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**Date: 2020-06-10**

**From: Brittany Drury, Acting Clerk**

**Subject Closed Session Policy**

**Report LEG2020-12**

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### Recommendation

That report LEG2020-12, regarding the proposed Township of Georgian Bluffs Closed Session Policy and associated confidentiality pledge, from the Acting Clerk, be received for information, and

That a by-law to adopt the Closed Session Policy, appended as Schedule A, be presented for enactment at the June 17, 2020 meeting.

### Background

Escribe agenda management software was purchased and implemented by the Clerks Department in 2019. Council has been actively using escribe, via the Township website and virtual applications since August 8, 2019. Through the purchase and initial implementation of escribe, a closed session portal was made available for circulation of closed meeting agendas and confidential documents to Council and authorized staff members.

### Analysis

Prior to the COVID-19 pandemic, closed session materials were circulated strictly in hardcopy, and returned to the Clerk following completion of the meeting. With the introduction of electronic meetings, staff were forced to consider virtual options to provide Council and authorized staff with confidential materials to facilitate closed session discussions. Staff consulted with the Township escribe implementation team and commenced circulation of electronic closed session agendas through the app on May 6, 2020.

Escribe ensures security in circulation of closed session materials through the following features:

- Secure Portal – secure access through a Georgian Bluffs specific URL.
- Unique log-in and password combinations for each user.
- Permissions – Administrators (the Clerk and CAO) are able to permit and restrict access to confidential information to specific users through escribe. Said permissions may be awarded to senior staff when discussions permit their attendance.
- Publishing – Administrators must publish both the date site link and closed session agendas for the information to be viewable. Following publishing, the link on Members' ipads is made available for viewing. This link will remain active up to and during a closed meeting. Following the meeting, the link will be unpublished, therefore removing all access to confidential materials.

Ultimately, escribe Administrators control access and availability of closed materials. No member of staff or Council, other than the CAO and Clerk, will have direct access to the closed session portal, unless granted so by the CAO or Clerk. As required by the *Municipal Act, 2001*, the Clerk will continue to retain hardcopy closed meeting agendas and materials in a safe and secure location. Electronic copies of closed session agendas will continue to be stored on internal Township drives and will be password protected for secure access.

Unfortunately, escribe does not restrict saving, downloading or printing of confidential materials once published by a portal administrator. In conversations with escribe and IT professionals, this feature is generally unavailable through agenda management softwares. To implement such restrictions, the Township would be required to build and develop our own, in-house, closed session portal, similar to the County of Grey. Due to limited resources and IT expertise, this is not a realistic option for the Township, at this time. To combat this, staff have prepared the attached Closed Session Policy and confidentiality pledge to be read, reviewed and signed by all members of Council.

The policy addresses closed session procedures, including discussion topics, as restricted by Section 239 of the *Municipal Act, 2001*, voting limitations and further establishes responsibility of confidentiality. Members are bound both by the Code of Conduct and the *Municipal Act, 2001* to uphold the integrity of confidential discussions. Any breach of confidentiality, however limited, would be considered a violation of the Council Code of Conduct, and a violation of their responsibility as a public official. The Closed Session Policy simply establishes standards and expectations for closed session materials as we move through our new virtual reality. It is important, for use in electronic meetings, that Section 2.1.5 of the Closed Session Policy be highlighted:

- 2.1.5 Recipients are prohibited from copying, forwarding, printing, downloading, saving or sharing confidential information in any way, shape or form.

Staff understand Council's dedication to ensuring and maintaining confidentiality of all closed materials. The policy and pledge, as appended to this report, ensure both staff and Council are fulfilling their specific due diligence in ensuring confidential documents remain as so.

### Financial Impact

There is no financial impact in circulating closed session materials electronically.

### Strategic Priorities

Adoption of the recommendation as included in this report achieves strategic objective five, Deliver Effective and Cost-Efficient Services, as defined in the 2020-2024 Strategic Plan.

### Conclusion

Approval of the Closed Session Policy and further, signing of the confidentiality pledge ratifies the Township's dedication to maintaining and upholding confidentiality of sensitive materials. Staff will prepare a by-law to approve adoption for presentation at the June 17, 2020 Council meeting.

Respectfully Submitted:

Reviewed by:

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**Brittany Drury, Acting Clerk**

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**Anne Marie Shaw, Interim CAO**