



GOVERNMENT OF BERMUDA

MINISTRY OF TRANSPORT AND REGULATORY AFFAIRS

PATI Information Statement

Name of Public Authority: Department of ICT Policy and Innovation

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 a description of the Department of ICT Policy and Innovation and its functions and structures, a summary of services, and descriptions of the classes of records held. Brief summaries of administrative manuals, policies, rules and guidelines are also provided.

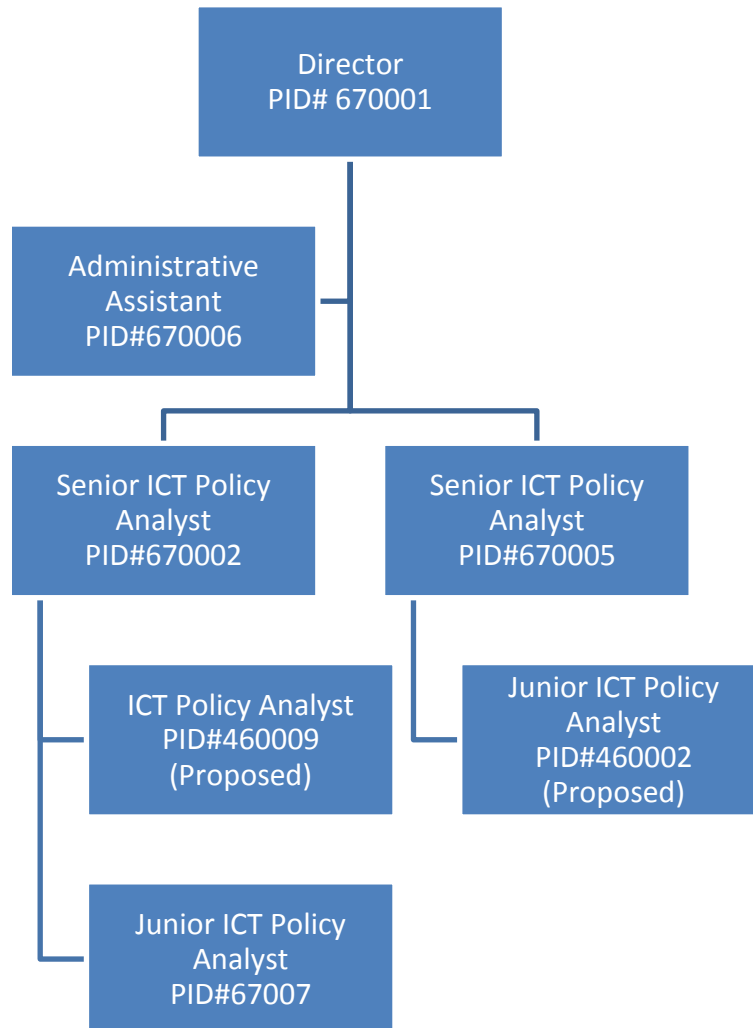
Under the Act, Bermudians and Bermuda residents have the right to request and have access to any record held by a public authority, other than an exempt record. Some records fall within Part 4 of the Act, such as information received in confidence pursuant to Section 26 and information related to the 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]

In order to create and maintain a productive, inclusive and innovative environment for economic development enabled by ICT, the Department provides the following functions:

- policy and legislative development;
- marketing, promotion and outreach; and
- ebusiness awareness and development.

In delivering these functions, the Department works with a diverse stakeholder network, including local and international business communities, educational institutions, regulatory bodies, specialist workgroups, charitable entities, local and international associations, government entities, international bodies and the general public.



Legislation

Electronic Transactions Act, 1999 and Standard
 Certification Service Provider Regulations
 Amendments to the Criminal Code (Online Child Protection)
 Personal Information Protection Act 2016
 Electronic Communications Act 2011
 Regulatory Authority Act 2011

Telecommunications Act 1986 (only sections relating to Broadcasting)
Broadcasting Commissioner's Act 1953
Obscene Publications Act 1973
Public Telecommunications Service (License) Regulations 1998
Cable Television Service Regulations 1987
Subscription Radio Service Regulations 2003
Television Broadcasting Service Regulations 1987
Films (Control of Exhibition) Act 1959
Prohibited Publications Act 1963
Political Broadcasting Directions 1980
Telecommunications Radio (Stock) Regulations 1987
Sound Broadcasting Service Regulations 1994
Satellite Network Notification and Coordination Regulations 2007
Government Fees Act 1965
Government Authorities (Fees) Act 1971
Class One Radio (Broadcasting Service and Subscription Radio Service in the Broadcasting Frequency Bands) Regulations 1987

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

The Information and Communications Technologies (ICT) are today's great enablers of progress and Bermuda is harnessing them in order to continue punching above its weight on the global stage. This will be assisted by the recent amalgamation of two government departments that were responsible for different areas of ICT, and will capitalise on their synergies going forward.

The Department of ICT Policy and Innovation will provide policy support to the Ministry of Transport and Regulatory Affairs in the areas of telecommunications, cybersecurity, the space industry, ICT, broadcasting, e-skills and privacy.

The Mission of the Department of ICT Policy and Innovation:

To develop sound policies and regulatory frameworks that promote and enable innovative electronic communications, broadcasting, satellite and ICT-enabled industries and to facilitate the adoption and growth of a secure and advanced digital economy.

Objectives

1. Protect the public interest.
2. Promote Bermuda as a sophisticated and security-conscious technology and e-business jurisdiction in order to attract and support a thriving economy.
3. Develop Bermuda's assigned satellite orbital slots.
4. Ensure the appropriate policies and legislation are in place to support Bermuda's digital economy, which includes but is not limited to telecommunications, e-business, broadcasting, cybersecurity, ICT, cybersafety and satellite services.

5. Successfully migrate the responsibility for regulating Broadcasting to the Regulatory Authority.
6. Facilitate demonstrable opportunities for technology education, mentoring and training and encourage e-entrepreneurship.
7. Advocate for the continued development, safe use and adoption of technology across all organisations, the government and within the community.

The Director of ICT Policy and Innovation reports to the Permanent Secretary of the Ministry of Transport and Regulatory Affairs and to the Minister responsible for ICT Policy and Telecommunications.

Decisions made in the Department of ICT Policy and Innovation are based on research, stakeholder feedback, industry needs, partnership, and departmental objectives set out by the Ministry and the Government of Bermuda. Government processes and procedures also play a role in the decision-making process.

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]

Core Services

- **BUSINESS UNIT: 77000 - Administration:**
 - Managing the operations and organizational development of the Department of ICT Policy and Innovation, and
 - Providing information and advice to ICT stakeholders, public and the Ministry.

- **BUSINESS UNIT: 77003 – Policy & Legislative Development:**
 - Developing legislation, policy and implementation strategies as appropriate, taking into account the on-going changing landscape of technology, broadcasting, telecommunications, and satellites.
 - Taking advantage of all appropriate opportunities to encourage and promote the adoption of safe and secure online practices.
 - Seeking to enhance industry’s comfort level for international and local business investors by commencing the development of the identified cybersecurity framework.
 - Continuing to develop Bermuda’s space and satellite industry.

- **BUSINESS UNIT: 77004 – Technology Marketing, Promotion & Outreach:**
 - Promoting the robust and sophisticated nature of the Island's ICT industry and infrastructure locally and internationally through editorials and other initiatives.

- **BUSINESS UNIT: 77005 – E-Business Awareness & Development:**
 - Providing leadership in the area of technology and e-readiness in the order to ensure that Bermuda remains competitive in the constantly evolving technology landscape.

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

a) Administrative Records

- i. Accounts
 - a) Vendors
- ii. Acting Appointments
- iii. Budget
- iv. Business Plan
- v. Contracts
 - a) Vendors
 - b) Consultants
- vi. Document Management
- vii. E1
- viii. E-Commerce website

- ix. HR
 - a) Policy
 - b) Templates and Documents
 - c) Vacation and Sick Leave
- x. Payroll
 - a) Increment Reports
 - b) Monthly
 - c) Weekly
- xi. Staff File
 - a) Acting Appointments
 - b) Job Descriptions
 - c) Recruitment
 - d) Relief
 - e) Secondments
 - f) Security Vetting
 - g) Staff Files
 - h) Summer Interns
 - i) Travel
 - j) Work Permits
- xii. Throne Speech
- xiii. Training

b) Operational Records

- i. E-Business and ICT Policy and Program Development
 - a) Policy and procedures
 - b) General
 - c) E-Business and ICT Policy final publications
 - d) E-Business and ICT Policy consultative advice and support
 - e) E-Business and ICT Policy issues management
 - f) E-Business and ICT Policy programme planning files
- ii. E-Business and ICT Monitoring and Assessment
 - a) Policy and Procedures
 - b) General
 - c) Monitoring and Assessment final publications
 - d) E-Business and ICT consultation files
 - e) Study development and analysis files
 - f) Completed study questionnaires and instruments
 - g) E-Business and ICT data collection development and review files

iii. E-Business and ICT Programme Support and Implementation

- a) Policy and Procedures
- b) General
- c) Programme final report
- d) EW-Business and ICT Programme support files
- e) E-Business and ICT Programme grant files

iv. E-Business Marketing and Information Services

- a) Policy and Procedures
- b) General
- c) E-Business marketing final publications
- d) Marketing development files

v. Certification Service Provider Authorisation Management

- a) Policy and Procedures
- b) General
- c) Certification Service Providers licensing file
- d) Digital certificate auditing/reporting files
- e) Digital Certificate management file
- f) Renew certificate request files
- g) Revoke certificate request files
- h) Digital certificate issue file

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

- a. Health or safety: where disclosure would endanger the physical or mental health or the safety of an individual
- b. Information received in confidence
- c. Cabinet documents
- d. 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
- e. Deliberations of public authorities: where disclosure could undermine free and frank discussion and advice during the course of the deliberative process
- f. Operations of public authorities: where disclosure could prejudice the effectiveness of operations of public authorities
- g. Records for which disclosure could have an adverse effect on the financial and economic interests of Bermuda

- h. National security, defence and international relations (e.g. Bermuda Regiment Aide Memoirs, Standard Operating Procedures)
- i. Governor's responsibilities and communications with the United Kingdom
- j. Law enforcement records: where disclosure of certain types of information would prejudice law enforcement efforts or would endanger a person's life or safety
- k. Legal professional privilege: where disclosure of records would be exempt from production in legal proceedings on the basis of legal professional privilege
- l. Records for which disclosure would be in contempt of court or a breach of parliamentary privilege
- m. Disclosure prohibited by other legislation

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

- a. Budget Process
- b. Cabinet Memoranda
- c. Recruitment and Employment of Staff
 - Employment Act 2000
 - Terms and Conditions of Service
 - BPSU Agreement
- d. Training

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

- a) Major Policy proposals and decisions:
 - Anti-Child Luring
 - ETA
 - Internet Governance
 - Cybersecurity
 - PIPA
 - Broadcasting
- b) Background information for major policy proposals and decisions:
 - Child Protection
 - ETA Consultation Research
 - Broadcasting reform consultation and research
 - PIPA consultation and research
 - Cybersecurity consultation and research
- c) Public Consultations:
 - ETA Public Consultation documents
 - PIPA consultation documents

- Broadcasting reform consultation documents
 - Cybersecurity consultation documents
- d) Minutes of Meetings:
- ETA Working Group
 - ECAB
 - CSWG
- e) Reports and papers provided for consideration at senior-level meetings:
- State of ICT in Bermuda Reports
 - Department of Statistics Information Technology Reports
 - Regulatory Authority of Bermuda Broadband Study
 - EIU eReadiness and Digital Economy Reports

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

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 Ministry of Transport and Regulatory Affairs
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 Hamilton HM 12

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 Hamilton HMJX

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

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: *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/departments/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
<i>Sign and Date:</i>	