

7 July 2020

To: All Media

**FOR IMMEDIATE RELEASE**

**Information Commissioner issues Decision 05/2020**

Hamilton, Bermuda. The Information Commissioner issued her fifth decision in 2020 on 30 June 2020. In [Decision 05/2020, Human Rights Commission](#), the Information Commissioner considered a refusal by the Human Rights Commission (HRC) of a Public Access to Information (PATI) request for minutes of the HRC's Commissioners that relate to the Applicant.

The Information Commissioner upheld the HRC's refusal, which was based on section 4(1)(b)(ii) of the PATI Act. This provision within the PATI Act removes records from the PATI Act's application that were created or obtained by the HRC in the course of carrying out its statutory functions. The Information Commissioner is satisfied that the HRC created the requested minutes in the course of performing its various statutory functions under section 14 of the Human Rights Act 1981. The Information Commissioner is also satisfied that these minutes are not administrative records that would still fall within the PATI Act's application.

In [Decision 05/2020](#), the Information Commissioner emphasized Parliament's determination that public access to records created or obtained by public authorities listed in section 4(1) during the course of carrying out their functions is inappropriate. Instead, many of the public authorities listed in section 4(1) of the PATI Act are accountable through other means, such as judicial review, which are meant to preserve their independence from outside influence.

[Decision 05/2020](#), as well as the Information Commissioner's previous decisions on section 4 of the PATI Act and the Act's applicability, can be accessed on [www.ico.bm](http://www.ico.bm).

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Editor's Notes:

The ICO is providing services to the public and other stakeholders during regular business hours. The ICO can be reached by visiting our offices at Maxwell Roberts Building, 4<sup>th</sup> Floor, One Church Street, Hamilton, or by calling 543-3700 or emailing [info@ico.bm](mailto:info@ico.bm).

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.

Further information about the Information Commissioner's Office is available at [www.ico.bm](http://www.ico.bm).