



MONTHLY ROUNDUP

Volume 1, Issue 6

August 2018

Welcome!

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

We are also excited to share our new publication in the ICO exemption Guidance series. The ICO Guidance discusses the exemption in section 30 for the operations of public authorities.

Keep reading for access to information news from around the world and important upcoming dates and local events in September.

As always, 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.

"Information is the currency that every citizen requires to participate in the life and governance of society."

Justice A. P. Shah, former Chief Justice, Delhi and Madras High Courts, 2010.

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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Decision Issued

In August, the Commissioner issued one decision, closed an invalid case and published a July decision. Her decisions can be found at www.ico.bm. The decisions are important because they show how the Commissioner has interpreted provisions of the PATI Act. This can serve as guidance going forward. The Decision published in August is discussed below.

When the Information Officer comes looking . . . open your door, and your file cabinet and your computer folders and your email! The Information Commissioner discussed the importance of giving an Information Officer access to all relevant file locations in [Decision 06/2018 Government Department](#). The Applicant had made a PATI request for personnel records related to the Applicant's referral to Benedict Associates, the Department's employee assistance program provider. The Department provided access to some records and denied access to others. In [Decision 06/2018](#), the Information Commissioner found that the Department correctly understood what the Applicant was asking for and also correctly identified all of the potential locations of records. The Department only searched some of the locations, though.

The Information Commissioner shared the Applicant's concern that this was because individuals within the Department may not have provided the Information Officer with access to all of the relevant record locations. As a result, the Information Commissioner found that the Department did not conduct a reasonable search. She ordered the Department to redo its search and process any newly located records.

[Decision 06/2018](#) reminds all employees and members of public authorities that they need to cooperate with the Information Officer's search for records. It's required by the PATI Act!

ICO Statistics as of 31 August 2018

Total Applications: 80
Pending Investigations: 32
Pending Validation: 5
Decisions: 17
Resolved: 9
Invalid: 13
Abandoned: 4

New ICO Guidance published : Operations of Public Authorities Exemptions

The ICO Guidance series on exemptions and key provisions of the PATI Act can assist public authorities' understanding of how to apply the provisions of the Act. This month, the ICO published its **ICO Guidance: Operations of public authorities (section 30)**.



Section 30(1) of the PATI Act contains three different exemptions from the right to access records. Each of these applies when disclosure of a record (or part of a record) would have a specific harmful impact upon the operations of a public authority. A record may be withheld only if its disclosure could reasonably be expected to:

- i. prejudice the effectiveness of tests, examinations, investigations, inquiries or audits by or on behalf of the public authority, or the procedures or methods used to conduct them (section 30(1)(a)); or
- ii. have a significant, adverse effect on the public authority's performance of its management functions (section 30(1)(b)); or
- iii. disclose positions taken (or to be taken) or plans, procedures, criteria or instructions used or followed (or to be used or followed) for the purpose of ongoing negotiations by or on behalf of the Government or a public authority (section 30(1)(c)).

The ICO Guidance series is available on our [website](#).

Access to Public Information Around the World

Publicly owned firms should 'face greater scrutiny', BBC News, 30 August 2018 – The Island of Jersey agreed in November 2014 to extend the Jersey Freedom of Information law to cover publicly owned companies but has yet to make this change. The government is facing pressure to implement the change. The UK and Isle of Man Freedom of Information Laws both cover government, council and crown companies.

Progress on the right to information around the world – Article 19 has created a infographic that shows in glance the status of the right to information around the world. Bermuda joins 117 countries that have adopted comprehensive right to information laws.

Iran: Access to information law provides important tool for environmental activists, Article 19 – Access to information rights have proven to be crucial for Iran's scientists, journalists and activists challenging that country's mounting environmental problems. Discover how these individuals and groups are using access to information laws to learn about waste disposal projects, environmental impact assessments of dam projects, and medical data.

*“Everything secret
degenerates, even
the
administration of
justice; nothing is
safe that does not
show how it can
bear discussion
and publicity.”*

*John Dalberg-
Acton*

MARK YOUR CALENDARS:

International Right To Know Day
28 September 2018

The ICO is joining freedom of information agencies and advocates from around the globe, as the democratic right of access to public information is celebrated. The Information Commissioner safeguards the right of access to public information and strengthens the accountability of Bermuda's public authorities. Want to celebrate with us? More details will be released shortly!

Like the ICO's Facebook page and see what public awareness campaigns we have done in the past.

SAVE THE DATE:

Information Commissioner's Quarterly Briefing
Friday, 14 September 2018

Topics will include:
standards for **an administrative denial of burdensome requests** and the
relationship between **records management and access to information**

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

The presentation from July's IC Quarterly Briefing
is available on www.ico.bm

Future Information Commissioner Quarterly Briefings:
5 December 2018
14 March 2019

FRIENDLY REMINDER:

Our 2016 and 2017 Annual Reports are available on our website.