



# MONTHLY ROUNDUP

Volume II, Issue 4

April 2019

“I believe that a guarantee of public access to government information is indispensable in the long run for any democratic society. If officials make public only what they want citizens to know, then publicity becomes a sham and accountability meaningless.”

**Sissela Bok,**  
author,  
philosopher and  
ethicist

## WELCOME!

The Information Commissioner's Office welcomes you to the next issue of our Monthly Roundup!

Our Monthly Roundup benefits anyone who would like to learn more about the work of the Information Commissioner's Office, including Information Officers, Heads of Public Authorities, members of the public who use the PATI Act, members of the legal community, and other stakeholders in our community.

Inside this Monthly Roundup, you will find:

- An update on the Information Commissioner's recent decision and resolution
- Statistics for our cases
- The 2nd installment in the 3-part series on ICO teams takeaways from their attendance at the 11th International Conference of Information Commissioners

We hope this information serves as a helpful resource for all involved in PATI work. Requests to receive the ICO's Monthly Roundup or to be removed from this email list can be sent to [info@ico.bm](mailto:info@ico.bm).

## LET US KNOW YOUR THOUGHTS...

If you have suggestions of topics you would like the ICO to address in guidance or other outreach, don't hesitate to reach out! We'd love to hear from you!

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## DECISIONS

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### Is An Entity a Public Authority?

In [Decision 08/2019](#), [Police Complaints Authority \(PCA\)](#), the Information Commissioner considered the Applicant's challenge that the PCA did not issue a timely internal review decision. The Applicant sought records related to meeting minutes, litigation, complaints, and investigations. In response to the request, the PCA informed the Applicant that it was not a public authority under the PATI Act. During the review by the Information Commissioner, the PCA accepted the preliminary view of the Information Commissioner's Office that it is a public authority under paragraph 13 of the Schedule to the PATI Act. The PCA also issued its internal review decision on the PATI request prior to the Information Commissioner's Decision.

**Remember** – the Schedule to the PATI Act identifies the public authorities which need to comply with the Act, including processing PATI requests from the public.

## RESOLUTIONS

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In April 2019, the ICO resolved one case during an early resolution process under section 46 of the PATI Act. The Applicant challenged the reasonableness of the search conducted by a public authority in response to the PATI request. The reasonableness of the search was the only issue in the review and it appeared that the public authority had genuine confusion about how to process the PATI request. The Information Commissioner's Office suggested early resolution to both parties and they agreed to participate.

As part of the early resolution, the public authority searched the locations which potentially held the records responsive to the Applicant's PATI request, including the government email account of the Minister responsible for the relevant public authority. Throughout early resolution, the public authority updated the ICO on the steps it took to locate the responsive records. It also provided the ICO with documentation of the search it carried out. The public authority's search led to the identification of records responsive to the PATI request, which were then processed and a new initial decision was issued by the public authority. The public authority also gained a clearer understanding of how to search for records in response to a PATI request.

The Information Commissioner was satisfied that the public authority's search during early resolution was reasonable. This conclusion was accepted by the Applicant, who then decided to withdraw the application.



### ICO Statistics as of 30 April 2019

Total Applications for  
independent review by  
the Information  
Commissioner: 108

Pending Investigations: 39

Pending Validation: 3

Decisions: 31\*

Resolved: 12

Invalid: 16

Abandoned: 7

\* One decision is under judicial  
review

## PUBLIC ACCESS TO INFORMATION AROUND THE WORLD

- \* [Measures being undertaken to improve access to information](#), Jamaica Observer, 22 December 2018
- \* [Free Speech and Access to Information: Key to Citizen Empowerment and Sustainable Development](#), UNESCO.org,
- \* [Open Procurement Portal Helps Access to Information](#), USAID.gov, 19 April 2019

### SAVE THE DATE

#### INFORMATION COMMISSIONER'S QUARTERLY BRIEFINGS FOR PUBLIC AUTHORITIES

Wednesday, 13 June 2019  
Thursday, 12th September 2019  
Thursday, 5th December 2019  
Thursday, 12th March 2020

RSVP will be required.  
Registration details will be emailed to public authorities.

### TAKE A LOOK!

The up-to-date Government of Bermuda  
Organizational Chart was recently published.  
Click [HERE](#) to find it!

## INTERNATIONAL PARTNERSHIPS

### ICIC Part 2 of 3

This following feature is the second of a 3-part series, which focuses on the ICO team's takeaways from their attendance at the 11<sup>th</sup> International Conference of Information Commissioners in March 2019.



**“If information is power, then access to information is empowerment.”**

This is a quote from Ms. Audrey Azoulay, UNESCO's Director General, which was part of a video presented by UNESCO on the International Right to Know Day, recognized on 28 September every year. This video was played at the Conference.

One of the major takeaways from the Conference was that access to information should not stop at access. Access to information also requires a focus on the truth/accuracy of the information being disclosed, and the ability to read, analyse and make sense of the information. This was emphasized by civil society organisations that are working to make information accessible to the general public through access to information laws. One recommendation made during the Conference was the use of 'Infomediaries' to simplify the information being presented and make it easier to read and analyse.

A highlight for the Bermuda ICO delegates was networking with Information Commissioners from the various countries and to hear about their experiences regulating and enforcing access to information laws in their jurisdictions. Here is a snapshot of some of the topics raised:

- In South Africa, a recent Constitutional Court ruling confirmed that voters have the right to be informed of private political funding. The relationship between access to information and election is significant and a number of country representatives spoke about the impact of network shutdowns used strategically during election periods.
- In Kenya, there has been a greater push for digitization and 'E-procurement' but civil society organisations have emphasized that although there is digitization of the information, it is still hidden from the public and only accessible by government bodies.
- In Brazil, the General Ombudsman Office started a 'school meal project', which encouraged children to send photos of the meals being provided in their schools, and resulted in better quality food being offered.
- In Canada, at the federal level, the increase in access to information requests has not been matched by an increase in funding to support information officers in carrying out their duties under the Canadian legislation.
- In Chile, laws have been passed to make it mandatory for persons occupying high positions in the public service to declare their interests and assets in economic and professional activities and to publish public agenda records and the systematized payroll of lobbyists and private interest managers. This information is made accessible on open data portals: InfoProbidad and InfoLobby.

Did you miss Part I in this series?  
Check out our March 2019 Monthly Roundup!