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To: All Media

FOR IMMEDIATE RELEASE

Information Commissioner issues the first three decisions of 2020

Hamilton, Bermuda. Information Commissioner Gitanjali Gutierrez published her first three decisions in 2020: [Decision 01/2020](#), [Department of Human Resources](#); [Decision 02/2020](#), [Department of Health](#), and [Decision 03/2020](#), [Ministry of Education Headquarters](#).

[Decision 01/2020](#), [Department of Human Resources](#) relates to a request that was considered in [Decision 02/2018](#). Following [Decision 02/2018](#), the Applicant submitted a new application asking the Information Commissioner to issue an order requiring a third party to create a statement. The Applicant also asked the Information Commissioner to apply the criminal provision in the PATI Act.

Citing section 48 of the PATI Act which sets out her authority, as well as the Supreme Court decision in [Furbert v Department of Human Resources](#), [2019] SC (Bda) 19 Civ, the Information Commissioner emphasised that her jurisdiction is limited to reviewing decisions made by heads of public authorities and to ordering the production of records, if appropriate. The Department's internal review decision granted the Applicant full access to the responsive records and the ICO verified the reasonableness of the Department's search. As a result, the Information Commissioner found there was no issue that could be considered in this review.

In [Decision 02/2020](#), [Department of Health](#), the Information Commissioner also concluded that no issues remained for her to consider. The Department initially relied on two exemptions to refuse to disclose the names of childcare facilities which were subjects of the complaints it received. The exemptions were for personal information and information received in confidence. However, during the Information Commissioner's review the Department reconsidered its position and disclosed the names of the childcare facilities. The Applicant was satisfied with the disclosure but exercised their right to a decision by the Information Commissioner.

[Decision 03/2020](#), [Ministry of Education Headquarters](#) considers the Ministry's decision to transfer a PATI request for personal records to the Department of Education. The Information Commissioner found that the transfer decision was incorrect because the Ministry did not conduct a reasonable search before concluding that it did not hold the responsive records and transferring the PATI request. The parties agreed to attempt facilitated resolution, and the Ministry conducted searches during the Information Commissioner's review.

The searches led to the identification of responsive records, which the Ministry disclosed to the Applicant in full. The Ministry was not required to take further steps.

Full version of [Decisions 01/2020](#), [02/2020](#) and [03/2020](#) can be accessed online at www.ico.bm.

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.

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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.

Further information about the Information Commissioner's Office is available at www.ico.bm.