



Office of the Legislature
Bermuda

20th November 2020

Ms. Samantha J. Strangeways
c/o The Royal Gazette
2 Par-la-Ville Road
Hamilton HM 08
Email: sstrangeways@royalgazette.com

Dear Ms. Strangeways,

Public Access to Information – Reference Number 607

Thank you for your original PATI Request dated 3rd September 2020 submitted to the Office of the Clerk to the Legislature (the relevant Public Authority) for records concerning communications held by the Office of the Clerk to the Legislature regarding any complaints made about the former Member for Constituency 21.

The specified records requested included (but were not limited to):

- Any and all communications – including but not limited to letters, emails, texts and other electronic messages, phone recordings or logs – held by the Office of the Clerk to the Legislature regarding the Member for Constituency 21, Rolfe Commissiong, and any complaints made about him. This would include communications between the Speaker of the House and any other person.

Time frame: December 2012 to date.

Pursuant to section 14(1) of the Public Access to Information Act 2010 (“the Act”), the Office of the Clerk to the Legislature is pleased to grant you partial access to requested records which I have been able to find on our files. The partial access applies only to a letter of apology addressed to a complainant from Mr. Commissiong and dated 30th January 2020. A redacted copy of the record will be attached to this letter in the email message to you. Please note that the redactions from the record attached for disclosure were made solely for the purpose of removing any identifying information or potentially identifying information regarding the complainant and to best assure the privacy of the complainant.

Note that other requested records were identified, however they are deemed to qualify for exemption from disclosure as they were determined to be exempt under the provisions of section 23 of the Act – Personal Information and/or section 26 of the Act – Information Received In Confidence. The records were further subjected to the Public Interest test, as is recommended under the Information Commissioner’s Office guidelines.

The Public Interest test was applied using each of the criteria specified under Regulation 2 of the Public Access to Information Regulations 2014. On consideration of the relevant records and each

of the criteria, I determined to the best of my knowledge that the records having a qualifying exemption from disclosure refer to personal information regarding the complainant, the actions/behavior of Mr. Commissiong already mentioned in the public domain and options available to the complainant to seek resolution of the complaint; and do not reveal or indicate any disregard for the rights and interests of the complainant, do not reveal or indicate accountability on the part of the Public Authority or the Government for the actions/behaviour of Mr. Commissiong, do not reveal or indicate maladministration or wrong-doing by the Public Authority or the Government, and do not reveal or indicate any misuse of public monies.

Specifically, it was determined that, all things considered, neither public interest in:-

- a) promoting greater public understanding of the process or decisions of Public Authorities;
- b) providing reasons for decisions taken by the Government;
- c) promoting accountability of and within the Government;
- d) promoting accountability for the public expenditure or the more effective use of public funds;
- e) facilitating public participation in decision-making by the Government;
- f) improving the quality of services provided by the Government and the responsiveness of the Government to the needs of the public or of any section of the public;
- g) deterring or revealing wrong-doing or maladministration;
- h) revealing information relating to the health and safety of the public, or the quality of the environment or heritage sites, or measures to protect any of those matters; or
- i) revealing untrue, incomplete or misleading information or acts of a Public Authority
- would be served by disclosure of the records with a qualifying exemption because the noted records do not bear directly on these interests and disclosure may infringe on the welfare and interests of the complainant.

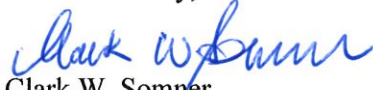
I am obliged to inform you that under section 41 of the Act, you have a right to seek an Internal Review of a decision regarding your request. If you wish to request an Internal Review, you will have up to six weeks from the date you receive this notification to do so per section 42 of the Act. This request should be made in writing to the Head of the Office of the Legislature.

If upon an Internal Review, the decision is still not satisfactory to you, you have a right under section 45 of the Act to seek a review by the Information Commissioner's Office. If you wish to request a review by the ICO, you will have six weeks from the date of receipt of the Internal Review. The request should be made in writing to the Information Commissioner, c/o Maxwell Roberts Building, 4th Floor One Church Street, Hamilton HM 11; or call at (441) 543-3700.

You asked to receive electronic copies of the requested records. As the fee for the records would be very minimal, we have decided to forego any fee charge, and the electronic copy of the record will be sent to sstrangeways@royalgazette.com together with this letter.

If you have any questions about this letter, please contact the undersigned. Please ensure that you quote PATI Reference Number 607 in any future correspondence with the Legislature Office regarding this particular request.

Yours sincerely,



Clark W. Somner

**Information Officer,
Office of the Legislature**

/attach.