



MONTHLY ROUNDUP

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Information Commissioner's International Right to Know Day Message

You Have Power! Use the PATI Act!

We celebrate the power of the people on International Right to Know Day. Around the world, the right to know empowers people to ask their government about the work that it does and the decisions that it makes. Without the right to know, a government or public body may choose to only disclose the information it wants to share with the people. The right to know ensures that the people have a legal right to ask for the information they actually want to know. The Public Access to Information (PATI) Act puts the power of accountability into the hands of the people. You have power! Use the PATI Act!

Use the PATI Act to learn more about how government and other public authorities are working. Every day, the ICO sees examples of people asking for more information about how public money is spent, how decisions are made and what results are being achieved.

In the last few years, people have exercised their right and made PATI requests for information about diverse topics ranging from email and letter correspondences to meeting minutes to government contracts and spending decisions. Some PATI requests seek documents that may only be important to the requester, such as requester's own personnel records or pension documentation. Other PATI requests have involved topics important to the entire community, such as records related to the airport construction, childcare inspection records, air quality tests, the 2 December 2016 pepper spray incident, ferry maintenance costs and numerous requests about major public spending initiatives.

You have power! Use the PATI Act!

Use the PATI Act to ensure that you are a part of our democracy. By asking for public information, PATI requesters help government and other public authorities remain engaged with the public. The right to know ensures that government knows it is accountable to the people on a daily basis, and not just during elections. The PATI Act protects your right to know. As more and more people use the PATI Act, it makes our democracy stronger. The right to know strengthens the role of the people in the governing of Bermuda

What do you want to know? You have power! Use the PATI Act!

Ensuring the access of all citizens to government information and to essential information for human development is a must for every democratic society.

- Koichiro Matsuura, former Director-General of UNESCO

Information Commissioner's September Quarterly Briefing

The Information Commissioner held her September Quarterly Briefing on 14 September 2018 for 39 participants.

At the September briefing, the Commissioner discussed an administrative denial of a PATI request under section 16(1)(c) of the Act. The Commissioner began by reminding public authorities that, like all new regulations, meeting the new requirements of the PATI Act did create a burden upon public authorities, some of which are under-resourced. This additional work, though, supports the right to know. This new right is crucial to a robust democracy and an engaged public.

The Information Commissioner briefings provide opportunities for public authorities to learn about recent Information Commissioner's decisions, learning lessons from resolutions, and insights from trends the ICO has observed.



The Commissioner explained that an administrative denial is available when handling a PATI request creates a burden that is both substantial and unreasonable. Sometimes, processing the PATI request is time consuming because the public authority is still creating its PATI infrastructure. This includes training, administrative support, filing systems that support ready access to records, and so on. In such situations, the public authority may have a substantial, but reasonable burden in light of the public's right to access the information. The Commissioner discussed ways to manage the burden of the Act's requirements during this transition period of improving the frameworks to support PATI work.

The Information Commissioner concluded by highlighting the importance of good record keeping and file management to support the public's access to information. Without this key support, it is challenging to have efficient PATI practices.

Participants commented that the briefing was “very concise—easy to follow” and a “very professional and efficient use of time”. One participant commented that “what could be [a] dry and technical exercise” was “made very interesting—broken into small manageable chunks”. Many gained a better understanding of the requirements for an administrative denial and learned new options for dealing with the burdens of the Act.

The September briefing presentation, with speaker's notes, is available on the ICO website under [Guidances and Publications](#). Save the date for the upcoming briefings on 5 December 2018 and 14 March 2019.

The ICO Welcomes Angie Farquharson



Angie Farquharson, CPA, has been seconded to the ICO as Deputy Information Commissioner (Governance & Compliance). As a member of both CPA Bermuda and the America Institute of Public Accountants and various related associations, her diverse business experience has covered, Bermuda, Bahamas and the United States.

Angie comes to us with extensive financial and accounting expertise, strategic thinking and proven leadership. Her main duties will include responsibility for developing and implementing policies for the compliance and enforcement of Part 2 of the PATI Act 2010.

Immediately prior to coming to the ICO, Angie was a Ministry Comptroller with Bermuda Government for 6 years. In that role she has promoted good governance measures and accountability within the public sector. Good governance requires mutual respect for all parties involved in the governing process. “The PATI Act is in its infancy stages and the cultural change for many public officers as expressed has been challenging. I hope to be able to bring about a shift in the manner in which the public right is viewed, as it should be partnership that is mutually beneficial to all. It takes effort by all stakeholders to develop a healthy relationship and ensure compliance in accordance with the Act”.

She is looking forward to interacting with Public Authorities in her new capacity.

Information Commissioner Sits on Blockchain Technology Panel for CPA Bermuda’s Women Leadership Conference

On 21 September, Information Commissioner Gitanjali Gutierrez participated on a panel, discussing blockchain technology organised by Dr. Marisa Stones, Director of ICT Policy & Innovation. The panel was part of CPA Bermuda’s Women’s Leadership Conference 2018, *It’s the Age of Disruption, Be a Key in the Change*. Information Commissioner Gutierrez highlighted the potential for blockchain technology to increase access to public information. By decentralising access to public information, this new technology could facilitate the public’s direct access to public records, including public spending records.

She also emphasised the need to avoid creating ‘two governments’ as these technologies are adopted: one government providing services to international business and finance that has strong information management supported by blockchain and other technologies, and another government providing more localised services—such as education or health—that faces an increasing technology gap and cumbersome information management.

FRIENDLY REMINDER:

2018 Public Authority Statistics

The submission of 2018 Public Authority Statistics is just around the corner. Further communications from the ICO will be forthcoming. Are you tracking all of your PATI-related requests from 2018?

If you are a new Information Officer, feel free to review the 2017 Public Authorities' Statistics which were published in our 2017 Annual Report. Copies of our Annual Reports are available on www.ico.bm.

Case closures

In September, the Information closed a total of six cases. One case challenging the reasonableness of a public authority's search was resolved with the parties and closed. Two cases were closed as invalid applications. Three additional cases were closed as abandoned by the applicant.

Decision 02/2018 is also under judicial review by the Applicant.

**ICO Statistics
as of 28
September 2018**

Total Applications: 85
Pending Investigations: 35
Pending Validation: 1
Decisions: 17
Resolved: 10
Invalid: 15
Abandoned: 7
Judicial Review: 1

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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"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, Two-time Nobel Peace Prize Winner