

## Decision Notice

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**Decision 20/2021: Office of the Clerk of the Legislature**

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### **Complaint records**

**Reference no: 20210209**

**Decision date: 24 December 2021**

## Summary

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The Applicant made a request under the Public Access to Information (**PATI**) Act 2010 to the Office of the Clerk of the Legislature (**Clerk of the Legislature**) for records regarding a former Member of Parliament and any complaints made about him. The Clerk of the Legislature granted access to one record but denied access to the remaining responsive records under the exemptions in sections 23(1) (personal information), 26 (information received in confidence) and 22 (health and safety) of the PATI Act.

The Information Commissioner has found that the PATI Act does not apply to some of the requested records by virtue of section 4(1)(b), because they were created or obtained by a listed public authority in the course of carrying out its functions. Further, the Information Commissioner has found that the Clerk of the Legislature was justified in denying access to the remaining records, but has varied the grounds relied upon to include the exemption in section 36(b) (parliamentary privilege) as well as section 23(1) (personal information). The Clerk of the Legislature is not required to take any further action in respect of this Decision.

## Relevant statutory provisions

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Public Access to Information Act 2010: section 4 (application); section 21 (public interest test); section 23 (personal information); section 24 (definition of personal information); section 36(b) (parliamentary privilege).

The full text of each statutory provision cited above is reproduced in the Appendix to this Decision. The Appendix forms part of this Decision.

## Background

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1. On 3 September 2020, the Applicant made a request under the Public Access to Information (**PATI**) Act 2010 to the Office of the Clerk of the Legislature (**Clerk of the Legislature**) asking for any and all communications regarding a former member of Parliament (**former MP**) and any complaints made about him, between December 2012 and the date of the PATI request.
2. Clerk of the Legislature's initial decision of 20 November 2020 granted the Applicant access to one redacted record but denied access to the remaining responsive records under the exemptions in sections 23 (personal information) and 26 (information received in confidence).

3. The Applicant sought an internal review, and the Clerk of the Legislature issued an internal review decision sent on 5 February 2021. The internal review decision upheld the initial decision to deny access to further records. In addition to relying on sections 23 and 26, the internal review decision relied on the health or safety exemption in section 22.
4. The Applicant made a timely application on 9 February 2021 for an independent review by the Information Commissioner.

## Investigation

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5. The application to the Information Commissioner was accepted as valid. The Information Commissioner confirmed that the Applicant made a valid request for an internal review to a public authority. Additionally, the Information Commissioner confirmed the issues the Applicant wanted her to review.
6. The Information Commissioner decided that early resolution under section 46 of the PATI Act was not appropriate because submissions were required from the public authority to determine whether its reliance on the exemptions was justified.
7. The Information Commissioner notified the Clerk of the Legislature of the Applicant's valid application on 22 February 2021, and requested a copy of all the withheld records responsive to the request.
8. In response, the Clerk of the Legislature provided copies of a number of records, some of which were not responsive to the PATI request or were duplicates. This Decision considers the Clerk of the Legislature's decision to withhold records 1-9 only.
9. During this review, the Clerk of the Legislature invoked an additional exemption, section 36(b) (parliamentary privilege), to further justify its decision to withhold the responsive records. The Investigator also shared a preliminary view with the parties that certain records did not come within the scope of the PATI Act by virtue of section 4(1)(b).
10. Section 47(4) of the PATI Act requires the Information Commissioner to give the public authority and the applicant a reasonable opportunity to make representations. The Clerk of the Legislature and the Applicant were invited to comment on this application and to make submissions to the Information Commissioner for consideration in this review.

11. The Clerk of the Legislature made submissions on the section 36(b) exemption. The Applicant did not make additional submissions.

### **Information Commissioner's analysis and findings**

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12. In coming to a decision on this matter, the Information Commissioner considered all of the relevant submissions, or parts of submissions, made by the public authority and the Applicant. She is satisfied that no matter of relevance has been overlooked.
13. The Information Commissioner strives to provide as full an explanation of her reasoning and Decision as possible. Section 53(2) of the PATI Act, however, prevents discussion of the withheld records. As a result, the analysis of various issues cannot be as detailed as would otherwise be preferred.

#### ***Applicability of the PATI Act – section 4***

14. In accordance with section 4(1)(b), the PATI Act does not apply to records obtained or created by specified public authorities in the course of carrying out their functions. Records that relate to the general administration of these public authorities, however, continue to fall within the scope of the PATI Act by virtue of section 4(2).
15. 'Functions' or 'general administration' are not defined in the PATI Act. Section 7 of the Interpretation Act 1951, however, defines 'functions' as "powers conferred, or duties imposed, on the authority or officer by or under any provision of law". The Information Commissioner has consistently interpreted records that relate to 'general administration' as those "related to activities that are common to all public authorities". These include, for example, records involving facilities or buildings, property, finances, equipment and supplies, human resources or personnel, IT or information systems, and other common management processes.
16. In sum, for a record to be removed from the scope of the PATI Act by virtue of section 4(1)(b), the following must be considered:
  - [1] Was the record obtained or created by one of the public authorities listed in section 4(1)(b)?
  - [2] Was the record obtained or created by that public authority in the course of carrying out its functions?
  - [3] Does the record relate to that public authority's general administration and come within the scope of the PATI Act by virtue of section 4(2)(b)?

17. Because section 4(1)(b) addresses the applicability of the PATI Act, the Information Commissioner may consider this provision on her own accord when the parties do not raise it, as has occurred in this review.

*Public authority's submissions*

18. The Clerk of the Legislature did not make submissions on the Investigator's preliminary view that the PATI Act does not apply to certain records.

*Applicant's submissions*

19. The Applicant did not provide submissions.

*Discussion*

20. The Information Commissioner considers the applicability of the PATI Act to records 1-3, 5, 5a and 6, in accordance with section 4(1)(b).

[1] Was the record obtained or created by one of the public authorities listed in section 4(1)(b)?

21. The Information Commissioner accepts that records 1, 2 and 6 as well as parts of record 5 were created by a public authority listed in section 4(1)(b). She also accepts that records 3 and 5a as well as parts of record 5 were obtained by that public authority.

[2] Was the record obtained or created by that public authority in the course of carrying out its functions?

22. After carefully reviewing records 1-3, 5, 5a and 6, the Information Commissioner is satisfied that these records were obtained or created by a public authority listed in section 4(1)(b) in the course of carrying out its functions.

[3] Does the record relate to that public authority's general administration and come within the scope of the PATI Act by virtue of section 4(2)(b)?

23. None of these records relate to the general administration of the relevant public authority. Instead, they relate to its statutory or core functions. Records 1-3, 5, 5a and 6 are not the types of records that would commonly be held by public authorities. They do not involve matters relating to facilities or buildings, property, finances, equipment and supplies, human resources or personnel, IT or information systems, and other common management processes.

## *Conclusion*

24. The Information Commissioner is satisfied that the PATI Act does not apply to records 1-3, 5, 5a and 6 because these records were obtained or created by a public authority listed in section 4(1)(b) in the course of carrying out its functions, and do not come within the exception in section 4(2) for records related to that public authority's general administration.

## ***Parliamentary privilege – section 36(b)***

25. Under section 36(b) of the PATI Act, public authorities may refuse access to a record if its disclosure would, or could reasonably be expected to, be an infringement of parliamentary privilege.
26. The exemption for parliamentary privilege is absolute, which means it is not subject to a public interest test. If the exemption is engaged, the record may be withheld.
27. As explained in Decision 17/2020, Office of the Clerk of the Legislature, parliamentary privilege is a well-established constitutional doctrine that affords Members of Parliament, as well as Parliament collectively, certain privileges and immunities. Citing Blackstone, the Information Commissioner explained that the “whole of law and custom of Parliament has its origin from this one maxim, ‘that whatever matter arises concerning either House of Parliament ought to be examined, discussed, and adjudged in the House to which it relates, and not elsewhere.’”<sup>1</sup> The Information Commissioner further explained that a key aspect of parliamentary privilege is each House's exclusive cognisance of its own affairs, which gives each House the right “to manage its own affairs and to exercise sole jurisdiction over its own proceedings.”<sup>2</sup>
28. Section 36(b) protects Parliament's exclusive cognisance by recognising that each House of Parliament has the right to control publication of its proceedings. The Information Commissioner explained in Decision 17/2020, Office of the Clerk of the Legislature, that, for the purpose of section 36(b), “the term ‘proceedings’ in Parliament embraces some form of formal action, i.e., a decision taken by either House in its collective capacity, the forms of business in which the House takes action, and the whole process by which it takes a decision.”<sup>3</sup> The term ‘proceedings’ in

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<sup>1</sup> Decision 17/2020, Office of the Clerk of the Legislature, para. 14.

<sup>2</sup> Decision 17/2020, Office of the Clerk of the Legislature, para. 17.

<sup>3</sup> Decision 17/2020, Office of the Clerk of the Legislature, para. 18.

Parliament also extends to the exercise of Parliament's penal jurisdiction over the conduct of its Members by commencing formal procedures to investigate and punish disorderly or disrespectful acts<sup>4</sup>.

29. For section 36(b) to apply, public authorities should demonstrate that the infringement of parliamentary privilege 'would' or 'could reasonably be expected to occur'. 'Would' means there is a high probability that an infringement of parliamentary privilege can occur<sup>5</sup>. 'Could reasonably be expected to' is a lesser likelihood of harm<sup>6</sup>. 'Reasonable' refers to what a reasonable person would expect considering all of the circumstances.
30. In sum, to appropriately rely on the parliamentary privilege exemption in section 36(b), public authorities must consider:
  - [1] Whether the records relate to proceedings in Parliament?
  - [2] Could disclosure of the records be reasonably expected to be an infringement of parliamentary privilege?
31. A public authority bears the burden of satisfying the Information Commissioner that, on the balance of probabilities, it has provided sufficient support to justify its reliance on section 36(b) to deny access to the records.

#### *Public authority's submissions*

32. The Clerk of the Legislature submitted that the requested records relate primarily to the steps undertaken on behalf of the House of Assembly pursuant to its penal jurisdiction.
33. The Clerk of the Legislature cited the following paragraph from the House of Commons Journal:

To the end that all the Debates in this House should be grave and orderly, as becomes so great an Assembly, and that all Interruptions should be prevented; Be it Ordered and Declared, That no Member of this House do presume to make any Noise or Disturbance, whilst any Member shall be orderly debating, or whilst any Bill, Order or other Matter, shall be in

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<sup>4</sup> Erskine May's Treatise on the law, privileges, proceedings and usage of Parliament (25<sup>th</sup> ed. 2015), Pt. 2, ch. 11, at para. 11.19; available at <https://erskinemay.parliament.uk/>.

<sup>5</sup> Decision 12/2018, Ministry of Finance Headquarters, para. 71.

<sup>6</sup> Decision 12/2018, Ministry of Finance Headquarters, para. 72.

reading or opening: And, in case of such Noise or Disturbance, that Mr Speaker do call upon the Member, by Name, making such disturbance: And that every such Person shall incur the Displeasure and Censure of the House.

34. The Clerk of the Legislature further cited the following paragraph from Erskine May's Parliamentary Practice:

Both Houses exercise a penal jurisdiction. This power to punish Members and non-Members for disorderly and disrespectful acts has much in common with the authority inherent in the superior courts 'to prevent or punish conduct which tends to obstruct, prejudice or abuse them' while in the exercise of their responsibilities and is for the analogous purpose of enabling the two Houses to safeguard and enforce their necessary authority without the compromise or delay to which recourse to the ordinary courts would give rise. The act or omission which attracts the penal jurisdiction of either House may be committed in the face of the House or of a committee, within the Palace of Westminster or outside it. Nor is it necessary that there should have been a breach of one of the privileges enjoyed, collectively or individually, by either House: anything done or omitted which may fall within the definition of contempt, even if there is no precedent, may be punished.

35. The Clerk of the Legislature went on to explain that the penal jurisdiction of the UK's House of Commons was extended by the adoption of the Code of Conduct for Members of Parliament. Further, the post of an independent Parliamentary Commissioner for Standards was created, which oversees an Independent Complaints and Grievance Scheme (**ICGS**).
36. The Clerk of the Legislature admitted that, at the time of the submissions, the House of Assembly in Bermuda had not implemented any Codes or Standards which relate to a sexual misconduct, bullying or harassment policy, applicable to the parliamentary estate in constituency offices or while undertaking parliamentary work, similar to that in the UK. Nevertheless, the ICGS provided guidance for the House of Assembly on the handling of the complaints. The Clerk of the Legislature emphasised that any proceedings pursuant to the House of Assembly's penal jurisdiction were exercised by the House of Assembly, and not the Clerk of the Legislature.

*Applicant's submissions*

37. The Applicant did not provide submissions.



## *Discussion*

38. The Information Commissioner considers the Clerk of the Legislature's reliance on section 36(b) to deny public access to records 4, 7, and 9 as well as the redacted parts of record 8. Consistent with Parliament's exclusive cognisance of its own affairs, which includes determining what information to publish about its proceedings, and bearing in mind the secrecy provision in section 53 of the PATI Act, the Information Commissioner cannot discuss Parliament's business or the records in any detail.

[1] Whether the records relate to proceedings in Parliament?

39. Having carefully reviewed the records, the Information Commissioner accepts that record 4 relates to a proceeding in Parliament pursuant to the House of Assembly's penal jurisdiction.
40. In contrast, records 7, 8 and 9 do not relate to proceedings of Parliament. Rather, these records involve activities or communications external to proceedings in Parliament.

[2] Could disclosure reasonably be expected to be an infringement of parliamentary privilege?

41. The Information Commissioner considers this question with respect to record 4.
42. Parliament has not made any official public disclosure in relation to the information in this record. Disclosure of record 4 would therefore be an infringement of a parliamentary privilege, as it would interfere with Parliament's exclusive cognisance over its affairs and right to control publication of its proceedings.

## *Conclusion*

43. The Information Commissioner is satisfied that the Clerk of the Legislature was justified in relying upon the exemption in section 36(b) to deny access to record 4 because disclosure would be an infringement of parliamentary privilege.
44. The Information Commissioner is not satisfied that the Clerk of the Legislature was justified in relying upon the exemption in section 36(b) to deny access to records 7 and 9 as well as parts of record 8.

## *Personal information – section 23(1)*

45. Under section 23(1) of the PATI Act, public authorities may refuse access to a record if it consists of personal information, i.e., information about an identifiable individual.
46. 'Personal information' is broadly defined in section 24(1) as 'information recorded in any form about an identified individual'. Section 24(1) also provides a non-exhaustive list of categories of personal information.
47. Certain categories of information about an identifiable individual, however, do not fall within the definition of 'personal information'. Section 24(2) dictates that these categories include, among other things, information about an individual who is or was an officer or employee of a public authority when it relates to the position or functions of the individual, or the details of a contractor providing services to the government. As the Information Commissioner has explained, however, routine personal work information of public sector employees as well as the personal information of elected officials and other public officials still fall within the definition of 'personal information' in section 24(1)<sup>7</sup>.
48. The personal information exemption does not apply in certain circumstances set out in section 23(2). The exemption does not apply, for example, if the information relates to the requester or if the individual to whom the information relates gave their written consent to disclosure.
49. Records consisting of personal information should be disclosed if the public interest would be better served, on balance, by disclosure than non-disclosure, in accordance with section 23(6)<sup>8</sup>. Factors that should be taken into account when balancing the public interest relating to a disclosure of personal information are<sup>9</sup>:
  - a. Whether the disclosure will further any public interest considerations;
  - b. Whether disclosure would be fair to the individual under all of the circumstances, which would include consideration on whether sensitive personal information was involved<sup>10</sup>, the potential consequences of disclosure on the individuals and the individuals' expectations of privacy; and

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<sup>7</sup> See Decision 02/2019, Office of the Governor, paras. 43-47.

<sup>8</sup> Disclosure of records consisting of personal information should also be made if, disclosure would benefit the individual, in accordance with section 23(6) of the PATI Act. But this part of section 23(6) is irrelevant in this case.

<sup>9</sup> See Decision 02/2019, Office of the Governor, para. 51.

<sup>10</sup> Section 7(1) of the Personal Information Protection Act 2016 defines 'sensitive personal information' as "any personal information relating to an individual's place of origin, race, colour, national or ethnic origin, sex, sexual

- c. Whether disclosure is necessary to further the public interests that have been identified.
50. In sum, to rely upon the exemption for personal information, a public authority must ask<sup>11</sup>:
- [1] Whether the records consist of information about an identifiable individual?
  - [2] Whether the information falls within any of the exclusions to the definition of personal information in section 24(2)?
  - [3] Whether any of the exceptions to the exemption in section 23(2) apply to the records?
  - [4] If the exemption for personal information in section 23(1) is engaged, whether the balance of the public interest requires disclosure, or whether disclosure would benefit the individual?
51. The personal information exemption in section 23(1) is the only exemption the Information Commissioner will consider on her own accord.

*Discussion*

52. The Information Commissioner considers the Clerk of the Legislature's reliance on section 23(1) to withhold records 7 and 9 as well as parts of record 8 that remain redacted following its disclosure pursuant to the initial decision on this PATI request.
- [1] Whether the records consist of information about an identifiable individual?
53. Having carefully reviewed records 7 and 9, as well as the redacted parts of record 8, the Information Commissioner is satisfied that they contain information about identifiable individuals, including but not limited to the complainant and the former MP.
- [2] Whether the information falls within any of the exclusions to the definition of personal information?

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orientation, sexual life, marital status, physical or mental disability, physical or mental health, family status, religious beliefs, political opinions, trade union membership, biometric information or genetic information".

<sup>11</sup> See Decision 02/2019, Office of the Governor, para. 56.

54. None of the information relating to individuals in these records falls within the exclusion in section 24(2) because the information does not attach to the position or functions of an individual as a public officer or employee of a public authority, or a contractor providing services to a public authority.

[3] Whether any of the exceptions to the exemption in section 23(2) apply to the records?

55. None of the exceptions listed in section 23(2) is applicable to the information about the identified individuals in the relevant records. The information in the records does not relate to the requester and the individuals to whom the information relates have not given their written consent to disclosure.

[4] If the exemption for personal information in section 23(1) is engaged, whether the balance of the public interest requires disclosure?

56. The Information Commissioner is satisfied that disclosure of any information identifying the complainant, such as their name, is not in the public interest. Disclosure would not be fair as they would have had a reasonable expectation that information on their complaint would be kept confidential. Disclosure would also be unfair as it could reasonably be expected to cause unwarranted distress to them and could potentially prejudice their current or future career. Disclosure would further be unnecessary, because the deterrence of wrong-doing, or any other public interest factors, can still be achieved without the disclosure of information identifying the complainant. Instead, disclosing the details of the complainant, without their consent, could reasonably deter other individuals from making similar complaints in the future.

57. Further disclosure of records, or parts of records, relating to the former MP might signal to other Members of Parliament that any harassment will be scrutinised. It will signal that, while most records relating to harassment by a Member of Parliament might not see the light of day due to the parliamentary privilege exemption, information on harassment complaints against Members of Parliament cannot be kept secret completely. Disclosure might serve as a disincentive for Members of Parliament, or any individuals serving in public positions of authority, to behave inappropriately. In this sense, disclosure of records responsive to the PATI request may deter wrong-doing.

58. The Information Commissioner is satisfied, however, that disclosure made by the Clerk of the Legislature thus far has satisfied the public interest in deterrence of wrong-doing. As explained in the background, the Clerk of the Legislature's previous disclosure has informed the public of the existence of the complaint.

59. The Information Commissioner takes into account the fact that, in this case, the harassment complaint was made against a Member of Parliament, i.e., an individual elected to hold a public position of authority, and for a conduct that was performed during his tenure as a Member of Parliament. As such, it is reasonable to conclude that he had, or should have had, less expectation of privacy. Nonetheless, there is a recognised expectation that the internal disciplinary matters of an individual will be kept private, even for those holding senior positions in the public sector<sup>12</sup>, subject to a decision by Parliament to take public action, such as a vote of admonishment of one of its Members<sup>13</sup>. Additionally, given the specific circumstances in this case, the Information Commissioner is of the view that the former MP has a legitimate expectation that no further information will be released to the public. Disclosure could reasonably reignite the story and cause unwarranted negative consequences to him.
60. The Information Commissioner recognises the need to enhance public scrutiny and accountability of government and public affairs. However, there is also a very strong public interest in the right to privacy. Privacy rights will be set aside only where the public interest served by granting the request (and breaching those rights) is sufficiently strong enough to outweigh the public interest in protecting privacy.

### *Conclusion*

61. The Information Commissioner is satisfied that the Clerk of the Legislature was justified in relying on the exemption in section 23(1) to deny public access to records 7 and 9 in full, and to the redacted parts of record 8, because they consist of information about identifiable individuals and their disclosure is not in the public interest.
62. Because the Information Commissioner is satisfied that the withheld records are either outside the scope of the PATI Act or exempt under sections 23(1) and 36(b), she does not consider the Clerk of the Legislature's reliance on the exemptions in sections 22 and 26 of the PATI Act.

### *Conclusion*

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<sup>12</sup> Rob Waugh v Information Commissioner and Doncaster College, UK Information Tribunal, EA/2008/0038, 24 December 2008, para. 40, available at: [https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i282/Rob%20Waugh%20v%20IC%20&%20Doncaster%20College%20\(EA-2008-0038\)%20Decision%2029-12-08.pdf](https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i282/Rob%20Waugh%20v%20IC%20&%20Doncaster%20College%20(EA-2008-0038)%20Decision%2029-12-08.pdf).

<sup>13</sup> See Erskine May at Pt. 2, ch. 11, para. 11.21

63. The Information Commissioner is satisfied that the PATI Act does not apply to records 1-3, 5, 5a and 6 because they were obtained or created by a public authority listed in section 4(1)(b) in the course of carrying out its functions and do not relate to that public authority's general administration.
64. The Information Commissioner is further satisfied that the Clerk of the Legislature was justified in denying access to record 4 on the grounds that it is exempt under section 36(b) of the PATI Act because its disclosure would be an infringement of parliamentary privilege.
65. Finally, the Information Commissioner is satisfied that the Clerk of the Legislature was justified in denying public access to records 7 and 9, as well as the redacted parts of record 8, under section 23(1) of the PATI Act because these records consist of personal information and their disclosure is not in the public interest.

## Decision

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The Information Commissioner finds the Public Access to Information (**PATI**) Act 2010 does not apply to records 1-3, 5, 5a and 6 because they were obtained or created by a public authority listed in section 4(1)(b) in the course of carrying out its functions and do not relate to that public authority's general administration. The Information Commissioner also finds that the Office of the Clerk of the Legislature (**Clerk of the Legislature**) was justified in denying public access to record 4 under section 36(b) of the PATI Act because its disclosure would constitute an infringement of parliamentary privilege. Finally, the Information Commissioner finds that the Clerk of the Legislature was justified in denying access to records 7 and 9 and parts of record 8 because these records consist of personal information and their disclosure is not in the public interest.

In accordance with section 48 of the PATI Act, the Information Commissioner:

- upholds the decision to deny access to records 7 and 9 as well as parts of record 8 as exempt under section 23(1) of the PATI Act;
- varies the decision to deny access to record 4 as exempt under section 36(b) of the PATI Act; and
- varies the decision to find that the PATI Act does not apply to records 1-3, 5, 5a and 6 by virtue of section 4(1)(b) of the PATI Act.

The Information Commissioner does not require the Clerk of the Legislature to take any further action in respect of this Decision.

## Judicial Review

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The Applicant, the Clerk of the Legislature, or any person aggrieved by this Decision has the right to seek and apply for judicial review to the Supreme Court in accordance with section 49 of the PATI Act. Any such application must be made within six months of this Decision.



Gitanjali S. Gutierrez  
Information Commissioner  
24 December 2021

### Public Access to Information Act 2010

#### Application

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

...

(b) records obtained or created by any of the following public authorities in the course of carrying out their functions—

(i) the Office of the Auditor General;

(ii) the Human Rights Commission;

(iii) the Office of the Information Commissioner;

(iv) the Office of the Ombudsman;

(v) the Department of Public Prosecutions which, for the purposes of this section, includes the Justice Protection Administrative Centre;

(vi) the Attorney General's Chambers;

(vii) the Department of Internal Audit;

(viii) the Financial Policy Council.

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

...

(b) any public authority referred to in subsection (1)(b).

#### Public interest test

21 For the purposes of this Part, the test of whether disclosure by a public authority of a record or the existence of a record is in the public interest is whether the public interest would, on balance, be better served by disclosure than by non-disclosure.



### **Personal information**

23 (1) Subject to the provisions of this section, a record that consists of personal information is exempt from disclosure.

...

(6) A record that contains personal information relating to an individual shall be disclosed if disclosure of it is in the public interest or would benefit the individual.

### **Definition of personal information**

24 (1) Subject to subsection (2), “personal information” means information recorded in any form about an identifiable individual . . .

...

(2) But “personal information” does not include—

(a) information about an individual . . . who is or was an officer or employee of a public authority that relates to the position or functions of the individual;

(b) information about an individual who is or was performing services under contract for a public authority that relates to the service performed, including the terms of the contract and the name of the individual; or

...

### **Contempt of court and parliamentary privilege**

36 (1) A record is exempt if its disclosure would, or could reasonably be expected to be –

...

(b) an infringement of parliamentary privilege.

**Information Commissioner for Bermuda  
Maxwell Roberts Building  
4<sup>th</sup> Floor  
One Church Street  
Hamilton, HM 11  
[www.ico.bm](http://www.ico.bm)  
441-543-3700**