
MÉTIS VOICES. OTIPEMISIWAK MÉTIS GOVERNMENT.



LIVE STREAMING AND RECORDING REGULATION

For the Self-Government Act

**Citizens' Council Meeting Live Streaming and Recording Regulation
for the Otipemisiwak Métis Government Self-Government Act**

PREAMBLE

WHEREAS section 13.1 of the Otipemisiwak Métis Government Constitution provides that one of the Otipemisiwak Métis Government's purposes is to provide fair, responsible, transparent, and accountable governance to the Citizens of the Métis Nation within Alberta;

WHEREAS section 16.13 of the Otipemisiwak Métis Government Constitution provides that the Otipemisiwak Métis Government shall maintain a law governing the operations of the Citizens' Council;

WHEREAS the Otipemisiwak Métis Government has enacted the Otipemisiwak Métis Government Self-Government Act;

WHEREAS section 43(1) of the Otipemisiwak Métis Government Self-Government Act (the "Act") provides that all Citizens' Council meetings are open to Citizens, except if the Citizens' Council declares, by resolution, part of a meeting to be confidential and the record of that part of the Council meeting to be confidential;

WHEREAS section 92 of the Otipemisiwak Métis Government Self-Government Act empowers the Cabinet of the Otipemisiwak Métis Government to make Regulations for the for the good and efficient operation and enforcement of the Otipemisiwak Métis Government laws;

AND WHEREAS the Citizens' Council has made recommendations to the Cabinet to inform the development of Regulations in respect to the recording and live streaming of Citizens' Council meetings for the benefit of Citizens and in accordance with the Otipemisiwak Métis Government Self-Government Act;

NOW THEREFORE the Cabinet of the Otipemisiwak Métis Government enacts the following Regulation in accordance with the Otipemisiwak Métis Government Self-Government Act:

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PART I—INTRODUCTORY PROVISIONS

Short title

1 This Regulation may be cited as the *Live Streaming and Recording Regulation*.

Application

2 This Regulation is enabled by the *Otipemisiwak Métis Government Self-Government Act* and applies to all open meetings of the Citizens' Council, as defined in Section 43 of the Act.

Interpretation

3 (1) Except where otherwise noted, words and phrases have the same meaning as in the *Self-Government Act*.

(2) In this Regulation:

- (a) “**Act**” means the *Otipemisiwak Métis Government Self-Government Act*;
- (b) “**Chair**” refers to the presiding officer of the Citizens' Council;
- (c) “**commercial activities**” refers to any activity undertaken by an individual, corporation, partnership, association, or any other private or public entity, or by any agency or instrumentality of government other than the Otipemisiwak Métis Government, where the intended or actual effect of the activity is to generate revenue, financial gain, or other economic benefit, directly or indirectly. This includes, but is not limited to:
 - (i) the sale, lease, rental, or exchange of goods, services, or property;
 - (ii) advertising, marketing, and promotional efforts;
 - (iii) the solicitation of customers, clients, or investors;
 - (iv) engaging in research or data collection where the primary purpose is for commercial application or sale;
 - (v) the operation of a for-profit enterprise or business; and
 - (vi) any activity that implies an offer of a commercial transaction;
- (d) “**confidential meeting**” means a meeting or portion thereof closed under Section 43(1) of the Act;
- (e) “**in camera**” refers to a portion of a Citizens' Council meeting that is confidential and closed to the public under Section 43 of the *Self-Government Act*;
- (f) “**partisan purposes**” refers to actions which are intended, or which could reasonably be perceived as intended, to influence the decisions, policies, or elections of the

Otipemisiwak Métis Government or any Canadian government (federal, provincial, or municipal) or their officials, candidates or prospective candidates;

- (g) “**political campaigning**” refers to organized efforts intended to elect a candidate to public office, advocate for a specific policy or issue, or raise public awareness on an issue;
- (h) “**Public Registry**” means the electronic registry established under Part VIII of the Act;
- (i) “**technical interruption**” means a failure of equipment or connectivity disrupting live streaming or recording.

PART II—LIVE STREAMING AND RECORDING STANDARDS

Scope of recording

4 (1) All open meetings of the Citizens’ Council must be:

- (a) live-streamed in real time; and
- (b) audiovisually-recorded.

(2) The audiovisual recordings of a meeting shall be published on the Public Registry within thirty (30) days of the close of that meeting.

(3) Meetings or portions of meetings shall not be recorded or streamed when the session is in camera.

Technical requirements

5 (1) The Provincial Secretary of Records must ensure, or cause to be ensured, that:

- (a) reliable audiovisual equipment is available; and
- (b) reasonably reliable backup systems exist which may be relied upon in the event of technical interruptions.

(2) Reasonable measures shall be taken to mitigate the risk of technical interruptions.

(3) Meetings may proceed regardless of technical interruptions.

(4) The Provincial Secretary of Records is empowered with the same authority as set out in paragraph 14(1)(b) to issue an order which has the effect to delay, suspend or reconvene proceedings, or portions of proceedings, of the Citizens’ Council, if deemed necessary by the

Secretary, for the purposes of correcting technical interruptions provided such authority is not exercised in a manner that would be deemed unreasonable.

Public notification

- 6 (1) Signage must be posted at meeting entrances stating: “This meeting is being live-streamed and recorded for public access.”
- (2) The Chair shall announce the recording of a meeting at the meeting’s commencement.

PART III—RETENTION AND ACCESSIBILITY

Archiving and Public Registry

- 7 (1) Audiovisual recordings of a meeting must be:
 - (a) uploaded to the Public Registry in searchable format; and
 - (b) accompanied by meeting minutes and agendas, when available.
- (2) Audiovisual recordings of a meeting shall be solely regarded as supplemental to written meeting minutes which shall be the sole official record of any Council proceeding.
- (3) For clarity, audiovisual recordings of a meeting are not an official record of any Council proceeding and shall not be relied upon for any official purpose of the Otipemisiwak Métis Government.

Retention periods

- 8 (1) Audiovisual recordings of a meeting must be retained for a minimum of seven (7) years from the meeting date.
- (2) Audiovisual recordings of a meeting, as redacted or modified in accordance with this Regulation, shall be stored in accordance with a Records Retention Policy, or its equivalent, to be established by the Senior Executive Officer.

Accessibility

- 9 (1) Best efforts shall be made to provide captioning for audiovisual recordings made under this Regulation.
- (2) Best efforts shall be made to provide written transcriptions of all audiovisual recordings made under this Regulation, with such transcriptions being subject to the same requirements for redaction as audiovisual recordings of a meeting.

(3) Written transcriptions made under subsection (2) shall be published on the Public Registry within thirty (30) days of the close of a meeting.

PART IV—RISK MITIGATION

Suspension of recording

10 The Chair or Provincial Secretary of Records has the authority to suspend recording if content may:

- (a) violate privacy laws;
- (b) be defamatory, discriminatory, or unlawful; or
- (c) breach confidentiality under Section 43(1) of the Act.

Post-meeting redaction

11 (1) The Chair, in consultation with the President or the Provincial Secretary of Records, shall cause to be redacted, any portions of recordings before publication if they contain any statements, information, or records as may be identified from time to time in a Schedule to this Regulation which shall be approved by the Citizens' Council.

(2) Redactions must be documented and reported to the Citizens' Council in the minutes of the meeting in a manner that maintains the nature and confidentiality of the redaction.

PART V—LICENSE AND USE

Copyright and permitted use

12 (1) Copyright of audiovisual recordings of a meeting shall be solely owned by the Otipemisiwak Métis Government, and watermarks shall be added to the published videos.

(2) Citizens may reproduce audiovisual recordings of a meeting for:

- (a) personal, non-commercial, or educational purposes; or
- (b) news reporting with attribution.

Prohibited use

13 Audiovisual recordings of a meeting may not be used for:

- (a) commercial activities;
- (b) political campaigning;
- (c) partisan purposes; or
- (d) any purpose not permitted, or which is otherwise prohibited, by Otipemisiwak Métis Government law.

PART VI—COMPLIANCE

Enforcement

14 (1) The Provincial Secretary of Records is responsible for compliance with the Regulation. In the event of a breach of compliance, the Provincial Secretary of Records shall:

- (a) contact the Senior Executive Officer and the Clerk of Citizens' Council in writing and provide details in respect to the nature of the breach;
- (b) have the authority to issue an order which has the effect to delay, suspend or reconvene proceedings, or portions of proceedings, of the Citizens' Council, for the purposes of making best efforts to remedy the breach, and upon such order, the Secretary shall provide notice to Citizens of any delay or suspension of proceedings as soon as practicable; and
- (c) make application to the Judicial Branch in respect to any breach of compliance of any portion of this Regulation:
 - (i) which can not be remedied to the satisfaction of the Secretary, where the Judicial Branch has authority to compel such remedy; or
 - (ii) following reasonable and sufficient notice of such a breach by the Secretary to any party to which this Regulation applies and which directs the party to remedy the breach; in any case of refusal by the party to affect such remedy in the form or timeline as directed by the Secretary.

(2) An order for suspension of proceedings, or portions of proceedings, may be quashed, altered, or otherwise vacated by a consensus vote of the Citizens' Council, where all members present, except for the Secretary of Records, cast a vote in favour.

Review & Amendments

15 (1) This Regulation shall be reviewed after each general election.

(2) This Regulation may be amended by ordinary resolution of the Cabinet.

Commencement

16 This Regulation takes effect upon approval by resolution of the Cabinet and publication in the Public Registry.

**SCHEDULE A:
Post-Meeting Redactions**

Portions that include any of the following shall be removed, or caused to be removed, by the Chair, in consultation with the President or the Provincial Secretary of Records, if they contain:

- (a) Personal information relating to an individual, including an employee.
 - (i) “Personal Information” means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,
 - i. information relating to the race, national or ethnic origin, colour, religion, age, or marital status of the individual,
 - ii. information relating to the education or the medical, criminal, or employment history of the individual or information relating to financial transactions in which the individual has been involved,
 - iii. any identifying number, symbol, or other particular assigned to the individual,
 - iv. the address, fingerprints, or blood type of the individual,
 - v. the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award, or a prize to be made to another individual by a government institution or a part of a government institution specified in the regulations,
 - vi. correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence,
 - vii. the views or opinions of another individual about the individual,
 - viii. the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual,
- (b) Sensitive Information that may be an unreasonable invasion of a third party’s privacy or which may be harmful to the interests of a third party, such as;
 - (i) the information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment, or evaluation,
 - (ii) the information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

- (iii) the information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,
 - (iv) the information relates to employment or educational history,
 - (v) the information was collected on a tax return or gathered for the purpose of collecting a tax,
 - (vi) the information consists of a third party's bank account information or credit card information,
 - (vii) the information consists of personal recommendations or evaluations, character references or personnel evaluations,
 - (viii) the information consists of the third party's name or a unique identifier with respect to the third party when:
 - i. the name or unique identifier appears with other personal information about the third party, or
 - ii. the disclosure of the name or unique identifier itself would reveal personal information about the third party, or;
 - iii. the personal information indicates the third party's racial or ethnic origin, or religious or political beliefs or associations.
- (c) Information that may be harmful to intergovernmental relations;
 - (d) Information that is properly filed in proceedings which are actively before the Judicial Branch or the Court(s);
 - (e) Information that may be harmful to the corporate or financial interests of the Otipemisiwak Métis Government;
 - (f) Contain non-meeting portions;
 - (g) Were erroneously recorded during an In-Camera session;
 - (h) Or any information directed to be redacted upon advice of legal counsel to the Otipemisiwak Métis Government or the Judicial Branch.

