RULE OF PRACTICE AND PROCEDURE FOR CONSIDERATION AND STORAGE OF CONFIDENTIAL DOCUMENTS

Pursuant to Resolution No. EC2017-092 of Executive Council

RULE OF PRACTICE AND PROCEDURE
FOR CONSIDERATION AND STORAGE OF CONFIDENTIAL DOCUMENTS
Rule of Practice and Procedure for
Consideration and Storage of Confidential Documents

Contents

1 Definition
2 Confidential Information Discussed In-Camera
3 Report Delivery Requirement Waived
4 Law Clerk Responsibilities

Definition

1 In this Rule, “confidential information” includes legal advice, sensitive commercial information that has been provided to the Huu-ay-aht First Nations in confidence, information that is subject to a non-disclosure agreement to which the Huu-ay-aht First Nations is a party and confidential information within the meaning of the Human Resources Policy Regulation, HFNR 17/2011.

Confidential Information Discussed In-Camera

2 Confidential information shall be discussed in camera at meetings of Executive Council (under Government Act, s. 54(2));

Report Delivery Requirement Waived

3 The requirement that reports containing confidential information be delivered 4 working days before an Executive Council meeting is presumptively waived, however, Executive Council may consider a motion for an adjournment to allow members sufficient time to review such materials (under Government Act, s. 56(4)(c));

Law Clerk Responsibilities

4 The Law Clerk shall ensure that:

(a) All legal and business advisors to the Huu-ay-aht First Nations, who do or may have access to confidential information or who may generate confidential information, are made aware of this Rule of Procedure;

(b) Unless the Executive Director directs otherwise, materials containing confidential information will be provided at the meeting of Executive Council at which it is to be discussed;
(c) Unless the Executive Director directs otherwise, materials containing confidential information will normally be collected from each Council Member at the end of the in camera discussion;

(d) Records of proceedings of the in camera discussion of confidential information, minutes, in camera resolutions and any associated materials will:

(i) be marked “confidential”; and

(ii) in accordance s. 106 of the Government Act, will not be made available for public inspection;

(e) Where a public resolution of Executive Council is made following an in camera discussion of confidential information, the written report and any other materials containing confidential information will be stored in the Registry with the in camera records of Executive Council and will not become part of the records available for public inspection;

(f) Where confidential information has inadvertently been included in materials considered at the public portions of Executive Council meetings, the confidential document or portion of the document containing confidential information will be stored with the in camera records of Executive Council and will not be made available for public inspection;

(g) Confidential materials considered at meetings of Executive Council prior to the date this Rule was made will be stored with the in camera records and will not be made available for public inspection.