



Submitted for: November 15th, 2018

Motion Regarding Changes to the Internal Regulations of Governance on Freedom of Information 2018-11-15

WHEREAS, the SSMU currently does not have a mechanism to process freedom of information requests;

WHEREAS, an amendment to the Internal Regulations would enshrine the right of access for Members to the work that their elected officials and staff are doing on their behalf;

WHEREAS, freedom of information requests would allow campus press and Members to hold their elected officials accountable;

BE IT RESOLVED, THAT Section 2 “Administration of the Society” of the Internal Regulations of Governance be amended by repealing Article 8.4:

~~**8.4 FREEDOM OF INFORMATION.** All minutes and documents of the Legislative Council shall be public documents, except for minutes and documents of confidential sessions. Decisions and documents of the Executive Committee shall remain confidential until the end of that Executive Committee's mandate unless for an In-Camera meeting or otherwise released. A Member may request the minutes and documents of a previous Executive Committee from the current President, once the mandate of that Executive Committee has ended.~~

BE IT RESOLVED, THAT Section 6 “Board of Directors” of the Internal Regulations of Governance be amended by repealing Article 3.8:

~~**3.8 FREEDOM OF INFORMATION.** All minutes and documents of the Board of Directors shall be public documents, except for minutes and documents of confidential sessions.~~

BE IT RESOLVED, THAT the Internal Regulations of Governance be amended by adding the following Section:



INTERNAL REGULATIONS OF GOVERNANCE-09: FREEDOM OF INFORMATION

1. BODIES OF THE SOCIETY.

1.1 LEGISLATIVE COUNCIL. All minutes and documents of the Legislative Council shall be public documents, except for minutes and documents of confidential sessions.

1.2 EXECUTIVE COMMITTEE. Decisions, minutes, and documents of the Executive Committee shall remain confidential until the end of that Executive Committee's mandate unless otherwise released. A Member may request the minutes and documents of a previous Executive Committee from the current President, once the mandate of that Executive Committee has ended.

1.3 BOARD OF DIRECTORS. All minutes and documents of the Board of Directors shall be public documents, except for minutes and documents of confidential sessions.

1.4 JUDICIAL BOARD. All Judicial Board judgments shall be public documents. Once a judgment has been ratified by the Board of Directors, the final declarations of the Petitioner(s), Respondent(s), and Intervenor(s) shall be made public. The Judicial Board shall make public the status of petitions currently being heard by the Judicial Board.

1.4.1 EXCEPTIONS. A judgment shall remain confidential if the judgment being rendered is in regards to an equity complaint, or if the Judicial Board deems a judgment should remain confidential in the interest of one or more of the Parties. The declarations of the Parties shall remain confidential if the judgment is confidential. The status of a petition currently being heard by the Judicial Board shall remain confidential if the petition is in regards to an equity complaint, or if the Judicial Board deems a petition should remain confidential in the interest of one or more of the Parties.

2. FREEDOM OF INFORMATION REQUESTS.



2.1 GENERAL. All Members shall have the right to access documents kept by the Society in the exercise of its duties, whether it keeps them itself or through the agency of a third party.

2.2 SCOPE. This shall apply to:

- a) Employees, including full-time, part-time, and casual;
- b) Officers, also referred to as Executives;
- c) The General Manager;
- d) Members of the Legislative Council;
- e) Members of the Judicial Board;
- f) Members of the Board of Directors;
- g) Members of Committees of the Legislative Council or the Board of Directors;
- h) Commissioners;
- i) All persons designated to be under the employment of the Society by the Board of Directors.

2.3 APPLICATION. This shall apply whether the documents are recorded in writing or in print, on sound tape or film, in computerized form, or otherwise. Such documents may include but are not limited to, email correspondence.

2.3.1 EXCEPTIONS. The following shall be exempted from release under Freedom of Information requests:

- a) Personal notes written on a document, sketches, outlines, drafts, preliminary notes, unsent email correspondence, or other documents of the same nature are exempted from these Internal Regulations;
- b) Documents shall remain confidential as per Article 1.;
- c) If the documents in question pertain to current negotiations undertaken by the Society;
- d) If the documents in question pertain to current legal matters or proceedings, matters or proceedings currently being heard by the



Judicial Board, or matters or proceedings deemed confidential by the Judicial Board as per Article 1.4.1;

- e) If the documents in question pertain to budgetary details of the Society not yet made public by an Officer of the Society;
- f) If the documents in question pertain to disposition of property by the Society;
- g) If the documents in question pertain to decisions with respect to negotiations with employees or matters regarding human resources; and
- h) The Board of Directors may prevent the release of documents provided the release of such documents would be against the Society's fiduciary or legal interests or is considered vexatious.

2.4 DUTIES. All those under the scope of these Internal Regulations are duty-bound to retain all documents for a period of two (2) years after their creation, transmission, and/or receipt, whichever comes last.

2.5 PROCEDURE.

- a) A Member who wishes to file a freedom of information request (hereinafter referred to as the "Applicant") must request documents in writing by way of electronic correspondence (e-mail) with the holder of the documents (hereinafter referred to as the "Respondent"). If the holder of the documents is unknown or ambiguous, the Applicant must request such documents from the General Manager of the Society. A request for access to a document must be sufficiently precise to allow the document to be located.
- b) The Respondent must acknowledge receipt of the request within seven (7) days of the date the request was received by electronic correspondence.
 - i) The Respondent shall inform the Applicant at this time if their request should more appropriately be addressed to another person. Should the Applicant address their request to the appropriate person, this shall constitute a new freedom of information request.



- ii) Failure to acknowledge receipt of the request within the seven (7) day time limit provided shall be considered as a rejection of the request.
- c) The Respondent must, promptly and not later than fourteen (14) days from the date the request was received, process the request in one or more of the following ways:
 - i) Grant access to the documents,
 - ii) Inform the Applicant that they are not in possession of the requested documents or that full or partial access to the documents cannot be granted to them,
 - iii) Inform the Applicant that they are rejecting their request in accordance with Article 2.3.1, and inform them of the exact clause they are invoking for rejection.
- d) If the request cannot be processed within the fourteen (14) day time limit provided, the Respondent may, before the expiry of the time limit, extend it by not over seven (7) days. They must then give notice thereof by electronic correspondence to the Applicant within the fourteen (14) day time limit.

2.6 PARTIAL ACCESS. Should one or more documents be rejected for access by the Respondent in accordance with Article 2.3.1, or should the Respondent not be in possession of the requested documents, the Respondent shall grant access to the unrestricted/available documents requested.

2.7 APPEAL. Should a request be rejected by the Respondent in accordance with Article 2.3.1, not be acknowledged within the time limit provided, or not be processed within the time limit provided, the Applicant may appeal to the Board of Directors for reconsideration of their request. The Board of Directors shall make the final decision as to whether an appealed request shall be approved or rejected.

2.8 VIOLATION. Violation of these Internal Regulations constitutes grounds for sanction, up to and including removal from office.



Office of the Speaker | Bureau de président du conseil

Tel: (514) 398-6800 | Fax: (514) 398-7490 | speaker@ssmu.ca
3600 McTavish Street, Suite 1200, Montréal, Québec, H3A 0G3
Located on unceded, Kanien'kehá:ka traditional territory

Moved By:

Bryan Buraga, Senate Caucus Representative

Andrew Figueiredo, Arts Representative

Robert Hu, First Year Council Representative

Note: This motion was committed to an ad-hoc subcommittee of Steering Committee so that it can be reviewed before returning to Legislative Council at a later date. For further information, please contact speaker@ssmu.ca or parliamentarian@ssmu.ca. This note is not part of the motion, nor the changes that it proposes.

Samuel Haward, Parliamentarian (2018-2019)

COMMITTED