

Decision Notice

Decision 03/2026: Judicial Department

Records relating to a Coroner's functions

Review reference no.: 2024074

Decision date: 17 April 2026

Summary

In this Decision, the Applicant had made an access request under the Public Access to Information (**PATI**) Act 2010 to the Judicial Department (**Department**) for records related to certain Coroner's activities. The Department refused the request primarily citing section 4(1)(a) of the PATI Act. The Department's reliance on section 4(1)(a) was made on the basis that records responsive to the request were outside the application of the PATI Act, because they related to the judicial or quasi-judicial functions of a Coroner.

On concluding an external review, the Information Commissioner has found that the Department was justified in applying section 4(1)(a) to items 1 – 5 and 7 of the PATI request, because any responsive records were related to the judicial or quasi-judicial functions of a Coroner and not related to the general administration of the Department. The Commissioner also has found that any records responsive to item 6 of the PATI request would have been excluded from the application of the PATI Act, because they would relate to the judicial or quasi-judicial functions of a Coroner and not relate to the general administration of the Department.

In this Decision, the Information Commissioner has affirmed the Department's internal review decision to refuse access to records described in items 1 – 5 and 7 of the Applicant's request, because the records fell outside the application of the PATI Act by virtue of section 4(1)(a).

The Information Commissioner also has varied the Department's internal review decision that records responsive to item 6 did not exist or could not be found, because, if information of the type described did exist, such records would fall outside the application of the PATI Act by virtue of section 4(1)(a) in any event.

Relevant statutory provisions

Public Access to Information Act 2010: section 4(1)(a) (Application)

Background

1. On 23 April 2024, the Applicant made a public access to information (**PATI**) request to the Judicial Department (**Department**) (assigned no. 2024-03), asking for records detailing certain Coroner's activities. The request was made in the following terms:
 - a. a list of all deaths referred to the coroner since January 1, 2017, to date, including age of the deceased, brief circumstances of death, and date and location of death (**item 1**);

- b. a list of inquests opened in relation to those deaths during the same period (**item 2**);
 - c. for each death, a record showing how many of the inquests were held privately and how many were held in public (**item 3**);
 - d. records concerning decisions to hold any of those inquests in private (**item 4**);
 - e. the coroner's findings of fact for each of the deaths (**item 5**);
 - f. any 'Reports to Prevent Future Deaths' and responses to those reports for the same period (**item 6**); and
 - g. a list of deaths for which an inquest was deemed unnecessary for the same period, including reasons why an inquest was not needed (**item 7**).
2. On 4 June 2024, the Department informed the Applicant that they had extended the period for responding to the request for an additional six weeks, as allowed by section 15 of the PATI Act.
3. On 16 July 2024, the Department issued its initial decision. The Department's Information Officer decided that records responsive to items 1 – 5 and 7 were 'exempt from disclosure in accordance with section 4(1)(a) and/or section 23(1) of the PATI Act 2010'.
4. The Department also stated in its initial decision that it was not in possession of records responsive to item 6 of the PATI request. The Department provided the Applicant with a hyperlink to the Bermuda Judiciary's 2023 Annual Report for access to 'general statistics relating to the Coroner's Reports (categorised by cause of death)'.¹
5. On 12 August 2024, the Applicant asked the Head of Public Authority for an internal review.
6. On 24 September 2024, the Head of Public Authority for the Department issued an internal review decision, which fully upheld the initial decision. Again, the Department was relying on sections 4(1)(a) and/or section 23(1). The Head of Public Authority's decision also detailed the search efforts by the Coroner's Office to locate responsive records to item 6 of the PATI request ('Reports to Prevent Future Deaths' and responses), indicating that the Senior Magistrate, who oversees the Coroner's Office, advised that the Judicial Department did not produce or maintain reports of that nature. The Head of Public Authority also signposted to the Applicant that the 'Bermuda Hospitals Board may be of some assistance'.

¹ See the [Bermuda Judiciary Annual Report 2023](#).

7. On 24 September 2024, the Applicant asked for an external review by the Information Commissioner, challenging the Department's internal review decision.

Investigation

8. The Office of Information Commissioner (**ICO**) accepted the application as valid on 1 October 2024, on the basis that the Applicant had made a PATI request under section 13 to a public authority, had received that public authority's internal review decision under section 43, and had asked for an external review by the Information Commissioner in writing within the six-week deadline.
9. It was decided that early resolution under section 46 of the PATI Act was not appropriate for this application, because submissions from the public authority were required, but resolution remained available for consideration during the external review.
10. The ICO notified the Department of the valid application on 8 October 2024 and asked for copies of responsive records.
11. The Department did not provide the ICO with a copy of any responsive records as part of this review.
12. The investigation focused on attempts at facilitated resolution, aiming to assist the Department with understanding its obligations under the PATI Act, seeking clarification on how the Coroner and Coroner's Office functioned, and identifying areas where providing information to the Applicant might answer some of their underlying questions about the statutory functions of the Coroner, how sudden deaths were processed by the Coroner's Office, and when Coroner's inquests were conducted.
13. Information of relevance was shared with the Applicant throughout the period of the investigation.
14. The ICO's Investigation Officers also inspected records at the Coroner's Office to ascertain the records management practices of the Coroner's Office and to identify and verify the kinds of records held by the Department which might have been responsive to the PATI request.
15. As required by section 47(4) of the PATI Act, the parties were each invited to make representations.

16. The Department gave no written submissions but provided verbal representations of its record keeping and details about the functions and operations of the Coroner and Coroner's Office to the ICO's Investigation Officers.
17. The Applicant provided written submissions on 22 May 2025 and again on 10 September 2025.
18. On 26 September 2025, efforts to attempt to resolve this review were officially concluded. On the same day, the Applicant was specifically asked if they wished to comment on the ICO's preliminary view that the Department's reliance on section 4(1)(a) was appropriate.
19. On 3 December 2025, the Applicant communicated that they did not wish to add to their prior submissions.

Analysis and findings

Preliminary matters

20. The Information Commissioner is satisfied that the parties had reasonable opportunity to make representations. Opportunities for resolution during the review were explored, with the Applicant obtaining additional information during the course of this review. The Commissioner has considered all relevant facts, submissions and evidence provided by the parties, being satisfied that no matter of relevance was overlooked.
21. When section 4(1)(a) of the PATI Act is engaged, it may not always be necessary for the Information Commissioner to compel a public authority to submit withheld records to the ICO before coming to a decision about whether the records are excluded from the application of the PATI Act. In this review, the Information Commissioner is satisfied that the ICO Investigation Officers' inspection of records at the Department was sufficient to determine the classes and types of records held by the Department which might be responsive to the PATI request, without the Commissioner needing to examine any withheld records.
22. The Department cited section 23(1) of the PATI Act, the exemption for personal information, as an alternative to section 4(1)(a). The Department did not give any justification in its internal review decision nor any representations to the ICO on this point. The Information Commissioner determined that it was not procedurally necessary in this review to consider the application of section 23(1) to any responsive records as an alternative to section 4(1)(a).

Application of the PATI Act – Section 4(1)(a)

23. Section 4 of the PATI Act excludes certain classes of records of some public authorities from the application of the PATI Act. In this review, the Department has relied on section 4(1)(a), as read with subsection (2):

Application

4 (1) *Subject to subsection (2), this Act **does not apply** to—*

(a) *records relating to the **exercise of judicial or quasi-judicial functions** by any court, tribunal or other body or person; or*

[...]

(2) *The reference to records in subsection (1) **does not include** records relating to the **general administration** of—*

(a) *any court, tribunal or other body or person referred to in subsection (1)(a); or*

[...]

[emphasis added]

24. The scope and application of the PATI Act is determined by section 4, which sets out the classes of material to which the legislation does not apply. In section 4(1)(a), the Act does not apply to records relating to the exercise of judicial or quasi-judicial functions by any court, tribunal or other body or person. Relevant to this review are the judicial, or quasi-judicial, functions of the Coroner.
25. A public authority relying on section 4(1)(a) must demonstrate that the records being sought by a PATI request fall under the category described therein but must also justify that the requested records do not relate to the general administration of the public authority, per subsection (2).
26. Section 4(2) provides that records relating to the ‘general administration’ of any court, tribunal or other body or person exercising judicial or quasi-judicial functions are still subject to public disclosure under the PATI Act.
27. ‘General administration’ records were defined by the Supreme Court of Bermuda to include records relating to personnel, pay matter, recruitment, accounts, information technology, accommodation, internal organisation, office procedures and the like.²

² In *The Attorney General v Information Commissioner* [2022] SC (Bda) 6 Civ (25 January 2022), at paragraph 37, Justice Subair Williams defines ‘general administration’ for the purposes of section 4(2) of the PATI Act.

28. In sum, for a record to be excluded from the scope of the PATI Act by virtue of section 4(1)(a), the following must be considered:

[1] What or who is the relevant court, tribunal or other body or person whose functions are being considered?

[2] What is the relevant exercise of a judicial or quasi-judicial function to which the record relates?

[3] Does the record relate to the general administration of the court, tribunal or other body or person and come within the scope of the PATI Act by virtue of section 4(2)(a)?

Public authority's submissions

29. The Department gave no written submissions about its reliance on section 4(1)(a). However, as mentioned above, verbal representations made by the Department during this review were considered.

Applicant's submissions

30. The Applicant's representations, made by way of written submissions, focused on the Applicant's view that court proceedings in Bermuda must be held in public. According to the Applicant, there had been an apparent lack of known, publicly held Coroner's inquests in recent years. The Applicant contended that for instances where the public was not notified of inquests or proceedings of a Coroner, or where deaths notified to the Coroner were dealt with administratively, those functions were not judicial or quasi-judicial.

31. The Applicant accepted that records generated from public inquests by the Coroner fall under section 4(1)(a) but held hopes that the Information Commissioner might find some of the records to fall within the general administration activity of the Coroner. The Applicant also provided an example of publicly available information and statistics published about the coroners in England and Wales.

32. The Applicant further questioned if section 7 of the Magistrates Court Act 1948 applied, which requires courts of summary jurisdiction to maintain a register of all orders and judgements that is available for public inspection.

Discussion

33. For ease of analysis, responsive records related to items 1 – 7 are considered collectively in this discussion. However, before applying section 4 to the entire group of responsive records, a brief discussion of item 6 is necessary.
34. Item 6 of the PATI request asked for ‘any Reports to Prevent Future Deaths and responses to those reports for the same time period’. The Department’s initial decision stated it was not in possession of the requested records. Its internal review decision went further to provide details of its unsuccessful search for responsive records, concluding that the Department did not know where such records would be located.
35. Although records responsive to item 6 were not located by the Department, the Information Commissioner is satisfied that item 6 refers to the type of reports described by rule 16 of the Coroners Rules 2000.³ Reports of this nature are created subsequent to a Coroner’s inquest.
36. At face value, reports about preventing future deaths are similar to the other types of records being requested in items 1 – 5 and 7 of the PATI request, as they all relate to the activities and duties of a Coroner or Coroner’s inquest. For this reason, they can be assessed based on how they are described in law, without needing the Department to locate them and without the Information Commissioner having to examine them directly.

[1] What or who was the relevant court, tribunal or other body or person whose functions were being considered?

37. In the Interpretation Act 1951, section 4 (Definitions of judicial expressions and designations) expressly excludes a Coroner’s court from the statutory definition of a ‘court’.⁴ Therefore, it is accurate to refer to a Coroner’s inquest and a Coroner as the relevant body or person, respectively, whose functions are being considered by this review.
38. Coroners are appointed by His Excellency the Governor, after consultation with the Chief Justice, by section 3 of the Coroners Act 1938. This includes the appointment of a Senior Coroner to oversee the duties of all coroners, subject to directions which may be given by

³ Rule 16 states: ‘A Coroner who believes that action should be taken to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held may announce at the inquest that he is reporting the matter in writing to the person or authority who may have power to take such action and he may report the matter accordingly.’

⁴ Section 4 of the Interpretation Act 1951 states: ‘In every Act and in every statutory instrument— “court” does not include a Coroner’s court [...].’

the Chief Justice.⁵ In practice, all Magistrates are also appointed as Coroners. The Senior Magistrate is appointed as, and for carrying out the duties of, the Senior Coroner.

39. Coroner's inquests are legal proceedings held by a coroner in certain instances where the coroner has reason to suspect that a person died a violent or unnatural death or where a cause of death is unknown and occurred in police custody, prison, senior training school or hospital providing treatment for persons suffering from a mental disorder.⁶ Coroner's inquests may be held with or without a jury.⁷
40. The functions of each Coroner coalesce within what is called the Coroner's Office which operates as a section of the Department and is supervised by the Senior Magistrate, who is also the Senior Coroner. Their activities are reported on annually in the Bermuda Judiciary's annual reports.
41. The Bermuda Police Service supply a dedicated officer, called the Coroner's Officer, who assists the Senior Coroner with the facilitation of coroner's duties under the Coroners Act.

[2] What was the relevant exercise of a judicial or quasi-judicial function to which the record related?
42. The records being requested by the Applicant can all be described as records relating to the exercise of a Coroner's statutory functions: to receive notice of certain deaths, to decide whether to hold an inquest, and to conduct inquests and the recording of inquest's findings or reports.
43. It is not necessary for this discussion to draw a distinction between 'judicial' or 'quasi-judicial' functions of a Coroner. It is enough to say that the Information Commissioner is satisfied that coroners, when exercising duties and functions explicitly assigned to coroners by statute, are carrying out either judicial or quasi-judicial functions.
44. The Information Commissioner does not accept the Applicant's view that activities or functions of a Coroner outside of conducting a public hearing or Coroner's inquest, which might be described as being dealt with 'administratively', means that those functions are not judicial or quasi-judicial. Quasi-judicial includes adjudicative acts where the decision maker is bound by law to observe certain forms and rules.

⁵ See sections 4 and 5 of the Coroners Act 1938.

⁶ See section 10 of the Coroners Act 1938.

⁷ See section 11 of the Coroners Act 1938.

45. The Information Commissioner is not persuaded that those functions of a Coroner which are not held within the context of a public hearing are not also quasi-judicial functions.

[3] Did the record relate to the general administration of the court, tribunal or other body or person and come within the scope of the PATI Act by virtue of section 4(2)(a)?

46. Records containing details about deaths referred to the coroner (item 1), inquests opened (item 2), private or public inquests (item 3), decisions for private inquests (item 4), inquests' findings of fact (item 5), deaths where an inquest was deemed unnecessary (item 7) as well as reports to prevent future deaths (item 6) fell clearly within the statutory functions of a Coroner or Coroner's inquest.

47. By description, category or class, it is unambiguous that the records sought do not relate to the general administration of either a Coroner, the Senior Coroner, a Coroner's inquest, the Coroner's Office or the Department.

Conclusion

48. Based on the above analysis, the Information Commissioner finds that the Department was justified in applying section 4(1)(a) to items 1 – 5 and 7 of the PATI request, because any responsive records were related to the judicial or quasi-judicial functions of a Coroner and not related to the general administration of the Department.

49. The Information Commissioner also finds that any responsive records to item 6 of the PATI request would have been excluded from the application of the PATI Act, because they would have been related to the judicial or quasi-judicial functions of a Coroner and not related to the general administration of the Department.

50. As a final note, the cooperation of the parties during this review brought new light to the operations of the Coroner's Office for the Applicant and resulted in additional information being shared with the Applicant, including data about how many Coroner's inquests were held during the relevant period.

51. The net benefit to the wider public is that details of the Coroner's Office activities are now better represented in the Bermuda Judiciary's 2025 Annual Report. The Annual Report has now included a 'Table of Causes of Death in Coroner's Cases 2021 – 2025' and a 'Chart of

Total Causes of Death in Coroner's Cases in 2025'.⁸ This shows a degree of progress for proactive publication of the Coroner Office's statistical data.

52. During the review, the Applicant commented on the quality of online statistics for deaths reported to Coroners in England and Wales⁹ as a benchmark for the amount of public information which should be available locally.
53. Having compared the Coroners' data reported in England and Wales with the annual data reported here in Bermuda, it is quite evident that national data for England and Wales is professionally compiled and analysed by statisticians. Achieving the complexity and quality of data, as reported in England and Wales, would require additional resources at the Department.
54. Resource constraints aside, and despite the fact that records responsive to this PATI request fell outside the application of the PATI Act, the Information Commissioner encourages the Department (and the Judiciary) to continue to proactively publish more information, data and statistics about the functions and activities of the Coroner's Office that is of relevance to the general public, in addition to the information that is required to be provided under the PATI Act.

Decision

In this Decision, the Information Commissioner affirms the Judicial Department's internal review decision to refuse access to records responsive to items 1 – 5 and 7 of the PATI request, because the records fell outside the application of the Public Access to Information (**PATI**) Act 2010 by virtue of section 4(1)(a).

The Information Commissioner also varies the Judicial Department's internal review decision that records responsive to item 6 did not exist or could not be found, because, if information of the type described did exist, such records would have fallen outside the application of the PATI Act by virtue of section 4(1)(a).

⁸ See the [Bermuda Judiciary Annual Report 2025](#), published January 2026, at page 57.

⁹ See [Coroners statistics 2024: England and Wales](#), published 8 May 2025.

Judicial review

The Applicant, the Judicial Department, 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.



Decided by Jason Outerbridge, Information Commissioner, 17 April 2026

Public Access to Information Act 2010

Application

4 (1) Subject to subsection (2), this Act does not apply to—

(a) records relating to the exercise of judicial or quasi-judicial functions by any court, tribunal or other body or person; or

[...]

(2) The reference to records in subsection (1) does not include records relating to the general administration of—

(a) any court, tribunal or other body or person referred to in subsection (1)(a); or

[...]

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