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To: All Media

FOR IMMEDIATE RELEASE

Information Commissioner Issues Decision 15/2023

Hamilton, Bermuda. On 30 June 2023, Information Commissioner Gitanjali Gutierrez issued [Decision 15/2023](#), [Bermuda Police Service](#) (BPS). The [Decision](#) considered the BPS's decision on a Public Access to Information (PATI) request for any police report of an incident in March 2021 at Clifton, the Premier's official residence, and any communications between the Commissioner of Police and the Cabinet Office concerning any incident in March 2021 at Clifton.

The BPS refused access to the requested records under section 38 of the PATI Act because if any record exists or were to exist, it is or would be exempt in its entirety under section 23 of the PATI Act as personal information.

The Information Commissioner's [Decision](#) did not confirm one way or another whether the requested records actually exist. But she found that the BPS has not justified its reliance on section 38 of the PATI Act to refuse to disclose the existence or non-existence of a responsive record. This is because the BPS did not establish that any responsive record is or would be exempt in full under the personal information exemption.

The Information Commissioner concluded that the BPS failed to show that any responsive report (if it exists or were to exist) relates or would relate in whole to an identifiable individual. Rather, the BPS can acknowledge whether a report exists, and if so, any incident report that exists could be redacted to remove any exempt personal information, as routinely occurs with PATI requests.

While the Information Commissioner agreed that any records of communications involving the then-Commissioner of Police (if they exist or were to exist) would contain his personal information, she concluded that disclosure of some of his personal information is or would be in the public interest.

The Information Commissioner found that, in any event, the public interest required disclosure of the existence or non-existence of the requested records. As a result, she has ordered the BPS to provide a new initial decision informing the Applicant of the existence or non-existence of the requested records on or before Friday, 11 August 2023.

Decision 15/2023 and the accompanying Order have been filed with the Supreme Court and are legally binding. All decisions issued by the Information Commissioner under section 47(6) of the PATI Act are available at ico.bm.

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Editor's Notes:

About the ICO

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 Bermuda's 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.

Orders and Enforcement

When the Information Commissioner issues decisions with accompanying orders, the decision is filed with the Supreme Court, in accordance with section 48(3) of the PATI Act. If a public authority fails to comply with her decisions and Orders, Information Commissioner Gutierrez will pursue enforcement to safeguard the rights of PATI requesters and the public. To date, public authorities either have complied or are working towards compliance with all the orders accompanying decisions issued by the Information Commissioner.

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