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To: ALL MEDIA

Information Commissioner's 2019 Annual Report Tabled

Hamilton, BERMUDA. The [Information Commissioner's 2019 Annual Report](#) is now available to the public, after being tabled in both Houses of the Legislature. This Report presents statistics on the number of PATI requests public authorities have received and the operation of the Act from 1 January 2019 to 31 December 2019. The Information Commissioner's 2019 Annual Report also highlights the accomplishments of the Information Commissioner's Office (ICO) during its 2019-20 fiscal period from 1 April 2019 through 31 March 2020.

Highlights of the 2019 Report include that:

- 88% of the public continue to believe that the right to access public records under the PATI Act is important;
- Public authorities received 91 new PATI requests;
- Public authorities granted access in whole or in part to public records in 53% of their initial responses to a PATI request;
- There was a 63% decrease in refusals of PATI requests because the public authority could not find the records, compared to the previous year;
- The Information Commissioner received 36 new applications for an independent review;
- There was a 169% increase in decisions issued by the Information Commissioner, compared to the previous year; and
- The Information Commissioner delivered her first International Right to Know Day Declaration.

The Report also provides an analysis of all of the Information Commissioner's independent reviews and decisions during the first five years of the PATI Act being in effect. One of the most significant results is that during these last five years (from 2015-2019), the applicants in Information Commissioner's reviews are divided 50/50 between members of the media and everyday people from Bermuda's wider community.

"Although high-profile PATI requests by the media may receive extensive public attention, the reality is that Bermudians and residents are quietly using the PATI Act to get information affecting their day-to-day lives," explained Information Commissioner Gitanjali Gutierrez. "The PATI Act is an established right exercised by Bermudians and residents who want to be informed, involved, and included in public activities and decisions that affect them".

The [Information Commissioner's 2019 Annual Report](#) also highlights the importance of the 'proactive publication' required under the PATI Act, which makes information readily available to the public

without the need for a PATI request. For the first time, [the Information Commissioner's 2019 Annual Report](#) lists the types of information that public authorities have made readily available to the public.

The [Information Commissioner's 2019 Annual Report](#) was transmitted to Parliament on 31 March 2020 in the midst of the COVID-19 pandemic. In her 'Looking Ahead', Information Commissioner Gutierrez emphasised the importance of Bermudians and residents using their PATI rights as they seek the information they need to make critical personal decisions:

When the crisis subsides and we return to our routines, our community will have the opportunity to reflect back on the outcome of decisions made by the Government today. Bermudians and residents may praise the Government's response as life-saving or, alternatively, critique it as an overreaction. Critically, this will be a dialogue based on engagement. One in which the Government has endeavored to be as transparent as possible while the public is evaluating Government's decisions from an informed and involved perspective.

This provision of accurate and timely information, meaningful dialogue, and public accountability are exactly what the PATI Act tries to achieve. Imagine if this relationship based on heightened transparency, mutual engagement and respect for all stakeholders is further encouraged and continues beyond this crisis. Championing transparency envisions this future.

"We are several months into our collective response as a community to the Covid-19 pandemic. Throughout this time, I have reminded Bermudians and residents that even during this unprecedented crisis, your right to access public records is still a valid and enforceable right that you can use. You have the right to request information that matters to you and your family, as you consider and make critical, personal decisions," stated Commissioner Gutierrez. "Importantly, 'transparency' goes further than a Government providing the information it chooses to share voluntarily. With PATI rights, transparency also empowers Bermudians and residents to seek what they themselves decide is important to know."

As required under section 58 of the PATI Act, the Information Commissioner's 2019 Annual Report was transmitted to both Houses of the Legislature on 31 March 2020. Due to the Covid-19 pandemic, the Report was tabled in the House of Assembly on Friday, 22 May 2020 and in the Senate today. The Information Commissioner's 2019 Annual Report is available at www.ico.bm.

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Editor's Notes:

The Information Commissioner's Office is an independent public office responsible for promoting the use of and overseeing compliance with the Public Access to Information (PATI) Act 2010. The PATI Act gives the public a right to access records held by public authorities, subject to listed exemptions and administrative grounds for denial of access. Individuals who are dissatisfied with the response of a public authority may seek a review by the Information Commissioner. The Information Commissioner shall investigate and the decisions by the Information Commissioner are legally binding.

The Public Access to Information Act 2010 is the governing legislation.

Section 58 of the PATI Act requires that, within three months after the end of each calendar year, the Information Commissioner shall prepare a report on the operation of the Act during that year and cause copies of the report to be laid before each House of the Legislature.

Section 58(3) requires that, before the end of the calendar year, each public authority shall provide the Information Commissioner with the required statistical information set forth in section 58(2) of the Act.

For more information, please contact the Information Commissioner's Office at 441-543-3700 or info@ico.bm.