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To: All Media

FOR IMMEDIATE RELEASE

Information Commissioner issues Decision 11/2018

Hamilton, Bermuda.

On 27 November 2018, Information Commissioner Gitanjali Gutierrez issued [Decision 11/2018](#), upholding the decision of the Police Service under the Public Access to Information (PATI) Act 2010 that it did not have to transfer a PATI request for meeting minutes to the Police Association because the Police Association is not a public authority as defined under the PATI Act. The requester sought access to meeting minutes of the Police Association related to the incorporation of a combined allowance into salaries.

In [Decision 11/2018](#), the Information Commissioner explained that column 1 of the Schedule to the PATI Act defines 'Public authority'. The definition includes entities established by statute and carrying out functions of a governmental or quasi-governmental nature, as well as entities owned or controlled by the Government or substantially funded by monies authorized by the Legislature. The Information Commissioner found that the Police Association, although established by statutory provision, does not carry out governmental or quasi-governmental functions, is not owned or controlled by the Government, and does not receive funding from the government.

Information Commissioner Gutierrez also ordered the Police Service to conduct a reasonable search to determine if it had possession of these meeting minutes of the Police Association and 'holds' the records, within the meaning of section 3(3) the PATI Act. If the Police Service finds that it holds any of the requested records, it must process those records in accordance with the PATI Act.

A full version of [Decision 11/2018](#) can be accessed online at www.ico.bm.

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Editor's Notes:

The Information Commissioner's Office is an independent public office responsible for promoting the use of and overseeing compliance with the Public Access to Information (PATI) Act 2010. The PATI Act gives the public a right to access records held by subject authorities, subject to listed exemptions and administrative grounds for denial of access. Individuals who are dissatisfied with the response of a public authority may seek a review by the Information Commissioner. The Information Commissioner shall investigate and the decisions by the Information Commissioner are legally binding.

Further information about the Information Commissioner's Office is available at www.ico.bm.