Decision Notice

Decision 06/2026: Bermuda Police Service

Failure to decide: noncompliance with section 43

Review reference no.: **2026008**
Decision date: **15 May 2026**

Summary

On 3 December 2025, the Applicant asked the Bermuda Police Service (**BPS**) for records related to the locations of police CCTV cameras. The Applicant subsequently asked the BPS for an internal review of its decision on the request. The Acting Senior Investigation Officer[1] has found that the BPS failed to comply with all requirements for an internal review within the six-week statutory timeframe set by section 43(2) of the Public Access to Information Act 2010.

This Decision has not required further action to be taken by the BPS, as they took sufficient corrective steps during the conduct of this review.

Background and investigation

1. This Decision is for a 'failure to decide' application for an external review by the Information Commissioner under Part 6 of the Public Access to Information (**PATI**) Act 2010.[2] This Decision by the Acting Senior Investigation Officer addresses a public authority's basic obligation to complete an internal review and notify the requester of its decision within the six-week statutory timeframe, not whether a public authority has properly denied access to a record.

2. On 3 December 2025, the Applicant made a written PATI request to the (**BPS**) for records related to the locations of police CCTV cameras.

3. On 5 January 2026, the BPS issued an initial decision to the Applicant.

4. On 13 January 2026, the Applicant made a timely request for the Head of Public Authority for the BPS to conduct an internal review of the BPS's initial decision. The six-week internal review deadline was 24 February 2026.

5. On 17 March 2026, the Applicant requested that the Information Commissioner conduct a review of the BPS's failure to decide within the six-week statutory time limit.

6. The application for the Information Commissioner's review was assessed as valid, as it met the criteria in section 45(1)(b) of the PATI Act.

[1] The Acting Senior Investigation Officer issues this Decision under delegated authority from the Information Commissioner, per section 52A of the PATI Act. For more details, a schedule of delegation is available on ico.bm.

[2] The procedure for this external review follows a Summary Procedure for 'failure to decide' reviews, published March 2026.

7. The Acting Senior Investigation Officer decided not to attempt to resolve the matter under section 46 of the PATI Act, because an internal review decision with full reason from the head of a public authority is required before a requester can seek an external review by the Information Commissioner under section 45(1)(a). A section 45(1)(a) review considers the substance of the authority's final decision, including exemptions, search efforts or administrative denial, etc.

8. A review was commenced under section 47 of the PATI Act, by notice to each party on 9 April 2026.

9. As required by section 47(4) of the PATI Act, the BPS was invited to make representations, by answering standard investigation questions. The Office of Information Commissioner's (**ICO**) investigation questions addressed whether the BPS had, in fact, met its statutory obligations for an internal review within the statutory timeframe set out in section 43 of the PATI Act. At the same time, the ICO strongly encouraged the Head of Public Authority to issue its decision to the Applicant, if they had not already done so, to meet the requirements of section 43 before the deadline of 16 April 2026.

10. The ICO did not receive written submissions from the Head of Public Authority for the BPS on 16 April 2026.

11. The Applicant was also invited to make representations, if they wished to do so. The ICO did not receive submissions from the Applicant.

12. On 21 April 2026[3], the BPS emailed its internal review decision to the Applicant and provided the ICO with a copy that same day.

Analysis and findings

Internal review – section 43

13. Section 43 of the PATI Act requires the head of a public authority to conduct an internal review[4] of any decision made by the authority with respect to a PATI request or of any failure by the authority to take any action that it is required to take under the PATI Act:

[3] The internal review decision was dated 13 April 2026.
[4] Section 41 of the PATI Act sets out the scope of an internal review. Section 42 sets the time limit to apply for an internal review.

Conduct of review

43 (1) An internal review of a decision by a public authority, other than a decision made by the head of a public authority, shall be conducted by the ***head of the public authority*** *concerned.*

(2) The head of the public authority shall within six weeks after receiving an application for an internal review with respect to a request—

(a) ***complete the review*** *and* ***make a decision*** *with regard to the review; and*

(b) ***notify*** *the* ***requester*** *and any third party concerned of—*

(i) the ***decision*** *and the* ***reasons*** *for the decision; and*

(ii) the ***right*** *of the requester or third party, as the case may be, to* ***apply to the Commissioner for a review*** *of the decision under Part 6.*

[emphasis added]

14. To fully comply with section 43(2), the head of a public authority must satisfy *all* the statutory obligations within six weeks of receiving a request for an internal review.

Discussion

15. It is a matter of fact that the BPS did not comply with section 43(2) because it had not notified the Applicant of the decision, the reasons for the decision and of the Applicant's right to seek an external review by the Information Commissioner, by 24 February 2026. That date being six weeks after the BPS received the Applicant's request for an internal review.

16. Based on these facts, the Acting Senior Investigation Officer finds that the BPS failed to comply with the requirements for an internal review within the six-week statutory timeframe set by section 43(2) of the PATI Act.

17. The Acting Senior Investigation Officer acknowledges that the BPS took corrective measures ahead of the issuance of this Decision to bring itself into compliance with all requirements of section 43(2), by completing its review and notifying the Applicant of its late internal review decision, the reasons for the decision and the Applicant's right to seek an external review by the Information Commissioner.

18. Given that the BPS has issued an internal review decision prior to this Decision, the Acting Senior Investigation Officer does not need to order the BPS to take any further action.

Decision

The Acting Senior Investigation Officer finds that the Bermuda Police Service (**BPS**) failed to comply with the requirements for an internal review within the six-week statutory deadline set by section 43(2) of the Public Access to Information Act 2010.

No order is required for this Decision because the BPS has fully complied with the requirements of section 43(2) during this review.

Judicial review

The Applicant, the Bermuda Police Service and any other person aggrieved by this Decision have the right to apply to the Supreme Court for review of this Decision, in accordance with section 49 of the PATI Act. Any such application must be made within six months of this Decision.

Decided by Kentisha Tweed, Acting Senior Investigation Officer, 15 May 2026

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