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FOR IMMEDIATE RELEASE

Information Commissioner Issues Decision 38/2023

Hamilton, Bermuda. On 31 October 2023, Information Commissioner Gitanjali Gutierrez issued Decision 38/2023, Department of Child and Family Services. The Applicant had made a Public Access to Information request for the Department’s overseas placement records. It was one in a series of requests on the topic, amidst concerns about local capacity to monitor for child abuse risks overseas.

In her Decision, the Information Commissioner has found that the Department was justified in deciding that the Children Act 1998 prohibited the requested records being publicly disclosed. But Commissioner Gutierrez explained that this outcome was “inconsistent with the PATI Act’s purposes”, referring to longstanding concerns about the impact of secrecy and confidentiality provisions that were in place before the PATI Act took effect.

This Decision illustrates the need for a legislative review of Bermuda’s older secrecy frameworks—which was promised but not yet delivered on—to prevent more “unintended consequences”. The Information Commissioner welcomes the opportunity to consult on an effort to harmonise the PATI Act in this way.

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Editor’s Notes:

About the ICO

The ICO 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 Bermuda’s public 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 ICO is available at ico.bm.