

3 September 2020

To: All Media

FOR IMMEDIATE RELEASE

ICO publishes Decision 09/2020, Bermuda Health Council

Hamilton, Bermuda. On 27 August 2020, Information Commissioner Gitanjali Gutierrez issued [Decision 09/2020, Bermuda Health Council](#), which considered a partial refusal of a PATI request for statistical records on diagnostic imaging tests on the island.

In response to this PATI request, the Bermuda Health Council (Health Council) disclosed anonymized statistical records to the Applicant. The Health Council refused to disclose the identities of the health service providers as well as the types of diagnostic imaging tests that the providers ordered. The Health Council based its refusal on the exemption in section 37(1) of the PATI Act, which allows public authorities to withhold public records if disclosure of those records is prohibited by other legislation.

The Information Commissioner confirmed in [Decision 09/2020](#) that the Health Council's refusal was correct. The Information Commissioner explained that the Health Council had disclosed additional statistical information to the Applicant during the Information Commissioner's review. This included a 'Patients Encounters Table' listing the number of patients who had one to ten diagnostic imaging tests, as well as the number who had more than ten tests in each of the financial years 2014/2015, 2015/2016 and 2016/2017. The Patient Encounters Table also provided some age range data.

The Information Commissioner then agreed with the Health Council that the identities of the health service providers and the types of diagnostic imaging tests that these providers ordered fall within the prohibition on disclosure under section 18(1) of the Bermuda Health Council Act 2004 because this information was received by the Health Council from health insurers, as part of the Health Council's statutory duty to license health insurers. As a result, these details are exempt under section 37(1) of the PATI Act.

[Decision 09/2020](#) can be accessed online at www.ico.bm.

###

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, 4th Floor, One Church Street, Hamilton, or by calling 543-3700 or emailing 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.