Acting Information Commissioner Issues Decision 19/2024

Hamilton, Bermuda. On 28 June 2024, Acting Information Commissioner LaKai Dill issued **Decision 19/2024**, <u>Department of Health</u>, which considered the Department's failure to issue an internal review decision on a PATI request for records related to an industrial accident.

Acting Information Commissioner Dill found that the Department did not issue an internal review decision to the Applicant within the 6-week timeline set out in the PATI Act. However, the Department issued its internal review decision to the Applicant during the Acting Information Commissioner's independent review of this PATI request.

In 'failure to decide' cases, the Information Commissioner does not address the underlying records responsive to a PATI request. Instead, it is a decision on whether a public authority has responded to a request within the statutory timeframe. Once an internal review decision has been issued, if a PATI requester is not satisfied with the public authority's response, they may seek an independent review by the Information Commissioner of that substantive decision. It is at that stage that the Information Commissioner will consider whether a public authority, such as the Department of Health, has properly denied access to any of the requested records.

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Editor's Notes:
About the ICO
The ICO is an independent public office responsible for promoting the use of and overseeing compliance with the Public Access to Information (PATI) Act 2010. The PATI Act gives the public a right to access records held by Bermuda's public authorities, subject to listed exemptions and administrative grounds for denial of access. Individuals who are dissatisfied with the response of a public authority may seek a review by the Information Commissioner. The Information Commissioner shall investigate and the decisions by the Information Commissioner are legally binding.

Further information about the ICO is available at **ico.bm**.