



## BERMUDA GOVERNMENT

### MINISTRY OF TRANSPORT AND REGULATORY AFFAIRS

#### PATI Information Statement

**Name of Public Authority:** E-Commerce Advisory Board (ECAB)

##### **Introduction:**

The general purpose of the Public Access to Information (Bermuda) Act 2010 (the Act) is to:

- a) Give the 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;
- b) Increase transparency and eliminate unnecessary secrecy with regard to information held by public authorities;
- c) Increase the accountability of public authorities;
- d) Inform the public about the activities of public authorities, including the manner in which they make decisions; and
- e) Have more information placed in the public domain as a matter of routine.

Every public authority is required to have an information statement under the Act. This information statement provides the public with a description of the E-Commerce Advisory Board and its functions and structures, a summary of services, and a description of the classes of records held. Brief summaries of administrative manuals, policies, rules and guidelines are also provided.

Under the Act, Bermudians and Bermuda residents have the right to request and have access to any record held by a public authority, other than an exempt record. Some records fall within Part 4 of the Act, such as information received in confidence pursuant to Section 26 and information related to the deliberative process pursuant to Section 29. Therefore, not all records can be accessed. This information statement clarifies these categories of information where required.

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

The E-Commerce Advisory Board is a statutory board created under the ETA and intended to advise the Minister about matters relating to e-commerce in Bermuda.

##### **Legislation**

Under Section 30 of the ETA, there is a provision for the E-Commerce Advisory Board (ECAB).

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

ECAB provides advice to the Minister to allow the function of the ETA to be fulfilled. The Minister appoints ECAB members by notice published in the Gazette. ECAB consists of no fewer than 5 and no more than 11 persons who are knowledgeable about information and communication technologies (ICT) or business. ECAB advises the Minister on any matter referred to it by the Minister or of its own initiative.

**Section B: 2) Obligations under PATI Act [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 is wrong or misleading following a written request by the person to whom the information relates [s19]
- 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 Programmes [s5(1)c]**

ECAB provides advice to the Minister and therefore is not responsible for services and programmes.

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

a) Ecommerce Advisory Board Members

- ECAB, Chair – Mrs. Vicki Coelho
- ECAB, Deputy-Chair – Mrs. Duncan Card
- ECAB - Mr. Aaron Smith
- ECAB - Mrs. Sandra DeSilva
- ECAB - Mr. Edgar Dill
- ECAB – Mr. Mike Tucker
- ECAB - Mr. John Narraway
- ECAB - Mr. Malcolm Furbert
- ECAB – Mr. Stuart Lacey

b) How we make decisions

ECAB provides advice to the Minister to allow the function of the ETA to be fulfilled:

- ECAB yearly reports
- Research findings
- Minutes

c) Classes of Information generally not included as per exemptions under the Public Access to Information (Bermuda) Act 2010:

- i. Health or safety: where disclosure would endanger the physical or mental health or the safety of an individual
- ii. Information received in confidence
- iii. Cabinet documents
- iv. Ministerial responsibility: where disclosure of records could undermine free and frank discussion and advice between Ministers, or between Ministers and public officers, in the course of their public duties
- v. Deliberations of public authorities: where disclosure could undermine free and frank discussion and advice during the course of the deliberative process
- vi. Operations of public authorities: where disclosure could prejudice the effectiveness of operations of public authorities
- vii. Records for which disclosure could have an adverse effect on the financial and economic interests of Bermuda
- viii. National security, defence and international relations (e.g. Bermuda Regiment Aide Memoirs, Standard Operating Procedures)
- ix. Governor's responsibilities and communications with the United Kingdom
- x. Law enforcement records: where disclosure of certain types of information would prejudice law enforcement efforts or would endanger a person's life or safety
- xi. Legal professional privilege: where disclosure of records would be exempt from production in legal proceedings on the basis of legal professional privilege

<p>xii. Records for which disclosure would be in contempt of court or a breach of parliamentary privilege</p> <p>xiii. Disclosure prohibited by other legislation</p>
<p><b>Section E: Administration (all public access) manuals [s5(1)e]</b></p>
<p>N/A</p>
<p><b>Section F: Decision-making documents [s5(1)f]</b></p>
<p>a) Minutes of Meetings</p> <p>b) ECAB yearly reports</p> <p>c) Research findings</p> <p>d) Reports and papers provided for consideration at senior-level meetings:</p> <ul style="list-style-type: none"> <li>➤ The State of ICT in Bermuda Reports</li> <li>➤ Department of Statistics Information Technology Reports</li> <li>➤ EIU eReadiness and Digital Economy Reports</li> </ul>
<p><b>Section G: The Information officer [s5(1)g]</b></p>
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<p><b>Section H: Any Other Information [s5(1)h]</b></p>
<p><b>Section I: Any Other Information To be Provided? [s5(1)i]</b></p>
<p><b>Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]</b></p>

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:** *August 8, 2017*

**Locations of Information Statement:**

- Your principal office: Department of ICT Policy and Innovation, Government Administration Building Y
- The Bermuda National Library; Y
- The Bermuda Archives; Y
- Available electronically, Y
  - Website for public authority (<https://www.gov.bm/department/ict-policy-and-innovation>). Y
- Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y
- With the Information Commissioner. Y

*Sign and Date:*