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To: All Media

FOR IMMEDIATE RELEASE

INFORMATION COMMISSIONER ISSUES THREE DECISIONS

Hamilton, Bermuda. Information Commissioner Gitanjali Gutierrez has issued [Decisions 04/2021](#), [Bermuda Housing Corporation; 05/2021](#), [Ministry of Legal Affairs and Constitutional Reform Headquarters](#); and [06/2021](#), [Cabinet Office](#).

[Decision 06/2021](#) considers the public authority's response to a PATI request asking for records about the relationship between the Bermuda Government and a gambling technology company, MM&I Holdings. The Information Commissioner found that some parts of the records were exempt from disclosure under the exemptions for personal information and breach of confidence. For the remaining records or parts of records, the Information Commissioner found that the public authority's refusal and MM&I's objection to disclosure of the records in their entirety were not justified. The Information Commissioner emphasised the "public's strong interest in understanding the business relationship between MM&I and the Government, as well as the nature of the procurement process," along with "the manner in which elected officials conducted business with a company that sought to provide services to the Government at the public's expense". The Information Commissioner ordered disclosure of these records and parts of records.

In [Decision 05/2021](#), the Information Commissioner reviewed a refusal by the then Ministry of Legal Affairs Headquarters to disclose the existence or non-existence of a report for an investigation into allegations of misconduct against the Director of the Department of Child and Family Services. The Information Commissioner did not address whether the report existed but found that the public interest required the Ministry to acknowledge whether or not the report exists. The Information Commissioner has ordered the Ministry to disclose to the Applicant whether the report exists or does not exist, and to process the request in accordance with the PATI Act.

The Information Commissioner acknowledged that disclosing the existence or non-existence of the report, on its own, would not necessarily inform the public about whether the allegations had been thoroughly and properly investigated. However, it would, at the minimum, "inform the public of whether the Ministry's action (if any) in response to the allegations was concluded and whether the outcome was documented". Disclosure of whether the report exists would also allow the public to hold the Ministry accountable and verify previous claims made by the Government that the Ministry had conducted an investigation.

The Information Commissioner's [Decision 04/2021](#) looked at the failure of the Bermuda Housing Corporation to issue an internal review decision within the 6-week timeline set out in the PATI Act. The Bermuda Housing Corporation issued an internal review decision during the Information Commissioner's review.

Decisions 04-06/2021 can be accessed online at www.ico.bm, along with all prior decisions.

Editor's Notes:

The ICO 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 ICO can be reached by visiting our offices at Maxwell Roberts Building, 4th Floor, One Church Street, Hamilton, or by calling 543-3700 or emailing info@ico.bm.

Further information about the ICO is available at www.ico.bm.