

17 June 2020

To: All Media

**FOR IMMEDIATE RELEASE**

**Judicial Review Against Information Commissioner Discontinued -  
BHB Discloses Cost Range for Executive Team Posts**

Hamilton, Bermuda. The judicial review, Bermuda Hospitals Board v Gitanjali S. Gutierrez (in her capacity as Information Commissioner), Supreme Court, 2019: No. 242, of the Information Commissioner's [Decision 24/2019](#), has been discontinued by the parties. On 11 June 2020, the Bermuda Hospitals Board (BHB) disclosed the total cost range of its Executive Team member posts for the Financial Year 2015/16 in bands of \$10,000, as required by the Information Commissioner in her [Decision 24/2019](#) and the accompanying Order. The BHB had already complied with part of the Order last year by disclosing the payments it made to PricewaterhouseCoopers Bermuda for consultant services.

In December 2019, the BHB initiated a judicial review of the Information Commissioner's decision to disclose. This judicial review marked the first time a public authority brought a judicial review challenge against an Information Commissioner's decision under the Public Access to Information (PATI) Act. In response, the Information Commissioner sought to enforce her decision on behalf of the public's right to access.

The BHB later agreed with the Information Commissioner to discontinue the legal proceedings and make the public disclosure as required by the Information Commissioner's [Decision 24/2019](#).

Information Commissioner Gitanjali Gutierrez welcomes the BHB's compliance with this Decision. "Disclosure of the costs for posts paid for with public money furthers the accountability and transparency purposes of the PATI Act. Bermudians and residents have the right to know how their money is being spent and whether it is spent efficiently, effectively and appropriately," said Information Commissioner Gutierrez. "As we move forward, public authorities should expect heightened public scrutiny of records involving public money, especially during this period of economic hardship. I encourage public authorities to champion transparency. Proactively disclosing salary or compensation ranges and disclosing other public spending information are practical examples of how public authorities can do this."

The disclosure also demonstrates to the public that the Information Commissioner will defend her decisions for their benefit. "If a public authority challenges my decision ordering the disclosure of records, the burden will not fall on the individual PATI requester to defend the decision", explained

Information Commissioner Gutierrez. “It is important for PATI requesters to know that, as Information Commissioner, I will robustly defend my decisions for the benefit of both the requester and the broader public.”

###

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, 4<sup>th</sup> Floor, One Church Street, Hamilton, or 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).