



GOVERNMENT OF BERMUDA
MINISTRY OF PUBLIC WORKS

PATI Information Statement

Name of Public Authority: Professional Engineers Registration Council (PERC)

Introduction:

Overview of Public Access to Information Act 2010.

The purpose of the Public Access to Information Act (PATI) 2010 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
- e) Have more information placed in the public domain as a matter of course.

The PATI Act 2010 requires each public authority to prepare an information statement describing the following information about the authority:

- Structure and organization, and governing legislation;
- Functions, powers, duties and obligations;
- Summary of services provided;
- Classes of records held, in order to facilitate the exercise of right of access;
- Administrative manuals;
- Policies, rules and guidelines used for decision-making; and
- Name and contact information of the person designated by a public authority as the person to whom requests for information are to be directed;
- Any other information that the head of the authority considers relevant, in order to facilitate the exercise of right of access;
- Any other information that may be prescribed.

In summary the purpose of the information statement is to provide people wanting access to information held by a public authority a 'window' of the types of documents held by that public authority, what that public authority does and how a person can access the information they require.

1.2 Access to Information:

Subject to PATI Act 2010 every person who is Bermudian or a resident of Bermuda has a right to and shall, on request, be given access to any record that is held by a public authority, other than an exempt record.

The following are considered to be exempt records by the Ministry of Public Works.

- 1) Health & Safety of Individual: if disclosure would endanger the physical or mental health or safety of the individual
- 2) Personal information. Unless it relates to the position or function of an officer or employee within the Ministry. Or unless it is about an individual who is or was carrying out services for the Ministry under contract and it relates solely to the services performed including the terms of the Contract. Or it relates to any discretionary benefit of a financial nature, including the granting of a licence or permit that was conferred upon the individual.
- 3) Commercial Information: such as trade secrets or where the commercial value of the information would be destroyed or diminished by disclosure.
- 4) Information Received in Confidence. Information that was given in confidence to the Ministry by a third party.
- 5) Cabinet Documents. Documents that were created for and submitted by the Ministry to Cabinet for consideration. This also includes records that are proposed to be submitted to Cabinet.
- 6) Ministerial responsibility. This includes discussion and advice between the Minister and other Ministers and between the Minister and technical officers of the Ministry.
- 7) Deliberations of the Ministry where disclosure of the information would or could reasonably be expected to undermine the deliberative process of the Ministry.
- 8) Operations of the Ministry. Where the disclosure of information could prejudice the effectiveness of tests, examinations, investigations or audits conducted on or on behalf of the Ministry. Or have a significant, adverse affect on the performance of the Ministry and its functions relating to management (including industrial relations and management of its staff) Or disclose positions taken, or to be taken, plans, procedures, criteria or instructions used or followed or to be used or followed, for the purpose of any ongoing negotiations by or on behalf of the Ministry.
- 9) Law Enforcement. If the disclosure would or could reasonably be expected to, prejudice the prevention, detection or investigation of a breach or possible breach of the law. Or prejudice the fair trial of a person or the impartial adjudication of a particular case. Or prejudice the enforcement of, compliance with, or administration of any law.

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

The Professional Engineers Registration Council [PERC] is a government board comprised of six professional engineers appointed annually by the Minister of Public Works. Candidates are selected internally by the PERC board and serve a term of 6 years maximum. Selection is based upon disciplines and normally consists of two electrical engineers, two civil engineers and two mechanical engineers.

Legislation

PERC mandate is legislated through the PROFESSIONAL ENGINEERS REGISTRATION ACT 1972

[Professional Engineers Registration Regulations 1972](#)

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

The duty of PERC is to act as the functional authority for Registering Professional Engineers within the jurisdiction of Bermuda.

Current PERC Members:-

Terry Barrow(Elec) – Chair

Chris Nash(Mech)

Carmen Trott (Civil)

Connor Burns (Mech)

Kennedy Wainwright(Elec)

Josh Mangles(Civil)

Contact: PERC@gov.bm

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 it 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]

PERC is responsible for providing the following services:-

- 1) Provide recommendations to the registrar general on the eligibility of persons to be registered locally as Professional Engineers.
- 2) Provide recommendations to the Department of Immigration on the granting of work permits to applicants who identify as engineers.
- 3) Provide recommendations to the Minister of Health in regard to competent persons under the Health and Safety at Work (Pressure Vessels) Regulations 1989.
- 4) Provide guidelines for professional conduct of Professional Engineers.

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

[Professional Engineer Application for Registration Form](#)
[Professional Engineer Disclosure and Release Form](#)

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

Professional Engineers Registration Council Act 1972
 The Professional Engineers Registration Council – Code of Conduct
[Professional Engineers Registration Regulations 1972](#)
 Boiler Inspector Accreditation Form
 Procedure for Approval as “Competent Person” – Pressure Vessels

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

A request for access to a record to PERC must be made in writing to the following address;

Kirk Outerbridge
 Chief Engineer.

Ministry of Public Works
Department of Works & Engineering
General Post Office Building
3rd Floor 56 Church Street
Hamilton HM12

The request must contain sufficient detail in order for PERC to identify what it is referring to. PERC will acknowledge receipt of any request within five working days. If the request is valid, the record is accessible and does not contain any exempt information and PERC decides that the information is to be disclosed, a decision notice will be sent within six weeks of receiving the request.

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

Fees and Charges

The fees in respect of access requests will be in accordance with regulations under the Public Access to Information Act 2010.

Head of Public Authority

Mr Randy Rochester
Permanent Secretary
Ministry of Public Works
General Post Office Building
3rd Floor 56 Church Street
Hamilton HM12

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:

22 Dec 2021

Signed,

Kirk Outerbridge

Information Officer Department of Works & Engineering