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To: All Media

FOR IMMEDIATE RELEASE

Information Commissioner issues Decision 06/2019, Judicial Department

Hamilton, Bermuda. On 27 February 2019, Information Commissioner Gitanjali Gutierrez issued [Decision 06/2019](#). This decision addresses whether the Judicial Department correctly denied public access to records because the records did not exist, in reliance on section 16(1)(a) of the Public Access to Information (PATI) Act 2010. The Applicant sought records related to documentation supporting the 'actual outcome' performance measures of 100% of cases captured in the Court Smart System for the years 2011, 2012 and 2013. The Judicial Department had denied the request on the grounds that such records did not exist.

During the Review, the parties agreed to engage in a facilitated resolution. As part of this process, the Judicial Department conducted further searches and located the responsive records. The Judicial Department also voluntarily searched for additional, related records. It subsequently issued a new decision providing the Applicant with full access to all of the relevant records.

The Information Commissioner has found that the Judicial Department incorrectly relied on section 16(1)(a) of the PATI Act to deny access to the records because the records existed. The Information Commissioner, however, is satisfied that the Judicial Department has now located and processed the records in accordance with the provisions of the PATI Act. The Information Commissioner has expressed appreciation to the Judicial Department and Applicant for their efforts and cooperation during the review.

A full version of [Decision 06/2019](#) can be accessed online at <http://www.ico.bm/>.

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Editor's Notes:

The Information Commissioner's Office 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 subject 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 Information Commissioner's Office is available at www.ico.bm.