



GOVERNMENT OF BERMUDA

THE CABINET OFFICE

PATI Information Statement

Name of Public Authority: Economic Development Department (EDD)

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 Economic Development Department 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. Each public authority is required to make a determination as to whether a record must be released, in whole or in part, or is exempt from disclosure in accordance with the Act and the Regulations. This information statement clarifies these categories of information where required.

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

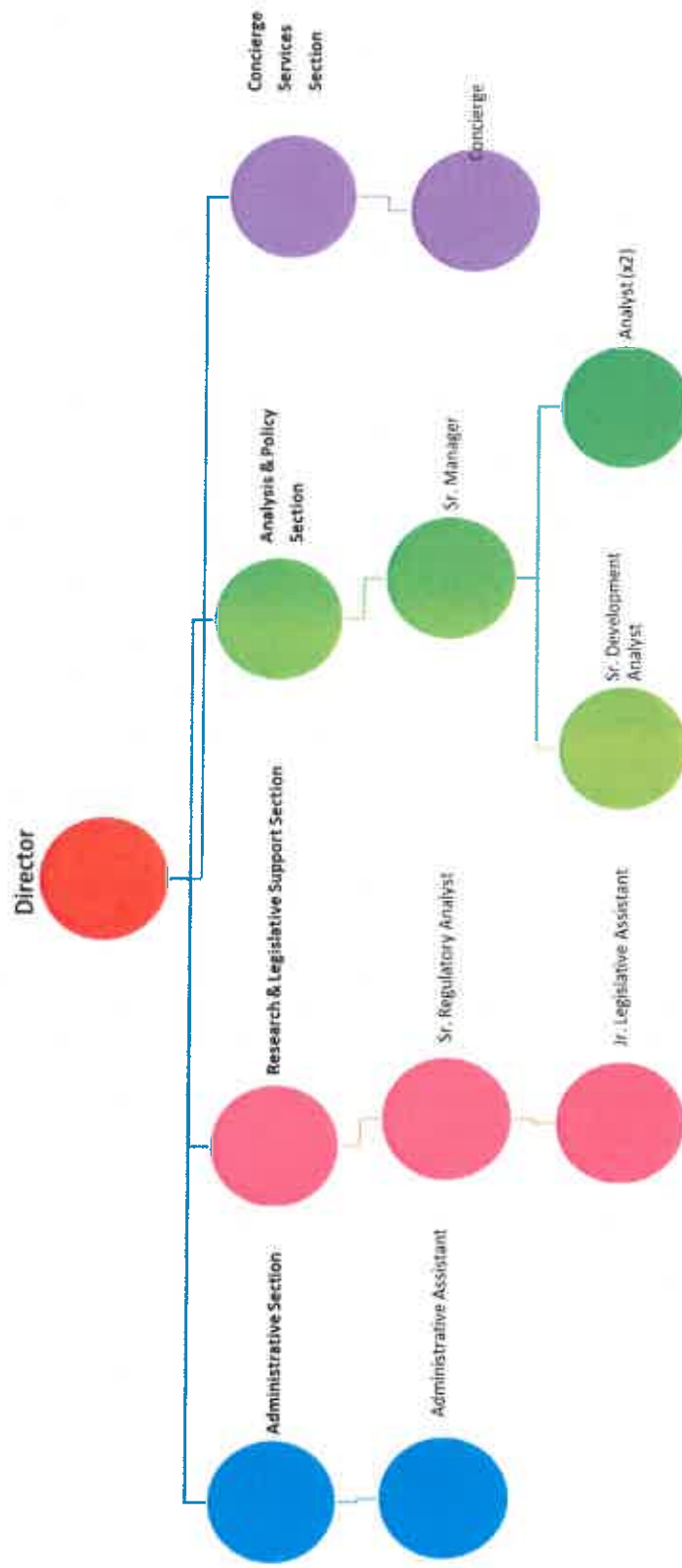
Mission:

To advance the sustainable growth, development and diversification of Bermuda's economy.

Objectives:

- Developing an Economic Development and Diversification Strategy for the jurisdiction.
- Facilitating and creating policies and implementing plans to support the jurisdiction's economic development and diversification goals.
- Positioning Bermuda as an ideal test-market for innovative product and industry development.
- Identifying the jurisdiction's market fit, clearly communicating its message, and driving opportunities that lead to economic activity.
- Identifying legislative and policy solutions that generate industry confidence.
- Analysing innovative developments and trends through research and stakeholder engagement.

Organisational Chart: (next page)



Legislation

The principal legislation that relates to the mandate of the EDD is as follows:

- Electronic Transactions Act 1999
- The Standard Transactions 2000
- Certification Service Provider Regulations
- Amendments to the Criminal Code (Online Child Protection)
- Economic Development Act 1968
- Incentives for Job Makers Act 2011
- Incentives for Job Makers Act 2013
- Bermuda Immigration and Protection Act 1956
- Bermuda Immigration and Protection (Land-Holding Charges) Regulations 2007
- Bermuda Immigration and Protection (Licence Application) Regulations 2007
- Bermuda Immigration and Protection (Minimum Annual rental Values) Regulations 2007
- Bermuda Immigration and Protection (Rental and Use) Regulations 2007
- Bermuda Immigration and Protection (Territorial Restrictions) Regulations 2007
- Bermuda Immigration and Protection (Tourist Accommodation and Hotel Residences) Regulations 2010
- Bermuda Immigration and Protection (Designation of Eligible Condominium Units) Regulations 2007

The EDD may be subject to any and all laws that apply to the Government generally.

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

The EDD aims to create new economic pillars in Bermuda, starting with the identification of new opportunities for economic diversification and subjecting said opportunities to structured analysis and research. Once areas have been identified and agreed upon, it will seek local and overseas investment to develop new local industry, which will create jobs in Bermuda¹. The Department also provides a link between the Government and related business sectors and develops networks with international business professionals and organisations. Additionally, it provides tailored services and guidance on government processes in accordance with client needs.

The EDD is charged with, among others, the following functions:-

- Legislative Change,
- Intelligence Gathering and Reporting,
- Government Liaison for the Bermuda Business Development Agency (BDA),
- Concierge Service, and
- Other Projects related to Economic Development.

The Director reports to the Permanent Secretary for the Cabinet Office and to the Minister responsible for economic development.

¹ 31-Jan-2020 Ministerial Statement, The Hon. E. David Burt, JP, MP

Decisions made are based on research, stakeholder feedback, industry needs, partnerships, and departmental objectives. 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

104000 ECONOMIC DEVELOPMENT DEPARTMENT

- Administration.
- Business Services.
- Legislative Affairs.
- Concierge Services.
- FinTech.

Services are generally provided by EDD staff, which includes permanent employees, temporary employees and consultants.

The cost of these services to the Government include salary payments in accordance with the Government's standard pay scale, together with costs for suppliers, resources, and other operating and administrative costs. The EDD's budget allocation is included in the yearly budget of the Cabinet Office.

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

a) Administrative Records

- a. Accounts
- b. Vendors
- c. Acting Appointments
- d. Budget
- e. Business Plan
- f. Contracts
- g. Vendors
- h. Consultants
- i. Grant recipients
- j. Document Management
- k. E1
- l. HR
 - i. Policy
 - ii. Templates and Documents
 - iii. Vacation and Sick Leave
- m. Payroll
 - i. Increment Reports
 - ii. Monthly
 - iii. Weekly
- n. Staff File
 - i. Acting Appointments
 - ii. Job Descriptions
 - iii. Recruitment
 - iv. Relief
 - v. Secondments/ Re-assignments
 - vi. Security Vetting
 - vii. Staff Files
 - viii. Interns
 - ix. Travel
 - x. Work Permits
- o. Speech from the Throne
- p. Training
- q. Project files
- r. Research files

b) Operational Records

- a. E-Business and ICT Programmes
- b. Certification Service Provider Authorisation Management
- c. Land Licence Applications
- d. Permission to let Applications
- e. Deferral Certificate Applications
- f. Correspondence
- g. Alien Land Licences
- h. Concession Applications
- i. Exemption Applications
- j. Exemption Certificates
- k. Concession Certificates

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
 - Conditions of Employment and Code of Conduct (CECC)
 - BPSU Collective Bargaining Agreement
- d. Training
- e. Financial Instructions
- f. Code of Practice (Office of Project Management and Procurement)

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

- a) Major Policy proposals and decisions:
 - Electronic Transactions Act (ETA)
 - Segregated Accounts Act (SAC Act)
- b) Background information for major policy proposals and decisions:
 - ETA Consultation Research
- c) Public Consultations:
 - ETA Public Consultation documents
- d) Minutes of Meetings:
 - E-Commerce Advisory Board (ECAB)
- e) Reports and papers provided for consideration at senior-level meetings:
 - Statistical Reports
- f) Current policy documents of the Government and applicable laws of Bermuda.

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

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

The EDD does not make decisions with respect to entities applying to conduct business in Bermuda. However, the EDD does distribute information regarding applicable policies, practices and laws governing registration applications and business operations in Bermuda. This information is available through sources such as Government websites, or Bermuda laws online.

Additionally, the EDD collects confidential and/or proprietary information from third parties as part of its operations and works with and receives advice from a number of legal professionals in the performance of its duties. This information is shared only with Ministry officials and/or other governmental entities as required in order to help facilitate decision-making by such Ministry officials and/or governmental entities in accordance with their responsibilities and duties.

For further information, please visit the government website at www.gov.bm.

Section I: Any Other Information To be Provided? [s5(1)i]

Feedback: Members of the public may wish to comment about:

- a) Additional information for inclusion in this Information Statement;
- b) Whether or not this Information Statement was easy to use;
- c) Whether they found this Information Statement useful;
- d) Whether the staff was helpful;
- e) Other ways in which this Information Statement can be improved.

Complaints: Complaints should be sent to the Information Officer.

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: *18 March 2021*

Locations of Information Statement:

- Your principal office: Y
- The Bermuda National Library; Y
- The Bermuda Archives; Y
- Available electronically; Y
- Website for public authority (<https://www.gov.bm>). 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:

[Signature]
18 March 2021