

**ACCESS TO COUNCIL AND COMMUNITY MEETING MINUTES POLICY**

Approved by the Finance, Administration and Operation Committee on January 28, 2009

**MOHAWK COUNCIL OF**  
**KAHNAWÁ:KE**



**ACCESS TO COUNCIL AND**  
**COMMUNITY MEETING MINUTES**

**30, TSO THOHRKÓ:KWA/JANUARY 2009**

**APPROVED BY THE FINANCE, ADMINISTRATION AND OPERATIONS**  
**COMMITTEE ON JANUARY 28<sup>TH</sup> 2009**



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## 1. PURPOSE AND SCOPE

- 1.1 The purpose of this policy is to outline the procedure and criteria for releasing copies or sections of Council Meeting and Community Meeting Minutes of the Mohawk Council of Kahnawá:ke (“MCK”) when requested by Community Members and Community Organizations.

## 2. DEFINITIONS

**Client Attorney Privileged** – Any document or information stemming from a communication between an attorney and the MCK made for the purpose of furnishing or providing professional legal advice or assistance to the MCK. This includes, but is not limited to, a legal opinion concerning the application of the law to a particular case, or the constitutionality or validity of legislative or regulatory provisions.

**Community Member** – Any Kahnawa’kehró:non who is listed on the Kahnawá:ke Kanien’kehá:ka Registry.

**Council Meeting Minutes** – Minutes of a duly convened meeting held by Chief and Council.

**Community Meeting Minutes** – Minutes of a community meeting held by Chief and Council.

**For Discussion Purposes Only** – Information or documentation will be deemed to be For Discussion Purposes Only during the meeting of Chief and Council in the following circumstances: 1) if disclosure might affect the outcome of judicial proceedings; 2) if disclosure might hamper negotiations in progress with another public body; 3) if disclosure might likely have a serious adverse effect on the economic interests of the MCK or the Community of Kahnawá:ke, including on borrowings, proposed borrowings, transactions or proposed transactions relating to property, services or works; 4) are from any MCK Council meeting that is held *In Camera*.

**Legally Privileged** – Any document or information made by certain persons within a protected relationship that the law protects from forced disclosure.

Minutes pertaining to information relating to the prevention, detection or repression of crime or statutory offences, or related to cooperating with a person or body responsible for such instances, are deemed to be Legally Privileged for the purpose of this Policy.

**Personal Information** – Information concerning or affecting a particular person or his or her private life and personality, including any information that would allow for the identification of an individual, including: medical records, income, purchases, marital status, religion, education, home address and phone number. This does not include an individual’s business name or business address. Industrial secrets of a third person or confidential industrial, financial, commercial, scientific or technical information supplied by a third person and ordinarily treated by a third person and confidential, without his consent, shall be deemed to be Personal Information for the purposes of this Policy.

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## 3. ACCESS CRITERIA

- 3.1 To be eligible to request MCK Council Meeting Minutes, the Requestor must be a Community Member.
- 3.2 The Requestor shall have a right to receive copies of MCK Council Meeting Minutes, unless access is excluded according to the provisions of this Policy.
- 3.3 Copies and/or Sections of Minutes being requested shall be denied if they are deemed to contain information that is Legally Privileged, Personal, Private Information, Client Attorney Privileged or For Discussion Purposes Only.
- 3.4 Where a request pertains to a document containing information outlined in paragraph 3.3, the MCK shall deny access thereto where the information forms the substance of the Minutes. In other cases, the MCK must give access to the requested Minutes after deleting only the information to which access is not authorized.
- 3.5 If access is denied because the Minutes contain Personal Information, the MCK may request that the individual(s) whose information is contained in the Minutes waive their right to have the information protected from disclosure.

## 4. PROCEDURE

- 4.1 The Requestor must complete the Minutes Request Form, a copy of which is attached hereto as Schedule "A" to the present Policy, and submit it in person, by mail or e-mail to the attention of the Executive Assistant, Office of the Grand Chief, at the following address:

**Mohawk Council of Kahnawá:ke**  
**Executive Assistant, Office of the Grand Chief**  
**P.O. Box 720**  
**Kahnawá:ke Mohawk Territory**  
[Chiefs@mck.ca](mailto:Chiefs@mck.ca)

- 4.2 Within 10 days of receipt of a completed Minutes Request Form, the Executive Assistant will ensure that the Requester receives the minutes as requested and/or is provided with a response indicating why their request has been denied, partially denied or delayed.

## 5. COMPLAINTS

- 5.1 Should a Community Member have a complaint about how this Policy is applied, they may lodge a complaint pursuant to the MCK Complaints Policy, a copy of which is attached to the present policy.

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**COUNCIL MINUTES REQUEST FORM**

**"Schedule A"**

Full Name: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Date of Minutes Requested: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**INTERNAL USE ONLY**

Received By: \_\_\_\_\_

Date Received: \_\_\_\_\_

Deadline Date for Request: \_\_\_\_\_

Director/Administrators Comments: \_\_\_\_\_

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Legal Services Comments: \_\_\_\_\_

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