

Adopted October 22, 2001

## **Policy regarding release of information to Band members**

The Micmacs of Gesgapegiag Band wants to be fully accountable to the Band membership, and as such is interested in operating as transparently as possible, ensuring that members of the Band are well informed of Council decisions and the general operations of the various services and programs. At the same time, care must be taken to protect information of a personal nature, as specified under the Privacy Act and other statutes requiring confidentiality.

### **Regular communications:**

To ensure transparency, the following information will be sent out to Band members on a regular basis:

- The approved minutes of Band Council meetings
- An annual report, including a summary of program activities and a summary of the auditor's report, including the balance sheet
- An explanation of any major changes in policies or programs that would have a direct impact on members

Other information made available to Band members through posting at the Band office includes:

- > Employment opportunities
- > Calls for tender D  
Activities and events

### **Requests for information:**

Band members may also request specific documents, for example:

- Funding agreements and amendments and adjustments
- The budget, the community development plan, and any amendments to the budget or plan
- The audit, including the auditor's report
- Completed evaluations of programs or services funded by DIA or other government bodies
- > Policies, administrative guidelines, and procedures relating to programs and services financed by DIA, other government bodies, and the Gesgapegiag Band Council
- Annual report on community activities and services

These can either be viewed at the Band office upon appointment, or photocopies can be made. Band members wishing to review documentation at the Band office must call the Executive Assistant in advance to request the documentation and set up an appointment to view it.

Band members requesting photocopies should specify exactly what documents they want. If the documentation amounts to more than 10 pages of material, the Band members will be charged a reasonable administrative fee for every additional copy after the first ten copies.

### **Privacy Act requirements:**

Since the Micmacs of Gesgapegiag Band is subject to the Privacy Act, some documentation released to Band members may need to be altered to protect the privacy of other individuals, pursuant to Sections 18 to 28 of the Privacy Act, R.S., 1985, c. P-21.

The Gesgapegiag Band Council may refuse access to certain information if access to that information could reasonably be expected to be injurious to the conduct of Band Council affairs, to the security and defense of Band members, to law enforcement, and/or to the well-being of the Band membership in general.

### **Protection of confidential information:**

Individual Band members have the right to request information about themselves held by the Band office, but they cannot be granted any such information about another individual.

Information contained in membership files, employees' personal files, students' files, clients' files, and patients' files shall be treated as confidential and shall not be disclosed without the written consent of the individual whose file it is (in the form of a Waiver of Release of Information) or by court order.

In carrying out their work, the Director of Operations and Program Directors may release or transmit confidential information from one department to another if such information is required to ensure efficient and sound management of the services and programs. Information required by Human Resources Development Canada for Employment Insurance purposes, or the Director of Operations or a Program Director may release general information required under funding agreements or required by other First Nations.

The Director of Operations, Program Directors, and professional staff shall ensure that access to these files and the handling of them is controlled, and that they are kept in a secure place, under lock and key.

### **Improper disclosure of confidential information:**

Anyone, whether a Council member, the Director of Operations, an employee or other person, found responsible for disclosing confidential information without just cause or proper authority may be subject to investigation. Dismissal from his/her position may be warranted if a Band employee is found responsible, depending on the severity of the incident.

If an investigation is required, the Gesgapegiag Band Council shall appoint an Investigation Review Committee consisting of three (3) members of the community not involved in the disclosure nor related to the persons involved. At least one (1) member of the Investigation Committee must have the same level or more of professional experience as the person being investigated. The decisions of the Investigation Committee shall be **final** and may not be appealed.

An investigation into disclosure of confidential information will only be initiated if the Band member or the employee whose personal information was disclosed makes a written complaint to the Gesgapegiag Band Council, not later than thirty (30) days after the alleged incident.

