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To: All Media

FOR IMMEDIATE RELEASE

Information Commissioner's Office Issues Decisions 28/2022, 29/2022 and 30/2022

Hamilton, Bermuda. On 16 December 2022, the Acting Information Commissioner issued [Decision 28/2022, The Cabinet Office](#). The Applicant had submitted a public access to information (PATI) request for various records relating to Savvy Entertainment Limited (Savvy) and an agreement dated 2 April 2018, in which the Government agreed to give Savvy a loan of \$800,000. This Decision is connected to [Decision 02/2021](#).

In [Decision 28/2022](#), the Acting Information Commissioner was not satisfied that the Cabinet Office had justified its decision to deny access under the law enforcement exemptions in section 34(1)(a) and (c) of the PATI Act to the six records they identified as responsive to this PATI request after their initial search of the records. The Acting Information Commissioner reversed the Cabinet Office's decision to deny access to these records and ordered the Cabinet Office to disclose them, with exempted personal information removed. Additionally, because she found that the Cabinet Office had not conducted a reasonable search to locate the responsive records, the Acting Information Commissioner ordered the Cabinet Office to conduct a reasonable search and issue a new initial Decision to the Applicant on any additional responsive records that are identified.

On 19 December 2022, the Information Commissioner issued [Decision 29/2022, Ministry of Finance Headquarters \(Ministry Headquarters\)](#). The Applicant had submitted a PATI request for various records relating to Customs duty relief. The Information Commissioner had found that the Ministry Headquarters failed to issue an internal review decision on the Applicant's request within the statutory PATI timeframe and ordered the Ministry Headquarters to provide the Applicant with an internal review decision on or before Monday, 23 January 2023.

On 21 December 2022, the Information Commissioner issued [Decision 30/2022, Bermuda Gaming Commission \(the Commission\)](#). At the time of the PATI request, the Commission was known as the Bermuda Casino Gaming Commission. The Applicant made a request for records relating to the Commission's communications with the National Anti-Money Laundering Committee (NAMLC). This Decision is connected to [Decision 04/2019](#).

This review involved a considerable amount of records. The Information Commissioner's Decision found that the PATI Act does not apply to some records that were identified as responsive to this PATI request by the Commission, because those records were obtained by the Attorney-General's

Chambers or the Department of Public Prosecutions in the course of carrying out their functions. The Commissioner further found that the Commission was justified in denying access to the records or parts of the records, either because their disclosure is prohibited by section 31(1) of the Bermuda Monetary Authority Act 1969 or because their disclosure could adversely affect Bermuda's financial interest and the Government's ability to manage the economy. In addition, this Decision found that some of the information within these records is personal information, though disclosure of some of it is in the public interest. As a result the Information Commissioner has ordered the Commission to disclose the records in full or in part, as set out in her Decision, on or before Wednesday, 8 February 2023.

[Decisions 28/2022](#), [29/2022](#) and [30/2022](#) and the accompanying Orders have been filed with the Supreme Court are legally binding. All decisions issued by the Information Commissioner under section 47(4) of the PATI Act are available at ico.bm.

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Editor's Notes:

About the ICO

The ICO is an independent public office responsible for promoting the use of and overseeing compliance with the Public Access to Information (PATI) Act 2010. The PATI Act gives the public a right to access records held by Bermuda's public authorities, subject to listed exemptions and administrative grounds for denial of access. Individuals who are dissatisfied with the response of a public authority may seek a review by the Information Commissioner. The Information Commissioner shall investigate and the decisions by the Information Commissioner are legally binding.

Orders and Enforcement

When the Information Commissioner issues decisions with accompanying orders, the decision is filed with the Supreme Court, in accordance with section 48(3) of the PATI Act. If a public authority fails to comply with her decisions and Orders, Information Commissioner Gutierrez will pursue enforcement to safeguard the rights of PATI requesters and the public. To date, public authorities either have complied or are working towards compliance with all the orders accompanying decisions issued by the Information Commissioner.

Further information about the ICO is available at ico.bm.