

4 June 2020

To: All Media

**FOR IMMEDIATE RELEASE**

**Acting Information Commissioner issues Decision 04/2020**

Hamilton, Bermuda. Acting Information Commissioner Answer Styannes issued [Decision 04/2020](#), Cabinet Office, on Thursday, 28 May 2020.

[Decision 04/2020](#) relates to a Public Access to Information (PATI) request filed with the Cabinet Office for records of its correspondence, and correspondence of the former Premier, with the United States authorities concerning the four Uighur men who arrived in Bermuda in June 2009. Because no responsive records were found by the Cabinet Office, the requester asked the Information Commissioner's Office (ICO) to independently review the reasonableness of the public authorities' search.

During the ICO's review, the Cabinet Office took additional steps to find records responsive to the PATI Request but none were located. The Cabinet Office provided documentation of its initial search and the ICO verified its additional search efforts. The Acting Information Commissioner is satisfied that the Cabinet Office has now met the reasonable search requirement under the PATI Act.

In [Decision 04/2020](#), the Acting Information Commissioner emphasizes that to satisfy the reasonable search requirement, a public authority must show that it has taken all of the steps that a fair and rational person would expect to have taken under all circumstances to locate the records responsive to a PATI request.

The Cabinet Office was not required to take further steps.

This is the second decision that dealt with a conflict of interest on behalf of Information Commissioner Gitanjali Gutierrez, due to her prior work. The PATI Act lacks any provision for the Information Commissioner to recuse herself. With the parties consent, the ICO managed this investigation independent of Information Commissioner Gutierrez and the Decision was made by Acting Information Commissioner Styannes to avoid any appearance of bias.

Full version of [Decision 04/2020](#) can be accessed online at [www.ico.bm](http://www.ico.bm).

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Editor's Notes:

Note that in response to the COVID-19 pandemic, the ICO is temporarily working in a remote environment. The ICO continues to provide services to the public and other stakeholders during regular business hours. The ICO may be reached 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).