# INFORMATION COMMISSIONER ANNUAL REPORT 2025

## Strengthening Access in the Digital Age



Information Commissioner's Office

# 2025 Highlights



**132**
**new PATI requests reported in 2025**

Page 15



**45%**
**of public authorities reported never receiving a PATI request in 10 years**

Page 17



**39**
**PATI requests received by Bermuda Police Service,** the highest amount made to a single public authority in 2025

Page 16



**8**
**ICO reviews resolved by resolution**

Page 26



**16**
**decisions issued by the ICO**

Page 27



**26**
**ICO reviews closed**

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# 2025 Highlights



**100%**

**compliance** with the Information Commissioner's orders

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**97%**

**of public authorities submitted 2025 Annual Returns to the ICO**

Page 36




**52**

**notices for contracts over $50K published in the Official Gazette in 2025**

Page 40



**85%**

**of public authorities report their quarterly expenditures are ready or could be ready on request**

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**72%**

**of public authorities reported that their PATI request log was accessible**

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**83.2%**

**of ico.bm users were new visitors**

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TRANSMITTAL

Laid before each House of the Legislature in October 2026, per section 58(1) of the Public Access to Information Act 2010.

# Welcome



**Welcome to the 2025 Annual Report of the Information Commissioner. As the independent regulator of public access to information in Bermuda, the Information Commissioner is required by law to report directly to the Legislature on the operation of the Public Access to Information Act 2010 by way of an Annual Report.**

Our 2025 Annual Report includes an overview of the statistics and information reported to the Information Commissioner by public authorities with respect to the public access to information requests (also known as 'PATI requests') which they processed in 2025 and information about applications made to the Information Commissioner for external review.

This Report also provides an operational overview of the Office of Information Commissioner, which offers the Legislature, and the public, insight into the exercise and fulfilment of our mandate and functions under the PATI Act.

This year's Annual Report has a slightly different presentation to previous reports. We now present our operational overview based on the calendar year 2025 (rather than by fiscal year). Aligning the reporting about our operation to the statutory reporting period (section 58 of the PATI Act) simplifies the presentation for better year-to-year comparisons.

I assumed the role of Information Commissioner on 1 March, marking a return to the Office where I previously served as the Assistant Commissioner until 2016.

The year 2025 marked a historic milestone: the ten-year anniversary of the PATI Act and establishment of the ICO. This past decade ushered in a transformative shift in the relationship between government and the people, moving transparency from a novel concept to an expected, normalised standard of democratic life in Bermuda. If our first decade was defined by laying sturdy foundations, our second decade must be characterised by digital accessibility, proactive disclosures by public authorities, and systemic accountability across the government. Bermuda, ten years since our PATI Act took effect, can be proud of our PATI regime – one where access to information rights are valued, used, secure and upheld.

It was incredibly gratifying this year to reward information officers from a range of public authorities who have gone above and beyond in their duties to ensure that access to information is not just a right on paper, but one that can be realised through disclosures. These public disclosures have delivered meaningful impact upon the lives of citizens and residents. We can say, with confidence, that because of the collective efforts of all interested parties, government today operates in the sunshine of public scrutiny in ways that could not have been fully imagined a decade ago.

I shepherd a small, yet mighty team of dedicated public officers oriented to change and renewal as we set a new vision for the next decade of success for the ICO and for public access to information in Bermuda. As a steward-leader of the Office and its mandate, my approach has been one of collaborative leadership, inviting the team to participate fully in updating the ICO's mission, objectives, performance measures and vision. Under new leadership, we have embraced opportunities for continuity and change: strengthening that which is beneficial and refreshing areas which are no longer serving the

effectiveness or efficiency of the operation and fulfilment of our mandate.

As the initial momentum in the immediate wake of my appointment steadied to a speed of purposive progress, and once benchmarking assessments of the overall operation were complete, we identified legacy areas of operational stagnation. While these bottlenecks were compounded by chronic budgetary underfunding, critical staffing vacancies and historic underinvestment in innovation, we did not allow them to halt our progress. Instead, we leveraged these constraints as a catalyst for immediate, decisive modernisation. Under my stewardship, we responded to these challenges by refreshing our processes, including the first-time exercise of delegation powers under section 52A and the launching of our digital Annual Return tool, to drive efficiency and ensure institutional sustainability.

The warnings recorded by the outgoing Information Commissioner in the 2024 Annual Report–that the incoming Commissioner would face arduous decisions due to chronic understaffing and insufficient funding–materialised with sobering speed during the delayed and protracted 2025-2026 budget process. Despite our Office providing meticulous, evidence-based justifications and explicitly outlining the detrimental impacts of underfunding to both the Cabinet and the Legislature, the final appropriation again fell short of the ICO's core operational needs. This chronic shortfall continues to place the long-term sustainability of Bermuda's national access regulator under known vulnerabilities.

Yet, these challenges have propelled us to be more collaborative, more agile and more confident in our talents, our dedication and our commitment to accomplishing the Office's mandate and fulfilling the purposes of the PATI Act. You'll see evidence of our resourcefulness throughout this report: in the forward investments we have made in training and professional development of our officers, a needed supervisory refocus on proactive disclosures and digital access to records (as aligned with the Government's digital transformation priorities to make more government information and services available online), and other activities intended to keep pace with access to information in the digital age.

As we closed 2025 and welcomed 2026, we were excited and proud to have revamped our Annual Return process that collects statutory information from over 180 public authorities about how they processed PATI requests alongside other information about their proactive publication activities during 2025. As you will read in this report, in 2025 we designed and implemented an online data collection tool which allowed us, for the first time, to make more meaningful analysis of the collected data which will be instructive for our compliance activities for 2026 and beyond. We are already reaping the rewards of that new digital dataset as we set new strategic targets for our compliance work with public authorities who are struggling to meet their basic PATI obligations.

Taking forward these and other lessons from 2025, we are also developing new tools to promote proactive publication of information which is already identified as being of relevance or interest to the Bermuda public. We also closed 2025 formulating new Summary Procedures for launching in quarter one of 2026 which streamline the processing of reviews where heads of public authorities had not completed their internal reviews within the statutory timeframe.

We have arrived at a time when the advancement of digital technologies is rapidly changing the architecture of the public record as public authorities leverage digital applications, including AI, to govern and record government decisions and activities. Through our new approaches to support public authorities by prioritising proactive disclosure, we are focused on delivering regulatory interventions that improve access and reduce burdens and unnecessary barriers to access. This shift is pivotal in the focus of our work as we recognise the need to preserve and strengthen the public's digital access to relevant and reliable public information which supports innovation and efficient public service delivery.

I wish to express profound gratitude to our all-Bermudian team of dedicated public officers at the ICO. Their extraordinary personal commitment, 'invisible labour' and intellectual resilience while navigating severe resource constraints during this transitional period are exemplary and warrant the highest public commendation. I also extend a personal thank you to Deputy Information Commissioner, Ms. LaKai Dill, who gave her all to provide operational stability during the transition of Commissioners.

I am confident that the ICO's cumulative output in 2025, supported by our prudent and effective use of the appropriations from the Legislature, has delivered value for money and advanced transparency and accountability in the public sector as intended by the spirit and purpose of the PATI Act.

**Jason Outerbridge** | Information Commissioner

# Operations & Governance

The Office of Information Commissioner (legal name) is also publicly known as the Information Commissioner's Office or the ICO. We are a public office established by statute. We are independent from the Executive government. We are funded by public funds.

## Mandate, Objectives and Performance Measures

Our functions and mandate are governed by the PATI Act supplemented by other applicable laws, policies, rules, standards and practices which apply to independent public offices in Bermuda.

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 Public Access to Information Act 2010 (PATI Act).

The Information Commissioner promotes public access to information, raises public awareness of the rights from the PATI Act, provides guidance to public authorities regarding their obligations under the PATI Act and oversees compliance with the PATI Act.

The Information Commissioner's powers and duties, outlined in Parts 2, 6 and 7 of the PATI Act, are to:

- Raise public awareness about PATI rights and how to use them,
- Provide guidance to public authorities about their responsibilities under the PATI Act,
- Reinforce public authorities' compliance with the PATI Act, and
- Review public authorities' actions under the PATI Act and issue legally binding decisions, when necessary.

In carrying out this mandate, functions and duties, the Information Commissioner and ICO staff are guided by values of independence, integrity and fairness. They must act independently and impartially and remain free from undue influence and bias. Additionally, they must maintain secrecy for all matters that come to their knowledge in the exercise of the Commissioner's functions.

The ICO's organisational objectives are to:

- Encourage a cultural shift with the public and public authorities by embracing the principles of public access to information,
- Foster the use of PATI rights through public awareness and education,
- Assist public authorities to develop and follow best practices in meeting their obligations under the PATI Act, through guidance and oversight,
- Conduct independent and impartial investigations and reviews in a fair and timely manner, and
- Engage stakeholders to strengthen and enhance public access to information rights and their protections in law.

We report how we achieve and perform our mandate in our key performance measures (KPIs) as recorded in the Government of Bermuda's Budget Book of Revenue and Expenditure which is debated in the Legislature each spring. These performance measures cover the fiscal year, 1 April – 31 March as they are aligned to the ICO's budget allocation.

**YOU SHOULD KNOW** that since 1 January 2025, the ICO does not oversee privacy or data protection in public authorities, except where there is direct intersection with the legal right to access public records and information.

## Organisational Structure

The ICO is the independent public office that gives operational effect to the Information Commissioner's statutory functions, powers and duties.

The ICO is led by the Information Commissioner who is also the Head of Office, Head of Public Authority (per the PATI Act), Accounting Officer and Controlling Officer for staffing, budget and management of public funds.

Our establishment consists of a team of eight, with seven public officer posts to assist the Information Commissioner, as shown in our organisational chart.

# ICO Team



**LaKai Dill**
Deputy Information Commissioner

**Kentisha Tweed**
Acting Senior Investigation Officer *(effective 3 November 2025)*

**Jason Outerbridge**
Information Commissioner for Bermuda

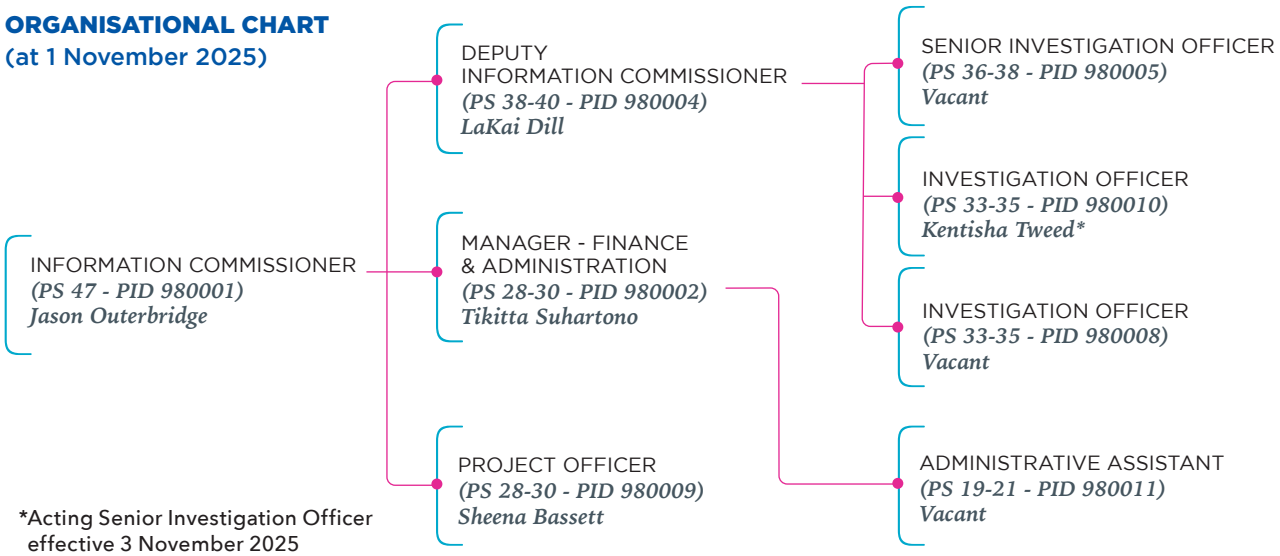
**Sheena Bassett**
Project Officer

**Tikitta Suhartono**
Manager – Finance & Administration

**Sonia Astwood**
Relief Administrative Assistant

David Northcott, *Not pictured* (on temporary assignment)

## ORGANISATIONAL CHART
(at 1 November 2025)




*Acting Senior Investigation Officer effective 3 November 2025

## Staffing Changes

In 2025 the ICO transitioned through several noteworthy staffing changes: appointment of a new Information Commissioner, new reporting lines introduced, promotions confirmed, delegation of the Commissioner's powers exercised for the first time, new staff were welcomed, and staff departures occurred.

In January 2025, the ICO welcomed the return of Sonia Astwood on a temporary relief contract. Ms. Astwood helped to ensure that key activities were supported, including during the office's leadership transition. She assisted on a range of important projects, including the ICO's preparation for a financial audit and for the Right to Know Day (International Day for Universal Access to Information) line-up of events. Ms. Astwood's contract ended in October 2025. The ICO sincerely thanks her for her steady approach during hectic times. Her contributions are valued by the entire ICO team.

The ICO's organisational chart was revised in February 2025 as one of the final acts of the outgoing Information Commissioner. This restructuring changed the reporting line and supervision of the investigation officers from the Commissioner to the Deputy Information Commissioner.

Gitanjali Gutierrez completed her term as Information Commissioner on 21 February 2025. Deputy Information Commissioner, LaKai Dill, was appointed Acting Information Commissioner on 22 February until 28 February 2025. Ms. Dill was instrumental in providing handover and coordinating the smooth transition of commissioners.

Incumbent Information Commissioner, Jason Outerbridge, began his appointment on 1 March 2025.

In March 2025 the Information Commissioner delegated certain functions to the Deputy Information Commissioner to maintain business continuity and to provide certainty of decision making in certain reviews. This was the very first time that section 52A powers of delegation had been exercised since this amendment to the PATI Act came into effect on 1 January 2025.

April 2025 saw the confirmation of appointment for the Deputy Information Commissioner and the Senior Investigation Officer roles.

In October 2025, the ICO bade farewell to Caitlin Conyers, Senior Investigation Officer. Ms. Conyers was appointed to that role in October 2024 having rejoined the ICO in September 2023 as a relief Investigation Officer. She served with professionalism, enthusiasm and a passion for mentoring colleagues. Her expertise contributed meaningfully to many ICO achievements and the advancement of our mandate. Ms. Conyers was appreciated by both public authorities and the public for her humility, humour and commitment to promoting PATI rights. The ICO remains grateful to Ms. Conyers for her service and impact.

In December 2025, the ICO welcomed David Northcott on a temporary reassignment with the ICO. Mr. Northcott, who is an experienced information officer and former ICO Project Officer, has supported the Information Commissioner with research, policy development, outreach to public authorities and strategic direction.

## Investing In Our Team

Public officers remain the ICO's most valued assets. Investing in our people strengthens the ICO's capacity as a value-added regulator. During 2025, the ICO focused on equipping officers with technical and leadership skills through local and virtual training sessions. Acting appointments, internal capacity-building and recognitions in 2025 also supplemented the formal development of ICO staff.

**YOU CAN FIND** a Schedule of Delegation is published on our website, ico.bm.

Deputy Information Commissioner, LaKai Dill, completed training in *Driving Leadership for Digital Transformation*. This course, run by the Department of Employment and Organisational Development, presented a powerful development experience equipping officers with practical tools, mindset, and strategic insights to lead confidently in an ever-evolving digital world.

Senior Investigation Officer, Caitlin Conyers, completed *4 Essential Roles of Leadership and training on the Code of Practice for Project Management and Procurement*. Ms. Conyers also obtained the Freedom of Information Practitioner Certificate.

Acting Senior Investigation Officer, Kentisha Tweed, achieved an *Information and Records Management Practitioner Certificate*. This training has enhanced the ICO's internal practices, improved investigative approaches during reviews and builds stronger capacity to update guidance and oversight approaches to public authorities about records governance and digital records management.

In March 2025, the ICO funded the cost to reinstate both Investigation Officers, who are qualified attorneys, their Bermuda Bar Practicing Certificates and membership. As in-house counsel, the officers stood ready to provide ad hoc legal advice and pre-litigation legal services to the Information Commissioner. They provided legal opinions on identified legal issues affecting the ICO's work. Utilising staff's legal expertise serves to maximise our human resources and institutional capacity thereby, reducing reliance on external counsel and the related costs.

Notably, the ICO's longest serving officer, Manager – Finance & Administration, Tikitta Suhartono, celebrated ten years of service with the office in 2025. Her invaluable contributions and resilience have ensured the Office continued to operate seamlessly and with integrity. Ms. Suhartono was also recognised by the Head of the Public Service for 25 years of long service as a public officer. The entire ICO team remains grateful to Ms. Suhartono for her commitment to public service.

ICO staff also benefited from other training and development in 2025, including an HRC-hosted presentation by former senior lecturer at the Bermuda College Craig Simmons on *Bermuda's Economy and the Intersection with Equity*, the Public Service's leadership training *Driving Leadership for Digital Transformation, Policy to Law* training by DEOD and the Bermuda Coder's online course *Data Science Fundamentals*.



Tikitta Suhartono, Finance & Administration Manager, receives recognition for her 10 years of service with the ICO.

**YOU SHOULD KNOW** that the ICO's public officers can serve on boards, committees and other public bodies if risks of conflict or bias can be mitigated. For full transparency, the ICO maintains a public register of interests for our officers and staff.

## ICO in the Community

ICO staff, again in 2025, showed their dedication to community through ICO-supported community service opportunities. Staff donated to the Beyond Inclusion Bermuda's Passport to Possibilities initiative, alongside officers at the Human Rights Commission.

Staff volunteered 12 hours with the Bermuda for Jamaica 2025 initiative, helping with logistical preparations for essential hurricane relief from Bermuda to Jamaica.

Our Investigation Officer, Ms. Tweed, volunteered to serve as a board member on the Criminal Injuries Compensation Board, a passion close to her heart as a former Crown Counsel and criminal law attorney.

Ms. Conyers hosted student Riley Maybury for a day of work shadowing. Riley learned about the importance of access to information as a right that is directly available to the youth.



ICO and Human Rights Commission staff partner in supporting Beyond Inclusion initiative "Bermuda's Passport to Possibilities".



Student Riley Maybury joins Senior Investigator, Caitlin Conyers, for a work shadowing day at the ICO.

## Finances

As a forward-looking, independent, national oversight body, the ICO continually seeks to improve the quality and effectiveness of our work, as well as the infrastructure that supports our efforts. This is the underlying fiscal approach as we strive to achieve value for money for public funds.

The ICO proactively publishes details of our financial decisions and public expenditures on our website, ico.bm. There, the public can find all our financial policies and procedures, annual budgets, salary scales, contract information, unaudited quarterly expenditures and audited financial statements.

All funding for the ICO's operations is payable out of money appropriated by the Legislature, in keeping with the Government of Bermuda's annual budget preparation process. As reported in the Government's Budget Book of Revenue and Expenditure, the ICO's actual budget for the fiscal year ended 31 March 2025 was $1,131,000. For the fiscal year ended 31 March 2026, the ICO's revised budget was $1,185,098, with the original budget estimate being set at $1,200,098.

Salaries continue to account for the highest operational costs at the ICO. We are reliant upon the motivation, skills and output of our public officers and staff to achieve the Office's mandate and preserve the right of access for Bermuda. The ICO continues to press the Government of Bermuda for full core funding to fill our critical staff vacancies so that we can effectively deliver our mandate and statutory functions.

The ICO spent $3,078.95 in travel costs for the Deputy Information Commissioner to attend the 16th Annual International Conference of Information Commissioners in June 2025 in Berlin, Germany.

More details about our budget allocation and spending priorities are found in the ICO's Budget Brief, as presented to the Legislature. Official sources of this information are the Hansard which is available on www.parliament.bm. Also, a copy of the Budget Brief, as submitted to the Minister, is published on ico.bm.

As the ICO is a public office funded by appropriations, the PATI Act requires that the its accounts are subject to an annual audit by the Auditor General. The ICO's accounts for the year ended March 2025 were submitted to the Office of the Auditor General in October 2025, following a mutually agreed audit timeline. Once that audit is completed, the audit report will be laid in the Legislature and published on our website.

Additionally, the ICO's accounts for the year ended 2025 were submitted to the Accountant General's Department in a timely manner in June 2025 to support of the Auditor General's audit of the Consolidated Fund.

## International Relationships & Collaboration

As Bermuda's national oversight body for access to information, it is important for us to engage globally and represent Bermuda's interests among our international peers.

### ICIC

The International Conference of Information Commissioners (ICIC) is the worldwide forum for access to information regulators. The ICIC serves to protect and promote access to government-held information as a fundamental pillar to social, economic and democratic governance globally.

The Bermuda ICO continued to serve a second term on the ICIC Executive Committee, which extended into 2026. Commissioner Outerbridge attended virtual meetings of the Executive Committee throughout 2025.

**YOU CAN FIND** details about our spending and finances at ico.bm, including budget, salaries, contracts over $50K, quarterly expenditures and audited financials.

Over the years of our membership, the Bermuda ICO has benefitted from collaboration with ICIC partners in all aspects of its work. During 2025, the ICO joined the ICIC working group on Access to Information Principles. This group delivered a set of foundational principles for access to information rights and the protection and promotion of Information Commissioners. These principles were formally adopted at the 2025 conference.

Deputy Information Commissioner, LaKai Dill, represented the Bermuda ICO at the 16th annual conference of the ICIC which was held in Berlin, Germany in June 2025. The conference was hosted by Germany's Federal Commissioner for Data Protection and Freedom of Information, with the theme Access to Environmental Information in a Digital Era. Civil society organisations were also well represented as participants in the conference. The conference offered public sessions, closed-door regional meetings, a closed session for Commissioners and accredited observers, as well as networking activities. Bermuda's ICO provided a jurisdictional summary about access to information data and trends in Bermuda as part of the North American & Caribbean regional update.

Conference discussions touched on various concepts, including leveraging digital tools for the regulators' work and public use, a critical need for regulators to address digital records management, promoting success stories to encourage citizens seeking disclosures, and collaborations needed to uncover the value of government-held data beyond mere facts and figures. Panellists also pondered whether maintaining separate access regimes, such as one for environmental information, one for personal data and another for all other information, would continue to serve citizens.

The 2025 conference report and recordings of all public sessions are available on the host's website at bfdi.bund.de, along with the closing public statement and a declaration adopted by participating civil society organisations.

**ICIC EXECUTIVE COMMITTEE MEMBERS**
(effective June 2025)

**ALBANIA**
(Chair and Secretariat) – Information and Data Protection Commissioner

**AUSTRALIA**
Office of the Australian Information Commissioner

**BANGLADESH**
Information Commission

**BERMUDA**
Office of Information Commissioner

**BUENOS AIRES, ARGENTINA**
Guarantor Body for Right to Access Information

**CANADA**
Office of the Information Commissioner (conference host 2027)

**GERMANY**
Federal Commission for Data Protection and Freedom of Information (conference host 2025)

**KENYA**
Commission on Administrative Justice (Office of the Ombudsman)

**SIERRA LEONE**
Right to Access Information Commission (conference host 2026)

**SOUTH AFRICA**
Information Regulator

**YOU CAN FIND** more information about the ICIC, past conferences and its publications on its new website, www.information-commissioners.org.



Deputy Information Commissioner, LaKai Dill, joins her peers at the 2025 International Conference of Information Commissioners, in Berlin, Germany.



Official group photo of ICIC members at the 2025 conference.

## UNESCO

In September 2025, the Information Commissioner presented for UNESCO's Caribbean regional webinar 'Towards Transparency: Advancing Access to Information Laws in Small Island Developing States (SIDS)'. During this webinar, a model law for small island developing states was discussed and promoted for implementation in the Caribbean. Bermuda, as an experienced jurisdiction, was invited to share reflections on the impact of a robust access to information law in a small territory as part of UNESCO's drive to implement access to information laws across the Caribbean region.

With the backing of Government House, the ICO submitted a UNESCO survey to support a global assessment of UNESCO's Sustainable Development Goal 16.10.2, which focuses on the number of countries that have adopted and implemented constitutional, statutory or policy guarantees for public access to information. The survey supports UNESCO's broader commitments that view access to information as a public good and a shared resource for humanity. Bermuda's legal framework for access to information scored 9, which is the maximum score awarded.

The full UNESCO report showing global aggregates and trends was published in April 2026 and is available from UNESCO's digital library at www.unesdoc.unesco.org.

**YOU SHOULD KNOW** that "Bermuda's high ranking on the UNESCO survey indicates that we have robust legal protections guaranteeing the right to access public information for citizens and residents."

Information Commissioner

## CENTRE FOR LAW AND DEMOCRACY

Bermuda joined 75 other countries by taking part in a global 'stress test' of access to information laws which saw *The Royal Gazette* submit two 'test' PATI requests asking two different local public authorities for information about COVID-19 vaccines and certain environmental incidents.

Bermuda's performance was mixed, with some disclosures made, but overall compliance with responding fell short of meeting the statutory timeframes. Bermuda's performance data were aggregated into regional performance data for the Latin America and Caribbean region in the final report 'Global Comparative Testing of Responses to Requests for Information', published in September 2025 .

The Information Commissioner publicly thanked *The Royal Gazette* for its participation and gave full support behind the Centre for Law and Democracy's efforts to bolster better implementation of public access to information laws globally.

**YOU CAN FIND** UNESCO's report on public access to information (SDG 16.10.2) online at UNESCO Digital Library, and the report from the Centre for Law and Democracy at www.law-democracy.org.

# Statutory Reporting: Public Authorities' Handling of PATI Requests

**Under section 58(3) of the PATI Act, all public authorities must submit PATI request reports to the Information Commissioner at the end of each calendar year for inclusion in the Information Commissioner's annual report.**

## Requests

As described on page 35, the PATI Annual Return to the ICO collects this compliance data from all public authorities. This process made it as user-friendly as possible to support and facilitate public authorities' submissions of their yearly PATI request data to the ICO.

Each PATI request report must include: the number of PATI requests the public authority received, the number of times exemptions were used to deny access and the number of applications made for internal review and how they were decided. Public authorities who did not receive or process PATI requests in 2025 simply indicate a nil return on the online form.

## Section 58(3) Reporting Compliance

After sustained and targeted efforts by ICO officers to achieve full compliance by 180 public authorities, overall compliance with section 58(3) reached 97%.

There remained six public authorities who still refused to take action to bring themselves into compliance. These six outlier public authorities are in breach of their statutory duty under section 58(3), because they failed to submit their required PATI request report to the ICO, even after grace periods and direct notice of noncompliant status. These six noncompliant authorities were officially notified that they would be publicly listed as noncompliant in this Annual Report.

The noncompliant public authorities are:

- ☒ **The Berkeley Institute Board of Governors** (also noncompliant in 2020 and 2024)
- ☒ **Department of Corrections** (also noncompliant in 2020, 2021 and 2024)
- ☒ **Financial Assistance Review Board** (also noncompliant in 2015, 2016, 2017 and 2024)
- ☒ **Morgan's Point Development Company**
- ☒ **Pembroke Parish Council** (also noncompliant in 2021 and 2024)
- ☒ **Warwick Parish Council**

These noncompliant authorities will be subject to direct, enhanced enforcement action by the ICO in 2026. Enhanced enforcement may escalate to a compliance investigation or order by the Information Commissioner to take appropriate action.

## Public Authorities that Processed PATI Requests in 2025

In 2025, 46 public authorities out of a total of 180 were reported to have processed at least one PATI request.

| PUBLIC AUTHORITIES THAT PROCESSED PATI REQUESTS IN 2025 | NO. | % |
|---|---|---|
| Public Authority processed PATI requests in 2025 | 46 | 26 |
| Public Authority did not process PATI requests in 2025* | 128 | 71 |
| No PATI request information provided in 2025 | 6 | 3 |
| **Total** | **180** | **100** |

*The ICO counted here two public authorities that handled requests in 2025 as 'transfers in whole' made according to section 13(5) of the PATI Act, meaning, the receiving authority transferred the request in whole to another authority on the basis that they held no records responsive to the request while believing another authority might hold responsive records. In each instance, the requester did not challenge the transfer by requesting an internal review.

To verify that what is reported is as accurate as possible, the ICO may supplement an authority's PATI request report based on institutional information gleaned from the ICO's reviews and compliance work with public authorities during the year.

## 2025 PATI Requests Received By Public Authorities

Every person who is a Bermudian or a resident of Bermuda has a right to request and to be given access to any record held by a public authority, other than an exempt record. This right of access is guaranteed by section 12 of the PATI Act.

Public authorities reported that in 2025 there were 132 new PATI requests made for access to records under section 13 of the PATI Act. Another 24 PATI requests were reported as pending at the end of 2024 and carried over to 2025. This meant that authorities processed a total of 156 PATI requests during 2025.

| TOTAL PATI REQUESTS RECEIVED | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|
| Reported new requests | 158 | 189 | 177 | 132 |
| % change for new requests | ↑ 17% | ↑ 20% | ↓ 6% | ↓ 25% |
| Reported requests carried over from prior year | 8 | 26 | 23 | 24 |
| % change for carried over requests | ↓ 43% | ↑ 225% | ↓ 12% | ↑ 4% |
| **Total requests in processing for year** | **166** | **215** | **200** | **156** |
| **% change for total requests** | **↑ 11%** | **↑ 30%** | **↓ 7%** | **↓ 22%** |

Public authorities with the highest number of new 2025 PATI requests, as reported or otherwise known to the ICO, were the Bermuda Police Service (39 new requests), followed by the Bermuda Hospitals Board, Department of Education, Judicial Department, Ministry of Finance Headquarters, and Ministry of Public Works and Environment Headquarters (five requests each). The ministry with the highest number of reported PATI requests, when only counting government departments organised by ministry, was Public Works and Environment, with 12 known requests received by its various departments.

| PUBLIC AUTHORITIES WITH NEW PATI REQUESTS IN 2025 | 2025 |
|---|---|
| Accountant General's Department | 1 |
| Attorney General's Chambers | 1 |
| Bermuda Civil Aviation Authority | 1 |
| Bermuda College Board of Governors | 2 |
| Bermuda Dental Board | 1 |
| Bermuda Fire and Rescue Service | 1 |
| Bermuda Gaming Commission | 2 |
| Bermuda Hospitals Board | 5 |
| Bermuda Land Management Corporation | 3 |
| Bermuda Medical Council | 1 |
| Bermuda Police Service | 39 |
| Bermuda Tourism Authority | 4 |
| Board of Agriculture | 1 |
| Cabinet Office Headquarters | 4 |
| Customs Department | 2 |
| Department of Child and Family Services | 1 |
| Department of Culture | 1 |
| Department of Education | 5 |
| Department of Environment and Natural Resources | 2 |
| Department of Health | 3 |
| Department of Immigration | 1 |
| Department of Information and Digital Technologies | 3 |
| Department of Parks | 4 |
| Department of Planning | 3 |
| Department of Public Lands and Buildings | 1 |
| Department of Public Prosecutions | 2 |
| Department of Public Transportation | 1 |
| Development Applications Board | 1 |
| Environmental Authority | 2 |
| Human Rights Commission | 2 |
| Judicial Department | 5 |
| Ministry of Education Headquarters | 2 |
| Ministry of Finance Headquarters | 5 |
| Ministry of Health Headquarters | 3 |
| Ministry of Home Affairs Headquarters | 1 |
| Ministry of Justice Headquarters | 3 |
| Ministry of Public Works and Environment Headquarters | 5 |
| Ministry of Tourism and Transport, Culture and Sport Headquarters | 1 |
| Office of the Governor | 3 |
| Regulatory Authority of Bermuda | 2 |
| Transport Control Department | 1 |
| Treatment of Offenders Board | 1 |
| **Total** | **132** |

As summarised in the table below, most public authorities do not routinely process PATI requests. Of the 42 public authorities that processed new requests in 2025, only the Bermuda Police Service processed more than five new requests.

| NUMBER OF PUBLIC AUTHORITIES THAT REPORTED RECEIVING NEW PATI REQUESTS | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|
| 5 or less requests | 40 | 43 | 41 | 41 |
| Between 6 and 12 requests | 6 | 5 | 1 | 0 |
| 13 or more requests | 1 | 1 | 1 | 1 |
| **Total number of authorities reported new requests** | **47** | **49** | **43** | **42** |
| **% of authorities with new requests** | **26%** | **27%** | **23%** | **23%** |

In 2025, four authorities were still processing 24 pending requests made in 2024. When added to the 42 public authorities handling new requests, there were a total of 46 individual public authorities processing PATI requests during 2025. They are grouped below by public authority type, showing the aggregate number of requests per category.

| AUTHORITIES THAT REPORTED PROCESSING PATI REQUESTS IN 2025 BY PUBLIC AUTHORITY TYPE | NO. OF AUTHORITIES | NO. OF REQUESTS |
|---|---|---|
| Ministries, departments, and other public offices | 31 | 126 |
| Quangos, city corporations, sector regulators and government-owned companies | 7 | 16 |
| Councils, boards, committees, panels and tribunals | 8 | 14 |
| **Total** | **46** | **156** |

Notably, 45%, or 78 of 180 public authorities reported that they had never received a PATI request.

| AUTHORITIES THAT REPORTED IN 2025 TO HAVE NEVER RECEIVED A PATI REQUEST BY PUBLIC AUTHORITY TYPE | NO. |
|---|---|
| Ministries, departments, and other public offices | 6 |
| Quangos, city corporations, sector regulators and government-owned companies | 13 |
| Councils, boards, committees, panels and tribunals | 59 |
| **Total** | **78** |

**YOU SHOULD KNOW** that public authorities are listed in the Schedule to the PATI Act. We group them into three categories: ministries, departments and other public offices; quangos, city corporations, sector regulators and government-owned companies; and councils, boards, committees, panels and tribunals.

There is no single answer to explain why 45% of public authorities have not had a PATI request since the PATI Act came into force. This figure could indicate that the activities and functions of some public authorities are unknown or not of general interest to the public. Also, within this statistic are likely instances of public authorities being quite successful in proactively publishing sufficient information about their activities and functions, such that the public has had no need to make a PATI request.

## Initial Decisions by Public Authorities

Every PATI requester has a right to an initial decision by the public authority (made by a public authority's information officer) that:

- states whether access is granted or refused in whole or in part of the records requested,
- states the manner in which access is granted,
- explains the reasons for the decision under the PATI Act, and
- informs the requester about their rights to have the decision reviewed.

Public authorities' reported outcomes at initial decision for all 156 PATI requests they processed during 2025 are summarised below.

| INITIAL DECISION OUTCOMES (AT YEAR END) | 2022 | 2023 | 2024 | 2025 | % |
|---|---|---|---|---|---|
| Pending | 24 | 14 | 18 | 19 | 12 |
| Access granted in whole | 42 | 36 | 40 | 37 | 24 |
| Access granted in part | 31 | 56 | 38 | 32 | 21 |
| Access refused in whole* | 59 | 88 | 100 | 55 | 35 |
| Unknown** | 10 | 21 | 4 | 13 | 8 |
| **Total reported initial decisions** | **166** | **215** | **200** | **156** | **100** |

*Any failure to issue an initial decision (where the statutory deadline fell within the same calendar year) was recorded as a refusal in whole.

**This meant the public authority was unable to confirm the information in its 2025 PATI request report to the ICO, due to some internal oversight based on files available to current staff.

Where access to records was not granted in response to a PATI request, public authorities must report to the ICO about the number of times they used exemptions and or relied on administrative grounds to deny access to records.

As shown on page 19, in 2025, the most common denials cited at initial decision were the exemption for third-party personal information (section 23), the exemption for operations of public authorities (section 30), and the administrative ground for records not existing or found (section 16(1)(a)).

In 2025, there were three instances where public authorities transferred a part of a request they received to another authority because they did not hold the record being requested, but thought another public authority did, as required by section 13(5).

| | | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|---|
| **REASONS FOR REFUSAL IN INITIAL DECISION** | | | | | |
| s.4 | Record not within scope of PATI Act | 3 | 16 | 23 | 6 |
| s.12A* | Access no longer available under PATI Act | n/a | n/a | n/a | 2 |
| s.16(1)(a) | Administrative denial because record did not exist or cannot be found | 22 | 33 | 58 | 34 |
| s.16(1)(b) | Administrative denial because of insufficient information in request | 1 | 2 | 4 | 1 |
| s.16(1)(c) | Administrative denial because request would cause substantial and unreasonable interference or disruption | 5 | 2 | 7 | 1 |
| s.16(1)(d) | Administrative denial because publication of information was required by law within three months | 0 | 1 | 0 | 0 |
| s.16(1)(e) | Administrative denial for frivolous or vexatious request | 0 | 2 | 6 | 0 |
| s.16(1)(f) | Administrative denial because information was already in public domain | 9 | 10 | 7 | 10 |
| s.16(1)(g) | Administrative denial because fee payable under section 20 not paid | 0 | 1 | 0 | 0 |
| s.22 | Health or safety | 0 | 1 | 0 | 0 |
| s.23 | Personal information | 18 | 18 | 28 | 10 |
| s.25 | Commercial information | 1 | 12 | 7 | 3 |
| s.26 | Information received in confidence | 10 | 7 | 6 | 7 |
| s.27 | Cabinet documents | 0 | 0 | 1 | 2 |
| s.28 | Ministerial responsibility | 0 | 1 | 1 | 3 |
| s.29 | Deliberations of public authorities | 9 | 4 | 5 | 5 |
| s.30 | Operations of public authorities | 4 | 21 | 12 | 10 |
| s.31 | Financial and economic interests | 0 | 2 | 0 | 0 |
| s.32 | National security, defence and international relations | 0 | 6 | 0 | 1 |
| s.33 | Governor's responsibilities | 2 | 3 | 0 | 1 |
| s.34 | Law enforcement | 15 | 14 | 24 | 9 |
| s.35 | Legal professional privilege | 2 | 7 | 1 | 4 |
| s.36 | Contempt of court and parliamentary privilege | 0 | 0 | 0 | 0 |
| s.37 | Disclosure prohibited by other legislation | 6 | 8 | 10 | 2 |
| s.38 | Non-disclosure of existence of a record | 1 | 5 | 10 | 1 |
| s.43 | Failure to decide | 18 | 30 | 14 | 10 |

*Public authorities reported to the ICO that section 12A applied to parts of two requests received in 2025. However, the PATI Act no longer applies to subject access requests. These are quests where a requester asks a public authority for records of their own personal information. This is now a universal right available to the public under the Personal Information Protection Act 2016 (PIPA Act) which is overseen by the Privacy Commissioner. This change applied to all new requests made since 1 January 2025. Under the new frameworks, public authorities need to process all subject access requests that they receive as part of a PATI request as if they were made under PIPA and must also notify the requester that their request should proceed under the PIPA Act (per section 12A of the PATI Act).

**YOU CAN FIND** comprehensive resources (including in Portuguese) to assist requesters and public authorities with deciding whether a request for access should proceed under PATI or PIPA frameworks are available on ico.bm under the 'Changes to PATI' tab.

## Internal Review Decisions by Public Authorities

Any requester or third party may apply in writing for an internal review by the head of a public authority of any initial decision made by a public authority on a PATI request or failure to take any action they are required to take by the PATI Act in respect of a PATI request.

Public authorities reported that individuals sought internal reviews by the head of public authority 30 times in 2025. This accounts for 24% of relevant requests. Most internal review decisions denied access to records, as shown in the following table.

| | 2022 | 2023 | 2024 | 2025 | % |
|---|---|---|---|---|---|
| **INTERNAL REVIEW DECISIONS OUTCOMES (AT YEAR END)** | | | | | |
| Pending | 0 | 7 | 0 | 5 | 17 |
| Access granted in whole | 9 | 1 | 4 | 2 | 7 |
| Access granted in part | 7 | 12 | 9 | 9 | 30 |
| Access refused in whole* | 20 | 26 | 37 | 14 | 47 |
| Referred to Commissioner** | 0 | 1 | 2 | 0 | 0 |
| **Total reported internal review decisions** | **36** | **47** | **51** | **30** | **100** |

*Any failure to issue an initial decision (where the statutory deadline fell within the same calendar year) was recorded as a refusal in whole.

**This means that the request for an internal review was referred to the Information Commissioner (by section 44) because the head of public authority had made the initial decision on the PATI request. In other words, an internal review is not permitted because, by law, a decision maker cannot review their own decision.

Public authorities reported that in 2025 they granted full access to records about a wide range of topics that caught the public's attention. Broadly categorised, trending topics included employee health and safety; environmental incidents; waste management; telecommunication sites; commu nications about planning and building approval applications; procurements and contracts; prohibited or restricted imports; public school performance and staffing levels; and payments to CARICOM, among other topics.

The reasons cited by public authorities in 2025 to refuse requests at the internal review stage are shown in the following table.

| REASONS FOR REFUSAL IN INTERNAL REVIEW DECISION | | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|---|
| s.4 | Record not within scope of PATI Act | 0 | 3 | 7 | 1 |
| s.16(1)(a) | Administrative denial because record did not exist or cannot be found | 6 | 11 | 24 | 9 |
| s.16(1)(b) | Administrative denial because of insufficient information in request | 0 | 0 | 0 | 1 |
| s.16(1)(c) | Administrative denial because request would cause substantial and unreasonable interference or disruption | 1 | 1 | 1 | 1 |
| s.16(1)(d) | Administrative denial because publication of information was required by law within three months | 0 | 4 | 0 | 0 |
| s.16(1)(e) | Administrative denial for frivolous or vexatious request | 0 | 0 | 2 | 0 |
| s.16(1)(f) | Administrative denial because information was already in public domain | 3 | 0 | 2 | 4 |
| s.22 | Health or safety | 0 | 0 | 0 | 0 |
| s.23 | Personal information | 7 | 3 | 11 | 3 |
| s.25 | Commercial information | 4 | 0 | 2 | 2 |
| s.26 | Information received in confidence | 5 | 0 | 3 | 5 |
| s.27 | Cabinet documents | 1 | 0 | 0 | 2 |
| s.28 | Ministerial responsibility | 1 | 2 | 1 | 1 |
| s.29 | Deliberations of public authorities | 7 | 1 | 4 | 2 |
| s.30 | Operations of public authorities | 6 | 5 | 5 | 2 |
| s.31 | Financial and economic interests | 0 | 0 | 1 | 0 |
| s.32 | National security, defence and international relations | 0 | 0 | 2 | 2 |
| s.33 | Governor's responsibilities | 3 | 2 | 0 | 0 |
| s.34 | Law enforcement | 11 | 0 | 15 | 2 |
| s.35 | Legal professional privilege | 2 | 9 | 4 | 3 |
| s.36 | Contempt of court and parliamentary privilege | 0 | 3 | 0 | 0 |
| s.37 | Disclosure prohibited by other legislation | 2 | 0 | 1 | 1 |
| s.38 | Non-disclosure of existence of a record | 2 | 3 | 6 | 0 |
| | Failure to decide | 2 | 1 | 3 | 1 |
| | Request for internal review out of time | 0 | 1 | 0 | 0 |

In 2025, the most common exemptions in internal review decisions were for information received in confidence (section 26) and for third-party personal information (section 23). The most frequently used administrative ground for refusing a request was that records did not exist or could not be found (section 16(1)(a)).

# External Reviews & Decisions by the Information Commissioner

## Information Commissioner's Review Process

**Every PATI requester and concerned third party has a right to apply for an external review by the Information Commissioner after receiving an internal review decision by the head of a public authority (section 45(1)(a)) or whenever the head of public authority has failed to decide their request within the legally specified time period (section 45(1)(b)).**

Requests for external reviews by the Information Commissioner are received as applications and progress through the following procedural stages:

### Validation

The ICO will ensure the application meets the requirements of the PATI Act and confirm what the applicant wants to challenge. A valid application requires three basics:

- It must be written,
- The requester must have made a PATI request to a public authority, and
- The requester or concerned third party must have asked that public authority for an internal review and must either have received the public authority's internal review decision or the authority's six-week statutory deadline to issue one must have passed.

### Early Resolution

If appropriate, the ICO may suggest that the parties attempt early resolution before the Information Commissioner opens a full review.

### Investigation

If early resolution is not appropriate, or fails, the Information Commissioner will open a review. A review by the Commissioner begins with an investigation into the actions and decisions of the public authority. The ICO will gather any withheld records and relevant information from the public authority, invite the parties to make submissions and evaluate whether the public authority's decisions and actions are justified and permitted by law.

Through facilitated resolution by the ICO, the parties may still attempt resolution during the investigation stage of the review.

### Decision

If the review is not resolved or withdrawn, the Information Commissioner will issue a legally binding decision on the conclusion of the review. A decision may include an order requiring a public authority to take further action or to disclose additional information to the requester. Following a decision, the Information Commissioner may take necessary legal steps to enforce an order.

# Information Commissioner's 2025 External Reviews

The ICO received 30 new applications for external review in 2025, a number that shows a decrease of 20 applications when compared to those received in 2024.

### INFORMATION COMMISSIONER'S CASELOAD IN 2025

On 1 January 2025, the ICO carried forward 30 open reviews from previous years, thereby bringing the ICO's total caseload at the end of 2025 to 60 applications.

| | 2021 | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|---|
| **CASELOAD** | | | | | |
| Reviews brought forward from previous years | 33 | 43 | 53 | 41 | 30 |
| New applications | 39 | 54 | 54 | 50 | 30 |
| **Total caseload** | **72** | **97** | **107** | **91** | **60** |
| **Brought-forward portion of prior year's caseload** | **61%** | **60%** | **55%** | **38%** | **33%** |

By the end of 2025, the ICO had 34 open reviews. For the fifth year in a row, the ICO carried over a smaller portion of the prior year's caseload, reflecting the ICO's dedicated efforts to address its case backlog. These efforts were also buoyed by a steady increase in reviews that were closed by resolution, to the parties' satisfaction.

### VALIDATION OF NEW APPLICATIONS FOR REVIEW BY THE INFORMATION COMMISSIONER

The Information Commissioner can only accept an application as valid for review after either the requester/applicant has received the head of public authority's internal review decision or they have asked the public authority for an internal review and six weeks have passed without a decision.

| | 2022 | % | 2023 | % | 2024 | % | 2025 | % |
|---|---|---|---|---|---|---|---|---|
| **PROPORTIONS OF NEW VALID APPLICATIONS** | | | | | | | | |
| Valid | 50 | 93 | 50 | 93 | 48 | 96 | 29 | 97 |
| Invalid | 4 | 7 | 4 | 7 | 2 | 4 | 1 | 3 |
| **Total** | **54** | **100** | **54** | **100** | **51** | **100** | **30** | **100** |

**YOU CAN FIND** more information about the ICO's review process in the ICO Reviews Policy and Handbook, available on ico.bm.

## REASONS FOR APPLYING FOR REVIEW BY THE INFORMATION COMMISSIONER (EXEMPTIONS AND ADMINISTRATIVE DENIALS)

Applicants asked the Information Commissioner for an external review of a range of exemptions and administrative denial reasons used by public authorities. Public authorities may rely on several exemptions or administrative denial reasons in a single PATI request and may add or abandon exemptions or administrative denial reasons during a review.

New applications for review in 2025 saw the exemptions for personal information (section 23), information received in confidence (section 26), Cabinet documents (section 27) and legal professional privilege (section 35) relied on most often by public authorities.

| | | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|---|
| **EXEMPTIONS CHALLENGED IN NEW REVIEWS** | | | | | |
| s.22 | Health or safety | 1 | 0 | 0 | 0 |
| s.23 | Personal information | 12 | 8 | 6 | 3 |
| s.25 | Commercial information | 8 | 11 | 10 | 2 |
| s.26 | Information received in confidence | 8 | 6 | 4 | 3 |
| s.27 | Cabinet documents | 5 | 0 | 0 | 3 |
| s.28 | Ministerial responsibility | 0 | 2 | 2 | 0 |
| s.29 | Deliberations of public authorities | 5 | 2 | 3 | 2 |
| s.30 | Operations of public authorities | 10 | 4 | 4 | 1 |
| s.31 | Financial and economic interests | 2 | 1 | 0 | 0 |
| s.32 | National security, defence and international relations | 0 | 2 | 2 | 2 |
| s.33 | Governor's responsibilities | 2 | 0 | 0 | 0 |
| s.34 | Law enforcement | 18 | 7 | 13 | 1 |
| s.35 | Legal professional privilege | 3 | 3 | 1 | 3 |
| s.36 | Contempt of court and parliamentary privilege | 1 | 0 | 0 | 1 |
| s.37 | Disclosure prohibited by other legislation | 3 | 3 | 2 | 1 |
| s.38 | Non-disclosure of existence of a record | 1 | 1 | 2 | 0 |
| **Total** | | **79** | **50** | **49** | **22** |

Applications challenging a public authority's 'failure to decide' decreased in 2025 when compared with 2024. These 'failure to decide' reviews, where the applicant complained that a public authority had not met its most basic PATI obligation to respond to their request for an internal review within the statutory timeframe, are discussed on page 21.

Other reasons for seeking an Information Commissioner's review include the public authorities' denial of a PATI request (in part or in full) on administrative grounds. For new reviews in 2025, applicants often questioned whether the public authority had

made reasonable efforts to search for records before issuing their decision. The ICO also continued to see more challenges to administrative denials than in prior years, where the provision about records not existing being cited most often by public authorities (in section 16(1)(a) of the PATI Act).

Over the years, no challenges have been raised to the Information Commissioner about a PATI request being administratively denied because a fee payable (to provide a copy of a record) had not been paid to the public authority (in section 16(1)(g)).

| ADMINISTRATIVE DENIALS AND OTHER ISSUES CHALLENGED IN NEW REVIEWS | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|
| Failure to decide | 16 | 24 | 17 | 6 |
| s.4 Record not within scope of PATI Act | 5 | 3 | 4 | 2 |
| s.16 Administrative denial | 12 | 14 | 16 | 16 |
| Reasonableness of search | 0 | 1 | 2 | 10 |
| Other (e.g., manner of access given, insufficient assistance provided etc.) | 3 | 8 | 0 | 1 |
| **Total** | **36** | **50** | **39** | **35** |

## Information Commissioner's Case Closures not Requiring a Decision

Of the 60 applications processed in 2025, the ICO closed 26 applications, or 43% of them, by year-end. The portion of cases closed was lower in prior years. Of those 26 applications closed in 2025, 62% were by decision. In total, the Information Commissioner issued 16 decision notices in 2025, compared to 39 decision notices in 2024.

### CLOSURES BEFORE AN INFORMATION COMMISSIONER'S REVIEW HAD COMMENCED

Applications for an external review received by the Information Commissioner may be closed in early stages either because they are invalid, abandoned (or withdrawn) before validation is complete, or because an early resolution is attempted and successful.

| CLOSURES BEFORE SECTION 47 REVIEW | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|
| Invalid | 4 | 4 | 2 | 1 |
| Resolved under section 46 (mediation) | 0 | 0 | 0 | 0 |
| Abandoned (or withdrawn) | 2 | 1 | 2 | 0 |
| **Total** | **6** | **5** | **4** | **1** |

## CLOSURES AFTER AN INFORMATION COMMISSIONER'S REVIEW HAD COMMENCED

Reviews do not always result in a decision by the Information Commissioner. If the parties reach a resolution at the investigation stage and settle the issues under review, the Commissioner may accept an applicant's choice not to pursue the review to a decision.

| | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|
| **CLOSURES DURING SECTION 47 REVIEW** | | | | |
| Resolved during section 47 review | 4 | 6 | 18 | 8 |
| Abandoned | 0 | 0 | 0 | 1 |
| **Total** | **4** | **6** | **18** | **9** |

The ICO has continued to focus on resolving reviews to the greatest extent possible. In 2025, one-third of all reviews closed were 'resolved' during the investigation stage. When counting only substantive-issue reviews (i.e. excluding failure to decide reviews), the ICO took seven months on average to close the review by resolution (or as abandoned in one case).

Taking a resolution-based approach usually made sense when the ICO investigator recommended it was useful to help close an information gap between the parties in relation to the underlying content or context of the subject matter of the PATI request. Another strong reason for pursuing resolution is to help the parties resolve a procedural misstep from the processing of the PATI request. When resolution is successful, there is no longer any need for a legally binding decision by the Information Commissioner. The Information Commissioner makes the final decision whether resolution is accepted or whether a review should continue to decision so that broader public access rights are not harmed or diminished by consent between the parties.

## Information Commissioner's 2025 Decision Notices

In 2025, the Information Commissioner issued 11 decision notices on substantive issues and five for 'failure to decide' ones. Of the 16 decision notices issued, the Commissioner decided five of them for the applicant while the others upheld the public authority's decision in whole or in part.

| | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|
| **DECISION OUTCOMES** | | | | |
| For applicant | 17 | 26 | 14 | 5 |
| For public authority | 5 | 14 | 10 | 3 |
| Partially upheld | 12 | 15 | 15 | 8 |
| **Total** | **34** | **55** | **39** | **16** |

Of the Information Commissioner's 11 decision notices on substantive issues, the Commissioner found three in favour of public authorities, and eight were partially upheld with legally binding orders. Records were ordered for disclosure by seven decision notices, in addition to more searches and new decisions following those searches ordered by the Commissioner.

**YOU SHOULD KNOW** that a substantive-issue review occurs when the Information Commissioner considers the substance of the public authority's internal review decision. The Commissioner reviews the authority's reliance on exemptions, its search efforts or the reasons given for administratively denying access to records, etc.

All the Commissioner's decision notices for 'failure to decide' (FTD) reviews found in favour of the applicant. A legally binding order was issued for three of those five decision notices, requiring the head of public authority to issue their outstanding internal review decision. For 'failure to decide' reviews, the Commissioner's decision notice was issued within one month of application receipt, on average.

**YOU SHOULD KNOW** that a 'failure to decide' (FTD) occurs when the head of public authority has missed the statutory deadline to issue an internal review decision, a requester has a right to raise a complaint to the Information Commissioner.

In a 'failure to decide' review, the Information Commissioner only upholds the right to an internal review, not whether the requester has a right to receive records they asked for.

## Compliance with Information Commissioner's Orders in 2025

When concluding an external review, the Information Commissioner may order the public authority to take certain action and satisfy its obligations under the PATI Act. An order by the Commissioner, which is filed with the Supreme Court, may require a public authority to, for instance:

- disclose specific records to the applicant that the Commissioner decided had been incorrectly withheld from public access,
- search afresh to locate records, where the Commissioner has found that certain reasonable efforts had not been made,
- process new records identified during the external review, or
- issue an outstanding decision to the requester or concerned third party.

The Commissioner's order always requires the public authority to send the ICO evidence showing that the authority has complied with the Commissioner's order. Once verified, the ICO sends a closure letter confirming that the public authority has satisfied the Commissioner's order.

The ICO was tracking compliance with 11 orders issued by the Information Commissioner in 2025 and five orders that were made in late 2024 but carried over into 2025.

| | NO. | % |
|---|---|---|
| **COMPLIANCE WITH ORDERS BY INFORMATION COMMISSIONER DURING 2025** | | |
| Met on time (six weeks) | 5 | 31 |
| Somewhat late (by up to one month) | 4 | 25 |
| Considerably late (by more than one month) | 7 | 44 |
| **Total** | 16 | 100 |

Public authorities may always seek judicial review of an Information Commissioner's order but cannot ignore it. Notably, in every instance where the Commissioner had ordered a public authority to conduct further searches, the public authority was late in meeting the six-week deadline set by the Commissioner's order.

Belated compliance with an order typically indicated that a public authority was facing internal challenges with prompt and full access to relevant search locations or had other records management challenges. The state of a public authority's records management practices can place unreasonable strain on its staff when carrying out their reasonable efforts to search for and process PATI requests. However, these deficits are rarely justified when the result is excessive or avoidable delay in granting public access to records.

The Commissioner did not need to initiate judicial enforcement of any orders in 2025.

## Key Highlights from 2025 Reviews and Decisions

The Information Commissioner's decisions inform the public about valuable ways in which the PATI Act is put into practice. Highlights from the Commissioner's decisions in 2025 follow.

### Personal Impact

Behind every PATI request is a human story. While reviews often focus on legal technicalities and statutory exemptions, some decisions issued in 2025 highlight how PATI serves as a vital, often desperate tool for Bermudians facing profound, life-altering personal crises. Whether navigating devastating health complications or enduring severe financial losses, these requesters turned to the PATI Act when traditional institutional channels left them in the dark.

**Decision 08/2025** and **Decision 09/2025**, detail the harrowing journey of an individual who experienced catastrophic health consequences after receiving the Pfizer COVID-19 vaccine in 2021. Despite the requester's best attempts to seek financial relief for adverse health effects via UK and Bermuda channels, the institutional brick wall forced the requester to file two PATI requests simply to find out who was legally responsible for vaccine injuries in Bermuda.

Information revealed from these PATI requests highlighted the complexity and weaknesses of the arrangement between UK and Bermuda health officials during the COVID-19 pandemic which had the impact of excluding the requester from a damage payment scheme for vaccine injuries in Bermuda.

**Decision 15/2025**, illustrates how a lack of transparency can compound the frustrations caused by financial loss. The requester suffered financial loss as a result of the liquidation of a licensed investment fund overseen by the Bermuda Monetary Authority (BMA). Through their PATI request, the requester attempted to understand what the BMA knew about the fund's overall financial health before it collapsed. Ultimately, they wanted to know whether the BMA had properly exercised its regulatory and supervisory duties to protect investors.

Disclosures were not ordered by the Commissioner in this review, because section 31 of the Bermuda Monetary Authority Act mandates absolute secrecy regarding the affairs of supervised entities. While the Act contains discretionary "gateways" allowing information sharing with the Minister of Finance, the requester was legally excluded from these provisions. The Information Commissioner was legally bound to uphold the secrecy exemption.

Although the requester did not receive any disclosures, they obtained a better understanding of the role of the BMA and the limits of the BMA Act's secrecy provisions were tested.

Requests do not always result in access granted to records. However, a PATI request represents a crucial mechanism to seek accountability, obtain answers to life-altering hardships and dismantle institutional secrecy.




> 'The Applicant's] bold attempts to gain insights into how, when and why the Fund failed by wanting access to records and information held by the regulator is not irrational nor altogether misguided. Sympathies to the Applicant's circumstances aside, this Decision reflects the due application of the PATI Act.'
>
> Decision 15/2025, Bermuda Monetary Authority, paragraph 57.

## Timebound Public Interest

The public interest balancing exercise when applying an exemption to withhold access to records is inherently timebound. This means public authorities are meant to assess circumstances as narrowly relevant to when they are making their decisions about granting access to public records. Situations change. Outcomes of the public interest balancing are expected to change too.

Strong reasons to withhold records about government's activities and decisions will often weaken as time passes. Harms attributed to public disclosure will also diminish over time.

In **Decision 01/2025**, the Commissioner assessed the public interest balance for a record request about a public-private partnership involving a loan guarantee when the companies were taking legal action against the government. Although the balance of the public interest favoured non-disclosure at the specific time of the PATI request and the internal review decision, primarily to protect the integrity of ongoing negotiations that could mitigate conflict and financial costs to the public, the Commissioner clarified that this balance is dynamic.

If a public interest balancing test favours non-disclosure, requesters can ask for previously withheld records after a reasonable time has passed or when the factors which support non-disclosure have passed. The PATI Act sets a hard stop on denying access to most public records once the record is more than 30 years old (section 40).




'If the Government is not forthcoming about this situation in the future, the balance of the public interest may very well shift in favour of disclosing records that further accountability and transparency, consistent with the purposes in section 2 of the PATI Act.'

Decision 01/2025, Ministry of Finance Headquarters, paragraph 52.

**YOU SHOULD KNOW** balancing the public interest requires independent thought by the decision maker. Decision makers might weigh public interest factors for and against disclosure differently.

## Commercial Information

The exemption protecting commercial interests arose more than any other reason to deny access in the Commissioner's 2025 decisions (in 64% of decisions issued). The Commissioner affirmed the positions of public authorities and third parties for certain records to remain withheld, given the circumstances at the time when the authorities had refused public access. The Commissioner also disagreed in other instances and reversed the public authorities' refusals, finding that their reasoning was inadequate.

In **Decision 06/2025**, when considering whether disclosure would cause harm to commercial interests, blanket assertions of harm were rejected where the details being withheld could be readily visible to the public by observation. Similarly, it was decided that routine administrative logs and standard correspondence did not contain trade secrets or proprietary business information, thus disclosure would have no impact on the company's ability to generate profits. This decision also underscored that to have commercial value, information must be important to the performance of the owner's commercial activities or because it can be sold for value to an arms-length buyer, i.e. intrinsic commercial value.

In **Decision 03/2025**, it was found that the Regulatory Authority must disclose certain non-exempt, redacted records but could keep several highly sensitive documents about BELCO's North Power Station confidential. In relation to one record, that was commercially available for purchase, it was found to have commercial value. Therefore releasing it without charge under PATI would directly diminish or destroy its intrinsic commercial value. By granting public access to information with a commercial value, individuals could avoid paying the fees set by the seller at the financial loss of the business.




Under section 33 of the Regulatory Authority Act 2011, there is a formal mechanism for regulated entities to request confidential treatment of commercially confidential information provided to the Regulatory Authority. The Regulatory Authority then has the unique statutory power to issue a Confidentiality Order prohibiting disclosure of that information if it agrees that certain confidentiality standards are met.

**YOU CAN FIND** a comprehensive guidance document on how to apply the commercial information exemptions in section 25 of the PATI Act is available on ico.bm.

## Reasonableness

Public authorities must take 'every reasonable effort' to respond to requests completely, accurately and in a timely manner (section 12(2)(b)). But they are not required to take impractical, burdensome or exhaustive steps to respond to a request. Reasonableness, on the balance of probabilities, is the standard.

In **Decision 07/2025**, the requester sought among other things for body camera video footage from the Bermuda Police Service (BPS). The Information Commissioner decided that the footage was not disclosable because it contained sensitive personal information and that the privacy of the individuals captured in the identifiable images and audio outweighed the public interest in disclosure.

Although public authorities can sometimes release records with sensitive details redacted or blurred, the Information Commissioner ruled that requiring the BPS to blur all faces and identities across the video footage would be a disproportionate and unnecessary expenditure of time and resources, making redaction impracticable in the circumstances.

In **Decision 11/2025**, also involving the BPS, the requester had asked for telephone recordings but was denied because the records did not exist. The Deputy Information Commissioner (under delegated authority) affirmed that the BPS's efforts to locate specific desk phone recordings were entirely reasonable. The BPS was found to have performed an accurate analysis of the request and designed a comprehensive search. By consulting its technical unit and relying on the personal working knowledge of key officers, the BPS successfully established, on the balance of probabilities, that the records did not exist, as BPS desk phone extensions did not record audio.




> 'The BPS had every reasonable basis to administratively deny the PATI request, by relying on the personal working knowledge of the BPS's Information Officer, Head of Authority and a responsible technical officer for details about the BPS's telephone call recording and storage practices.'
>
> Decision 11/2025, Bermuda Police Service, paragraph 25.

**YOU CAN FIND** the Information Commissioner's decisions published on ico.bm, in addition to a monthly update on the total number of applications for external review made to the ICO.

## Other Legal Rights

Disclosures made under the PATI Act, or other knowledge learned from a decision by the Information Commissioner, can benefit requesters who are exercising other rights, for instance as evidence in legal proceedings. If a disclosure reveals key facts it can help build or break a case. Public records disclosures can be a powerful tool for individuals to claim and actualise their legal rights.

**Decision 06/2025**, served as an essential vehicle for the applicant to verify and pursue fair taxation and equal treatment by the Customs Department when applying import duty rates. Disagreeing with how their own import tariffs had been calculated, the requester sought records to show the perceived "inequity of the Department charging different people different duty rates for the same items". The Decision, in part, reversed the Customs Department's refusal to disclose certain information about specific duty rates paid by other importers. Those disclosures equipped the applicant with factual evidence needed to legally appeal the Customs Department's duty rates.

In **Decision 14/2025**, the Applicant made a request to the Bermuda Police Service (BPS) to obtain records concerning prior PATI requests made by other individuals who had sought information or records relating to them. The requester wanted to learn from the BPS when PATI requests had been made about them, what those requests had specifically asked for, in what ways the BPS had assessed potential harms of releasing records about them under PATI, and why the BPS had ultimately decided to release records containing the Applicant's identifying information under PATI, along with accessing a copy of all actual records released.

Personal information revealing the identity of requesters is confidential and cannot be disclosed. However, this decision and order granted the requester partial access to 31 different records which helped them to get a better understanding of what personal information about them the BPS had handed over to other people through PATI requests. These partial disclosures were heavily redacted to prevent identification of the persons making those PATI requests.

## Facilitated Resolution

Beyond the Information Commissioner's decisions on external reviews, facilitated resolution remained a useful tool in 2025. ICO officers concluded some reviews by resolution due to the applicants' full satisfaction with the public authorities' additional efforts during reviews. Other reviews were decided by the Commissioner with a successfully narrowed focus after attempts to facilitate resolution between the parties.

One protracted review, closed by resolution in 2025, related to records about the importation of medicinal cannabis and other controlled substances. The review revealed significant information gaps about the custody and location of responsive records. These information gaps unfortunately delayed the investigation. The matter was ultimately settled once the requester received statistical information and an overview of the public authority's processes. An Information Commissioner's decision was not needed. The public authority accepted that sharing information about its procedures and processes at the outset could have narrowed the scope of the original request. It recognised the value of better records management practices and a proactive approach to disclosures about its functions and programmes.

In another review, **Decision 10/2025**, the requester had asked for policies, procedures and data about the Department of Corrections' implementation of the Prison Rules 1980, which set comprehensive guidelines for how Bermuda's prisons are managed and regulated and how incarcerated individuals are treated. The Commissioner's review was ultimately settled during the investigation phase, with the parties agreeing that the Department would release non-exempt, anonymised information to the Applicant. The ICO's facilitated resolution approach helped to assure the requester that this was a reasonable outcome for their quite extensive request. Facilitated resolution also offered the Department an opportunity to explain its processes and record-keeping practices with the requester. Overall, when compared with the Department's previously very limited response to the request, facilitated resolution offered the requester more detailed and useable information about how the Department applied the Prison Rules in practice.

# Compliance Monitoring & Oversight of Public Authorities' PATI Obligations

## Provision of Information by Public Authorities Under Part 2

The Information Commissioner is mandated to monitor, oversee and, where required, enforce compliance with Part 2 requirements.

Part 2 of the PATI Act significantly strengthens access to public information by placing obligations on public authorities to make specific information readily available as a matter of course, without the need for a formal PATI request. These obligations are commonly referred to as 'proactive publication' obligations.

Publication of updated information about public sector contracts, quarterly expenditures, public officer salary ranges and PATI request outcomes, as well as general information about what each authority does, how it makes its decisions and what records it holds represents the minimum amount of information which should be proactively available for public access.

Public authorities' status in complying with each Part 2 duty is reported to the Information Commissioner during the PATI Annual Return to the ICO, described below.

In addition to the duties above which apply to all public authorities, the Minister responsible for the PATI Act must publish an annual government salary list each January, showing the title and salary range of every public officer post in the public service. The latest public officer salary list was published in January 2026. The ICO posts a link to the updated salary list on ico.bm.

**ALL PUBLIC AUTHORITIES MUST:**



✓ **PUBLISH AN INFORMATION STATEMENT** and keep it up to date.



✓ **MAINTAIN A PATI REQUEST LOG** and make it readily available for the public to view.



✓ **HAVE THEIR QUARTERLY EXPENDITURE REPORTS,** if they spend money, readily available for the public to view.




✓ **GAZETTE ALL THEIR CONTRACTS** for goods or services with a total value of $50,000 or more.

## PATI Annual Return to the ICO Collection

The PATI Annual Return process allows the Information Commissioner to collect information about the total PATI requests processed across all public authorities and to allow public authorities to demonstrate to the ICO that they are meeting their obligations under sections 5, 6 and 58(3) of the PATI Act.

The submission to the ICO is mandatory for all public authorities as defined by the Schedule to the PATI Act. Returns from public authorities are expected to reflect the status of the public authorities' compliance during the calendar year. The ICO's collection period runs from December to February.

Data collected from the PATI Annual Return enables the Information Commissioner to monitor and assess public authorities' self-reported compliance of Part 2 obligations, to better understand the overall effectiveness of the PATI Act across public authorities and to tailor guidance, assistance or enforcement activities towards public authorities who need support to achieve better PATI practice.

For the 2025 process, the ICO introduced online forms for the annual return submissions and updated guidance and online resources to assist public authorities with the completion of their return in the revised format. This digital annual return collection allowed the ICO, for the first time, to collate public authorities' responses in one central data set for analysis. It is noted that before 2025, the annual returns were submitted in manual form resulting in limited data analysis.

To complete their annual return to the ICO, every public authority was asked to submit two online forms and upload supporting documents which evidenced their compliance. The first form requested updates about their information statement and any PATI requests they handled. The second form requested details about their quarterly expenditures and any qualifying contract notices.

In support of this the ICO continued to receive and collate information about public authorities' PATI compliance, such as their Official Gazette notices about contracts and updated information statements until March 2026.

Collecting, collating and analysing data from 180+ public authorities require significant time and resources, even with an online process.

In 2025, ICO officers made 240 manual data corrections to public authorities' responses from the Annual Return.

**YOU CAN FIND** a dedicated resource page about the PATI Annual Return to the ICO at ico.bm. This page contains all updated forms, guidance and templates.

## 2025 PATI Annual Return Participation Data

180 public authorities were represented in the 2025 Annual Return. The table below shows the number of authorities grouped by authority type.

| 2025 PUBLIC AUTHORITIES CATEGORISED BY AUTHORITY TYPE | QTY | % |
|---|---|---|
| Ministries, departments, and other public offices | 66 | 37 |
| Quangos, city corporations, sector regulators, and government-owned companies | 34 | 19 |
| Councils, boards, committees, panels, and tribunals | 80 | 44 |
| **Total** | **180** | **100** |

Some 20 known public entities are not independently represented in the final count of 180 public authorities for 2025. Their absence from the statistical data could be because the entity's status as a separate public authority was questioned, for example, because it was not constituted or active in 2025, because it was dissolved, or it was subsumed into a parent department or ministry headquarters.

Public authorities' compliance with completing their 2025 PATI Annual Return on time was reasonably high, at 81%. Another 16% of authorities submitted their return after 16 February 2026, the final cutoff date. This supported total compliance with the annual return, whether timely or late, at 97%. The outliers were the same 6 authorities named on page 14, which made no or insufficient efforts to comply.

| 2025 ANNUAL RETURNS BY AUTHORITY TYPE | TIMELY | LATE | FAILED TO SUBMIT |
|---|---|---|---|
| Ministries, departments, and other public offices | 55 of 66 = **83%** | 10 of 66 = **15%** | 1 of 66 = **2%** |
| Quangos, city corporations, sector regulators, and government-owned companies | 28 of 34 = **82%** | 4 of 34 = **12%** | 2 of 34 = **6%** |
| Councils, boards, committees, panels, and tribunals | 62 of 80 = **78%** | 15 of 80 = **19%** | 3 of 80 = **4%** |
| **Total** | **145 of 180** = **81%** | **29 of 180** = **16%** | **6 of 180** = **3%** |

## Public Authorities' Updated Information Statements

Under section 5 of the PATI Act, every public authority must prepare and maintain an updated information statement and must update it at least once per year. An updated information statement helps the public to exercise their right of access to records held by public authorities. Each public authority's information statement should explain what the public authority does, its structure, how it makes decisions, what classes of records it holds, and how the public may request access to its records, including contact information for the public authority's information officer. The ICO's guidance on preparing information statements is a resource for public authorities to work towards meeting these section 5 obligations.

| INFORMATION STATEMENT PUBLICATION BY AUTHORITY TYPE | COMPLIANT BY MARCH 2026 | NONCOMPLIANT |
|---|---|---|
| Ministries, departments, and other public offices | 59 of 66 = **89%** | 7 of 66 = **11%** |
| Quangos, city corporations, sector regulators, and government-owned companies | 27 of 34 = **79%** | 7 of 34 = **12%** |
| Councils, boards, committees, panels, and tribunals | 48 of 80 = **60%** | 32 of 80 = **40%** |
| **Total** | **134 of 180 = 74%** | **46 of 180 = 26%** |

Public authorities updated their information statement at a reasonably high rate, of 74%. This portion covered updates made at any point in 2025 up until March 2026, an extended grace period for public authorities to update their information statements.

Of these compliant authorities, six had prepared an information statement for the first time, including the newly established Corporate Income Tax Agency and the Ministry of Housing & Municipalities Headquarters. Among the noncompliant authorities were seven government departments whose information statement was last updated in 2024 or earlier, where two were part of the Ministry of Education and two under the Ministry of Justice.

**YOU CAN FIND** a searchable list of public authorities' information statements, including their contact information, information officer and head of public authority at ico.bm.

## When Public Authorities Updated Their Information Statements

Of the 74% of public authorities that reported updating their information statement during the annual return collection, around 30% of those updates happened at the beginning of 2026. This demonstrates the continued value that the annual return process plays in prompting public authorities to bring themselves into compliance.

| | QTY |
|---|---|
| **NUMBER OF PUBLIC AUTHORITIES THAT UPDATED THEIR INFORMATION STATEMENT** | |
| Information statement prepared or updated at any point in 2025 | 102 |
| Information statement prepared or updated in 2026's first quarter but with no update in 2025 | 32 |
| **Total** | **134** |

## Locations of Information Statements

In addition to preparing an information statement, public authorities must take certain steps to ensure the public knows where to access this document as required by section 5(3) and 5(4) of the PATI Act. Every public authority must:

- Keep a copy at its principal office,
- Circulate its information statement to the ICO, the Bermuda National Library and the Archives,
- Have it posted online via the authority's website or gov.bm if it does not have a site of its own, and
- Publish a government notice in the Official Gazette.

The Official Gazette notice must list for the public all locations where the public authority's information statement is available. An updated notice is needed whenever information about where to find the public authority's information state ment has changed, for instance if the authority has moved office location or has a new web address.

Seventeen government notices about public authorities' information statements were published in the Official Gazette in 2025. This number included some notices where the authority gazetted their full information statement, which is not required.

**YOU SHOULD KNOW** that information officers may delegate their functions to other officers when 'necessary or expedient' to do so. Information officers also may be shared among public authorities. (These powers are found in regulations 18 and 19 of the PATI Regulations 2014.)

## Proactive Disclosure of Public Sector Spending

The PATI Act promotes greater transparency around public sector spending in three ways. First, quarterly expenditure reports must be readied for public viewing, per section 6(5). Second, all public sector contracts with a total value of $50,000 or more must be gazetted, pursuant to section 6(6). Third, all public officer salary ranges must be published each January (as discussed above), per section 6(7).

### COMPLIANCE WITH PREPARING QUARTERLY EXPENDITURE REPORTS

In 2025, 85% of relevant public authorities reported their quarterly expenditures were readied or soon could be easily readied. Only 15% reported they were not in the habit of preparing their quarterly expenditures but committed to start soon.

The ICO encourages all public authorities, as a measure of good practice, to publish their quarterly expenditures on their website as a matter of routine. Also, members of the public are encouraged to exercise their right to access quarterly expenditures of public authorities to support the proactive publication of this information.

### COMPLIANCE WITH GAZETTING OF CONTRACTS WITH A TOTAL OF $50K OR MORE

The requirement in section 6(6) of the PATI Act for public authorities to publish a government notice with details of any contract for goods or services with a total value of $50,000 or more extends to all qualifying contracts, including multi-year contracts with a cumulative value of more than $50,000. Examples of qualifying contract types are contracts for consultants, contractors, office rent, office maintenance and cleaning, property repairs and construction, vehicle purchases, equipment leases and maintenance, IT services and infrastructure, communication infrastructure, database development, programme management, and more.

Notices must be published in the Official Gazette, which is hosted on the government portal gov.bm. The notice must inform the public about the contract parties, the goods or services provided, the total monetary value of the contract and the contract period.

**YOU SHOULD KNOW** that contract gazette notices are an important tool for public accountability over government spending decisions and can supplement the financial information found in the Budget Book of Revenue and Expenditure and the quarterly expenditure reports of individual public authorities.

From 1 January to 31 December 2025, public authorities published a total of 52 notices about their qualifying contracts in the Official Gazette. This number excluded one notice where the public authority gazetted the same information twice. These 52 notices covered mainly contract spends in 2024 or contracts started in 2024, while some covered contracts with starts in 2025 or contract spends in 2025. Some public authorities also caught up with their outstanding obligation to gazette their contract details, for contract spends in 2023 and before.

Public authorities have routinely relied on the PATI annual return period as a prompt for publishing notices about their qualifying contracts. During the 2025 PATI annual return period, from December 2025 to March 2026, 45 different public authorities gazetted 48 notices to meet their section 6(6) obligation. In comparison, from the end of the 2024 period until the start of the 2025 period, 11 different public authorities gazetted 19 notices for their qualifying contracts (between March and November 2025). During the 2024 return, 30 different public authorities gazetted 31 notices, while during the 2023 return, 27 different public authorities gazetted 31 notices.

For 2025, the ICO continued with past practice to measure compliance based on public authorities' self-reporting. Public authorities' noncompliance with their section 6(6) obligation for 2025 was higher than desired, at 17%. This portion included 24 public authorities, principally government departments and public offices, whose annual return reported (or implied) they had qualifying contracts to gazette but did not ensure this was done by 31 March 2026. It also included the same six public authorities, named on page 14, who failed to submit their 2025 PATI annual return.

Councils, boards, committees, panels, and tribunals are the most compliant group with only three of 80 being in non-compliant status. Compliance was slightly higher among public authorities grouped as quangos, city corporations, sector regulators and government-owned companies at 76%, compared to compliance among the ministries, government departments and other public offices group with 70%.

| SECTION 6(6) COMPLIANCE BY AUTHORITY TYPE | COMPLIANT (ON TIME OR LATE) | NONCOMPLIANT OR PARTLY COMPLIANT |
|---|---|---|
| Ministries, departments, and other public offices | 46 of 66 = **70%** | 20 of 66 = **30%** |
| Quangos, city corporations, sector regulators, and government-owned companies | 26 of 34 = **76%** | 8 of 34 = **24%** |
| Councils, boards, committees, panels, and tribunals | 77 of 80 = **96%** | 3 of 80 = **4%** |
| **Total** | **149 of 180 = 83%** | **31 of 180 = 17%** |

Looking ahead, the ICO will continue to use the annual return period to encourage more contracts being gazetted by public authorities. We will also be investing future efforts towards designing and implementing a more proactive and robust approach to measuring compliance with gazetting qualifying contracts.

The ICO pauses to recognize the following public authorities for exemplary conduct with gazetting contracts over $50K.

**Department of Immigration** for easy-to-digest explanations in its government notices about the purpose of the contract, why it was important to its work, what activity was involved and its history.

**Bermuda Economic Development Corporation** for consistently compiling government notices about its qualifying contracts in clear, precise and thorough details.

**Bermuda Hospitals Board** for well-organised listings in its government notices, including a reference number and service/good category assigned for each gazetted contract.

## PATI Request Logs

Public authorities must prepare a log of all the PATI requests they have received. The log should be kept readily for the public to view, as required by section 6(2) of the PATI Act. In 2025, 72% of relevant public authorities reported they had their log ready, while 28% acknowledged it was not prepared but committed to readying it by 31 March 2026.

In addition to the PATI request log, public authorities are required by regulation 20 of the Public Access to Information Regulations 2014, to maintain an electronic register that collects prescribed data about all requests they have handled. The Government of Bermuda maintains a central monitoring and electronic tracking system for its internal public authorities. Public authorities that are external to the government can choose to use the government's system or their own register or electronic tracking system.

The ICO accepts copies of PATI logs or electronic registers from public authorities during the annual return process. Both formats provide sufficient detail for us to collect full and accurate data about PATI requests being processed during the year.

In 2025, 30% of authorities reported they made use of the government's electronic system while 44% stated they relied on their own manual or digital tracking. The remaining 26% authorities reported that they did not yet have a tracking system in place.

## Guidance to Public Authorities

The Information Commissioner's mandate includes providing public authorities with guidance on how to meet their obligations under section 51 of the PATI Act. The ICO issues guidance notes, shares informal practice tips on the ICO 's social media, responds to enquiries, and holds guidance sessions and workshops with public authorities to discuss learnings from recent Information Commissioner's external reviews and from our oversight activities.

## ICO Guidance Sessions with Public Authorities

In February 2025, Senior Investigation Officer, Caitlin Conyers, and Investigation Officer, Kentisha Tweed, presented to public authorities on *'Bridging the Information Gap – Foundations of PATI & the Duty to Assist Requesters'*. This presentation offered practical tips to help public authorities to engage meaningfully with requesters to clarify the records and information being sought so that they can improve their searches and respond to requests fully and accurately.

Bridging the information gap means filling the space between the requester's knowledge about a public authority and the public authority's own institutional knowledge.

In July 2025, Commissioner Outerbridge presented a briefing for public authorities entitled, *'PATI Into the Future: Prioritising Proactive Disclosure and Part 2 Compliance'*. This session explored new ways to implement 'transparency by design' by proactively publishing more public information online.

By placing more of what the public wishes to know online, public authorities might eliminate the need for some PATI requests entirely.

These ICO guidance sessions were attended by 38 representatives from 24 different public authorities.

## Direct Support and Guidance

### ASSISTING NEW PUBLIC AUTHORITIES WITH INITIAL PATI OBLIGATIONS

The ICO met with senior staff of the new public authority the Corporate Income Tax Agency (CITA) as they took preparatory steps to ensure that CITA had the appropriate infrastructure to meet its overall PATI obligations and to respond to PATI requests in a timely and accurate manner.

This collaboration saw the CITA successfully submit its first PATI Annual Return on time and publish its inaugural Information Statement, which is prominently featured on its website.

The Corporate Income Tax Agency is applauded for prioritising its PATI compliance efforts and the breadth of information about its activities and functions that are proactively published on its website: www.cita.bm.

### ASSISTING PUBLIC AUTHORITIES WITH LAWFUL INFORMATION SHARING BETWEEN AUTHORITIES

The ICO responded to an enquiry from the Bermuda Deposit Insurance Corporation (BDIC), an independent statutory corporation that protects Bermuda Dollar deposits by providing deposit insurance and contributing to the stability of the financial sector hence minimising risks to depositors.

The BDIC proactively sought the input of the Information Commissioner as it addressed important issues related to sharing of certain regulatory information between itself and the Bermuda Monetary Authority (BMA). This resulted in statutory amendments in the Bermuda Monetary Authority Amendment Act 2025.

**YOU CAN FIND** presentation slides for guidance sessions (with notes and handouts from the presenter) available on ico.bm.

These amendments now permit the lawful sharing of confidential regulatory information between the BMA and the BDIC to ensure the effective alignment of the activities of the BDIC and the BMA related to depositor protection and financial stability.

More information about the work of the BDIC is available on its website: www.bdic.bm.

## SUPPORTING NEW INFORMATION OFFICERS

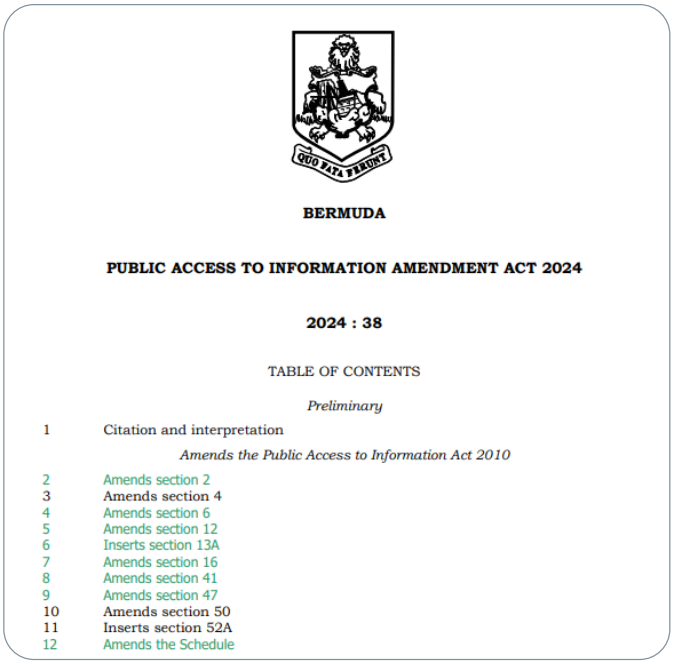
The ICO responded to a request for guidance and direct support to brief the new Deputy Governor, Dave Morgan, on assuming his new role as Information Officer for the Office of the Governor. Deputy Governor Morgan was appreciative of the ICO's time and resources which included a tailored profile of the Office of the Governor's PATI compliance insights and relevant past decisions by the Information Commissioner.

## CONSULTATIONS WITH THE MINISTRY OF CABINET OFFICE

As part of the Information Commissioner's mandate to promote public access to records and achieve the purposes of the PATI Act, the ICO provides formal and informal consultation and engages partners and policymakers to safeguard and strengthen the Bermuda public's access to public authorities' records. This service fits within the Commissioner's role to keep the operation of the PATI Act under review.

2025 saw no policy proposals being advanced for further legislative amendments to the PATI Act. The extensive amendments passed by the Legislature in December 2024 in the Public Access to Information Amendment Act 2024, which are set to introduce new fee structures and 'appropriate limits' on the times to process PATI requests, are yet to be brought into operation. These amendments are objectively viewed as unnecessary barriers or deterrents to the public's right to access information. By not implementing them, Bermuda has staved off the known and expected threats to public transparency.

At the time of publishing this Report, there has been no statement from the Minister indicating when the government intends for these controversial amendments to come into operation via notices published in the Official Gazette.



BERMUDA

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2024

2024 : 38

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*Preliminary*

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3 Amends section 4
4 Amends section 6
5 Amends section 12
6 Inserts section 13A
7 Amends section 16
8 Amends section 41
9 Amends section 47
10 Amends section 50
11 Inserts section 52A
12 Amends the Schedule


Sections in green are not yet in force.

**YOU CAN FIND** laws that have been passed but not yet in force at www.bermudalaws.bm.

# Raising Public Awareness of PATI Rights

**Under the PATI Act, the Information Commissioner's mandate includes promoting public access to information by raising public awareness and understanding of these rights (section 51).**

The most significant and direct way whereby individuals can exercise their public access to information rights is by submitting to a public authority a written PATI request to access records.

Under Bermuda's PATI Act, Bermudians and residents have several important rights around access to government-held information. These include the rights to:

- access non-exempt records held by public authorities,
- have your name stay confidential when making a PATI request,
- receive assistance from public authorities in connection with PATI requests,
- receive complete, accurate and timely decisions by public authorities,
- receive, when asked for, an internal review by the head of the public authority and an external review by the Information Commissioner,
- seek leave for judicial review of any decision by the Information Commissioner, and
- access information that should be made proactively available by public authorities.

The ICO promotes public awareness of these rights through our outreach activities, Right to Know Day events, social media activities, strategic public awareness initiatives, public perception surveys and by maintaining and regularly updating the resources and information available on our website, ico.bm.

## Bermuda Right to Know Day

### Public Panel Discussion: *The Power of Public Information & Why it Matters for Environmental Justice and Housing*

Bermuda Right to Know Day, also known as International Day for Universal Access to Information (IDUAI) is globally observed on 28 September. This celebration provides an opportunity for the ICO to bring additional awareness to the public and encourage the use of the right to access public information in Bermuda.

The international theme for 2025 was 'Ensuring Access to Environmental Information in the Digital Age'. In support of this the ICO hosted a free public panel entitled 'The Power of Public Information & Why it Matters for Environmental Justice and Housing'. The panel was moderated by Arlene Brock, Bermuda's first Ombudsman.

Complex topics such as protecting Bermuda's unique natural environment while tackling housing insecurity remain top of mind for the public during 2025. The aim of the panel was to focus on opportunities and discuss challenges while ensuring access to public information, combating disinformation and strengthening public trust.

ICO thanks panel members and our moderator for participating in this impactful public dialogue.

Panellists included (pictured below):

- Jason Outerbridge, Information Commissioner, Office of Information Commissioner
- Aaron Crichlow, Founder, Bermuda is Love
- Sarah Lagan, Chief Reporter, *The Royal Gazette*
- Paul McDonald, Assistant Director, Department of Planning, Government of Bermuda
- Diane Elliott, Director, Land Valuation Department, Government of Bermuda
- Denise Carey, Chief Executive Officer/Executive Director, Home

Discussions highlighted the need for more publicly available information about homelessness for better data-driven policies and solutions, perceived weaknesses in government transparency being addressed via the public's and media's use of the PATI Act to request information. The presentation also included an exploration of the kind of public information about housing and planning that is readily accessible online.

Members of the public generally supported the need to front-load more public information about housing and the environment. They shared particular concerns and frustrations about government spending, delayed responses from public authorities when asking for records and the slow path to systemic policy changes that could deliver real results.



## 10 Years of PATI 2025:
## Awards Breakfast for Information Officers

The ICO hosted an awards breakfast for information officers, marking both the annual global celebration of public access to information and Bermuda's 10th anniversary of the right to access public information.

Five information officers, a public authority and the government's central support unit received Information Commissioner's Awards. Awardees were recognized from among more than 120 information officers across 180 public authorities and honoured for their outstanding service and commitment to excellence in delivering public access to information.

2025 awardees (pictured below):

- Constable Ronald Taylor, Bermuda Police Service, recipient of the Information Commissioner's Vanguard Award
- Denyelle Dublin-Swan, Bermuda Fire & Rescue Service
- Lakilah Spencer, Bermuda Hospitals Board (Award received by BHB CEO Mr. Scott Pearman)
- Sharmette Pond, Customs Department
- Andrea Luber, Ministry of Health Headquarters
- The Corporation of Hamilton
- The PATI/PIPA Unit of the Cabinet Office Headquarters

Head of Public Service Cherie-lynn Whitter co-presented the awards with the Information Commissioner. Ms. Whitter offered congratulations to the awardees on behalf of the Government of Bermuda and thanked all information officers for their invaluable contribution toward PATI.

In addition, the ICO presented a commemorative 10th anniversary pin to each information officer in attendance as a token of appreciation for public officers who are on the frontline of PATI work in Bermuda.

Former Premier of Bermuda the Hon. W. Alexander Scott, JP, played a pivotal role in Bermuda's historical road to PATI rights. Though he was unable to attend this event in person, he submitted a thoughtful message to event attendees. His message highlighted how "…an informed electorate is more inclined to respect decisions made by the Government, even if they do not always agree with government policy positions." The ICO team remains grateful to Premier Scott for his willingness to be a part of the recognition ceremony.

10 YEARS OF PATI
2025







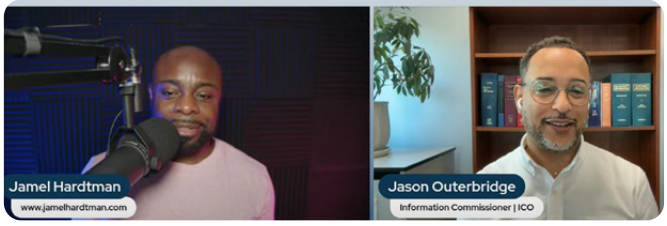




Information Officers wearing their 10 Years of PATI commemorative pin.

## Media Interviews and Digital Information Scavenger Hunt

Radio interviews formed an important part of the ICO's messaging during Right to Know Day activities. Information Commissioner Outerbridge and Project Officer, Sheena Bassett, participated in a series of interviews, including The Daily Hour with Jamel Hardtman, Power 95's Miss Thang Show and The Second Look with David Sullivan on Ocean 89. Through these appearances, the Commissioner's goal was to inform members of the community about the importance of their 'right to know' under the PATI Act whilst reinforcing key messages about exercising the right of access.




The Daily Hour host, Jamel Hardtman, and Information Commissioner Outerbridge on Right to Know Day 2025.

During each appearance, the ICO's Right to Know Day events were promoted, with the listening audience invited to participate in a digital information scavenger hunt. Participants were asked to search online for access to digitally available public information to answer questions about topical issues of public interest. Winners were awarded a nominal prize of a gift card. Digital resources located during the scavenger hunt included:

- Bermuda Citizens Forum https://forum.gov.bm/en/,
- the Official Gazette www.gov.bm/theofficialgazette,
- the Budget Book www.gov.bm/budget-2025, and
- the Government Officer's Salary Listing www.gov.bm/media/019d84ff-667a-73b7-9422-4b0831b059a3.

## Outreach to Future Leaders Bermuda 2025 Cohort

In August 2025, the ICO continued its participation with the Future Leaders Bermuda programme by leading an information session about the right to access public information. The programme is a summer empowerment course for middle to high school aged students with an interest in service, citizenship, social justice or leadership. It aims to empower passionate young leaders with the skills they need to make a positive impact not just in Bermuda but in the world as global citizens.

Commissioner Outerbridge and Senior Investigation Officer, Caitlin Conyers, joined the cohort of young leaders for a discussion on their PATI rights and the power of information to drive societal change. The future leaders were provided with an opportunity to share their views about what information they believe the government should be sharing proactively with the public. A robust dialogue was held when these confident future leaders clearly articulated their views for a future Bermuda, understanding of some of the pervasive social issues they are inheriting.

The ICO thanks Future Leaders Bermuda's leadership team for affording us the opportunity to participate in this very important youth development programme.




Information Commissioner, Jason Outerbridge, and Senior Investigator, Caitlin Conyers, engage with students participating in the 2025 Future Leaders Programme.




Kenisha Shakir, Programme Coordinator at Bermuda National Library, and Sheena Bassett, Project Officer at the ICO, welcome members of the public to an ICO Open Doors Session held at Bermuda National Library.

## Open Door Sessions with the ICO at the Bermuda National Library

During 2025, the ICO launched its Open Door Sessions. Hosted at the Bermuda National Library, these intimate sessions provide members of the public an opportunity to meet one-on-one with members of the ICO team. These sessions were not for those who had active PATI requests and were seeking updates on the processing of those requests. Instead, these sessions catered to those looking to get started with using their PATI rights. Attendees were oriented to the informational resources they would need to make a PATI request, told where to get access to public information already available about their interests and provided answers to any PATI-specific queries they had. The ICO team remains grateful to the Bermuda National Library team for accommodating the ICO and for supporting this programme for the public.

The inaugural session was hosted in August with four additional sessions offered during the year. We encourage members of the public to express their interest in upcoming sessions by emailing rsvp@ico.bm.

## Social Media Outreach

The ICO maintained its presence across Facebook, Instagram, YouTube, and LinkedIn throughout the year. Social media content included alerts on decisions issued by the Information Commissioner, public awareness announcements as well as practical tips on understanding and using PATI rights.

Most social media posts directed users to the ICO's website, where a range of PATI-related resources, guidance materials and organisational information are available.

## Website Resources

The ICO's website continues to be the hub for ICO's published PATI resources and updates for both the general public and public authorities. It provides stakeholders with regularly updated information about the ICO's spending of public funds, office operations and decision-making.

The ICO continues our partnership with the Portuguese Cultural Association of Bermuda to translate more of our public awareness materials into Portuguese.

Every decision issued by the Information Commissioner is published online, as well as all guidance on complying with the PATI Act. The public can access a current listing of public authorities that full under the PATI Act, including the name and contact details for current information officers and the name of the current head of public authority.

The ICO website received over 31,052 views from over 9,299 users, with an average website session lasting 3:06 minutes. New users accounted for 83.2% of users compared to 49.67% in 2024.

## Measuring Public Awareness

For the past nine years, the ICO has commissioned an annual public survey to obtain usable data on the public's awareness of the right to access public information, perceptions about the importance of their right and whether they have exercised the right to request access to public information, etc. The survey is conducted by Global Research, with the resultant 'Public Perceptions Research Report' being proactively published on ico.bm. The latest survey was conducted in February 2025 and was fully featured in the ICO's 2024 Annual Report. These data and insights were relevant in 2025 and were used to set public awareness priorities.

Key insights from the 2025 report which included a sampling of 400 Bermuda residents indicate that 83% had heard about the PATI Act and 87% believed that the right to access records held by public authorities was important or somewhat important to them. 77% of survey participants believed that creating and enforcing the PATI Act was a very important public investment.

Some 24% of respondents reported having made a PATI request for access to records held by a public authority. Of those who made PATI requests, 81% had a very positive experience and said they received the information they requested. Notably too, only 12% of those who made a PATI request felt that they were likely to make another request in the next year. These data follow trends from the past five years but underscore future work to find out there any negative factors which deter future requests.

Public confidence in PATI rights saw some improvements with 58% of respondents believing that PATI rights would be useful to them up from 50% in 2024 and 57% believing that as a result of PATI the public will have more confidence in decisions made by public authorities. This percentage was up from 42% in 2024.

Current and future priorities for the ICO's public awareness activities are designed to target a younger audience, as 18–34-year-olds were the least likely to know of their PATI rights. By comparison, residents aged 55-64 were more likely to have requested information from a public authority. The ICO's outreach to this demographic aims to encourage them continue to be avid requesters.

The ICO thanks our survey partners at Global Research.

# Looking Ahead

As the ICO enters its second decade, the landscape of access to information is undergoing a profound digital transformation. With public authorities increasingly leveraging technologies like artificial intelligence to govern and record decisions, the primary challenge of the coming years is preserving and strengthening public access to digital records. To meet this shift, the ICO is transitioning its regulatory focus from a reactive, request-driven model to one balanced with additional focus on proactive disclosure and digital accessibility. By equipping authorities with tools to put critical public interest information online routinely, the ICO aims to support the achievement of "transparency by design" ideally satisfying the public's information needs without the need for overreliance on formal PATI requests.

Going forward, the ICO will adopt a more assertive enforcement posture regarding Part 2 compliance under the PATI Act. In 2026, the Office will initiate direct, enhanced enforcement actions, including compliance investigations and formal orders in response to chronic noncompliance. The Office will invest in designing and implementing a more robust, proactive system to measure and enforce compliance with gazetting qualifying public contracts valued over $50,000 under Section 6(6). Further, to handle procedural delays with maximum efficiency, in early 2026 the ICO will launch a streamlined Summary Procedure to fast-track 'Failure to Decide' reviews, utilizing delegated powers under Section 52A of the Act to empower authorised officers to issue binding decisions directly.

Promoting civic engagement remains central to this vision, with public awareness campaigns strategically pivoting to target the 18–34 age demographic, the group least likely to know and exercise their PATI rights, while encouraging older, active residents to continue asking for more transparency. Finally, the ICO will maintain close vigilance over the legislative environment. The controversial Public Access to Information Amendment Act 2024 and its proposed fees have not yet been brought into force. The Commissioner diligently awaits any future commencement notice and will continue to advocate for the implementation of these amendments to meet international best-practice safeguards for universal access. Finally, the establishment of an adequately resourced centralised PATI support unit, which can assist public authorities with their PATI obligations, continues to be called for by the Information Commissioner.

> "Openness and transparency are made real because individuals continue to make PATI requests, because information officers continue to work diligently to process PATI requests, because public authorities strive to disclose proactively more information and because partners, community groups and engaged citizens continue to ask questions and challenge public officials."

**Jason Outerbridge** | Information Commissioner

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