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To: All Media

FOR IMMEDIATE RELEASE

Information Commissioner Issues Decision 09/2021

Hamilton, Bermuda. On 22 September 2021, Information Commissioner Gitanjali Gutierrez issued [Decision 09/2021](#), in which she reviewed an internal review decision by the Human Rights Commission (HRC) on a Public Access to Information (PATI) request.

The PATI request asked for the meeting minutes of the Human Rights Commissioners. In its initial and internal review decisions, the HRC refused the request in full, on the basis that the records did not fall within the scope of the PATI Act under section 4(1)(b)(ii), because the HRC created them while carrying out its statutory functions and, as referred to in section 4(2)(b), the records did not relate to its general administration.

In this Decision, the Information Commissioner found that, in fact, some parts of the records relate to the HRC's general administration and come within the scope of the PATI Act by virtue of section 4(2)(b). The Information Commissioner agreed with the HRC, in part, that the remainder of the records fall outside of the scope of the PATI Act in accordance with section 4(1)(b)(ii). In sum, she partially upheld the HRC's decision. The Information Commissioner ordered the HRC to re-process the parts of the records where she annulled the HRC's decision because section 4(2)(b) is applicable, and to issue a new initial decision to the Applicant within six weeks.

The Decision explains how section 4 serves to remove only certain records related to a listed public authority's statutory functions from the scope of the PATI Act. It does not exclude the listed public authorities from their responsibilities under the PATI Act. In short, section 4 removes certain records from the scope of the PATI Act, but not the public authority itself. The exception in section 4(2) ensures that these public authorities can be held accountable for their administrative activities through a public access framework. The Information Commissioner highlighted, "From a good governance perspective, the PATI Act strikes a balance between the protection of independent offices and the importance of public accountability and transparency."

[Decision 09/2021](#) can be accessed online at www.ico.bm, along with all prior decisions.

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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.

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