

Decision Notice

Decision 14/2025: Bermuda Police Service

Prior PATI request decision-making records and disclosures

Review reference no.: 2024023

Decision date: 8 August 2025

Summary

In this Decision, the Applicant had made a request under the Public Access to Information (**PATI**) Act 2010 to the Bermuda Police Service (**BPS**) for records on the BPS's PATI request decision-making and disclosures for any prior requests that had sought records related to the Applicant. In response, the BPS decided that most records contained exempt personal information of the prior requesters, where the public interest did not favour releasing them to the Applicant, while other records did not exist as a matter of practice.

On concluding an external review, the Deputy Information Commissioner¹ has found that the BPS has partly justified its refusal of the Applicant's access to records under section 23(1) of the PATI Act, related to other parties' personal information, except where the public interest required that certain personal work information of the former Commissioner of Police and the then-Deputy Commissioner of Police be disclosed. The Deputy Information Commissioner has also found that the Applicant's own personal information had been incorrectly withheld by the BPS, along with information that was not personally identifying.

The Deputy Information Commissioner, therefore, has partially reversed the BPS's decision and ordered the BPS to disclose redacted copies of 31 records (with other exempt personal information removed) to the Applicant alone, as directed by this Decision Notice, the accompanying Order and the Confidential Redaction Summary (which all form part of this Decision), on or before **Friday, 19 September 2025**.

Relevant statutory provisions

Public Access to Information Act 2010: section 12 (access to records); section 23 (personal information)

Public Access to Information Regulations 2014: regulation 5 (reasonable search)

Background

1. On 31 October 2023, the Applicant made a request under the Public Access to Information (**PATI**) Act 2010 to the Bermuda Police Service (**BPS**). The Applicant was aware that, in the past few years, others had made requests under PATI to the BPS seeking disclosure of BPS

¹ The Information Commissioner delegated to the Deputy Information Commissioner, by virtue of section 52A, their function of completing specified reviews and issuing decisions under section 47(6) of the PATI Act; a schedule of delegation is posted on ico.bm. This is the second Decision being issued under delegated authority.

records that, in some way, related to the Applicant. They wanted more information about those prior PATI requests, the BPS's decision-making on them, and their outcomes.

2. The Applicant specifically sought from the BPS:
 - a. the number and date of all PATI applications seeking records connected or related to the Applicant (**item 1**);
 - b. in accordance with section 6(2) of the PATI Act, the BPS logs detailing each request and the wording provided to seek records about or connected to the Applicant—with redactions to remove the identity of the prior requester (**item 2**);
 - c. the BPS PATI logs and all records relating to the BPS PATI information officer seeking and receiving input from record holders relating to the 'risk and harm' and any input on possible exemptions relating to the possible disclosure of the records sought at items 1 and 2 above, in accordance with the BPS policy on PATI and the governing legislation (**item 3**);
 - d. the BPS logs of all approved PATI applications relating to records about or connected to the Applicant as indicated at items 1 and 2 above, and the BPS PATI information officer's decision log and/or rationale for the approved release of any records relating to the Applicant (**item 4**); and
 - e. all actual records and information provided to prior requesters seeking records relating to the Applicant as indicated at items 1 and 2 above (**item 5**). In their request, the Applicant also noted that all approved disclosures under the PATI Act were published to the BPS PATI log and thus were public records.
3. As the Deputy Information Commissioner understands, the Applicant wanted to learn from the BPS when PATI requests had been made about them, what those requests had specifically asked for, in what ways the BPS had assessed potential harms of releasing records about them under PATI, and why the BPS had ultimately decided to release records containing the Applicant's identifying information under PATI—along with accessing a copy of all actual records released.
4. In their request, the Applicant referred the BPS's attention to section 6(2) of the PATI Act, which requires every public authority to have a log of all their PATI requests ready for the public's access—excluding any personally identifying information. In this Decision, this public log, which is maintained per sections 6(2)-(4), is referred to as a public authority's

PATI request log.² Under the PATI Act, every public authority is also required to assign someone the role of information officer. Among other duties, the information officer makes an initial decision when their public authority receives a request for records under PATI. Information officers are required to also maintain an internal log of all disclosures made for applications granted by their public authority (i.e. records disclosed) in addition to an electronic internal register with full details about all their authority's requests, under regulations 17 and 20 of the PATI Regulations 2014.³

5. On 8 December 2023, the BPS issued a timely initial decision responding to the Applicant's PATI request. The Applicant made a valid request for an internal review on 10 January 2024, explaining their view that the BPS was incorrect in denying their access to records which would have become 'public documents' once the BPS released them to the prior requesters under PATI.
6. On 2 May 2024, the BPS issued its overdue internal review decision to the Applicant, affirming the BPS's initial refusal for the reasons given, which were explained as follows.
 - a. For item 1, the BPS refused to identify for the Applicant which application reference numbers and received dates were responsive to their request, explaining that disclosing this information could lead to the prior requesters being identified when cross-referenced with other information already known to the Applicant. The BPS

² This PATI request log must include the request (identifying the record sought or enough information allowing the public authority to identify it, per section 13(2)), the request's outcome (i.e. granted or refused), and if refused the reasons for refusal (i.e. PATI provisions relied on), without any identifying information of any person—especially information that could reveal who the requester was. Section 6 does not require the PATI request received date or assigned reference number to be included in the public log.

³ In addition to a public authority's PATI request log, regulation 20 of the PATI Regulations requires all public authorities to keep an electronic register of PATI requests, including the request's assigned reference number, the name of the requester, the date of their request, a summary of the request, the date the response was sent to the requester, a summary of information provided (where information was provided), where the request was refused, the specific clause relied on with supportive reasons, and whether a review was requested and the review's outcome. Public authorities may use the government's PATI tracking system or their own electronic system for tracking PATI requests, as directed by regulations 20(2)-(3).

The internal PATI register holds more detailed information than the publicly accessible PATI request log. It is distinct from the PATI request log required by section 6(2) and is not subject to proactive publication under the PATI Act, though some information in it would be available in the PATI request log. In this sense, the PATI request log is meant to be a sanitised excerpt from the internal register. Regulation 17 further requires the public authority to maintain a log of all record disclosures made under PATI for requests that have been granted.

relied on the personal information exemption in section 23, supported by the confidentiality provision in section 12(4)⁴, to refuse item 1.

- b. For item 2, the BPS disclosed to the Applicant its PATI request log for requests received in 2023, which was described as fulfilling its duty in sections 6(2)-(4). The log featured a summary of each request, where the BPS either had inserted 'redacted' (to mark where identifying information of the requesters or other individuals was removed) or otherwise had re-phrased the request to sanitise it of personally identifying information. It also included each request's outcome and cited provisions relied on for any refusal, as well as the request's received date and reference number. The disclosed log did not identify for the Applicant which of the 89 listed requests related to the Applicant and were responsive to items 1 and 2. The BPS explained that the information removed from the 2023 PATI request log was to protect requester confidentiality under sections 12(4) and 23 of the PATI Act.
- c. For items 3 and 4, the BPS informed the Applicant that no other separate logs existed for documenting the potential harm of disclosure for prior PATI requests or for summarising the BPS's rationale for the approved release of records under PATI. These parts of items 3 and 4 were, in effect, administratively refused. The BPS explained that its 'risk and harm' analyses were described, with detailed reasons, in the decision notices issued to individual requesters or were addressed through submissions sought from third parties (where section 39 applied⁵). The BPS also commented that to maintain other comprehensive logs as described, besides them not being required by the PATI Act, would be burdensome given the large number of requests made to the public authority.
- d. For item 5, the BPS withheld from the Applicant the previously disclosed records, in full. The BPS summarised that:

⁴ Section 12(4) states: "The identity of a requester shall be kept confidential and, except with the consent of the requester, may not be disclosed to any person other than a person who is required to deal with the request under this Act."

⁵ Section 39 of the PATI Act requires public authorities to notify third parties if they intend to disclose a record that the head of the public authority believes might contain exempt information of a type referred to in sections 23 (personal information), 25 (commercial information) or 26 (information received in confidence). When a public authority does not intend to disclose a record with third-party information, the PATI Act does not require any notice to that concerned third party. The BPS noted for the Applicant that, in cases where the PATI request itself identified record holders, a record holder might not have been alerted to the request and thus not invited to identify for the information officer if the records contained sensitive information, if the request itself related to sensitive information or exemptions applied on the face of the request.

It is acknowledged, that the public interest purpose of the Act is to facilitate transparency from public authorities in general, this does not automatically imply a public right of access to personal information disclosed on a conditional basis to another applicant. ... In this case, the overall purpose and wording of the PATI Act indicates an intent to protect the confidentiality of personal information where possible, as well as respecting requester privacy, which would be undercut by releasing data given to another applicant.

7. On 2 May 2024, the Applicant asked for an external review by the Information Commissioner.

Investigation

8. On 14 May 2024, the Information Commissioner's Office (**ICO**) accepted the application as valid under section 45 of the PATI Act, on the basis that the Applicant had made a PATI request under section 13 to a public authority, had received that public authority's decision on internal review under section 43, and had asked for an external review in writing within the six-week deadline.
9. The ICO confirmed the issues the Applicant wanted the Information Commissioner to review, which included the BPS's reliance on section 23 to withhold records (in part or in full), its search as well as the completeness and accuracy of its decision on their request. The Applicant did not challenge how the BPS had removed personally identifying information from the disclosed PATI request log.
10. The Deputy Information Commissioner notes that the Applicant made allegations against the public authority during this external review, stemming from the Applicant's view of how some prior PATI requests seeking disclosure of the Applicant's identifying information had been handled. As was communicated to the Applicant when their application for a Commissioner's review was validated, their allegation is not addressed as an issue in this Decision.⁶ It is not the Commissioner's role, in a section 45 review, to analyse the quality or adequacy of a public authority's decision making that is reflected in the records asked for through a PATI request, even where the responsive records at issue related to prior PATI

⁶ See [Decision 31/2023](#), [Bermuda Gaming Commission](#), at paragraph 53, where the Information Commissioner took a similar approach regarding a request for records disclosed in response to a prior PATI request. As described in [Decision 55/2023](#), [Ministry of Education Headquarters](#), the PATI Act itself is "not designed to be an avenue for the public to challenge a governmental decision directly".

requests. A third-party applicant has standing before the Commissioner to challenge a public authority's disclosure of records containing their personal information for a PATI request made by someone else, by making an external review request within six weeks of the public authority's internal review decision.

11. On 22 May 2024, the ICO notified the BPS that an Information Commissioner's review for the Applicant's valid application was begun under section 47 of the PATI Act. The ICO requested access to the BPS's withheld records, under section 56, and met in-person for initially examining them and discussing the BPS's search approach.
12. After this first review of the records, the ICO confirmed that the Applicant would be satisfied—specifically for items 3, 4 and 5 in their request—to receive records only where the BPS had released the Applicant's identifying information to other requesters in response to prior PATI requests. This agreement focused the Commissioner's review, including the number of records at issue.
13. Throughout July 2024, the BPS submitted to the ICO all records related to prior PATI requests where the Applicant was mentioned by name or that otherwise related to them and where the BPS had granted the request in full or disclosed information in part. Based on the Applicant's confirmation on items 3, 4 and 5, the ICO removed from the Commissioner's review all records related to prior PATI requests where the BPS had refused to disclose the Applicant's identifying information to other requesters. After careful checks of all potentially responsive records, the ICO verified that, relevant to items 3, 4 and 5, there had been five prior PATI requests where the disclosed records or the disclosure decision mentioned the Applicant.⁷ All other records were removed from consideration.
14. This Decision, therefore, has assessed the BPS's reliance on the personal information exemption for withholding a set of 32 records, including 16 records previously disclosed to other requesters, eight PATI request decision notices, one PATI request email, three email threads about harm analysis input, and four logs.
15. As required by section 47(4) of the PATI Act, the parties were invited to make representations to the Information Commissioner. In hopes of resolving some of the parties' disagreements during the external review, the ICO offered a preliminary view

⁷ The BPS had submitted records for numerous prior PATI requests, made between 2020 and 2023, which mentioned the Applicant by name or otherwise related to the Applicant and had been granted in full or in part. Most of those requests had multiple items, where only some items were obviously responsive to the Applicant's request. For some requests, although the BPS's internal registers logged that the request had been granted, on closer review of the records, the ICO verified that the BPS had granted the requests for parts unrelated to the Applicant; hence, they were no longer responsive to items 3, 4 and 5 of the Applicant's request as narrowed during this external review.

inviting the BPS to disclose a redacted copy of the records, based on the ICO's understanding of the Applicant's information needs.⁸ The BPS declined to disclose more records and made written submissions on 26 August, 11 October and 29 October 2024, mostly in support of the authority's original decisions on the Applicant's request and earlier correspondence with the ICO during this review. The Applicant submitted comments throughout the Commissioner's review and confirmed, in response to the ICO's formal invitation, that they would not make additional representations. No third-party submissions were invited during this Commissioner's review, given below analysis on section 23.

Analysis and findings

16. Under delegated authority, the Deputy Information Commissioner has considered all relevant submissions made by the parties, being satisfied that no matter of relevance was overlooked.
17. The Deputy Information Commissioner's findings begin with an assessment of the BPS's reliance on the personal information exemption to withhold the records, followed by an analysis of the reasonableness of the BPS's search and the completeness and accuracy of its response.

Personal information – section 23

18. Section 23(1) allows a public authority to deny public access to a record, or part of a record, if it consists of personal information.⁹ Section 24(1) defines personal information as information about an identifiable individual, subject to certain exclusions to this definition in section 24(2) and to exceptions to the exemption in section 23(2).
19. If the information in the record includes reference to a specific person, it is personal information. A record will also contain personal information if an individual's identity is reasonably ascertainable from the information.
20. The personal information exemption does not apply in certain circumstances set out in section 23(2), such as when the information concerned relates to the requester or the concerned individual has consented to disclosure of their personal information.

⁸ A useful example of an overseas public body's disclosure log for their freedom of information requests was shared as posted on the [UK National Audit Office's](#) website, which was noted to exclude personal information.

⁹ For a detailed explanation of this exemption, see [Decision 02/2019, Office of the Governor](#), at paragraphs 34-63.

21. The exemption is subject to the public interest test in section 23(6).¹⁰ In the context of personal information, the public interest requires a balancing of the public interests in favour of publicly knowing an individual's personal information, on the one hand, against the privacy rights of the individual and any other public interest in favour of confidentiality, on the other.
22. When considering the public interest test for a personal information disclosure, public authorities should take into account the following factors:
 - a. whether disclosure will further the public interest, including but not limited to the factors listed in regulation 2 of the PATI Regulations;
 - b. whether disclosure would be fair to the individual under all of the circumstances, which would include consideration of whether sensitive personal information¹¹ was involved, the potential consequences of disclosure on the individual, and the individual's reasonable expectations of privacy; and
 - c. whether disclosure of the personal information is necessary to further the public interests that have been identified.
23. In sum, to appropriately rely on the personal information exemption in section 23(1), the public authority must consider the following questions:
 - [1] Does the record consist of information about an identifiable individual?
 - [2] Does the information fall within any of the exclusions to the definition of personal information in section 24(2)?
 - [3] Do any of the exceptions to the exemption in section 23(2) apply to the record?
 - [4] If the exemption for personal information in section 23(1) is engaged, does the balance of the public interest require disclosure?

¹⁰ Section 21 of the PATI Act reads: "For the purposes of [Part 4], the test of whether disclosure by a public authority of a record or the existence of a record is in the public interest is whether the public interest would, on balance, be better served by disclosure than by non-disclosure."

¹¹ Under section 7(1) of the [Personal Information Protection Act 2016](#), 'sensitive personal information' means "any personal information relating to an individual's place of origin, race, colour, national or ethnic origin, sex, sexual orientation, sexual life, marital status, physical or mental disability, physical or mental health, family status, religious beliefs, political opinions, trade union membership, biometric information or genetic information".

24. A public authority invoking section 23(1) has the burden to show that, on the balance of probabilities, the exemption is justified. This is the only exemption the Information Commissioner will invoke on their own accord to safeguard the right to privacy.
25. This Commissioner's external review has been decided under the [PATI Act in effect](#) when the request was made.¹² Recent amendments made by the [Personal Information Protection Amendment Act 2023](#), about how personal information is processed under the PATI Act, do not apply to assessing the records at issue in this Decision.

Public authority's submissions

26. The BPS submitted that, by the letter of the law, the PATI Act did not require a public authority to make available for later applicants any records or information that had been disclosed to prior PATI requesters, to uphold requester privacy. The BPS referred specifically to a 2015 PATI amendment to section 6(4)¹³ of the Act and submitted that this was important when a request sought personal information records. The BPS acknowledged, however, that disclosures under the PATI Act would be considered public if the requester chose to disclose them. The BPS emphasised that the PATI Act intended to keep confidential the identity of a PATI requester, pointing to sections 2¹⁴, 6(2), 6(4) and 12(4) of the PATI Act. In this sense, the BPS insisted on withholding all personal information in the records from the Applicant, particularly information that would have revealed the identity of the prior PATI requesters.
27. The BPS raised the 'mosaic' effect to explain potential harms of disclosing information that, on its face, may seem innocuous or not obviously related to a requester (such as a date or reference number) but could become personally identifying information when pieced together with other publicly or personally available information. The BPS reasoned that it

¹² Under section 3 of the [Personal Information Protection \(Transitional\) Regulations 2024](#), "...any pre-commencement PATI request which has not been finally disposed of before 1 January 2025, including any internal review, review by the Information Commissioner, or proceedings relating to such a request, shall be continued under and in accordance with PATI as if the amendments made to PATI and to the PATI Regulations by PIPAA 2023 were not in effect."

¹³ Nine months after the PATI Act took effect, the Legislature passed an [amendment](#) that changed the 2010 language, which originally read "The information in the log shall be made available to members of the public upon request, *together with* any information that has been provided pursuant to an access request that has been granted". Effective December 2015, section 6(4) was amended to read: "The information in the log, *other than* information that has been provided pursuant to an access request, shall be made available to members of the public upon request".

¹⁴ Section 2(a) reads: "The purpose of this Act is to give 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*."

was imperative to consider the broader context and possible harmful implications of disclosure to ensure the identity of PATI requesters remained confidential, including to prevent any risk of unintended identification. The BPS submitted, generally, that disclosing the records at issue would have released identifying information about the prior requesters due to this mosaic effect. To support this position, the BPS shared documents with the ICO showing that individuals have previously assumed to identify prior requesters on learning what wording had been used for making their requests.

28. For the public interest test, the BPS submitted that there remained a strong public interest in not compromising the privacy of individual requesters. The BPS described that the 2015 PATI amendment for section 6(4) “was driven by a critical need to balance the transparency goals of the Act with the confidentiality rights of individuals who make requests under it”, including “to prevent the potential misuse of disclosed information that could, when combined with other data ... lead to the identification of requesters or other involved parties, thereby compromising their privacy”. The BPS further stated that “the public’s right to know about the operation of the PATI Act (through access to the log) and the individual’s right to privacy (by not automatically disclosing the content of responses)” was how the public interest was balanced. The BPS asserted that if people believed their requests, decision notices or responses received could automatically become public—even if their personal information had been redacted—they might hesitate to exercise their right to access information.
29. The BPS submitted that, although the Applicant might have had a personal interest in seeking the records, the public interest in maintaining the privacy and confidentiality of PATI requesters significantly outweighed any public interest in disclosure.

Applicant’s submissions

30. The Applicant submitted that there could be no legal means to deny their request because they had asked for documents which related to them and had already been released to other requesters under the PATI Act. The Applicant believed that when a public authority has granted access to records under the PATI Act, they become public documents and thus should have been released to the Applicant as a member of the public.
31. The Applicant emphasised that they were not seeking information in the records that would reveal the identity of the prior requesters, noting, though, that this information was known to them already based on certain matters.
32. The Applicant also made submissions related to the public interest test. The Applicant stated that, in their view, some requesters were abusing the PATI Act and bypassing legislation that guided the disclosure of documents during investigations, which

undermined the integrity of other systems and statutory procedures. The Applicant stated that the public had an interest in understanding the misuse of the PATI Act, as it was the Applicant's view that the PATI Act had been used to undermine important systems.

33. The Applicant also explained that they had been the subject of multiple PATI requests, and requesters were specifically warned to cease making PATI requests in relation to ongoing investigations. The Applicant asserted that prior PATI requests had been granted by the BPS following improper applications of the public interest test when disclosures were made.

Discussion

[1] Did the record consist of information about an identifiable individual?

34. On reviewing the withheld records and the BPS's submissions, the Deputy Information Commissioner is satisfied that information identifying individuals, such as their names, contacts and references to their activities or connections, could be categorised as about:
 - a. the PATI requesters (in records for items 2, 3, 4 and 5);
 - b. the Applicant (in records for items 2, 3, 4 and 5);
 - c. BPS staff (in records for items 2, 4 and 5); and
 - d. people outside the BPS (in records for items 2, 4 and 5).
35. The Deputy Information Commissioner observes that identifiable individuals were referred to in each of the prior PATI requests within the records under review. In addition, each of those prior PATI requests contained specific references to the requesters' own identifying information, as those requesters had sought the BPS's records related to their own activities. In this sense, the wording of the requests was appropriately considered by the BPS to have been the original requester's personally identifying information—but with some exceptions, as assessed below. The exemption is considered further for each of the request's wording.
36. For the PATI request reference numbers and their dates of receipt, the Deputy Information Commissioner accepts the BPS's submissions that, in circumstances where different requesters have been seeking information about one another through PATI, seemingly innocuous information—which, on its face, would not identify any individual—would have revealed identifying information about a requester, due to the mosaic effect.
37. Though the Applicant had reiterated their appreciation that requester confidentiality would require certain information being withheld from them in the BPS's response to their

PATI request, the Deputy Information Commissioner agrees with the BPS's general position that seemingly non-identifying information would have become the requester's personally identifying information in the circumstances at hand. The Applicant acknowledged as much in their submissions that, based on other information in their possession, it would have been confirmed for them who those requesters were. This would have included the PATI request reference numbers and their dates of receipt because the Applicant would have received some of this information directly from the BPS's Information Officer, while processing those prior requests, and could have pieced together the requesters' identities. Based on circumstances, the people involved, and facts known to the Applicant, the likelihood of identifying PATI requesters with this information disclosed would have been high.

38. In other circumstances, this same conclusion would not likely be reached. One key purpose of assigning reference numbers is to help public authorities refer anonymously to requests while processing and reporting on them, without exposing personally identifying information that must be strictly protected—as the BPS's submissions emphasised. As an example, the ICO's published [PATI request log](#) shows the assigned reference number and the request's received date.
39. Here, for the PATI request received dates, the Deputy Information Commissioner is satisfied that withholding the day alone from the Applicant would have been sufficient to sanitise this information, so that it was no longer the requester's personally identifying information. This was due to the high number of requests made to the public authority. (For coherence, the same approach to sanitising has been applied to the received dates of other requests listed in three of the logs at issue. As a result, for the fourth log, i.e. the one already disclosed to the Applicant, no further action will be needed.) Likewise, the disposition of those prior PATI requests (i.e. whether it was granted or refused) and the provisions relied on by the BPS to refuse the request did not constitute the requester's personally identifying information even if combined with other known information. Section 23(1), therefore, is not considered further for any parts of the records containing the day part of the received date as well as the disposition and refusal provisions for the prior PATI requests. The exemption could not have applied where the information was not personally identifying.
40. Notably, various parts of the records fit into more than one category of information about identifiable individuals. For instance, they would have been appropriately categorised as 'mixed' personal information, i.e. about more than one identifiable individual, whether the Applicant's and the original requester's or by other combinations. This meant those parts of the records should not have been understood, exclusively, to have been the original

requester's own personal information. A more nuanced analysis was required, given the exception discussed below.

[2] Did the information fall within any exclusion to the definition of personal information in section 24(2)?

41. Though the public authority did not make submissions specific to the exemption's exclusions or exceptions, the Deputy Information Commissioner is satisfied that none of the exclusions in section 24(2) applied to the information about identifiable individuals throughout the records.
42. While some individuals were officers or employees of public authorities or individuals performing services under contract for a public authority, the relevant information related to their individual performance of their public duties, i.e. not generically to their position or function where it would not have mattered who the individual in the post was (e.g. a salary range for the position or a description of the postholder's duties). Individuals' routine work information, in fulfilling their public duties, did not fall within the exclusion in section 24(2)(a).
43. As some information in the records related to an individual who served as a BPS consultant, section 24(2)(b) was relevant. This exclusion removes from the exemption's scope "information about an individual who is or was performing services under contract for a public authority that relates to the services performed, including the terms of the contract and the name of the individual". In other words, public authorities do not have standing to withhold a consultant's name and their consultancy service agreement terms from the public under this exemption. In the context of personal information, individual consultants do not enjoy identical privacy protections as public officers. While the Information Commissioner has concluded, in past decisions, that an individual consultant's name¹⁵ met the exclusion in section 24(2)(b), the type of information at issue in these records related to consultants performing their routine work, rather than generic information such as an agreed scope of work and its contracted value as recorded in an executed contract.
44. Like the exclusion for public officers, section 24(2)(b) maintains some protection for an individual's routine personal work information. Here, the information in the relevant records extends into a separate category of information related to the consultant's daily performance in their consultancy position. This information was clearly of a personal work

¹⁵ See, for instance, [Decision 16/2024](#), [Ministry of Legal Affairs Headquarters](#), at paragraph 114.

nature and did not fall within the exclusion from the definition of personal information in section 24(2)(b), which supports public disclosure of general facts.

[3] Did any exception to the exemption in section 23(2) apply to the record?

45. Section 23(2)(a) directs that the exemption could not have applied for information related to the requester. By virtue of this exception, the exemption did not apply to any parts of records that related solely to this Applicant. Given the prevalence of mixed personal information, however, it was essential to distinguish the Applicant's personal information that was easily separable from the personal information of other individuals, from mixed personal information where the Applicant's personal information could not have been easily separated from other individuals' personal information.
46. For the Applicant's easy-to-separate personal information in the records, the exception in section 23(2)(a) appropriately disapplied the exemption; hence, the BPS was not justified in relying on the personal information exemption to withhold such information from the Applicant. Importantly, this included the wording of certain parts in five relevant prior PATI requests which the Deputy Information Commissioner has assessed related solely to the Applicant and not to any other identifiable individual, including the original requesters (and, in some instances, where redactions could have been applied). This also characterised, in the Deputy Information Commissioner's view, most of the item 5 records at issue.
47. Where the exception disapplied this exemption, these parts of records are not considered further under section 23(1), because the exemption was not appropriately engaged for them. They included:
 - a. all but one of the records previously disclosed to other requesters (in records 4-15, 17, 19 and 20),
 - b. parts of the prior PATI request decision notices and related email threads (records 15a, 15b, 16, 18a, 20a, 21, 25, 26 and 27),
 - c. the Applicant's own harm analysis input emails (records 21a, 22 and 23), and
 - d. some of the logs (records 2 and 3).

(A Confidential Redaction Summary is provided, to the BPS alone, for specifying these parts of the records.)
48. For the other mixed personal information in the records, the exception in section 23(2)(a) did not stand. Such information is now assessed under the public interest test, along with

all other information relating solely to other individuals (including the original requesters), given that the exemption in section 23(1) was appropriately engaged.

[4] If the exemption for personal information in section 23(1) was engaged, did the balance of the public interest require disclosure?

49. Where a record contains personal information that engages the exemption, whether the balance of the public interest favours disclosure must be assessed. This means that a relevant public interest factor supporting the specific disclosure must be identified first. Per regulation 2 of the PATI Regulations 2014, 'in the public interest' means a disclosure that promotes greater public understanding of the process or decisions of public authorities, gives reasons for decisions taken by the government, promotes accountability of and within the government, and deters or reveals wrongdoing or maladministration, among other meanings.
50. On reviewing the parties' submissions and the actual contents of the withheld records, the Deputy Information Commissioner does not accept that there was any specific public interest favouring any disclosure that would have conclusively identified the prior requesters, including their mixed personal information embedded in the exact wording of the five prior PATI requests at issue (for items 2 and 4) as well as in limited parts of the previously disclosed records (for item 5). The Deputy Information Commissioner affirms the BPS's understanding that the PATI Act expressly promotes for requester privacy to be protected.
51. Similarly, in those circumstances, disclosing the assigned reference numbers and full received dates for those prior PATI requests (for item 1) would not have furthered any public interest, due to the mosaic effect. No indication of maladministration or wrongdoing, for instance, could have been revealed by disclosure of their reference numbers or full received dates. This information also would not have promoted accountability or a greater public understanding of the PATI process or decisions of the BPS, where the Deputy Information Commissioner has accepted that it would have personally identified the prior requesters in those circumstances.
52. Although the Deputy Information Commissioner accepts the Applicant's general submission that there was a public interest in deterring abuse of the PATI Act, it has not been accepted that exercising rights under the PATI Act in conjunction with rights of disclosure under other regimes would have been a misuse of PATI. The availability of other disclosure regimes does not preclude the Bermuda public from exercising their rights under the PATI Act, though it may impact how likely a public authority is to release records under PATI. The PATI framework offers appropriate exemptions for public authorities to prevent

prejudice to other disclosure regimes by a potential PATI disclosure, as has been consistently upheld in past Information Commissioner's decisions.¹⁶ This is rejected as a relevant factor in favour of disclosing the exempt personal information at issue.

53. For the 16 previously disclosed records (for item 5), however, the Deputy Information Commissioner accepts that a relevant public interest factor favouring disclosure was to promote greater public understanding of the BPS's past PATI decision-making processes. The BPS's position—that those records would have conclusively identified for the Applicant who the prior requesters were—is rejected. Though understandable, this was an overly conservative assessment on examining the content of the records themselves.
54. Likewise, disclosure of the routine personal work information of all BPS officers in the records would have furthered the public interest in accountability, promoting greater transparency and public understanding of decisions made under the PATI Act. As has been found consistently by the Information Commissioner, however, BPS officers who did not hold senior positions, with outward-facing accountability for the public authority, would have had a reasonable expectation of privacy regarding the disclosure of their personal work information, including their names, contact details and other information associated with their work activities. The Deputy Information Commissioner extends this application throughout the item 5 records. The public interest in withholding all this information would have outweighed any public interest in disclosure.
55. Due to the mosaic effect explained by the BPS, upholding requester confidentiality was a strong public interest favouring non-disclosure of any information in the records that would have conclusively identified the prior requesters. Similarly, the right to privacy of BPS officers was a strong public interest factor in favour of non-disclosure. All non-BPS individuals who were identifiable in the records enjoyed an even greater expectation of privacy, such that there was no public interest factor to be furthered in disclosing their personal information.
56. On the other hand, for purposes of this exemption analysis, BPS officers in leadership positions, such as the former Commissioner of Police who was responsible for internal reviews under the PATI Act as well as the then-Deputy Commissioner of Police, did not have a reasonable expectation to enjoy the same degree of privacy about their personal work information (besides some contact details and signatures). This was particularly when the

¹⁶ See, for example, [Decision 15/2020, Bermuda Police Service](#), where the Information Commissioner affirmed the public authority's decision that disclosing records under PATI would have prejudiced the procedures employed in disciplinary investigations under the Police (Conduct) Orders 2016.

information at issue in the records related to their exercise of a statutory or management function. Disclosure of those limited parts of records would have been necessary to further the identified public interests. Namely, disclosing them would have revealed the decision-making process engaged by the BPS in support of accountability for the public authority's PATI decision making. For limited references to the former Commissioner of Police's private life, no public interest factor existed that could have outweighed the strong interest in protecting his right of privacy.

57. The BPS's argument that requesters might be deterred from making requests if they knew that the information they received would be publicly accessible, is rejected. Granting a request under the PATI Act is rightly understood as a public disclosure, i.e. a disclosure to the world-at-large and not to individual requesters, even where a request is framed as seeking records of the requester's own personal information. This is because the Act did not restrict a requester's use of their own personal information once disclosed to them under PATI. The BPS's submission about the 2015 amendment to section 6(4) was persuasive only to the extent that the prior requests were framed as seeking those prior requesters' personal information exclusively. But this was not the case, in the Deputy Information Commissioner's view.
58. In a general sense, the Deputy Information Commissioner finds it an absurd conclusion that previous requesters would have been granted access, under PATI, to records related to the Applicant, which the public authority had not decided were exempt for other reasons from those other requesters' access, while the Applicant would be later refused access to the same records, especially where parts exclusively contained their own personally identifying information (i.e. not mixed with the prior requester's personal information). It would be reasonable for people to seek to be informed about exactly what parts of their personal information a public authority had decided was appropriate to release under PATI.
59. In conclusion, the exception to the exemption for personal information applied to all parts of the records consisting of the Applicant's personal information which could have been easily separated from the personal information of others, while other information was not found to be personally identifying. For the remaining personal information in the records, the balance of the public interest required maintaining the exemption in section 23(1), except for the personal work information of the former Commissioner of Police and the then-Deputy Commissioner of Police where disclosure was warranted.

Reasonable search; complete and accurate response – section 12(2)(b) and regulation 5

60. Section 12(2)(b) of the PATI Act requires public authorities to make every reasonable effort to respond to PATI requests completely and accurately.¹⁷ Regulation 5 of the PATI Regulations 2014 requires public authorities, through their information officers, to make reasonable efforts to locate records responsive to a PATI request. Regulation 5(2) further requires a public authority to document its efforts if it has been unable to locate any record. Read together, these provisions require public authorities to conduct a reasonable search in response to a PATI request.
61. In cases where the reasonableness of a public authority's search is in question, the Information Commissioner's task is to assess whether such search was reasonable in accordance with the provisions of the PATI Act and Regulations. It is not the Commissioner's role to assess whether a public authority should or should not hold a record as a matter of good public administration.
62. In determining whether a public authority's search was reasonable, the Commissioner will consider the quality of the public authority's analysis of the request, the scope of the search that it decided to make on the basis of that analysis, and the rigour and efficiency with which the search was then conducted. The specific circumstances in each case will inform the Commissioner's assessment.
63. The requirement to respond completely and accurately does not mean a public authority must ensure that every single record responsive to a PATI request is located and processed. Section 12(2)(b) is also not concerned with whether the information captured in a responsive record is a complete or accurate documentation of an issue, nor does section 12(2)(b) require public authorities to provide information which the requester considers to be necessary to fill gaps in the existing records.
64. A public authority bears the burden to establish, on the balance of probabilities, that the search conducted to locate records responsive to a PATI request, including any additional steps taken during a Commissioner's review, as well as its efforts to provide a complete and accurate response, have been reasonable.

¹⁷ For detailed explanations of this provision, see [Decision 04/2017, Department of Health](#), at paragraphs 14-24 and 37-49, and more recently as summarised in [Decision 09/2025, Ministry of Health Headquarters](#), at paragraphs 17-20, as well as [Decision 38/2023, Department of Child and Family Services](#), at paragraphs 13-15.

Public authority's submissions

65. In explaining their approach to the Applicant's PATI request, for items 1 and 2, the BPS stated that the authority held no PATI request logs for the years before 2023 because, at that time, they were not maintained as separate records outside of information held in the BPS's database and filing system on individual PATI requests. As alternate documents, the BPS had located the annual return reports that were sent to the ICO, which included some relevant information, i.e. they listed the authority's PATI requests per year with general information only and did not contain the wording of any PATI request, which would have helped to identify the ones relevant to the Applicant. The BPS, therefore, had not released any PATI request log for 2020, 2021 and 2022 in their responses to the Applicant.
66. The BPS explained that all PATI requests were entered into their central database, which generated a reference number for each new entry. Since this database held all the BPS's data, the database was not considered a 'log' for purposes of the PATI Act. The BPS was not aware if it were possible to create a report from the database showing all PATI requests previously received. The BPS explained that all its information related to prior and current PATI requests was stored in the BPS's PATI email account, organised into email folders, and in other PATI folders. The BPS had searched all those locations and did not find any logs for 2020, 2021 and 2022 (besides the annual return reports).
67. The BPS understood item 4 to be seeking a PATI log showing all records approved for disclosure, which related to the Applicant, and an internal log or documented rationale to explain why the BPS had granted any of those relevant prior requests. The BPS submitted that, as noted above, a public authority had no duty to maintain formal decision rationale logs under the current legislation and, in any event, no such logs were maintained by the BPS. Rather, the BPS's rationale for refusing or granting a request was set out in a decision notice issued to a requester. The BPS submitted that any decision outcome as to whether a request had been refused or granted would have been recorded on the annual PATI request report, sent to the ICO for the end of each year, or in the BPS's internal PATI register¹⁸, which offered transparency without requiring disclosure of additional documentation.
68. The BPS's understanding of item 3 was that the Applicant was seeking any records, such as communications, logs and other documents, showing how the BPS had handled those relevant prior PATI requests. This would include how the BPS had sought input from parties about possible risks and harms from disclosing any of the requested records and on any

¹⁸ An internal register was created and maintained as of 2023 by the current Information Officer.

exemptions the BPS could have relied on to withhold records, ensuring that this was done according to the BPS's policies and the relevant legislation.

69. The BPS's Information Officer, by virtue of their position, had full knowledge of the type of PATI-related records held by the public authority and, for item 3, pointed out that "neither the Act nor the Regulations actually require the creation or disclosure of logs detailing internal consultations around specific PATI applications". No such log had been maintained by the BPS. In the BPS's initial decision and other submissions, the BPS explained that it did not hold any standalone records in relation to input from stakeholders on any 'risk and harm' analysis, notwithstanding what was envisioned in its 2015 internal PATI policy.¹⁹
70. The BPS submitted that the only records located, which referred to the 'risk and harm' of disclosure, were a few emails from the Applicant to the Information Officer, where the Applicant had been asked to assist in identifying any responsive records for prior requests.
71. For context, the BPS explained its internal process related to PATI requests as follows. When a request was made, the Information Officer would contact record-holders directly and ask for copies of any responsive records held. This contact would inform the record-holder that a PATI request had been made, either in relation to them or for records they might hold. It also would give the record-holder a chance to alert the Information Officer to any prejudicial information. A record-holder was only invited to make internal submissions on a PATI request as a concerned third party where section 39 applied, i.e. where the Information Officer was considering the release of third-party information in the responsive records.²⁰
72. When processing the Applicant's PATI request, the BPS's Information Officer had manually searched all its PATI email folders for the relevant years, looking at the first email in each folder to see whether the terms of the PATI request related to the Applicant and then looking at all the correspondence and documents related to the requests.
73. The BPS submitted that a public authority was not required to maintain a log of records disclosed under the PATI Act or even to disclose such records to any future requester. This

¹⁹ Both parties referred to the BPS's 2015 internal *Administrative Policy on PATI (A-1/014)*, which stated: "Where the PATI Unit deems it appropriate, information owners and stakeholders must contribute to [the harm] stage of the process." This stage in the BPS's internal process was meant to focus on identifying any potential harm in releasing records prior to any disclosure being made.

²⁰ The BPS submitted that, for the relevant prior PATI requests handled by the current Information Officer, no section 39 notification had been required, because no records that would have been exempt under sections 23, 25 or 26 had been considered for disclosure (or ultimately disclosed) under PATI. To understand how PATI requests had been handled before they were in the role, information stored in the BPS's PATI files was relied on.

was based on the BPS's understanding of an amendment between the original PATI legislation and the Act implemented in 2015, as noted above at paragraph 28.

74. In terms of the scope of the BPS's search, the BPS submitted that it was unnecessary to consult with any other individuals on the existence or location of records sought, because all relevant records that existed would have been in either its PATI email folders or other PATI folders and shown on its internal register for PATI requests received in 2023 onwards.

Applicant's submissions

75. The Applicant disagreed with the BPS's position about there being no internal registers or disclosure logs before 2023. The Applicant emphasised that all PATI decisions were meant to have been recorded in the BPS's central database, also noting that there was an intranet site across government related to PATI requests.
76. The Applicant believed that, even if no rationale log as such existed (which they disputed), there must have been some documentation about the potential risk and harm of disclosing the BPS's records as well as internal discussions with record-holders about the potential release of records related to them. The Applicant wanted access to those records.
77. The Applicant submitted that, "due to the sensitivity of the matters, the Information Officer would have undoubtedly sought 'risk and harm' input from senior officers who would have given input on their release". The Applicant further stated that the Information Officer had a duty to seek input on 'risk and harm', which formed a critical aspect of the Applicant's complaint about the BPS's PATI disclosures. The Applicant expected that those efforts would have been carried out in accordance with the BPS's internal policy on processing PATI requests and the governing legislation.

Discussion

[1] The quality of the public authority's analysis of the request

78. Despite the BPS and the Applicant disagreeing about what was required for the public authority's record-keeping for PATI requests, the Deputy Information Commissioner is satisfied that the BPS had a clear grasp on the types of records the Applicant wanted to access through their PATI request.
79. Relevant to items 1 and 2, the BPS explained to the ICO that, once appointed to the role, the Information Officer started maintaining a PATI request log. It included a list of PATI requests received per calendar year, the date of receipt, the assigned reference number, a summary of the request, whether the request was granted or refused, and the provisions relied on where refused. The BPS's log for 2023 was disclosed to the Applicant at the initial

decision stage, with certain personal information redacted under section 23—except that the BPS did not identify for the Applicant which ones were responsive to their request. During the Commissioner’s review, the BPS submitted a copy of its 2022 PATI request report with all requests seeking records about the Applicant highlighted, for the ICO’s benefit. The BPS also retroactively created logs for PATI requests received in 2020 and 2021 seeking records about or connected to the Applicant, to help with responding to the Applicant’s request, in the same format as the 2023 internal register. The BPS adopted a broad view of item 2, in the absence of readily available logs, to bring under the request’s scope other records showing the wording of the prior requests and their outcomes, such as the initial decision notices and PATI request emails. These actions demonstrated the BPS’s adequate understanding of items 1 and 2.

80. Likewise for item 4, the BPS understood that the Applicant was seeking records that detailed the BPS’s rationale for granting access to records related to the Applicant in response to prior PATI requests. Although the Applicant referred specifically to a ‘rationale log’, the BPS did not limit its analysis of the request and explained to the Applicant that no such log existed; the rationale, instead, was included in the initial decision issued to a requester. This demonstrated the BPS’s adequate understanding of item 4.
81. For item 3, the BPS understood the request as being for records, including internal communications, logs and other documents, showing how the BPS had sought input from parties about potential harms and possible exemptions prior to disclosing any records that related to the Applicant in response to all prior PATI requests. For item 5, the BPS properly understood that the Applicant was seeking all records related to them, which had been disclosed in response to any prior PATI request (whether at the initial decision or internal review stage or even following any order by the Information Commissioner, if relevant).
82. Based on the disclosed 2023 log and the BPS’s submissions to the ICO, the Deputy Information Commissioner is satisfied that the BPS’s understanding of the PATI request was adequate. In essence, the BPS understood that the Applicant was seeking a list of all PATI requests that had been made for records related to them in any way, including the reference numbers, the dates of receipt, the wording of those requests, and their outcomes with full reasons. No gap in understanding remained to be remedied.

[2] The scope of the search that it decided to make on the basis of that analysis

83. Based on evidence assessed during external review, the Deputy Information Commissioner accepts the BPS’s submissions that the scope of its search for responsive records was adequate. The BPS’s Information Officer who conducted the search had knowledge of and

access to all relevant records. The ICO also was able to inspect all potentially responsive records during this review.

84. As was evident from the BPS's creation of records 2 and 3, the BPS had searched in all the PATI email folders for each request made during the 4-year period. The BPS also had searched all other PATI folders for any records responsive to items 1, 2 and 4, where previously the BPS might have kept any log under section 6(2) or a copy of any internal register under regulation 20. The BPS's Information Officer had searched to identify all relevant requests and read the original PATI requests to determine which ones related to the Applicant, from 2020 up to October 2023 (the date of the Applicant's PATI request). The BPS then provided the ICO with all records related to all those prior PATI requests that had been granted in part or in full, including any initial decision and internal review decision notice, any records disclosed, and any internal correspondence relating to the 'risk and harm' of disclosure.
85. Based on the knowledge and experience of the BPS's Information Officer, as well as the evidence submitted, the Deputy Information Commissioner is satisfied that the scope of the BPS's search for records responsive to each item in the Applicant's PATI request was adequate. No gap in potential search locations remained to be remedied.

[3] The rigour and efficiency with which the search was then conducted

86. The Deputy Information Commissioner acknowledges that, in the absence of an updated internal register at the time of the Applicant's request, the BPS found it practical to take steps beyond what the PATI Act fundamentally required to assist in responding to the Applicant's request as fully as possible. To have created records 2 and 3, the BPS read through all the PATI requests made in 2020 and 2021 to identify which ones related to the Applicant. The BPS then compiled all responsive information into a table, showing the reference number, received date, request's wording and decision outcome. The BPS also reviewed all the PATI requests made in 2022 and 2023 to identify those that related to the Applicant, which were listed in record 1 (2022 PATI request report) and those listed in the 2023 internal register disclosed to the Applicant.²¹ In the circumstances, these steps were necessary and reasonable to respond to the Applicant's PATI request.
87. The fact that the BPS was unable to rely on a complete internal register did not mean that, to have demonstrated adequate rigour in its search efforts, the public authority was

²¹ As highlighted in the Information Commissioner's annual reports, the BPS has handled a vastly higher number of PATI requests than any other public authority in Bermuda. During this 4-year period, the BPS received 42% of all PATI requests received throughout public authorities, based on the ICO's annual return records.

required to compile the register in that instance, so that it could have been processed as a responsive record. Where a record does not exist as a matter of fact, including one that the PATI Act requires a public authority to maintain, an authority has no obligation to produce one afresh in response to a PATI request by a member of the public. As a reasonable alternative, the BPS correctly set about to identify other records that would have contained all relevant information the Applicant had asked for. Though unsatisfying for evidencing compliance with other parts of the PATI Act, the BPS's efforts in handling the Applicant's PATI request were reasonable.

88. Based on the locations searched by the BPS and inspected by the ICO, as well as the steps taken by the BPS to create records based on information held by it, the Deputy Information Commissioner is satisfied that the rigour and efficiency with which the BPS conducted its search, in support of providing a complete and accurate response to the Applicant's PATI request, was adequate.
89. The Deputy Information Commissioner has concluded that, in the circumstances, the BPS conducted a reasonable search for responsive records and provided the Applicant with a sufficiently complete and accurate response to their PATI request, subject to this Decision's conclusion on the BPS's application of the personal information exemption.

Conclusions

90. In this Decision, the Deputy Information Commissioner has concluded that the BPS's search for responsive records was reasonable and that it provided a sufficiently complete and accurate response to the Applicant's PATI request.
91. Further, the BPS was justified in its reliance on the exemption in section 23(1) of the PATI Act in refusing the Applicant's access to certain parts in all the records, except where the public interest test favoured disclosing the personal work information of the former Commissioner of Police and the then-Deputy Commissioner of Police.
92. On the other hand, the BPS was not justified in refusing the Applicant's access under section 23(1) to any parts of the records solely consisting of the Applicant's own personal information or to information that was not personally identifying. Therefore, this Decision requires the BPS to disclose certain records, in part, to the Applicant alone, where the

disclosure deemed necessary under the PATI Act in response to the Applicant's request will be limited to the concerned individual's access and does not extend to the wider public.²²

93. Public authorities are reminded that the PATI Regulations require every public authority to maintain the type of information discussed in this Decision within an electronic register under regulation 20. This data source is vital for understanding the implementation of Bermuda's public access to information regime. Public authorities may establish their own internal policies and procedures to maintain other logs or support practices related to carrying out their PATI duties, for instance as was initially developed by the BPS in 2015.
94. Stakeholders should note that the [PATI Amendment Act 2024](#) has amended section 6(4) of the PATI Act. Once the new provision takes effect, it will be certain that a public authority's PATI request log *together with* any information/records (other than any personal information not already appropriately disclosed) are, collectively, subject to proactive publication under the PATI Act.²³
95. Finally, the Deputy Information Commissioner apologises to the Applicant, the BPS and the wider public for the time taken to conclude this external review.

²² The Deputy Information Commissioner acknowledges, however, that the Applicant is not restricted in their use of the records and may choose to disclose them to the wider public. The BPS, on the other hand, may invoke section 11 of the PATI Act to avoid disclosing the same set of records to other members of the public (as part of their proactive disclosure obligations), as section 23(1) would be engaged to withhold the Applicant's personal information where it is requested by someone *other than* the Applicant themselves. This nuanced scenario is unlikely to arise in future requests, though, given the full enactment of the Personal Information Protection Act 2016 and related amendments to the PATI Act.

²³ This amendment to section 6 of the PATI Act has not yet come into force and will come into operation "on a date appointed by notice published in the Gazette", per section 16 of the Amendment Act.

Decision

In this Decision, the Deputy Information Commissioner finds that the Bermuda Police Service (**BPS**) has met its obligations to search for responsive records and respond to the Applicant's request under the Public Access to Information (**PATI**) Act 2010, in accordance with section 12(2) of the PATI Act and regulation 5 of the PATI Regulations 2014.

The Deputy Information Commissioner also finds that the BPS has partly justified its refusal of the Applicant's access to records under section 23(1) of the PATI Act, related to other parties' personal information, except where the public interest required that certain personal work information of the former Commissioner of Police and the then-Deputy Commissioner of Police be disclosed. Finally, the Deputy Information Commissioner finds that the Applicant's own personal information had been incorrectly withheld by the BPS, along with information that was not personally identifying.

In accordance with section 48 of the PATI Act, the Deputy Information Commissioner upholds the BPS's internal review decision refusing the Applicant access, under section 23(1), to certain parts of the records; and reverses the BPS's decision refusing the Applicant's access to all parts of the records that solely consisted of their own personal information, to information that was not personally identifying, as well as to the personal work information of the former Commissioner of Police and the then-Deputy Commissioner of Police.

The Deputy Information Commissioner, therefore, orders the BPS to grant the Applicant access to 31 records in part (with exempt information removed as instructed in Appendix II, the Confidential Redaction Summary) on or before **Friday, 19 September 2025**, as directed by this Decision Notice and the accompanying Order (which all form part of this Decision).

Judicial review

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

Enforcement

The Decision has been filed with the Supreme Court, in accordance with section 48(3) of the PATI Act. If the Bermuda Police Service fails to comply with this Decision, the Information Commissioner has the authority to pursue enforcement in the same manner as an Order of the Supreme Court.



Decided by LaKai Dill, Deputy Information Commissioner, 8 August 2025

Appendix I: Relevant statutory provisions

Public Access to Information Act 2010

Access to records

- 12 ...
- (2) Public authorities shall make every reasonable effort to—
- ...
- (b) respond to requests completely, accurately and in a timely manner.

Personal information

- 23 (1) Subject to the provisions of this section, a record that consists of personal information is exempt from disclosure.
- (2) Subsection (1) does not apply if—
- (a) subject to subsection (3), the information concerned relates to the requester;
- ...
- (6) A record that contains personal information relating to an individual shall be disclosed if disclosure of it is in the public interest or would benefit the individual.

Definition of personal information

- 24 (1) Subject to subsection (2), “personal information” means information recorded in any form about an identifiable individual, including—
- (a) information relating to the race, national or ethnic origin, religion, age, sex or marital status of the individual;
- (b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number or other particular assigned to the individual;
- (d) the address, fingerprints or blood type of the individual;
- (e) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual;
- (f) correspondence sent to a public authority by the individual that is explicitly or implicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence; or
- (g) the views or opinions of any other person about the individual.
- (2) But “personal information” does not include—
- (a) information about an individual, except where the individual is a police officer of the Bermuda Police Service who is or was engaged in a surveillance function during the course of his employment; who is or was an officer or

employee of a public authority that relates to the position or functions of the individual;

(b) information about an individual who is or was performing services under contract for a public authority that relates to the services performed, including the terms of the contract and the name of the individual; or

...

Public Access to Information Regulations 2014

Reasonable search

- 5 (1) An information officer shall make reasonable efforts to locate a record that is the subject of an application for access.
- (2) Where an information officer has been unable to locate the record referred to in paragraph (1), he shall make a record of the efforts he made.

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