

PATI Information Statement

Name of public authority: The Office of Information Commissioner (ICO)

The Office of Information Commissioner, also known as the Information Commissioner's Office (ICO), is strongly committed to transparency and to best practices under the [Public Access to Information Act 2010](#) (PATI Act), as both the regulator of the PATI Act and as a public authority.

As a public authority under the PATI Act, the ICO must comply with the same duties and obligations required of all public authorities.

The PATI Act gives the public (Bermudians and residents) a right to access records and information held by public authorities to the greatest extent allowed under the law. Requests for access to public information are called PATI requests.

The ICO supports openness by design and proactively discloses a great deal of our governance records and information about our administrative policies, guidance, financials and operations on our website, ico.bm. Proactive disclosure of these kinds of information helps the public and stakeholders understand what we do, how we do it, and why we do it. Proactively keeping our online information updated and relevant reduces the need for individuals to make PATI requests for records we hold.

The ICO—like some other specified public authorities which carry out regulatory functions, judicial or quasi-judicial functions, or other uniquely sensitive functions—is treated slightly differently under the PATI Act. Section 4 of the PATI Act excludes from the public's right of access all records obtained or created by the ICO in the course of carrying out the ICO's functions. This means that records relating to our functions are not subject to consideration for public disclosure under the PATI Act. Generally, this refers to records relating to our regulatory functions. We will always advise requesters upfront about what types of records are within scope for consideration of disclosure under the PATI Act.

All the ICO's general administration records are subject to consideration for public disclosure under the PATI Act. To the greatest extent possible, information about our governance structure, spending and performance is available on our website, ico.bm.

This Information Statement will help you understand our organisational structure, our functions, and the kinds of records we hold. You will also find relevant information about how we deliver on our statutory mandate through our education, guidance and oversight activities.

Section A: Structure, organisation and legislation [s.5(1)(a)]

The ICO was established as a public office on 2 March 2015 when the relevant provisions of the [Public Access to Information Act 2010](#) came into effect.

Mission statement

Our mission statement is 'to uphold the right of all Bermudians and residents of Bermuda to access public records, to the greatest extent possible, within the provisions of the PATI Act'.

Structure

The Information Commissioner is the Head of Public Authority and the Accounting Officer for the ICO. The Information Commissioner, Jason Outerbridge, was appointed by the Governor for a period of five years commencing 1 March 2025. He may be reappointed for a further period of five years. The Governor appoints the Commissioner after consultation with the Premier and the Opposition Leader (per section 50(2) of the PATI Act).

The Information Commissioner is independent in function and is not a public officer. This distinction is critical to the exercise of his independent oversight functions, which by law requires that the Commissioner shall not be subject to the direction or control of any other person or authority in the exercise of his functions (per section 50(4) of the PATI Act).

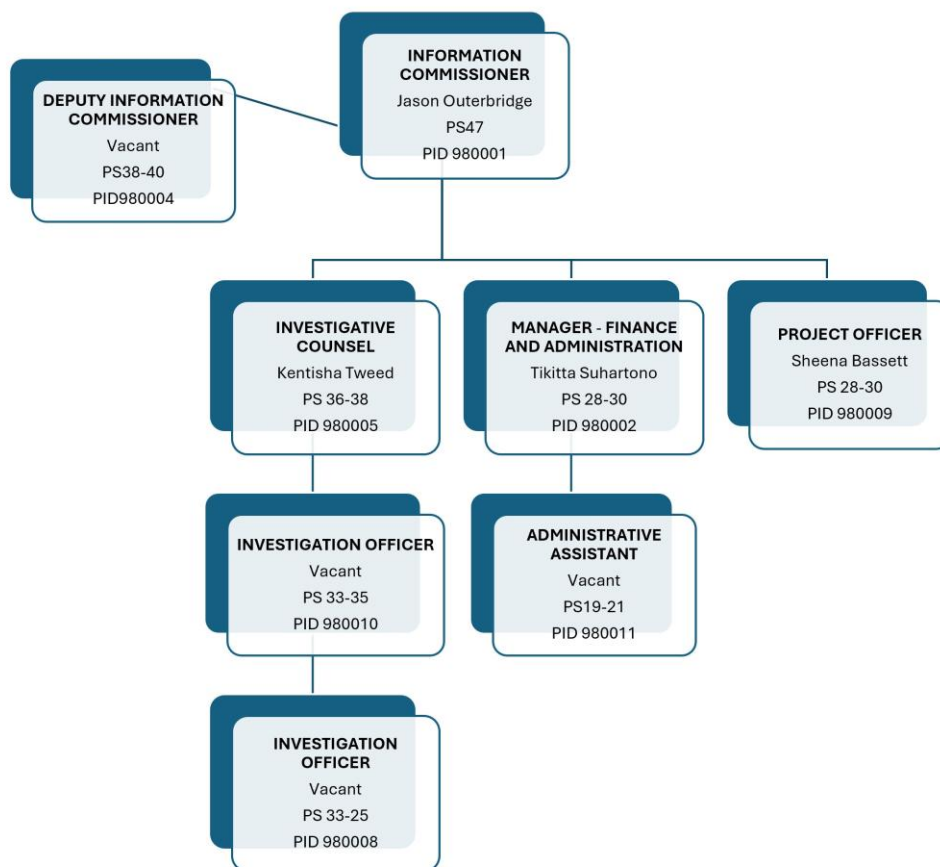
All funding for the ICO's operations is payable out of money appropriated by the Legislature during the Government of Bermuda's annual Budget process (per section 55(1) of the PATI Act). The annual budget estimates for the ICO and our key performance measures are included in the Government of Bermuda's Budget Book (available at gov.bm). The ICO's 2025/26 Original Budget Estimate was \$1,200,098. Our budget and expenditure details are available at ico.bm.

Staff

The ICO is a team of 8, with 7 public officer posts to assist the Information Commissioner, as shown in our organisational chart below.

In addition to public officers, the Information Commissioner may engage technical and professional advisers, as necessary, to assist with discharging his functions (per section 52 of the PATI Act). The ICO may also engage temporary public officers on reassignment or as relief or temporary additional staff. We also periodically host work shadow visitors and interns.

The Information Commissioner has delegated responsibility for appointment, discipline and termination of public officers for all posts below the Deputy Information Commissioner (per paragraph 7A of the [Public Service \(Delegation of Powers\) Regulations 2001](#)). Responsibility for appointment, discipline and termination of the Deputy Information Commissioner rests with the Public Service Commission.



Governing legislation

The ICO is governed by the:

- [Public Access to Information Act 2010](#), and
- [Public Access to Information Regulations 2014](#).

Copies of our governing legislation, as amended, and descriptions of amendments are available on our website, ico.bm.

Section B: 1) Functions, powers and duties [s.5(1)(b)]

The ICO is the independent public office that gives operational effect to the Information Commissioner's statutory functions, powers and duties in three ways, through:

- **Compliance oversight and guidance**, by providing general guidance about and oversight of public authorities' responsibilities under the PATI Act and Regulations,

- **Reviews**, in hearing, investigating and deciding on requesters' external review requests about public authorities' decisions on their requests for access to public records, and
- **Public awareness**, promoting the public's awareness of their rights under the PATI Act.

We report how we achieve and perform our mandate in our key performance measures and in our Annual Report. These are available on ico.bm.

The Information Commissioner and his staff must act independently and impartially and remain free from undue influence and bias when carrying out statutory functions.

The Information Commissioner and staff must maintain secrecy for all matters that come to their knowledge in the exercise of the Commissioner's functions. They shall not communicate any such matter to any person except for the purpose of carrying out the Commissioner's functions under the PATI Act (per section 53(1)). Information or documents obtained by the Commissioner or staff in the exercise of his functions shall not be disclosed except for the purpose of the Act (per section 53(2)).

Compliance oversight

In the context of the ICO's oversight functions, the Information Commissioner has sweeping powers under the PATI Act to effectively regulate and enforce public authorities' compliance with the proactive disclosure requirements in Part 2 of the PATI Act. The Information Commissioner may investigate instances of non-compliance and issue an order to a public authority to comply with a routine disclosure requirement. An order by the Information Commissioner has the same effect as an order of the court and may be enforced by the Information Commissioner.

The ICO has issued a [Compliance Enforcement Policy and Handbook](#), for the benefit of the public and public authorities, to explain how and when the ICO will take action to enforce adherence to the proactive disclosure requirements in Part 2 of the PATI Act. In addition, the ICO has published our [Investigations Policy](#) for investigations into the practices and procedures adopted by public authorities for purposes of complying with the PATI Act, as conducted under section 57(3) of the Act. These internal guidelines join other publications by the ICO that govern and explain how the Information Commissioner makes decisions and how the ICO carries out the Information Commissioner's mandate.

Reviews

The Information Commissioner conducts external reviews of public authorities' decisions and actions on PATI requests, including when a public authority has failed to act within the statutory time limit. The Information Commissioner's external reviews are guided by our three core values: independence, integrity, and fairness.

An external review by the Information Commissioner has four main stages: validation, resolution, investigation, and decision. The ICO takes a resolution-based approach to all

applications. This means that, when appropriate, the ICO will attempt throughout a review to resolve the application using informal resolution facilitated by the ICO's staff. The Information Commissioner is also empowered to engage a consultant to act as a mediator, per section 46(2) of the PATI Act.

During an external review, the Information Commissioner (or delegate) has the same authority as a judge of the Supreme Court to summon and enforce the appearance of persons, to compel oral or written evidence on oath or affirmation, and to compel the production of evidence. The Information Commissioner can receive evidence as necessary, regardless of whether it would be admissible in a court of law. The Commissioner can enter any premise occupied by any public authority, converse in private with any person in the premise, examine or obtain copies of relevant records found on the premises, and otherwise make any needed inquiries on the premises, as authorised by the PATI Act. Public authorities may not withhold relevant records from the Information Commissioner's inspection when he is conducting a review.

Should resolution be inappropriate or not fully successful, the application for external review will progress through the investigation to a formal decision by the Information Commissioner. At the conclusion of the review, the Information Commissioner (or lawfully delegated staff) will issue a binding decision that affirms, varies or modifies the public authority's decision and may include any order that is necessary for compliance with the PATI Act and Regulations. When filed with the Registrar of the Supreme Court, the Information Commissioner's order has the same effect as an order of the court.

The Information Commissioner has published the ICO's [Reviews Policy and Handbook](#) for the benefit of the public and those involved in the use of the PATI Act. It sets out the policies and procedures our staff will follow when handling external reviews. We have also published guides for [applicants or third parties](#) as well as for [public authorities](#). Additionally, we publish [guidance](#) on how to understand the exemptions in the PATI Act. All are accessible on [ico.bm](#).

Any person, including a public authority, who is aggrieved by a decision of the Information Commissioner (or delegate) may apply to the Supreme Court for judicial review of the decision.

The Information Commissioner is further empowered to delegate any of his duties, powers and functions under the PATI Act to ICO staff (per section 52A). We post the details of all delegated responsibilities on our webpage, '[Our team](#)'.

Public awareness

The Information Commissioner has a statutory duty to raise awareness of the right to access public records. The ICO achieves this duty through public education initiatives, social media outreach, our website as well as responding directly to enquiries from members of the public. Information about our current outreach programmes and activities is described below.

The ICO routinely conducts public perception surveys to measure public awareness of the PATI Act and access to information rights. These public perception research reports are published on our website, ico.bm.

Governance framework

Section 50 of the PATI Act sets the establishment and appointment provisions for the Information Commissioner and the Office of Information Commissioner. In a general sense, the Information Commissioner reports to His Excellency the Governor, but more specifically:

- The Information Commissioner is not subject to the direction or control of any person or authority in the exercise of his functions,
- The Information Commissioner is refrained from holding any office of profit or occupation for reward other than Information Commissioner, except as authorised by the Governor, and
- The office of Commissioner becomes vacant on the occurrence of any event specified in section 50(6) of the PATI Act.

Decisions of the Information Commissioner are subject to judicial review (per section 49 of the PATI Act). All administrative law decisions and actions of the Information Commissioner can also be subject to judicial review.

The Information Commissioner must submit an annual report on the operation of the PATI Act to Parliament (per section 58(1) of the PATI Act). All past Annual Reports are available on ico.bm.

For the ICO's administrative functions, including the management of public funds, the Information Commissioner is designated as the controlling officer (or accounting officer). The ICO keeps proper accounts of all financial transactions (per section 55(3)) through use of the Accountant General's electronic accounts system. Financial statements and accounts of the ICO are also reported annually to the Auditor General for independent audit (per section 55(4)).

Audited financial statements and the Independent Auditor's Reports are posted on ico.bm once they are presented to Parliament.

Regulatory duties under PATI

The PATI Act assigns unique duties to the Information Commissioner to fulfil his statutory mandate and other functions for effectively regulating access to information under the Act. These include to:

- Promote public access to information in accordance with the PATI Act, including by raising public awareness and understanding of the rights conferred by the Act and by providing guidance to public authorities about obligations imposed on them by the Act (s.51(1)).

- Provide guidance for public authorities' preparation of their PATI information statements, review them for compliance with the PATI Act, and issue an order to bring a public authority into compliance (s.7).
- Monitor and provide guidance for the provision of other information under section 6 and, when needed, issue an order to bring a public authority into compliance (s.8).
- Foster and encourage the publication by public authorities of information of interest to the general public about that public authority's functions and activities, beyond what is required by the PATI Act (s.10).
- Maintain secrecy concerning all matters that come to the Information Commissioner's knowledge in the exercise of his functions, only communicate any such matter to a person for the purpose of carrying out his functions under the PATI Act, and ensure that any staff or advisor maintains the same secrecy (s.53(1)).
- Not disclose any information or document obtained by the Information Commissioner, or any person appointed or engaged under section 52, in the exercise of his functions except for the purposes of the PATI Act (s.53(2)).
- Keep the operations of the PATI Act under review and, within two years of the PATI Act's implementation, prepare a written report, copied to the responsible Minister, on an investigation into the practices and procedures adopted by public authorities generally for purposes of compliance with the PATI Act (s.57(1)). (The [Information Commissioner's Report and Recommendations on the Implementation of the PATI Act](#) was published in 2021.)
- When necessary, investigate the practices and procedures under the PATI Act of public authorities generally, or a public authority in particular, and prepare a report, copied to the responsible Minister and any concerned public authority as well as appended to the annual report (s.57(2)).
- Prepare an annual report to be laid before each House of the Legislature (s.58).
- Consult on the establishment of codes of practice by the responsible Minister for public authorities, about the administration of the PATI Act and about their maintenance and management of records (s.60).
- Conduct external reviews of decisions by public authorities on applications to access public records under the PATI Act, when sought by a requester or third party (Part 6).

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

The ICO has the same general, or common, obligations under the PATI Act and Regulations as all public authorities do. These are to:

- Determine which records obtained or created in the course of carrying out our functions are excluded from the application of the PATI Act (s.4).

- Prepare and publish an information statement in a manner specified in the PATI Act (s.5).
- Provide proactively other information to the public, including:
 - about information the ICO holds and how to access it (s.6(1)),
 - our PATI request log (s.6(4)),
 - our quarterly expenditures (s.6(5)), and
 - details of our contracts with a total value of \$50,000 or more, by government notice in the Official Gazette (s.6(6)).
- Respond to the following, as required by the PATI Act and Regulations:
 - any PATI request made to the ICO (ss.12-15), and
 - any request for an internal review for a PATI request made to the ICO (ss.41-44).
- Provide a written report at the end of each year to the Information Commissioner (s.58(3)) on the number of:
 - PATI requests received by the ICO and their dispositions, and
 - our internal reviews for any PATI requests and their dispositions.
- Follow any regulations made by the Minister and any established codes of practice for the administration of the PATI Act and the maintenance and management of records (ss.59, 60).
- Train staff and make arrangements to facilitate compliance with the PATI Act (s.61).
- Appoint an information officer to handle PATI requests made to the ICO (s.62).
- Maintain an electronic register of all PATI requests handled by the ICO (reg.20).

Section C: Services and programmes [s.5(1)(c)]

The ICO delivers the following services and programmes for the public and public authorities.

Services

- **Guidance:** The ICO issues official guidance for public authorities and the public on discrete topics to assist in the exercise of rights and responsibilities under the PATI Act, posted on ico.bm.
- **Compliance:** The ICO monitors the practices and procedures adopted by public authorities for purposes of compliance with the PATI Act. This is largely achieved through our PATI Annual Return process, when we collect compliance information from all public authorities. Responses are collated and reported in our Annual Report. Poor PATI compliance by a public authority also may be identified through the ICO's reviews, direct enquiries with public authorities, and public complaints made to the ICO.

- **Reviews:** The ICO investigates and resolves disputes between a requester (or third party) and a public authority, following a request for access to public records, concerning the public authority's responsibilities under the PATI Act.
- **Publications:** The ICO is a repository under the PATI Act for all public authorities' information statements. We post these on ico.bm and, if asked, can print a copy for any member of the public at our office. We also maintain a contact list of public authorities on our website, with the names of their designated information officer and head of public authority who are responsible for handling the public authority's PATI requests.
- **Enquiries:** The ICO answers general enquiries about the PATI Act and its requirements and about how to effectively access public records. Members of the public and public authorities may contact the ICO by phone (543-3700), email (info@ico.bm), Facebook ([@icobermuda](https://www.facebook.com/icobermuda)), or in-person at our office (Maxwell Roberts Building, 4th Floor, One Church Street, Hamilton).

Programmes

- **Public education programmes:** From time-to-time, the ICO presents to community groups, civic and business associations and other groups about the public's rights under the PATI Act and how to exercise these rights. Interested groups may contact the ICO at info@ico.bm to schedule a session. The ICO also offers monthly public sessions at the Bermuda National Library to answer questions about the PATI Act, how to make a PATI request, and access to information rights. To register, email rsvp@ico.bm.
- **Right to Know Week:** The ICO hosts a week of public events to celebrate the International Day for Universal Access to Information (IDUAI), which is globally observed on 28 September each year.

Section D: Classes of records and documents held [s.5(1)(d)]

This section describes the classes (or types) of records held by the ICO. Records may originate from March 2015 to today. Records are held in line with our records management, retention and destruction policies. The ICO stores records in electronic files, databases and hard-copy files.

Classes of records held by the ICO fall into two distinct categories for purposes of the PATI Act.

- **Records related to our administration and governance:** These records are subject to the right to public access under the PATI Act by virtue of section 4(2)(b), because they are about our general administration. They are either proactively disclosed or will be assessed for public disclosure in response to a PATI request.
- **Records related to exercising our statutory functions:** These are records excluded from public access under the PATI Act by virtue of section 4(1)(b)(iii), because we created or obtained them while carrying out our statutory functions. These types of records either are entirely excluded from public access, to protect the effective delivery of our statutory

functions, *or* may be published voluntarily by the ICO, at the Information Commissioner's discretion, as part of our good governance efforts to eliminate unnecessary secrecy about our decision-making and activities.

Records related to our administration and governance

The following classes of the ICO's administrative records are subject to the right of public access. A PATI request can be made to the ICO for:

- Business planning records (such as goal setting documents, operational plans, and performance measure tracking),
- Office management documents (such as vendor communications, relocation planning documents, contracts, equipment usage manuals, corporate identity records, staff meeting agendas and minutes, etc.),
- Information technology documents (including website administrative records, correspondence with vendors, and server monitoring reports),
- Financial records (including procedure memos, accounts files and audit files as well as unaudited quarterly expenditure summaries and credit card statements),
- Human resource documents (such as employment contracts, individual personnel files, professional development, onboarding and offboarding staff, recruitment records, remote work policy etc.),
- Staff travel records (including office travel memo and conference attendance records),
- Public relations records and public awareness and education materials,
- Guidance by the Information Commissioner about compliance with the PATI Act and Regulations and related internal research materials,
- PATI request records, ICO's public record disclosure log, and other PATI compliance records (including the ICO's own PATI annual returns, information statements, contract gazette notices etc.),
- International Conference of Information Commissioners records (including records related to the Commissioner's service as an Executive Committee member), and
- Information and records management documents (such as record destruction memos).

Decisions on PATI requests for these classes of records can be to: disclose in part or in full, administratively deny, or withhold according to an exemption under Part 4 of the PATI Act.

Records related to exercising our statutory functions

These classes of the ICO's records are excluded from public access, because they relate to our statutory functions (per s.4(1)(b)(iii)) and will ordinarily be kept from disclosure to support our effective service delivery:

- External review records (including applications, parties' submissions and other communications, legal research, investigative records, case meeting notes, records related to attempting resolutions, final resolutions, draft decisions, and copies of other public authorities' withheld records),
- Proactive publication compliance records (such as records related to assessing whether a public authority has met requirements set out in sections 5 and 6 of the PATI Act),
- Practice and procedure investigation records (including records related to our investigations under section 57 into the operation of the PATI Act and into public authorities' practices and procedures to comply with the Act),
- Annual report preparation and PATI annual returns records (including reports by public authorities under section 58(3) and our internal working documents to compile data),
- Consultation records (including correspondence with the responsible Minister's designates about amendments to the PATI Act and about codes of practice required by section 60), and
- Research files for the ICO's policies, practices and procedures in support of fulfilling the Commissioner's regulatory duties as well as for legal issues arising under the PATI Act.

Public versions of the Information Commissioner's Decisions, Annual Reports and any compliance-related investigation report remain accessible on [ico.bm](https://ico.org.uk/what-ico-does/transparency/ico-bm).

Sections E & F: Manuals and decision-making documents [s.5(1)(e), s.5(1)(f)]

The ICO is guided by the following internal manuals and decision-making policies and guidelines, to deliver on the Information Commissioner's mandate and to manage the ICO's resources (including our staff). These are available on our website, [ico.bm](https://ico.org.uk/what-ico-does/transparency/ico-bm), unless stated otherwise.

Administration and governance documents

- Contracting with the Information Commissioner: Information for prospective contractors
- Contractor Guidelines: For temporary contractors and advisors
- Register of Interests Policy (including Declaration of Interests form)
- Employee Guidelines: For temporary employees and interns
- Guidelines and Procedures: Responding to PATI requests for public records

Function-specific documents

- Compliance and Enforcement Policy & Handbook: Enforcement conducted under Part 2 of the PATI Act

- Reviews Policy & Handbook: Reviews conducted under Part 6 of the PATI Act
- Investigations Policy: Investigations conducted under section 57(3) of the PATI Act
- Internal user guides for our electronic case management system [unpublished]

The ICO is further guided by policies, rules and guidelines issued by the Government of Bermuda, or as statute by the Legislature, for managing public funds, procuring services paid for with public funds, managing public officers and PATI compliance. These are available on the government's website, gov.bm, unless stated otherwise, and include:

- Cabinet Office's Public Access to Information Administrative Code of Practice for Public Authorities
- Government of Bermuda's Conditions of Employment and Code of Conduct
- Collective Bargaining Agreement between Bermuda Public Services Union & Government of Bermuda
- Government of Bermuda's Financial Instructions
- Government of Bermuda's Code of Practice for Project Management and Procurement
- Government of Bermuda's Budget Preparation Manual [unpublished]
- Public Service Commission Regulations 2001
- Public Service (Delegation of Powers) Regulations 2001
- Public Service Commission's Procedures Governing Discipline Appeals to the PSC
- Public Service Performance Appraisal Guidance [unpublished]

Other internal manuals or decision-making documents may be posted on ico.bm as they become available, where appropriate.

Section G: Information officer [s.5(1)(g)]

Any member of the public may send a PATI request seeking records held by the ICO to our Information Officer, Tikitta Suhartono.

E: tsuhartono@ico.bm | **T:** 441-543-3700

Street address: Information Commissioner's Office, Thistle House, 3rd floor, 4 Burnaby Street, Hamilton, HM11

Office hours: Monday to Friday, 9am to 5pm

Section H: Any other information that head of authority considers relevant [s.5(1)(h)]

To make a PATI request seeking records held by the ICO, you can follow the steps described on our webpage, '[How to make a PATI request](#)'. You do not need a specific form to make a PATI request to us seeking records held by the ICO.

We have published our [Guidelines and Procedures](#) describing how we respond to PATI requests for records we hold. It gives technical guidance about specific provisions or interpretations that apply to PATI requests made to the ICO.

If you are dissatisfied with the handling or decision of a PATI request made to the ICO, you can ask for an internal review for your PATI request. This review is conducted by the Information Commissioner, as the ICO's Head of Public Authority under the PATI Act. No statutory provision exists for further review by the Information Commissioner, like what is available after an internal review of a PATI request decision by another public authority. If you are still not satisfied with the way we have responded to your PATI request on internal review, you can seek to have our internal review decision judicially reviewed by the Supreme Court.

We maintain an updated PATI request log on our website, [ico.bm](https://www.ico.bm). Our log lists all requests made to the ICO since the PATI Act took effect, along with their disposition. We also publish records we have disclosed to requesters (except the requester's own personal information), on the same webpage, '[ICO PATI disclosures](#)'.

Complaints about our service delivery can be made directly to us or to the Office of the Ombudsman.

Section I: Any other information that may be prescribed [s.5(1)(i)]

None

Section J: Information statement copies and updates [s.5(2)-(5)]

The ICO's updated 2026 Information Statement is available to the public:

- at our office located at Thistle House, 3rd floor, 4 Burnaby Street, Hamilton, HM11,
- at the Bermuda National Library and the Bermuda Archives, and
- on our website, <https://www.ico.bm/about-us/ico-information-statement/>.

Updated 10 July 2026

Jason Outerbridge, Information Commissioner

Document control sheet: ICO 2026 PATI Information Statement

Date	Change
8-Sep-16	Reformatted to new logo and updated throughout
29-May-18	Updated financial information, office hours, organisational chart, policies; fixed typos
11-Jan-19	Updated organisational chart
7-Jun-19	Updated organisational chart; changed responsible manager in document approval
9-Jan-20	Updated financial information
16-Sep-20	Updated throughout
30-Dec-21	Updated throughout
30-Dec-22	Updates throughout
18-Sep-23	Updated organisational chart; removed information officer's position
8-Feb-24	Updated financial information, organisational chart, information officer
22-Jan-26	Updated throughout to improve language and internal consistency, update hyperlinks, reflect PATI Act amendments, and clarify distinctions between records within scope of the Act and those not subject to the Act
10-Jul-26	Updated address, organisational chart and information officer