

30 November 2023

To: All Media

**FOR IMMEDIATE RELEASE**

**Information Commissioner Issues Decision 40/2023**

Hamilton, Bermuda. On 23 November 2023, Information Commissioner Gitanjali Gutierrez issued [Decision 40/2023](#), Bermuda Police Service.

The Applicant had made a Public Access to Information request to the BPS for records related to a concern raised by a hotel about the Applicant's handling of a particular incident which took place at the hotel's property. In response, the BPS stated that some of the records that the Applicant requested did not exist while one identified record could not be disclosed because it was given to the BPS in confidence.

In her [Decision](#), the Information Commissioner has found that BPS was justified in denying access to parts of the PATI request because the BPS has conducted a reasonable search before concluding that these records did not exist.

When considering whether the one identified record was given in confidence, the Information Commissioner considered the information within the record in two parts: the identity of the person who made the allegation against the Applicant and the content of the actual allegation. The Information Commissioner upheld the BPS's decision to withhold the identity of the person who made the allegation against the Applicant. However, she ordered the BPS to disclose parts of the record that outline the content of the allegation against the Applicant, without personal information of a specified third party, on or before Thursday 4 January 2024. The BPS has since complied with the Information Commissioner's Decision and Order.

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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.

### *Orders and Enforcement*

When the Information Commissioner issues decisions with accompanying orders, the decision is filed with the Supreme Court, in accordance with section 48(3) of the PATI Act. If a public authority fails to comply with her decisions and Orders, Information Commissioner Gutierrez will pursue enforcement to safeguard the rights of PATI requesters and the public. To date, public authorities either have complied or are working towards compliance with all the orders accompanying decisions issued by the Information Commissioner.

Further information about the ICO is available at [ico.bm](http://ico.bm).