



# BERMUDA GOVERNMENT

## MINISTRY OF LEGAL AFFAIRS AND CONSTITUTIONAL REFORM HEADQUARTERS

### PATI Information Statement

**Name of Public Authority:** Ministry of Legal Affairs and Constitutional Reform HQ

#### **INTRODUCTION:**

The following information is made available under the Public Access to Information Act 2010 (PATI/the Act). The Act grants the Bermuda public the right to obtain access to information held by public authorities, to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others.

PATI is designed to increase transparency with regard to the activities of public authorities and their decision-making processes and to hold such authorities to a high standard of accountability. Each public authority is required by law to publish an information statement describing the organization and functions, the policies and procedures of the authority, and the name of a contact person to whom requests under the act are to be directed. The following information serves to fulfill this obligation and to provide an overview of the resources at ministry of justice headquarters which the public is entitled to access.

The Ministry of Legal Affairs and Constitutional Reform HQ is charged with responsibility for upholding the constitution and legal system of Bermuda; the incarceration and rehabilitation of offenders; the provision of substance abuse treatment and education, and consumer protection services

The constituent departments and units of the Ministry of Legal Affairs and Constitutional Reform are:

- The Judicial Department\*
- The Department of Public Prosecutions\*
- The Attorney-General's Chambers
- The Department of Court Services
- Financial Sanctions Implementation Unit
- Legal Aid Office

*\*These public authorities exercise a large degree of constitutional and/or statutory independence in the exercise of their operational functions.*

The Boards and Committees Under the remit of the Ministry are:

The Legal Aid Board  
Criminal Injuries Compensation Board  
Financial Intelligence Agency Board  
Consumer Affairs Board

Law Reform Commission  
Cost of Living Commission

**Section A: Structure, Organization and Legislation [s5(1)a]**

**DESCRIPTION OF STRUCTURE /ORGANIZATION AND GOVERNING LEGISLATION**

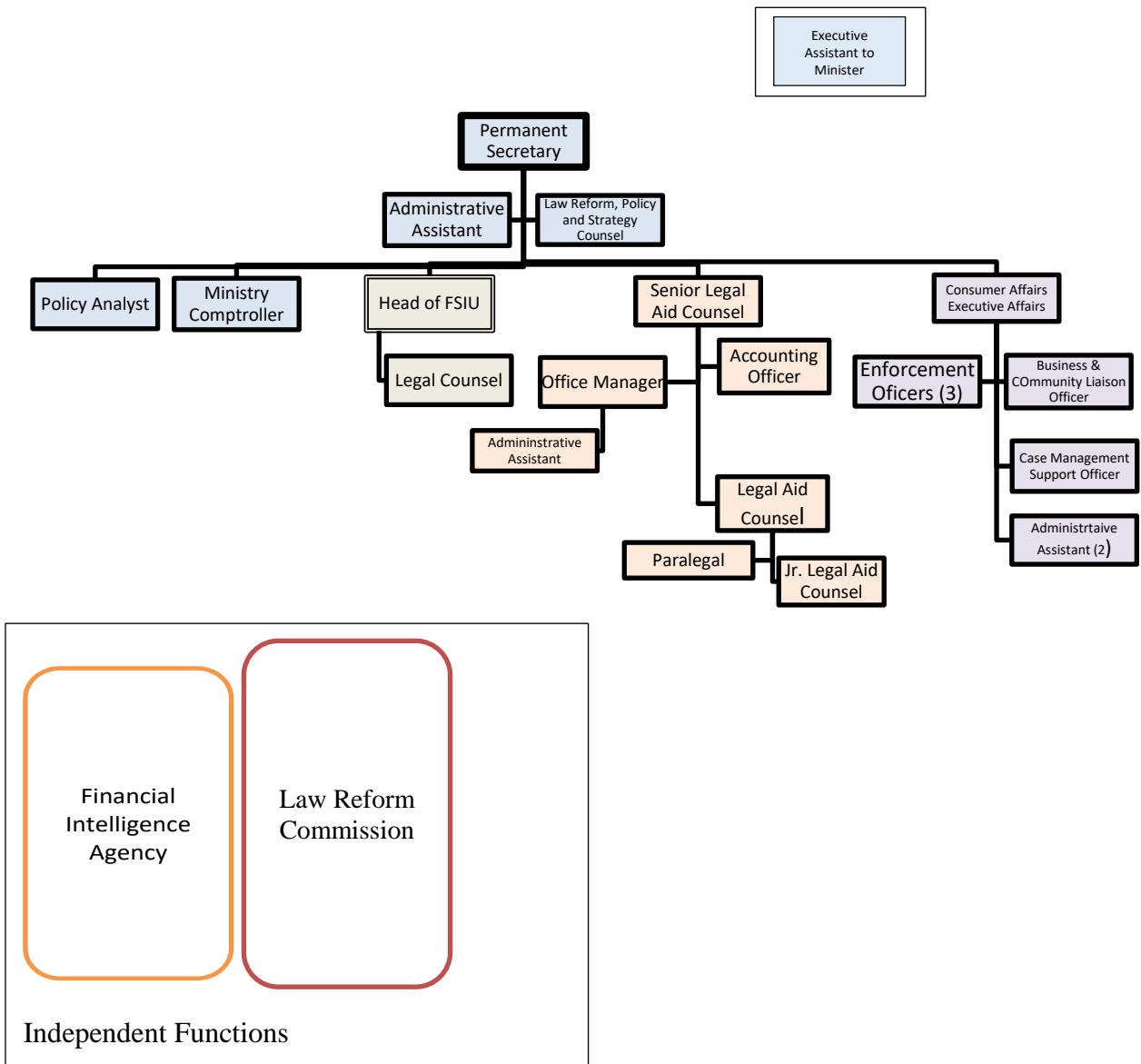
Ministry of Legal Affairs and Constitutional Reform Headquarters (HQ), headed by the Permanent Secretary, operates as the Ministerial and Administrative headquarters for the departments, units and entities which fall under the responsibility of the Minister of Legal Affairs and Constitutional Reform. The Ministry Headquarters comprises the following staff\*:

- a) The Permanent Secretary who has oversight of the public service administration for the entire Ministry and direct management responsibilities for the following:
  - b) An Administrative Assistant providing service to the Minister and the Permanent Secretary;
  - c) A Law Reform, Policy and Strategy Counsel
  - d) A Ministry Comptroller;
  - e) A Policy Analyst;
  - f) Executive Assistant to the Minister
  - g) The Legal Aid Office;
  - h) The Financial Sanctions Implementation Unit, and
  - i) Consumer Affairs section

*\* The instruments assigning Ministerial responsibility may change from time to time and may affect this list.*

The Permanent Secretary is the most senior [public officer](#) of a [Ministry](#) in the [Public](#) Service, charged with the administration and management of the operations of Ministry Headquarters and departments. Most are career public officers, and assume accounting officer responsibilities, and are accountable to the Head of the Public Service. A role is to coordinate the Ministry's departments along with the administrative responsibilities for its statutory bodies and committees.

## Ministry of Legal Affairs and Constitutional Reform Headquarters' Organisational Chart



### Legislation

The role of the Permanent Secretary is defined by section 61(5) of the **Bermuda Constitution Order 1968** and by the **Public Service (Delegation of Powers) Regulations 2001** per his/her role as Head of Department under the schedule.

Some of the legislation relating, but not limited, to the powers and duties of the Ministry Headquarters are:

- Anti-Terrorism (Financial and Other Measures) Act 2004
- Bribery Act 2016
- Consumer Protection Act 1999
- Cost of Living (Essential Commodities) Regulations 2022
- Cost of Living Commission Act 1974
- Criminal Injuries (Compensation) Act 1973
- Financial Intelligence Agency Act 2007
- International Sanctions Act 2003
- Law Reform Commission Act 2009
- Legal Aid Act 1980
- Misuse of Drugs Act
- National Drug Control Act 2013
- Police and Criminal Evidence Act 2006
- Proceeds of Crime (anti-Money Laundering Terrorist Financing) (Supervision and Enforcement) Act 2008
- Proceeds of Crime Act 1997

#### **Section B: 1) Functions, powers, duties of the Authority [s5(1)b]**

##### **FUNCTIONS, POWERS AND DUTIES (Including PATI)**

Ministry of Legal Affairs and Constitutional Reform is responsible for making information available to the public about its operations per Part 2 of the Public Access to Information Act 2010; and to oversee all departments that fall within the remit of the Ministry so as to ensure that Departments that fall within the remit of the Ministry so as to ensure that:

- Government policy initiatives under the direction of the Minister of Legal Affairs and Constitutional Reform are being advanced;
- Departments under its remit are fulfilling their functions in accordance with legislative mandate and/or Government policy objective; and
- Ministry departments are coordinated in their pursuit of Ministerial policy objectives.

Headquarters further ensures that Government's legislative framework is updated and current with Government's policy directives.

#### **Section B: 2) Obligations under PATI [s5(1)b]**

To provide an **information statement** for the public and promulgate it [s5].

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
  - General information, e.g. activities of the Authority
  - Log of all information requests and their outcome
  - Quarterly expenditure (upon request) [s6(5)]
  - Contracts valued at \$50,000 or more.

To **respond to information requests** in a timely manner [s12-16]

- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s9]
- To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s 19]
- To conduct an **internal review** if formally requested [part 5]
- To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required

- To provide an **annual written report** to the Information Commissioner of the status of information requests [s58 (3)].
  - **To do anything else as required** under the PATI Act and subsequent Regulations [s59, 60], including:
    - **Fees** for Requests for information
    - Management and maintenance of **records**
    - **Procedures** for administering the Act
  - To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
- To **designate one of its officers** to be the person to whom requests are directed [s62].

### **Section C: Services and Programs [s5(1)c]**

#### **SUMMARY OF SERVICES (including programs)**

Ministry of Legal Affairs and Constitutional Reform HQ provides the following services and has jurisdictions over the following programs:

1. Assisting the Minister of Legal Affairs and Constitutional Reform with policy formulation as required;
2. Consulting with stakeholders toward policy formulation;
3. Preparation of Cabinet papers with supporting policy documentation;
4. Preparation of Drafting Instructions for codification of policy;
5. Attending Attorney-General's Legislative Policy Committee to support finalization of draft legislation;
6. Preparation of documentation for tabling legislation;
7. Assisting with the gazetting of legislation;
8. Ensuring proper management of budgetary and other resources allocated toward fulfillment of the Ministry's mandate; and
9. Overseeing component divisions as to their meeting statutory requirements.

Ministry of Legal Affairs and Constitutional Reform HQ is also responsible for the administrative oversight of the Legal Aid Office, Consumer Affairs, and the Financial Sanctions Implementation Unit, with the support of administrative staff.

### **Section D: Records and documents held [s5(1)d]**

#### **Ministry of Legal Affairs and Constitutional Reform HQ**

- Year End Budget Statements/Briefs,
- Ministerial Statements
- Legal Aid Office Annual Reports and Financial Statements,
- Financial Intelligence Agency Annual Reports and Financial Statements,
- Heads of Department Meeting minutes,
- Ministry files pertaining to policy development and initiatives, and
- Policy development reports.

## Financial Sanctions Implementation Unit

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### Files

- Policies and Procedures Handbook
- Financial Sanctions Guidance
- Cabinet Memorandum

### Minutes

- NAMLC SWG Minutes

### Other Documents

- Compliance Reports
- Licence Applications
- FSIU Forms
- Status Reports/ Updates
- AML/ATF Ministerial Advisories
- Quarterly and Annual FSIU Reports to NAMLC
- Legal research and opinions provided to the Minister

### Correspondence

- Internal and External Stakeholder Correspondence
- Industry Enquiries
- Requests for Information (Compliance, Licensing, etc.)
- Sanctions Notices

## Legal Aid Office

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### Files

- Client Files (criminal, matrimonial/domestic, civil)
- Client billing files
- Client case files where representation is done in-house
- Drug Court
- Mental Health Court
- Staff personnel files
- Vendor files
- Budget
- Accommodation
- Project files i.e. case management system website

### Correspondence

- Client correspondence
- Counsel correspondence
- Legal Aid Committee correspondence
- Staff internal and external email correspondence
- Team members personal correspondence
- Internal correspondence with Ministry
- External correspondence with public

### Minutes

- Legal Aid Committee Meeting Minutes
- Legal Aid Staff Meeting Minutes
- Government Heads of Department Meeting minutes
- Ministry of Legal Affairs Heads of Department Meeting Minutes

### Reports

- Legal Aid Annual Reports 2002 — 2012

### Other Documents

- Policies and procedures manual
- Business plans
- Legal Aid certificates
- Legal aid applications
- Legal Aid questionnaires

Legal Aid financial assessments

- Correspondence with stakeholders both internal and external
- File notes

## Section E: Administration (all public access) manuals [s5(1)e]

### Conditions of Employment and Code of Conduct

### BPSU Collective Bargaining Agreement

### Public Service Regulations etc.

### The Legislative Process

- manual

**Administrative Guidelines** • Various HR policies and guidance issued by the Department of Human Resources.

### Data Protection Guidelines •

- Computer Security Instructions published by ITO August 1997 •
- Information Sharing and Data Protection Policy Statement issued by IDT 1998
- Electronic Records Management System: Government Records Center issued by the Govt. Archivist.

### Financial Guidelines

- Financial Instructions issued by the Ministry of Finance. •
- Budget Preparation Manual issued by the Ministry of Finance.

### Health and Safety

- Health and Safety Policy issued by the Ministry and/or the Cabinet Office.

### Policy Development Guidelines

- The Legislative Process Guidance Notes.
- The Preparation of Cabinet Memoranda Guidance Notes.
- Making Policy Happen in Bermuda

### Guidance Notes

- Election Guidance Notes issued by the Cabinet Office or Public Service

## Section F: Decision-making documents [s5(1)f]

*Insert list and description of all policies and guidelines for decision making in respect to any person:*

### **POLICIES, RULES AND GUIDELINES FOR DECISIONS AND RECOMMENDATIONS**

Instructions and directives for policy development are obtained from the Minister of Legal Affairs and Constitutional Reform through the Permanent Secretary. Applicable legislative directives are taken into consideration accordingly as pertains to particular initiatives.

All other guidance, legislation and polices within the Ministry.

## Section G: The Information officer [s5(1)g]

Jaleesa Simons  
jarsimons@gov.bm  
Ministry of Legal Affairs and Constitutional Reform HQ  
4<sup>th</sup> Floor, Global House, 43 Church Street  
Hamilton HM 12  
Tel. No.: (441) 292-2463

## Section H: Any Other Information [s5(1)h]

*Insert any other information that **you think** might be useful for the public to know, so as to decrease requests for information:*

A main objective of the PATI legislation is to promote a culture of transparency within central government, there is certain information that will not be released to the public.

Whilst the Ministry Headquarters currently physically co-exists with the Attorney-General's Chambers, and under the current structural framework, the Attorney-General and Minister of Legal Affairs and Constitutional Reform is one person, the roles and responsibilities are quite different and distinct and cannot be compromised.

The Ministry of Legal Affairs and Constitutional Reform **will not** release to the public any information that could compromise confidentiality requirements or information that is exempt from disclosure under PATI legislation subject to a public interest test. Such information exemptions include, but is not limited to:

- Cabinet documents, including official records of deliberations or decisions;
- Health or safety, where disclosure would endanger the physical or mental health or the safety of an individual;
- Personal information;
- Commercial information, for example trade secrets or contractual negotiations;
- Information received in confidence, including information given by a third party;
- Ministerial responsibility, where disclosure of records could undermine full and frank discussion and advice between Ministers, or between Ministers and public officers, in the course of their public duties;
- Deliberations of the Ministry or its sections, where disclosure could undermine full discussion and advice during the course of the deliberative process;
- Operations of the Ministry, where disclosure could prejudice the effectiveness of operations of Ministry e.g. with respect to investigations, inquiries or audits conducted by the Ministry relating to management; to negotiating positions and industrial relations, or in recruitment processes;
- Vendor, contractor and consultant files.
- Records for which disclosure could have an adverse effect on the social, legal, financial and economic interests of Bermuda;
- Legal professional privilege, where disclosure of records would be exempt from production in legal proceedings on the basis of legal professional privilege;



- Records for which disclosure would be in contempt of court or a breach of parliamentary privilege;
- Governor's responsibilities and communications with the United Kingdom;
- Disclosure prohibited by any other legislation

**Section I: Any Other Information To be Provided? [s5(1)i]**

**Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]**

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

**Date Information Statement was updated:** [14/12/2022]

**Locations of Information Statement:**

- Ministry Headquarters, 4<sup>th</sup> floor,  
Global House, 43 Church Street, Hamilton HM 12
- The Bermuda National Library
- The Bermuda Archives
- Available electronically
- Website for public authority [www.gov.bm](http://www.gov.bm)
- With the Information Commissioner

**Sign and Date:**