



INFORMATION COMMISSIONER'S OFFICE

HEAD 98

BUDGET BRIEF 2026 – 2027

**FOUND ON PAGES B-29 TO B-33 OF THE ESTIMATES
OF REVENUE AND EXPENDITURE**

Presented by

The Hon. Diallo Rabain, JP, MP

Minister for the Cabinet Office and Digital Innovation

March 16th, 2026

Mr Chairman,

It gives me great pleasure to present the budget for **Head 98**, The Information Commissioner's Office, found on pages **B-29 – B-33** of the Budget Book.

MANDATE & MISSION

Mr. Chairman,

The Information Commissioner's Office ("ICO") is an independent, non-Ministry, public office established in 2015, when the Public Access to Information Act 2010 ("PATI Act") was brought into operation.

The ICO's mission is: 'to uphold the right of all Bermudians and residents of Bermuda to access public records, to the greatest extent possible, within the provisions of the Public Access to Information Act 2010'.

The ICO's objectives, as listed on page **B-29** of the Budget Book, are to—

- Encourage a cultural shift with the public and public authorities by embracing the principles of public access to information.
- Foster the use of PATI rights through public awareness and education.
- Assist public authorities to develop and follow best practices in meeting their obligations under the PATI Act, through guidance and oversight.

- Conduct independent and impartial investigations and reviews in a fair and timely manner.
- Engage stakeholders to strengthen and enhance public access to information rights and their protections in law.

The ICO's mission and objectives, taken together, bring to life the purposes of the PATI Act for the public's benefit, which are to:

- give the public the right to obtain access to information held by public authorities to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others,
- increase transparency, and eliminate unnecessary secrecy, with regard to information held by public authorities,
- increase the accountability of public authorities,
- inform the public about the activities of public authorities, including the manner in which they make decisions, and
- have more information placed in the public domain as a matter of routine.

EXPENDITURE OVERVIEW

Mr. Chairman,

A total of **One Million, Two Hundred Eighty Thousand Dollars (\$1,280,000)** has been allocated to the Information Commissioner's Office, shown on page **B-30**. This represents an increase of **Eighty Thousand Dollars (\$80,000)**, or a **Seven Percent (7%) increase** from the previous

year's budget allocation. This increase constitutes approximately **Six Percent (6%)** of the ICO's total budget for 2026 – 2027.

This increase is primarily due to salary uplifts which will see an increase of **Forty Thousand Dollars (\$40,000)** attributed to new BPSU pay scales taking effect. With the remaining **Forty Thousand Dollars (\$40,000)** of increases being used to fund reasonable costs associated with necessary professional services that are essential to the ICO's operation. Details of these expenditures are discussed further in the Subjective Analysis.

Mr. Chairman,

The Information Commissioner's Office is subdivided into four (4) fiscally identifiable Business Units:

- **108000** Administration
- **108010** Reviews and Decisions
- **108020** Compliance
- **108030** Public Awareness

I will proceed to address each business unit individually, as follows—

ADMINISTRATION – 108000

The Administration business unit provides for the full range of administrative, operations and personnel costs to maintain the day-to-day operational activities of the Information Commissioner's Office, for which a total of **One**

Million Two Hundred and Twenty-Four Thousand (\$1,224,000) has been allocated. This represents an increased allocation of **Sixty-Seven Thousand Dollars (\$67,000)**, or **Six Percent (6%)**. The Administration business unit's estimated costs represent **Ninety-Six Percent (96%)** of the ICO's total budget allocation for 2026 – 2027.

The largest expenditure items under the Administration business unit are for salaries, office rent and IT infrastructure. These are fixed and unavoidable costs for which the ICO continues to exercise fiscal prudence over.

REVIEWS AND DECISIONS – 108010

The Reviews and Decisions business unit covers the costs associated with the Information Commissioner's external reviews and investigations of decisions made by public authorities regarding requests for access to public records under the Public Access to Information Act. A total of **Twenty Thousand Dollars (\$20,000)** has been allocated in this budget, principally to cover expected costs for external legal services to support legal and litigation risks that arise from reviews and decisions. This represents a **Twelve Thousand Dollar** increase or **One Hundred and Fifty Percent (150%)** year over year.

Mr. Chairman,

Legal issues arising during external reviews by the Information Commissioner are increasingly complex as the PATI Act regime matures, resulting in a perennial need to seek legal advice and or to prepare for

potential judicial review actions in the courts. Most of the resource costs, by way of human capital, used for conducting reviews comes out of the salaries for public officers under the Administration business unit.

During fiscal year 2025 – 2026, the ICO curbed some legal costs by utilising in-house legal opinions drafted by their Investigation Officer and former Senior Investigation Officer, as they are both qualified attorneys. Utilising their legal expertise, although not originally part of their job descriptions, has opened opportunities for future development of both roles but does not completely replace the need for external legal counsel.

COMPLIANCE – 108020

For the 2026 – 2027 fiscal year, Six Thousand Dollars (**\$6,000**) has been allocated to support the Information Commissioner's compliance-related oversight and assistance to public authorities. This is a **Two Thousand Dollar** or **Twenty-Five Percent (25%)** reduction.

Mr. Chairman,

This allocation covers briefings, guidance, and support activities tied to PATI Act compliance for public authorities. Cost savings continue to be realised by reducing rental costs by using public facilities, like Bermuda College, when hosting in-person activities. This economical approach retains spending within the public sector.

PUBLIC AWARENESS – 108030

The Public Awareness business unit encompasses costs related to the delivery of public awareness and education activities aimed at informing the public of their right to access public information. For the fiscal year 2026 – 2027, a total of **Thirty Thousand (\$30,000)** has been allocated to this business unit. This represents an increase of **Three Thousand Dollars (\$3,000)**, or **Eleven Percent (11%)**, over the previous fiscal year.

Mr. Chairman,

The ICO's Public Awareness business unit is steadily recovering from years of underfunding. This minimal increase will allow the ICO to maintain existing educational outreach programmes, production of the ICO's Annual Report and costs for promotion and events around International Day for Universal Access to Information in September.

SUBJECTIVE ANALYSIS

Mr. Chairman,

The Subjective Analysis of Current Account Estimates of the Information Commissioner's Office is found on page **B-30**. I will now highlight the material object code increases and decreases.

The estimate for ICO salaries is **Eight Hundred and Fifty-Five Thousand Dollars (\$855,000)**, an expected increase of **Forty Thousand Dollars (\$40,000)** or **Five Percent (5%)** year over year. Specifics of the ICO's

staffing complement are detailed later in this presentation, but the 2026 – 2027 increase in salaries is due to salary uplifts from the new BPSU pay agreement.

Mr. Chairman,

The next notable increase in the ICO's subjective analysis is an increase of **Thirty-Five Thousand Dollars (\$35,000)** for professional services, for a total estimate of **One Hundred and Thirty-Five Thousand Dollars (\$135,000)**. This is an increase of **Thirty-Five Percent (35%)**.

Professional services include the provision of the full range of IT services, bespoke case management software, office security services, website development, legal services, and design and production services for the ICO's Annual Report. Anticipated expenditure for these services remains relatively stable year over year.

The ICO intends to use the **Thirty-Five Thousand Dollar (\$35,000)** increase in professional services to engage technical and professional advisors which are necessary to assist in the discharge of the Office's functions. Using the increase in this way will enhance the human capacity of the ICO during this period of understaffing. It will also bring new expertise to apply in technically complex investigations which aids in the acquisition of new skills and competencies for the ICO's investigation officers.

Other small increases in the subjective analysis cover expected increases in the costs of electricity, telephony services and training for public officers.

Mr. Chairman,

The Information Commissioner reports that the ICO still awaits an approved lease for new office accommodation to finalise the Office's relocation to its own facility. The ICO presently remains tethered to a rolling, month to month lease and co-location arrangement with the Office of the Privacy Commissioner. This arrangement has long outlived both offices' needs. The process of decoupling the offices has lagged on since the 2024 – 2025 fiscal year, resulting in vulnerability and instability to each office's statutorily separate functions and mandates.

The ICO expects to spend **One Hundred and Twenty-Five Thousand Dollars (\$125,000)** on rentals. Of that amount projected building rental costs of **One Hundred and Seventeen Thousand, Three Hundred Dollars (\$117,300)** is for a new office location in Hamilton that is currently under negotiation by the Department of Public Lands and Buildings. Securing the proposed new lease for the ICO will help realise **Twenty-Two Thousand Dollars (\$22,000)** in savings during 2026 – 2027 for rentals.

Mr. Chairman,

The Information Commissioner's Office has an estimate of **Ten Thousand Dollars (\$10,000)** allocated for travel expenses for this fiscal year. This is an increase of **Three Thousand Dollars (\$3,000)** or **Forty-Three Percent**

(**43%**) which will be used for attendance at the International Conference of Information Commissioners' (ICIC) 2026 annual conference taking place during September in Sierra Leone.

Bermuda ICO continues to serve as a member of the ICIC executive committee. Bermuda's presence raises our national profile as a trusted jurisdiction with a robust access to information regime and lends support to the advancement and capacity-building for improvements to information rights globally. Public officers benefit greatly from the transference of skills, expertise and insights which are exchanged at the ICIC conference.

CAPITAL EXPENDITURE

Mr. Chairman,

The capital expenditure for the ICO is found on page **C-9**. The capital account estimate for the 2026 – 2027 fiscal year is **Thirty-Six Thousand Dollars (\$36,000)**.

This capital expenditure allocation will be used by the ICO to purchase furniture and equipment needed for its office relocation. The ICO's relocation also triggers additional costs for necessary infrastructure enhancements to computer equipment and IT software.

MANPOWER

Mr. Chairman,

For 2026 – 2027, the Information Commissioner’s Office has a salaries allocation of **Eight Hundred and Fifty-Five Thousand Dollars (\$855,000)**. As stated earlier, this is a **Five Percent (5%)** increase from the previous year. Salaries continue to comprise the majority of the ICO’s operating budget, accounting for **Sixty-Seven Percent (67%)** of the total allocation. This will fund salaries for **six (6)** Full-Time Equivalent (FTE) posts, although there is a total of **eight (8)** established FTE posts at the ICO.

The ICO currently has a total staff of **five (5)** including the Commissioner. As things stand today, the ICO has **Four (4)** public officers supporting the discharge of the Information Commissioner’s statutory functions: a Deputy Information Commissioner, a Manager – Finance and Administration, an Acting Senior Investigation Officer, and a Project Officer.

In October 2025 the ICO’s Senior Investigation Officer resigned after one year in that role. With this resignation, the Office now has **three (3)** established FTE posts that are vacant: a Senior Investigation Officer, an Investigation Officer, and an Administrative Assistant. During 2026 – 2027, the ICO plans to recruit for an Investigation Officer and expects to fill the Senior Investigation Officer post through internal promotion. However, **two (2)** established FTE posts will remain unfunded again this year.

Mr. Chairman,

The Information Commissioner maintains that funding these two vacancies is not a request to expand the Office, but an urgent need to return the office

to its established staffing levels to effectively meet its statutory obligations. The funding required to fill two vacancies is modest in the context of the national budget.

The ICO has consistently justified its minimum staffing requirements during the budget process. Nonetheless, budget ceilings have prevented the Office from filling critical posts. This has resulted in a structural capacity gap that affects investigations, compliance oversight, public awareness, and timely completion of reviews.

For an office of this small size, leaving two posts unfunded represents the loss of one quarter of the ICO's operational capacity. That impact is not marginal. It is systemic. The remaining officers continue to perform with professionalism and commitment. However, sustained reliance on overstretched personnel is not a viable operating model for an independent oversight body established by the Legislature.

The Information Commissioner is clear that his Office will continue to discharge its mandate to the best of its ability within the resources provided. However, he wishes to advise Parliament, and the general public, that the ICO cannot deliver at full effectiveness while operating below its approved staffing level.

PERFORMANCE MEASURES BY BUSINESS UNIT

Mr. Chairman,

The Information Commissioner's Office has made downward adjustments to its performance measures because of ongoing staff shortages as outlined on pages **B-32 – B-33**. Revised forecast performance measures for fiscal year 2025 – 2026 are tracking to be mostly met by end of year.

The ICO's output continues to demonstrate operational excellence, resilience and commitment to fulfilling its statutory mandate within a challenging fiscal environment.

Business Unit 108000 – Administration

The Administration unit is responsible for the day-to-day operations of the ICO, including facilities management, staff support, training, and access to necessary resources. Its performance is measured by how effectively it upholds statutory, financial, and governance obligations.

- The ICO has consistently met its statutory requirement to lay its Annual Report before the Legislature by March 31st.
- The ICO demonstrates fiscal transparency and accountability by proactively publishing its quarterly expenditure reports and financial records online.
- The Office maintains a strong audit record, having consistently received unqualified audits from the Auditor General.

- In the year ahead, the Administration unit plans to continue its review and updates to internal guides, policies, and procedures to align with evolving best practices and legal standards.

Business Unit 108010 – Reviews and Decisions

This unit handles applications submitted for external review of public authorities' PATI request decisions. It represents the most complex and labour-intensive function within the ICO.

- In 2025, the ICO received 30 new applications for external review.
- The unit is challenged to meet the 8-month target to close reviews — a timeline impacted by the complexity of investigations and staffing constraints.
- Delays are frequently due to public authority challenges in responding to reviews while managing their core functions.
- As of now, there are 38 open reviews in the investigation phase.
- To address a growing backlog, the ICO is streamlining its internal review processes for greater efficiency, while maintaining fairness and decision quality.
- The ICO proactively seeks resolution opportunities between parties to reduce review times.

Business Unit 108020 – Compliance

The Compliance unit is responsible for monitoring and guiding public authorities in fulfilling their legal obligations under the Public Access to Information Act, particularly those outlined in Part 2 of the Act.

Key responsibilities include:

- collecting and analysing annual return data from around 190 public authorities,
- promoting the proactive publication of public records,
- ensuring Information Statements are updated regularly, and
- monitoring the gazetting of details for contracts over \$50,000.

Despite the volume of authorities and limited resources, the ICO:

- delivers quarterly compliance briefings on emerging issues,
- provides direct assistance to public authorities as needed, and
- publishes guidance materials to support consistent, best-practice compliance.

In 2025 – 2026, the ICO has utilised a new digital tool to collect compliance data through annual returns. Leveraging data analysis from annual returns has identified trends and opportunities for improvement. As a direct result, targeted compliance interventions with noncompliant public authorities have risen this year.

Business Unit 108030 – Public Awareness

The Public Awareness unit plays a central role in advancing, promoting and safeguarding the right of access to public records, which opens pathways for, and links to, access to other important fundamental rights and civic participation.

The ICO raises public awareness through:

- educational initiatives, social media, and accessible online resources,
- public events, including International Day for Universal Access to Information, and
- stakeholder engagement to strengthen understanding and use of information access rights.

Public awareness and support for the right of access to information is high, with 87% of respondents in the ICO's 2025 public engagement survey indicating that access to public records was important to them.

Public awareness efforts are transitioning towards improving public's understanding of the array of public information that is already accessible online. The ICO also plans to design methods to activate public participation in identifying gaps in publicly available information, which can naturally support the ICO's efforts to encourage public authorities to make more information proactively available online.

MAJOR POLICY CHANGES

Mr. Chairman,

The Information Commissioner's Office awaits government's implementation of two significant policy changes from amendments to the PATI Act:

- introduction of a fee structure for certain PATI requests, and
- introduction of a statutory deadline of eight months for the ICO to complete external reviews.

As of now, the ICO stands ready for the announcement of a planned implementation date.

PLANS FOR THE UPCOMING YEAR

Mr. Chairman,

In the coming year, the Office will continue advancing the Information Commissioner's vision of achieving balance to the mandate. While reviews and investigations remain essential, the ICO will be directing greater effort toward strengthening proactive disclosure and improving public authorities' compliance with Part 2 of the Act.

This strategy is not an expansion of scope. Rather, it is a compliance-driven, efficiency-focused approach designed to reduce disputes, lower administrative burden across government, and improve public access to information at the source.

The Commissioner and staff will achieve this through strategic priorities designed to modernise oversight activities:

- by strengthening proactive publication by encouraging public authorities to publish information of relevance or interest to the public regarding their activities and functions,
- by enhancing existing online compliance tools to support public authorities in understanding and meeting their obligations, and
- by supporting digital innovation to overcome barriers to access public information and reduce bureaucratic burdens on public authorities.

Bringing to life the Legislature's intent to give the Bermuda public the right to access public information to the greatest extent possible, can only be aspirational without the investment of public funds for the effective oversight of the PATI regime by the Information Commissioner.

Budget limitations aside, the Information Commissioner renews his commitment to safeguarding the right of access to public information in Bermuda and to the sound stewardship of his Office with money appropriated by the Legislature for the 2026 – 2027 fiscal year.

Mr Chairman,

That ends my presentation on **Head 98 – The Information Commissioner's Office**. I wish to commend the Information Commissioner, Mr. Jason Outerbridge, on his first year in Office and thank his staff for their exemplary

work over the last year as they managed the transition to a new Commissioner.