

MONTHLY ROUNDUP

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WELCOME

Information is constantly flowing throughout our communities. Whether it's printed, spoken or digital the right information, in the right place, at the right time can be lifesaving or life changing. Sometimes the information is fact, while at other times, information may be pure speculation and rumor. These sources of information are coming through chat groups, from our mobile phones, social media profiles, the airwaves and across our dinner tables.

When it comes to access to information from public authorities, more and more Bermudians and residents are raising their voices to openly ask “but what about...?” or “can you tell me more?” More and more people are choosing to empower themselves with the information that affects their personal well-being, family, business and community. Many people are empowered to make their own public access to information, or PATI, requests. They are asking public decision makers how public decisions were made, who should be held accountable for the outcomes of those decisions or what financial commitments are tied to specific initiatives. The PATI Act gives any Bermudian or resident the legal right to ask for what they want to know to stay informed, included and involved.

The public's expectations have shifted. When an empowered public understands and exercises their PATI rights (and has confidence in the Information Commissioner to safeguard and enforce their rights), public decision makers have a powerful opportunity. It is an opportunity to build and deepen trust amongst an engaged public. When public decision makers treat each decision as if the public has the right to know more about it, transparency and accountability will ultimately motivate and guide any actions that they take. And when the public then uses their PATI rights to question or better understand what has occurred, the conversation is more likely to be one of mutual engagement and understanding.

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- Information Commissioner's Virtual Quarterly Briefing recap



“With each PATI request made by Bermudians and residents, access to public information in Bermuda strengthens and extends deeper roots into our community.”

Gitanjali S. Gutierrez,
Welcome, 2020
Annual Report

DECISIONS ISSUED

During February and March, the Information Commissioner received 6 new applications, issued 2 failure-to-decide decisions, and resolved 2 cases. Highlights are below.

How do public authorities benefit from the Information Commissioner's failure-to-decide investigations? Keep reading to learn how.

In **Decision 02/2021**, Cabinet Office, for example, the Information Commissioner considered the failure of the Cabinet Office to issue an internal review decision within the 6-week statutory timeline set out in the PATI Act. The Information Commissioner's failure-to-decide reviews clearly benefit the public, as it gives assurance to PATI requesters that their requests will not go unprocessed and their PATI rights will be upheld. It may be surprising to learn, though, that public authorities also benefit from these reviews.

In the midst of their day-to-day work, public authorities might genuinely lose track of every PATI request they receive. The Information Commissioner's failure-to-decide investigations assist public authorities by reminding them to respond to those overlooked requests in accordance with the PATI Act. The Information Commissioner's failure-to-decide investigations also provide public authorities with an opportunity to bring themselves into compliance with the PATI Act. Public authorities should issue timely decisions to show PATI requesters that the PATI request process is being respected. When this does not occur, however, the public authority has another opportunity during the Information Commissioner's review to comply with the requirements of the PATI Act, as well as rebuild trust with a PATI requester who is expecting (and is legally entitled to) a response to their PATI request.

The Information Commissioner also always invites public authorities to explain to her why they were unable to meet the timeline to issue an internal review decision. In many cases, these invitations have led to insightful dialogues between the Information Commissioner and the public authorities. The Commissioner helps to clarify some of the requirements in the PATI Act, further explains her expectations, and deepens her understanding of the challenges facing public authorities in responding to PATI requests.

To learn more read **Decision 02/2021** available at [ico.bm](https://ico.org.uk/decision/02/2021).

Information Commissioner’s March Virtual Quarterly Briefing

On 8 March, 2021, the Information Commissioner held the final virtual Quarterly Briefing for this budget year. Nineteen attendees joined the Briefing. Information Commissioner Gutierrez discussed the three exemptions for operations of public authorities found in section 30 of the PATI Act. The presentation included discussion of how these exemptions were applied in recent decisions and questions from the attendees. The presentation slides, with presenter’s notes, are available on the [ICO website](#).

The ICO would like to extend our appreciation to the 114 participants from 42 different public authorities who attended the virtual Information Commissioner’s Briefing during the 2020-2021 budget year. We have received positive feedback from attendees this year and share a few examples below. We look forward to continuing the Quarterly Briefings in the upcoming year:

- *As always, very informative with real life examples that help explain and clarify points.*
- *It was informative, succinct and practical.*
- *Liked the convenience of the session, the examples provided, the speaker.*
- *Excellent delivery of information.*
- *It was informative and interesting. Thanks!*

ICO STATISTICS AS OF 19 MARCH 2021

(from 1 April 2015)

| | | | |
|---|-----|-------------------------|----|
| Total applications for independent review by the Information Commissioner | 161 | Closed: Decided | 79 |
| Pending investigations | 35 | Closed: Resolved | 19 |
| Applications pending validation | 1 | Closed: Abandoned | 7 |
| | | Closed: Invalid | 20 |

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