

## PATI Information Statement

### 4 JANUARY 2023

#### Name of Public Authority: Bermuda Gaming Commission ("the Commission")

##### Introduction:

The Public Access to Information Act 2010 ("the PATI Act") grants the Bermuda 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. It is designed to increase transparency with respect to activities of public authorities and their decision-making process. It is further designed to hold public authorities to a high standard of accountability.

By law, the PATI Act requires each public authority to publish its own Information Statement which describes its organization, functions, policies and procedures, and provides a contact person to whom requests are to be directed.

The purpose of this Information Statement is to fulfill those requirements and provide a general overview, outlining the information held by the Commission which the public are entitled to access.

The Information Statement is divided into several different categories to assist the public in accessing the information that they are seeking:

**Section A** deals with the structure, organization and legislation of the Commission.

**Section B** describes the functions, powers and duties of the Commission and its obligations under the PATI Act.

**Section C** covers the services performed by the Commission.

**Section D** outlines the records and documents held by the Commission.

**Section E** lists any administrative manuals used by the Commission.

**Section F** describes any other decision-making documents held by the Commission.

**Section G** provides the name and contact details of the Information Officer for the Commission.

**Section H** contains any other relevant information held by the Commission.

**Section I** explains where copies of the Information Statement may be obtained.

##### Information that may be withheld:

In maintaining this Information Statement, our aim is to be as transparent as possible. However, there may be limited circumstances where information will be withheld. Section 37 of the PATI

Act provides that a record is exempt if its disclosure is prohibited by any statutory provision other than the PATI Act. Thus, circumstances prescribed in sections 189, 189A, 189B, 190 and 191 as read with Schedule 2 of the Casino Gaming Act 2014 (“the Act”) permit some records and information received, gathered, stored, analyzed and disseminated by the Commission to be exempt from disclosure. This includes:

- Some information about the affairs of the Commission
- Some information about the affairs of a member, officer, employee, agent of the Commission
- Some information obtained by a person in the performance of statutory duties or exercise of statutory functions

Whenever information is withheld, the Commission will provide the lawful basis for the decision.

## **Section A: Structure, Organization and Legislation [s. 5(1)(a) PATI Act]**

### **Structure:**

Section 7 of the Act prescribes the constitution of the Commission. The Commission must consist of the following five (5) members:

- (a) a Chairman who shall be a barrister with no fewer than five years post-qualification experience;
- (b) four other members including—
  - one person who shall be a public accountant registered or deemed to be registered under the Chartered Professional Accountants of Bermuda Act 1973;
  - one person who shall have a background in law enforcement or anti-money laundering or anti-terrorist financing or compliance issues;
  - one person who shall have a background in the tourism or hospitality industry.

Schedule 1 of the Act (“Constitution and Proceedings of Commission”) has effect with respect to the Commission, its members and its proceedings.

### **Current Members of the Commission (s. 7 of the Act):**

**Chairman:** Mrs. Cheryl-Ann Mapp

**Member:** Mrs. Judith Hall-Bean (Deputy Chairman)

**Member:** Mr. Daniel Reece (public accountant)

**Member:** Mr. Jonathan Smith (law enforcement, AML/ATF compliance)

**Member:** Ms. Maurine Webb

**Current Employees of the Commission (s. 12 of the Act):**

**Chief Executive:** Ms. Charmaine Smith

**Executive Administrator:** Mrs. Deborah Trott

**Chief Financial Officers:** Mrs. Julie Grant & Mr. Dwight Furbert

**Business Operations & Communications Manager:** Mr. Tyson Flood

**Research Analyst:** Mrs. Chelsea Byrd

**Director of Legal:** Mr. Marvin Hanna

**Legal Assistant:**

**Director of Regulation:** Mr. Olu Bademosi

**Licensing & Compliance Officer:** Ashley Damasio

**Compliance Inspector:** Alisha Francis

**Licensing Inspector:** Coy Ratteray

**Technology & Compliance Officer:** Peter Sousa

**Problem Gaming Council (s. 147 of the Act):**

**Director of Problem & Responsible Gaming:** Mr. Nathan Lawrence

**Chairman:** Mrs. Judith Hall-Bean

**Member:** Mr. Leslie Grant

**Member:** Dr. Sharon Apopa

**Member:** Mr. Kevin Monkman

**Ex Officio Member:** Mr. Nathan Rodger

**Legislation (Acts, Amendment Acts, Regulations, Rules, Orders and Notices):**

- Anti-Terrorism (Financial and Other Measures) Act 2004
- Betting Act 2021
- Casino Gaming (Casino Fees) Regulations 2017
- Casino Gaming (Casino Fees) Amended Regulations 2020
- Casino Gaming (Casino Licence Application) Regulations 2017
- Casino Gaming (Designated Site) Order 2016
- Casino Gaming (Designated Site) (No.2) Order 2016
- Casino Gaming (Designated Sites) Regulations 2016
- Casino Gaming (General Reserve and Casino Taxes) Regulations 2017

- Casino Gaming Act 2014 Commencement Day (No. 2) Notice 2015
- Casino Gaming Act 2014 Commencement Day (No. 3) Notice 2015
- Casino Gaming Act 2014 Commencement Day Notice 2015
- Casino Gaming Act 2014 Commencement Day Notice 2017
- Casino Gaming Act 2014
- Casino Gaming Amendment Act 2015 Commencement Day Notice 2015
- Casino Gaming Amendment Act 2015
- Casino Gaming Amendment Act 2016 Commencement Day Notice 2017
- Casino Gaming Amendment Act 2016
- Casino Gaming Amendment Act 2017
- Casino Gaming (Miscellaneous) Amendment Act 2019
- Casino Gaming Regulations 2018 Public Inspection Notice 2018
- Casino Gaming Regulations 2018
- Casino Gaming Amendment Regulations 2019
- Criminal Code Act 1907
- Criminal Jurisdiction and Procedure Act 2015
- Financial Intelligence Agency Act 2007
- Liquor Licence Act 1974
- Misuse of Drugs Act 1972
- Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008
- Proceeds of Crime Act 1997
- Proceeds of Crime Amendment (No.2) Act 2016
- Proceeds of Crime Amendment (No.3) Act 2017
- Proceeds of Crime Amendment Act 2015
- Prohibition of Gaming Machines Act 2001
- St. George's Resort Act 2015
- St. George's Resort Act 2018
- Statutory Instruments (Second Schedule Amendment) Order 2018
- Statutory Instruments Act 1977

- Transfer of Functions Act 2021

## **Section B: 1) Functions, powers, duties of the Authority [s. 5(1)(b) PATI Act]**

Part 1 of the Act provides for the Commission to receive and consider applications for the Minister to make an Order designating a site as an appropriate site for a casino.

Part 2, Chapter 2, of the Act sets out the objects, functions, duties and powers of the Commission.

### **Objects of the Commission (s. 8 of the Act):**

- to maintain and administer systems for the licensing, supervision and control of casinos to ensure:
  - that the management and operation of a casino is carried out by persons who are suitable (free from criminal influence or exploitation)
  - that gaming in a casino is conducted honestly
  - that the potential of a casino to cause harm to minors, vulnerable persons and society at large is contained and controlled
  - that it performs as necessary to fulfill the principal objects

### **Functions and duties of the Commission (s. 9 of the Act):**

- to do all things it is authorised or required to do under the Act;
- to receive and consider applications for a licence to operate a casino;
- to investigate the suitability of applicants for licences and issue a licence where appropriate;
- to supervise, regulate and inspect the operations of casinos, the persons responsible for such operations, and the conduct of gaming within the casinos;
- to ensure that the handling, collection, disbursement and counting of money within casino premises is supervised;
- to detect offences committed within casino premises or in relation to casinos;
- to receive and investigate complaints from casino patrons concerning the conduct of gaming in the casino;
- to check casino records;
- to inspect, test and approve gaming equipment and chips used in casinos;

- to prepare reports to give to the Minister concerning the operation of casinos and the conduct of gaming;
- to supervise casino operations and casino operators for the purpose of detecting or preventing money laundering, the financing of terrorism, the financing of the proliferation of weapons of mass destruction and to be alert to the risk that they may be used in connection with financial crime, and to the consequent need to have appropriate arrangements in place to monitor and control its incidence.
- to manage, exchange, and control matters, and regulate transactions;
- to make decisions regarding disciplinary action with respect to casino operators and special employees.

#### **Powers of Commission (s. 10 of the Act):**

The Commission may carry on such activities as appear to the Commission to be advantageous, necessary or expedient in connection with its objectives, the performance of its functions and the discharge of its duties under this Act, the Regulations, or any other law, including:

- conduct investigations for the grant of licences or compliance with licence conditions;
- require any person to furnish returns and information;
- issue or approve codes of practice relating to casino operations;
- publish educational materials or carry out research or other educational activities relating to casino gaming, or to support (financially or otherwise) the carrying out by others of such activities, or the provision by others of information or advice;
- enter into such contracts as may be necessary or expedient for the purpose of performing its functions or discharging its duties;
- acquire and hold property, for the provision or future provision of business premises for the Commission;
- make provision for pensions, allowances or other benefits for employees or former employees of the Commission;
- make provision for the specialized training of any employee of the Commission and, in that connection, to offer scholarships to intending trainees or otherwise pay for the cost of the training; and
- furnish the Minister with information with respect to its property and activities as the Minister may, from time to time, require.

#### **Section B: 2) Obligations under PATI Act [s. 5(1)(b) PATI Act]**

- To provide an Information Statement for the public and to promulgate it [s. 5];
- To provide other information to the public so that the public needs only to have minimum resort to the use of PATI to obtain information [s. 6]. This includes:
  - General information, e.g. activities of the Authority
  - Log of all information requests and their outcome
  - Quarterly expenditure (upon request) [s. 6(5)]
  - Contracts valued at \$50,000 or more.
- To respond to information requests in a timely manner [ss.12-16];
- To track information requests, and provide this data to the Information Commissioner;
- To respond to requests from the Information Commissioner [s. 9];
- To amend personal information held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s.19];
- To conduct an internal review if formally requested [Part 5];
- To give evidence for review by the Information Commissioner [Part 6, s. 47(4)], or for judicial review [s. 49], if required;
- To provide an annual written report to the Information Commissioner of the status of information requests [s. 58 (3)];
- To do anything else as required under PATI and subsequent Regulations [ss. 59 & 60], including:
  - Fees for requests for information;
  - Management and maintenance of records;
  - Procedures for administering PATI;
- To train staff and make arrangements so as to facilitate compliance with PATI [s. 61]; and
- To designate one of its officers to be the person to whom requests are directed [s. 62].

### **Section C: Services [s. 5(1)(c) PATI Act]**

The Casino Gaming Act 2014 was enacted to meet the challenge of enhancing investment, tourism and employment in Bermuda through the introduction of up to three (3) Integrated Resort Casinos. In order to ensure the orderly introduction and operation of these facilities, the Commission is empowered to satisfy the following five (5) goals in the execution of its duties (r. 3 of the Casino Gaming Regulations 2018):

- The owners, vendors, managers, employees, and sources of finance should be free from any inappropriate past or present associations and behaviours, and uphold high ethical standards;
- The casinos should possess sound operational and financial controls;
- The games offered should be fair, honest, and operate with a high level of security and integrity;
- All fees, taxes, and related payments, should be appropriately accounted for and paid; and
- Controls should be in place to protect the vulnerable.

In ensuring the achievement of the public policy goals of the Act in ways that are smart, economical, and efficient, Bermuda's regulatory model is based on providing the following services:

- To offer an approach that is appropriate to the social, cultural, and economic realities of Bermuda;
- To offer a human resource policy of being staffed by a limited number of high-performance individuals comprising the regulatory leadership team;
- To work in a collaborative fashion with other global regulatory entities to achieve efficiencies and avoid duplicative actions;
- To utilize the expertise and services of third-parties for –
  - Forensic accounting for suitability of applicants;
  - Criminal & civil suitability investigations;
  - Compliance auditing assistance; and
  - Technological standards and testing.
- To mandate the establishment of a casino operator's Compliance Committee whereby –
  - The operator performs many tasks traditionally performed by the regulatory entity, with the Commission staff performing audits to ensure compliance; and
  - The Compliance Committee is required to report all compliance failures to the Commission staff.
- To be less reliant on prescriptive regulations by:
  - Moving to risk-based methodologies;
  - Establishing stated goals and standards; and
  - Enhancing dependence on user defined internal controls.



- To utilize an evidence-based best practices approach in developing a program to provide protections to the vulnerable, working in concert with existing treatment providers.

## **Section D: Records and documents held [s. 5(1)(d) PATI Act]**

The files that are presently held by the Commission fall within the following classes:

- Laws/Regulations
- Application/approval/request for information forms related to casino licences;
- Licences, approvals, orders, notices, technical standards, information bulletins related to casino licences and gaming vendors
- Mission Statement
- Vision Statement
- Policy Documents
- Work Plans
- Business Plans
- Workflow documents
- Human Resource Documents;
- Procedural Documents
- Contracts
- Financial Records;
- Travel Records;
- Meeting Minutes;
- Annual Reports
- NAMLC reports
- PATI Information Request Log;
- Communication & Correspondence
- Confidential Information

## **Section E: Administration manuals [s. 5(1)(e)]**

- Team Member Handbook
- Financial operations (payroll, controls and procurement) policies and procedures
- Travel and subsistence policy
- Data management procedures
- Health and safety procedures
- Covid procedures

## **Section F: Decision-making documents [s5(1)(f) PATI Act]**

- Laws and Regulations

## **Section G: The PATI Information officer [s. 5(1)(g) PATI Act]**

The PATI Information Officer for the Bermuda Casino Gaming Commission is:

Mr. Marvin Hanna  
 Director of Legal  
 1<sup>st</sup> Floor Crawford House  
 23 Church Street  
 Hamilton HM11.

Tel: 400 - 2104

Email: mhanna@bcgc.bm

## **Section H: Any Other Information [s. 5(1)(h) &(i) PATI Act]**

As information becomes available it will be posted on the website at: <https://www.bgc.bm>

## **Section I: Information Statement: Copies and Updates [ss. 5(2), (3), (4) & (5) PATI Act]**

Every public authority shall update its information statement at least once a year and may do so more frequently.

**Date Information Statement was updated:** January 4<sup>th</sup>, 2023

A Notice has been published in the Gazette indicating the places where this Information Statement is available for the public which include the following locations:

- Principal office: "Crawford House" 23 Church Street Hamilton HM11
- The Bermuda National Library
- The Bermuda Archives
- Available electronically by request
- Website of the Commission: <https://www.bdacasinogaming.com/>
- With the Information Commissioner

**Signed:**

**Dated: January 4<sup>th</sup> 2023**

**Marvin Hanna Director of Legal**