



BERMUDA GOVERNMENT

MINISTRY OF LEGAL AFFAIRS HEADQUARTERS

PATI Information Statement

Name of Public Authority: Ministry of Legal Affairs Headquarters (HQ)

INTRODUCTION:

The following information is made available under the Public Access to Information Act 2010 (PATI/the Act). The Act grants the Bermuda public the right to obtain access to information held by public authorities, to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others.

PATI is designed to increase transparency with regard to the activities of public authorities and their decision-making processes and to hold such authorities to a high standard of accountability. Each public authority is required by law to publish an information statement describing the organization and functions, the policies and procedures of the authority, and the name of a contact person to whom requests under the act are to be directed. The following information serves to fulfill this obligation and to provide an overview of the resources at ministry of justice headquarters which the public is entitled to access.

The Ministry of Legal Affairs HQ is charged with responsibility for upholding the constitution and legal system of Bermuda; the incarceration and rehabilitation of offenders; and the provision of substance abuse treatment and education.

The departments that come under the umbrella of the Ministry of Legal Affairs are:

- The Attorney-General's Chambers
- The Department of Public Prosecutions
- The Judicial Department
- The Department of Court Services
- Financial Sanctions Implementation Unit
- Legal Aid Office
- Consumer Affairs
- Financial Intelligence Agency

Section A: Structure, Organization and Legislation [s5(1)a]

DESCRIPTION OF STRUCTURE /ORGANIZATION AND GOVERNING LEGISLATION

Ministry of Legal Affairs HQ under the auspices of the Minister of Legal Affairs and comprises of:

- a) The Permanent Secretary who has oversight of the civil service administration for the entire Ministry and Head of Department responsibilities for the following:
- b) An Administrative Assistant providing service to the Minister and the Permanent Secretary;
- c) A Law Reform, Policy, and Strategy Counsel
- d) A Ministry Comptroller;

- e) A Policy Analyst;
- f) The Legal Aid Office;
- g) The Financial Sanctions Implementation Unit, and
- h) Consumer Affairs section

Legislation

The role of the Permanent Secretary is defined by section 61(5) of the **Bermuda Constitution Order 1968** and by the **Public Service (Delegation of Powers) Regulations 2001** per his/her role as Head of Department under the schedule.

Section B: 1) Functions, powers, duties of the Authority [s5(1)b]

FUNCTIONS, POWERS, AND DUTIES (Including PATI)

Ministry of Legal Affairs is responsible for making information available to the public about its operations per Part 2 of the Public Access to Information Act 2010; and to oversee all departments that fall within the remit of the Ministry so as to ensure that Departments that fall within the remit of the Ministry so as to ensure that:

- Government policy initiatives under the direction of the Minister of Legal Affairs are being advanced;
- Departments under its remit are fulfilling their functions in accordance with legislative mandate and/or Government policy objective; and
- Ministry departments are coordinated in their pursuit of Ministerial policy objectives.

Headquarters further ensures that Government's legislative framework is updated and current with Government's policy directives.

Section B: 2) Obligations under PATI [s5(1)b]

To provide an **information statement** for the public and promulgate it [s5].

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - General information, e.g., activities of the Authority
 - Log of all information requests and their outcome
 - Quarterly expenditure (upon request) [s6(5)]
 - Contracts valued at \$50,000 or more.
- To **respond to information requests** in a timely manner [s12-16]
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s9]
- To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s 19]
- To conduct an **internal review** if formally requested [part 5]
- To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
- To provide an **annual written report** to the Information Commissioner of the status of information requests [s58 (3)].
- **To do anything else as required** under the PATI Act and subsequent Regulations [s59, 60], including:
 - **Fees** for Requests for information
 - Management and maintenance of **records**
 - **Procedures** for administering the Act
- To **make arrangements for staff training** to facilitate compliance with the Act [s61]

- To designate one of its officers to be the person to whom requests are directed [s62].

Section C: Services and Programs [s5(1)c]

SUMMARY OF SERVICES (including programs)

Ministry of Legal Affairs HQ provides the following services and has jurisdictions over the following programs:

1. Assisting the Minister of Legal Affairs with policy formulation as required;
2. Consulting with stakeholders toward policy formulation;
3. Preparation of Cabinet Papers with supporting policy documentation;
4. Preparation of Drafting Instructions for codification of policy;
5. Attending Attorney-General's Legislative Policy Committee to support finalization of draft legislation;
6. Preparation of documentation for tabling legislation;
7. Assisting with the gazetting of legislation;
8. Ensuring proper management of budgetary and other resources allocated toward fulfillment of the Ministry's mandate; and
9. Overseeing component sections/departments as to their meeting statutory requirements.

Section D: Records and documents held [s5(1)d]

Ministry of Legal Affairs HQ

- Year End Budget statements,
- Legal Aid Office Annual Reports and Financial Statements,
- Financial Intelligence Agency Annual Reports and Financial Statements,
- Heads of Department Meeting minutes,
- Policy development reports.

Financial Sanctions Implementation Unit

Files

- Policies and Procedures
- Financial Sanctions Guidance
- Cabinet Memoranda

Minutes

- NAMLC SWG Minutes

Correspondence

- Internal and External Stakeholder Correspondence
- Industry Enquiries
- Requests for Information (Compliance, Licensing, etc.)
- Sanctions Notices

Other Documents

- Compliance Reports
- License Applications
- FSIU Forms
- Status Reports/ Updates
- AML/ATF Ministerial Advisories
- Quarterly and Annual FSIU Reports to NAMLC
- Legal research and opinions provided to the Minister

Legal Aid Office

Files

- Client Files (criminal, matrimonial/domestic, civil)
- Client billing files
- Client case files where representation is done in-house
- Drug Court
- Mental Health Court
- Staff personnel files
- Vendor files
- Budget
- Accommodation
- Project files i.e., case management system website

Correspondence

- Client correspondence
- Counsel correspondence
- Legal Aid Committee correspondence
- Staff internal and external email correspondence
- Team members personal correspondence
- Internal correspondence with Ministry
- External correspondence with public
- Correspondence with stakeholders both internal and external
- File notes

Consumer Affairs

- Policies and Procedures
- Notes and Minutes
- Budget
- Website correspondence
- Internal and External Correspondence
- Certificates
- Applications

Minutes

- Legal Aid Committee Meeting Minutes
- Legal Aid Staff Meeting Minutes
- Government Heads of Department Meeting minutes
- Ministry of Legal Affairs Heads of Department Meeting Minutes

Reports

- Legal Aid Annual Reports

Other Documents

- Policies and procedures manual
- Business plans
- Legal Aid certificates
- Legal aid applications
- Legal Aid questionnaires

Legal Aid financial assessments

Financial Intelligence Agency

- Annual Reports
- Audited Financial Statements

Section E: Administration (all public access) manuals [s5(1)e]

The Legislative Process (manual)

Section F: Decision-making documents [s5(1)f]

Insert list and description of all policies and guidelines for decision making in respect to any person:

POLICIES, RULES AND GUIDELINES FOR DECISIONS AND RECOMMENDATIONS

Instructions and directives for policy development are obtained from the Minister of Legal Affairs through the Permanent Secretary. Applicable legislative directives are taken into consideration accordingly as pertains to particular initiatives.

Section G: The Information officer [s5(1)g]

Keivon Simons (Designated PATI Officer)
 keosimons@gov.bm
 Ministry of Legal Affairs HQ
 4th Floor, Global House, 43 Church Street
 Hamilton HM 12
 Tel. No.: (441) 292-2463

Section H: Any Other Information [s5(1)h]

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information:

Section I: Any Other Information To be Provided? [s5(1)i]

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

Date Information Statement was updated: (2101/2024)

Locations of Information Statement:

Confirm copies of Information Statement are available at the following sites:

- Ministry Headquarters, Fourth Floor, Global House, 43 Church Street, Hamilton HM 12
- The Bermuda National Library
- The Bermuda Archives
- Available electronically
- Website for public authority www.gov.bm
- With the Information Commissioner

Sign and Date: 

2-01-24

