, engagement and accessibility considerations.

## **4. COMMUNICATION OF BOARD ACTIVITIES**

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The Board recognizes the importance of sharing its agenda and decisions at Board Meetings and Forums with the public to keep them informed of the Authority's activities. Accordingly, subject to confidentiality and any disclosure restrictions under the *Evidence Act* and the

*FOIPP Act*, the Board will post all presentations from the Open Forums on its [website](#). Minutes of Board Meetings can also be made available on request.

#### **4. POLICY REVIEW**

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This policy will be reviewed as necessary by the Board to ensure that, in practice, it addresses the Board's mandate and legal responsibilities.

Approved by: VCH Board

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- 2003 08 20

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- 2012 06 20
- 2017 04 26
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- 2018 11 28
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