



GOVERNMENT OF BERMUDA
MINISTRY OF HOME AFFAIRS

PATI Information Statement

Name of Public Authority: Ministry of Home Affairs Headquarters

Introduction:

The Public Access to Information 2010 (PATI) legislation was designed to make central Government, and the larger public sector, more open and accountable by giving the public the legally enforceable right to request and access information subject to limited and prescribed exemptions. Each public authority is required to produce an information statement that gives the public an overview of the types of information accessible through the public authority.

This information statement provides information on the functions and services of the Ministry of Home Affairs Headquarters and the classes of records held.

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

The Ministry of Home Affairs comprises several departments and agencies, including Ministry Headquarters, the Department of Workforce Development, the Registry General Department, the Department of Planning, Bermuda Economic Development Corporation, the Department of Immigration, Consumer Affairs which also includes Rent Control, 9 Parish Councils, the Charities Commission, and the Municipalities (the Corporation of Hamilton and the Corporation of St. George's).

The department heads report directly to the Permanent Secretary for Home Affairs. In addition, the Ministry has responsibility for any statutory bodies or committees that may be appointed by the Minister from time to time. These boards report to the Minister through the Permanent Secretary.

The Ministry of Home Affairs Headquarters is the coordinating body for the Departments that fall under the Home Affairs banner. The Ministry Headquarters executes its duties by employing seven full-time employees. These include the Permanent Secretary, an Executive Assistant, an Administrative Assistant, a Policy Analyst, a Business & Compliance Officer, a Comptroller, a Finance Officer and an Accounts Assistant. The recruitment process for the policy Analyst is still ongoing

Legislation

- Bermuda Economic Development Act 1980
- Bermuda Immigration and Protection Act 1956
- Building Act 1988
- Charities Act 1978
- Consumer Protection Act 1999
- Development and Planning Act 1974
- Employment Act 2000
- Labour Relations Act 1975
- Parish Councils Act 1971
- Professional Surveyors Registration Act 1997
- The National Training Board Act 1997

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

Ministry of Home Affairs Mission Statement

The mission of the Ministry Headquarter is “to streamline processes while improving efficiency in order to stimulate business development, encourage job growth, and protect the consumer, for the sustained well-being of Bermuda.” Consistent with other Ministries, it is responsible to direct and coordinate the activities of its Departments as well as drive any policy or legislative change.

To learn more about any of the public bodies for which this Ministry has responsibility, refer to the Information Statement published by the respective organization. Information Statements can be found online or at the physical address of the public body. They are also published yearly in the Official Gazette.

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]

The Ministry of Home Affairs Headquarters does not have traditional programmes and services. However, it does have oversight on a number of programmes and services from the departments within its remit which can be reviewed on each department's information statements.

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

- Administrative (Which may include Job Descriptions and reviews of the Ministry by Management Services Section)
- Advisory
- Financial (Including Budget Statements, Approved Estimates and Expenditure, Ministerial Travel and Financial Statements)
- Legislative
- Ministerial Statements and Press Releases
- Policy

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

Administrative Guidelines

- Various HR policies and guidance issued by the Department of Human Resources.

Data Protection Guidelines

- Computer Security Instructions published by ITO August 1997
- Information Sharing and Data Protection Policy Statement issued by ITO dated 28 January, 1998
- Electronic Records Management System: Government Records Center issued by the Government Archivist.

Financial Guidelines

- Financial Instructions issued by the Ministry of Finance.
- Budget Preparation Manual issued by the Ministry of Finance.

Health and Safety

- Health and Safety Policy issued by the Cabinet Office.

Policy Development Guidelines

- The Legislative Process Guidance Notes issued by the Cabinet Office.
- The Preparation of Cabinet Memoranda Guidance Notes issued by the Cabinet Office.
- Making Policy Happen in Bermuda Guidance Notes issued by the Cabinet Office.

Other Guidance notes

- Election Guidance Notes issued by the Cabinet Office.
- Incentives for Job Makers as issued by the Ministry of Home Affairs.
- Work Permit Policy as issued by the Ministry of Home Affairs.

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

Depending on the scope of the decision to be made, the Ministry Headquarters will use one of the following methods to reach a decision.

Boards or Committees – Normally used when the policy or initiative considered has a number of stakeholders across several departments. Boards and committees are appointed by the Minister and report to the Minister through the Permanent Secretary for Home Affairs. Current boards include:

Statutory Government Boards

1. Architect Registration Council
2. Advisory Architectural Panel
3. Board of Immigration
4. Immigration Appeal Tribunal
5. Building Appeal Tribunal
6. Charity Commissioners
7. Consumer Affairs Board
8. Copyright Tribunal
9. Development Applications Board
10. Employment Tribunal
11. Essential Industries Disputes Settlement Board
12. National Training Board
13. Parish Councils

14. Permanent Arbitration Tribunal

Non-Statutory Government Boards

15. Rent Increases Advisory Panel
16. Labour Advisory Council
17. Historic Building Advisory Committee

Quango

18. Bermuda Economic Development Corporation

Parish Councils

1. Hamilton Parish
2. Pembroke
3. Sandy's
4. Smith's
5. Paget (Can also be found on Facebook)
6. St. George's
7. Devonshire
8. Warwick
9. Southampton

Public Consultation – Normally used when input from the public is essential in the decision making process. Public consultation is especially useful when the subject matter is of heightened public interest. Opinions from the public can be fielded through written submissions or from public meetings. Recent instances of public consultation include:

- Bermuda Hotel Association
- Bermuda Industrial Union
- Bermuda Trade Union Congress
- Bermuda Public Services Union
- BEST
- Citizenship by Investment
- Key Stakeholder Groups (i.e ABIC, ABIR, Chamber of Commerce etc.)
- The National Training Board
- The Bermuda Entertainment Union
- The Philippine Consular
- The Economic Tripartite Committee
- The Labour Advisory Council
- The Salvation Army
- US Consul General

Decisions by Cabinet – Where a decision requires a financial outlay of more than \$50,000, the decision must be agreed by Cabinet. Likewise, decisions that are cross-Ministry or that have a far-reaching effect on the public must be considered by Cabinet. The deliberations of the Cabinet are confidential and exempt from the Public Access to Information law.

Internal review – Normally used when the Government is seeking to be proactive regarding new policies or initiatives, or amendments to existing policies or initiatives. The results of these reviews often lead to further decision making methods as outlined above. Recent internal reviews include:

- Immigration Work Permit Policies
- Incentive for Job Makers Act
- Landholding
- Municipalities Amendment Act
- Planning Enforcement

In all cases, the Ministry of Home Affairs Headquarters must adhere to Government wide manuals and guidance regarding decision making processes.

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

Information Officer:

Mr. Kevin Grant

Email: kgrant@gov.bm

Telephone: 441-295-5151, extension 1220

Ministry of Home Affairs Headquarters Details

Physical Address:

Ministry of Home Affairs

1st Floor

Government Administration Building

30 Parliament Street

Hamilton HM 12

Bermuda

Telephone:

441-294-9059

Web Address:

www.gov.bm

Note: Requests for information relating to the Immigration Appeal Tribunal and the Labour Advisory Council should be submitted to the Ministry of Home Affairs Headquarters.

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

Classes Of Information Not Generally Disclosed

While the primary objective of PATI legislation is to promote a culture of openness and transparency within central government, there is certain information that will not be released to the public.

The Ministry of Home Affairs will not release to the public any information that could compromise security or confidentiality requirements or information that is exempt from disclosure under PATI legislation subject to a public interest test. Such information exemptions include:

- a. Health or safety, where disclosure would endanger the physical or mental health or the safety

- of an individual;
- b. Personal information, subject to certain instances where disclosure may be allowed;
- c. Commercial information, for example trade secrets or contractual negotiations;
- d. Information received in confidence;
- e. Cabinet documents, including official records of deliberations or decisions;
- f. 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;
- g. Deliberations of public authorities, where disclosure could undermine free and frank discussion and advice during the course of the deliberative process;
- h. Operations of public authorities, where disclosure could prejudice the effectiveness of operations of public authorities e.g. with respect to negotiating positions and industrial relations, or in relation to investigations, inquiries or audits conducted by public authorities;
- i. Records for which disclosure could have an adverse effect on the financial and economic interests of Bermuda;
- j. Governor's responsibilities and communications with the United Kingdom;
- 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; and
- m. Disclosure prohibited by other legislation.

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

The Ministry of Home Affairs Headquarters has a vast amount of information on its website, www.gov.bm We urge the public in their quest for information or data to make the above stated website their starting point.

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: April 1st 2016

Locations of Information Statement:

Copies of Information Statement are available at the following sites:

Your principal office: (Ministry of Home Affairs Headquarters)	Y
The Bermuda National Library;	Y
The Bermuda Archives;	Y
Available electronically,	Y
Website for public authority (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