



MONTHLY ROUNDUP

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Welcome!

During November, the new ICO 2018 Annual Return Package was rolled out. This new initiative will enable the ICO to oversee compliance with obligations under the PATI Act. If your public authority has not received an email with the Annual Return details directly from us, please notify us via email at stats@ico.bm. A friendly reminder that the completed package should be returned to the ICO by **Friday, January 11, 2019**.

As public authorities comply with their obligations under the PATI Act, expect to see an increase in the Notices of contracts in the Official Gazette, which is now available online on the Government's website. In addition, the Library and Archives are also making the Official Gazette available in hard copy for members of the public.

Ultimately, compliance with the PATI Act supports a more informed public and ensures that public authorities are accountable to the community.

As always, inside this Monthly Roundup, you will find a summary of one of the Information Commissioner's latest decisions and statistics for our cases. 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.

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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Public access to information keeps public authorities operating at their highest level of accountability. It ensures that with each decision, each expenditure, and each program the public is always present. The right to access information is an opportunity for those who are governed to hold accountable those who govern on a daily basis.

*-Gitanjali Gutierrez,
Information Commissioner*

Case Updates

In November, the Information Commissioner received one new application. The Commissioner issued two decisions and an additional case was closed because the application for review was invalid. Her decisions can be found at www.ico.bm/decisions.

Bermuda Police Association is not a public authority, but does the Police Service have possession of their meeting minutes? In **Decision 11/2018**, the Information Commissioner upheld the decision of the Police Service that it did not need to transfer a PATI request to the Police Association because the Association was not a public authority as defined under the Schedule to the Act. The requester was seeking meeting minutes of the Association related to the incorporation of combined allowance into salaries.

In **Decision 11/2018**, the Information Commissioner clarified, however, that the Police Service still needed to search for the records. The PATI Act applies to records ‘held’ by a public authority. In the PATI Act, ‘held’ includes records that are in the custody and control of a public authority. It also includes records that are in the public authority’s ‘possession’.

Decision 11/2018 requires the Police Service to check if it had possession of the requested meeting minutes in, for example, its email or IT systems. If the Police Service finds it holds any of the records, it must process them in accordance with the PATI Act.

Remember, it is important to consider what records are in the possession of the public authority when processing a PATI request.

ICO Statistics as of 30 November 2018

Total
Applications: 94

Pending
Investigations: 38

Pending
Validation: 1

Decisions: 21

Resolved: 11

Invalid: 16

Abandoned: 7

Judicial Review: 1

“People think transparency is the cherry on top of a pie of good state management, but it’s false. Transparency is the fundamental basis upon which political stability is constructed over time. Without information, leaders are indisputable and thus separate from their base of control, which is the people.”

-Alfonso Grimaldo, a co-creator of El Tabulario, a project which collects, analyzes and disseminates public data with the aim of promoting transparency in Panama

The PATI Act: Embracing the change in public life

One of the challenges the ICO faces is addressing the significant changes to public sector work that the PATI Act introduced. Each day, our staff must balance ensuring that the new rights for the public under the Act are upheld with our efforts to provide guidance to individuals in public authorities who want to understand how to work with the Act. This requires us to be effective communicators about change, to demonstrate leadership in embracing the PATI Act's changes, and to be resilient in pursuing our work.

To strengthen our work in this area, the ICO team attended the Designed for Impact Conference at the Fairmont Southampton in Bermuda on 30 November. Our team was amongst 300+ women from diverse backgrounds and careers, who came together to discuss how women can connect and empower each other through and by leading change. Keynote speakers included internationally recognized best-selling author Wendy Ida, and motivational speaker Brenda Reynolds, a



transitions expert who leads teams, individuals and organizations through change. The conference's audience was thoughtfully encouraged to embrace change and to view it as an opportunity for growth. An impactful panel of powerful local and international women guided the audience through a discussion on how resilient, competent, and effective we can be in all aspects of our lives when faced with change.

The ICO's mandate is an important one, and one that cannot be separated from the impact of change in the public sector. Having an empowered and strong ICO team is crucial to the success of this Office while this change is happening. Ultimately, through our attendance at the Designed for Impact conference, the ICO team was encouraged to remain resilient as PATI evolves, to have courage to do what is right when faced with obstacles, and was reminded that if change is resisted it can be very damaging to our community.

ICO Investigator Caitlin Conyers sums up the invaluable insight that she gained from attending the conference, "The conference reinforced the importance of approaching life with a growth-based mindset, focusing on life's processes (instead of just outcomes), embracing change and breaking down belief patterns and systems that may be holding us back. I am hopeful that I will be able to incorporate these teachings while I continue to grow in my role at the ICO."

These lessons will remain relevant as the wider Bermuda community exercises their right under the PATI Act, public authorities respond to it, and the ICO's team increasingly engages with all stakeholders.

SAVE THE DATE:

Information Commissioner's Quarterly Briefing
Thursday, 7 March 2019 **NEW DATE**

Information Commissioner's Public Presentation
St. George's Parish Council Annual General Meeting
Wednesday, 20 February 2019

ALPHABET SOUP

PATI - Public Access to Information
PATI Act - Public Access to Information Act 2010
ICO - Information Commissioner's Office
IC - Information Commissioner

“The PATI Act is a phenomenal tool that provides guidance on the level of transparency that is appropriate within public authorities. It also provides encouragement that ultimately we are accountable to the public and should openly share information as appropriate.”

- Shared with the ICO by a PA Stakeholder