



**GOVERNMENT OF BERMUDA**  
**Ministry Of Health**

**Information Statement**  
**for the Office of the Permanent Secretary**  
**(In the Ministry Headquarters Public Authority)**

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**Introduction to Your Rights under Public Access to Information**

The following document is the Information statement for the Office of the Permanent Secretary in the Ministry Headquarters Authority. Every public authority covered by the Public Access to Information Act has a legal duty to maintain an information statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority unless it is exempt. Several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. However, these exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [see sections 21 to 40, PATI Act]. In addition every person has a right to amend their personal information if it is incomplete, incorrect or misleading [s19, PATI Act].

**How to make a request**

Requests for information, or to amend your personal information, must be made using the application form, and submitted in person to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

**Key and Definitions**

- Authority means the Ministry Headquarters
- Ministry means the Ministry of Health

- PATI means Public Access To Information
- Square brackets [ ] refer to sections of the PATI Act, unless another Act is indicated

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

The Office of the Permanent Secretary consists of the Permanent Secretary and an administrative assistant.

All heads of sections within Ministry Headquarters report directly to the Permanent Secretary. All department heads report to the Permanent Secretary, and the two QUANGOS, the Bermuda Hospital Board and the Bermuda Health Council, report to the Minister through the Permanent Secretary.

Health Insurance Act 1970  
Public Health Act 1949

### **Section B1: Legislated functions, powers, duties of the Authority [s5(1)b]**

#### **1. General functions of the Office of the Permanent Secretary**

The Permanent Secretary is the most senior civil servant of a Government Ministry, and is charged with running the Ministry on a day-to-day basis. The Permanent Secretary takes policy direction from the Minister, reports to the Head of Public Service on administrative matters and has the responsibility to support the general policies and priorities of the Government, and to operate within the context of the management practices and procedures established for the Government as a whole.

The Permanent Secretary provides direct support to the Minister, is the accounting officer for the Ministry, ensures the implementation of policies and legislation and is also responsible for inter-ministerial collaboration and the promotion and support for inter-ministerial initiatives.

#### **2. Legislated Power and Duties of the Permanent Secretary**

The Permanent Secretary has the following legislated power or duties:

- 2.1. Serves as the Registrar, or ensuring a register is kept, for the Councils regulating several healthcare professions, namely: Medical Practitioners, Dental Practitioners, Midwives, Optometrists and Opticians, under legislation named after the profession.
- 2.2. Serves as an ex-officio, non-voting member of the Bermuda Hospitals Board (under the Bermuda Hospitals Board Act).
- 2.3. Serves as an ex-officio member of the Bermuda Health Council (as authorized under the Bermuda Health Council Act).
- 2.4. Serves as Chair for the Health Insurance Committee (as authorized under the Health Insurance Act 1970).

### **Section B2: Obligations under PATI [s5(1)b]**

#### **Obligations of the Authority under PATI Act**

1. To provide an **information statement** for the public and promulgate it [s5],
2. 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.
3. To **respond to information requests** in a timely manner [s12-16]
  4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
  5. To respond to requests from the Information Commissioner [s9]
  6. 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]
  7. To conduct an **internal review** if formally requested [part 5]
  8. To give evidence for review by the **Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
  9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
  10. To **do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
    - **Managing Fees** for Requests for information
    - Management and maintenance of **records**
    - **Following procedures** for administering the Act
  11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
  12. To **designate an officer** to be the person to whom requests are directed [s62]

### **Section C: Services and Programmes provided [s5(1)c]**

#### **Services**

1. Strategic development: Provides strategic direction for the health sector and Ministry entities
2. Coordination of programmes: under the auspices of the Ministry
3. Policy development: To develop and implement policy to address health sector issues and aligning this with best practice across the Ministry, QUANGOs and the health sector in general
4. Grant management: Management of government funds to support (in descending order of monetary value) the Bermuda Hospitals Board, Health Insurance Fund, Lady Cubitt Compassionate Association (LCCA) Medical Care overseas, the Bermuda Health Council and various agencies and charities (as listed in the Budget book)
5. Preparation of Cabinet Memoranda: Documents regarding Ministry direction and/or activities; for decision, discussion, or for information.
6. Direct service delivery: To assist the Minister with any other matter as required

#### **Generic duties of a Permanent Secretary**

7. To provide support and advice to the Minister, including:
  - anticipating issues in the House of Assembly or the media
  - managing current issues and problems, keeping the Minister fully informed
  - providing advice
8. To ensure the implementation of:
  - policy formulation and direction
  - sectoral strategic plan development
  - amending and drafting legislation

- major projects
9. To manage Ministry financial resources effectively, including:
    - coordinating the production of estimates from departments and other associated bodies, and establish priorities for resources
    - ensuring compliance with Ministry of Finance/Treasury requirements and policies
    - keeping working methods under review to secure value for money
  10. To contribute to the collective management of Government, including:
    - ensuring that due account is taken of the interests and views of other parts of Government
    - participating in meetings of Permanent Secretaries convened by the Secretary to the Cabinet
  11. To provide leadership in the Ministry, and where appropriate, to:
    - arrange for organizational restructuring; determine departmental role delineations; to manage human resources effectively; ensure proper training and development; ensure establishment of effective information systems
  12. To manage the handling of communications with the public

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

The following records in respect of this public authority are held:

##### **Ministry records**

1. **Public correspondence, various issues.** (last 3 years). Ministry responsible for Health. (mixed PATI status). Correspondence from the public concerning any issue related to the Health sector (e.g. practitioners, facilities, services, health issues, etc.).
2. **Correspondence from international health entities.** (last 7 years). Ministry responsible for Health. (public access). Correspondence regarding international health issues or regulation, e.g.: workshops, international reporting or changes in standards from international bodies such as the Pan American Health Organization.
3. **Registers of healthcare professionals and facilities,** where the Permanent Secretary is the Registrar. (last 7 years). Government of Bermuda. (public access). Located in the Office of the Chief Medical Officer. Registers available online at [www.gov.bm/health-boards-councils-and-committees](http://www.gov.bm/health-boards-councils-and-committees).
4. **General** (all last 7 years; author for all is the Ministry responsible for Health):
  - i. *Ministry Overview* (dated when Minister changes). (public access). Describes the mandate, structure, duties, powers and services provided by the Ministry.
  - ii. *Ministry Business Plans* (last 7 years). (public access). Describes the Ministry Business plan for the next two years. Includes priorities and budget.
5. **Annual Reports and Minutes** from Ministry entities including the Hospital (BHB), Health Council (BHeC) and Statutory Boards. (last 7 years). Government of Bermuda or Statutory Body. (public access with information redacted under section 23- personal information redacted or under section 29 - deliberations of public authorities redacted; of the PATI Act). Outlining the activities of the body.

6. **Cabinet Memoranda, Drafting Instructions, Draft legislation** (last 7 years). Government of Bermuda. (Exempt under s27(ba) – Cabinet Documents). Documents intended for Cabinet’s review of legislative or policy amendments.
7. **Ministerial speeches and statements** (last 3 years). Ministry responsible for Health. (public access). Public statements by the Minister on topical issues.
8. **Fiscal records:** of the Ministry’s operations; monthly department reports. (last 7 years). Government of Bermuda. (public access). As summarized in the annual budget, and revised as actual figures the following year in the Budget book.
9. **Human resource records:** of Ministry headquarters staff (exemption section 23 – personal information). Including: special leave, performance appraisals.

**Activities of the authority**

10. *Meeting minutes:* where appropriate (Mixed status- some public access, some exemptions).

**Section E: Administration manuals [s5(1)e]**

1. *Cabinet and Ministerial Responsibilities and Procedures* (1990). Government of Bermuda. (public access). Provides guidance to Ministers, their Permanent Secretaries, Heads of Departments and Senior Officers of their roles and responsibilities. Includes administrative practice and procedure.
2. *The Legislative Process in Bermuda. Creating Law: from Policy Development to Implementation* (March 2005). Attorney-General Chambers, Government of Bermuda. (public access). Describes legislative and governmental procedures in the legislative process, including how to amend legislation.
3. *Making Policy Happen In Bermuda* (Nov 2005). Central Policy Unit, Government of Bermuda. (public access). Describes the process for developing good policy.
4. *Government of Bermuda: Conditions of Employment and Code of Conduct*. Department of Human Resources. This, read in conjunction with the Union Collective Agreements and the Public Service Commission Regulations, provides guidance on staff management and policies.

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

**A. Government-wide** (for more information on these documents please see the Cabinet Office Information Statement)

**Strategic direction**

1. *Speech from the Throne* (Annually in November). Government of Bermuda. (public access). Announces Governments strategic direction for the next fiscal year. Please access via the Cabinet Office.
2. *Government Party Platform*. (published before a general election). Government of Bermuda. (public access). Describes the Party’s high-level strategic direction in Office.
3. *Cabinet directives*. (various dates). Government of Bermuda. (Exempt under s27(ba) – Cabinet Documents). Documents decisions and recommendations from Cabinet concerning various policies and legislative proposals.

### ***Employment & Human resources***

The *Public Service Commission Regulations 2001*, the *Conditions of Employment and Code of Conduct* and the current *Collective Agreement* between Government and the Bermuda Public Services Association constitutes each officer's contract of service with Government.

4. *Conditions of Employment & Code of Conduct. (2001)* See Human Resources Dept. Cabinet Office. This document outlines the structure of Government and the Civil Service. It explains the roles and reporting relationships between the elected Government and officers of the Civil Service. The document also sets out basic principles to guide managers and officers regarding the terms and conditions of employment. The rights and obligations of managers and officers are specified in this document, as are the processes for resolving difficulties should they arise. (This document replaces General Orders).
5. *BPSU Collective Agreement (2020)*. Bermuda Public Service Union and the Bermuda Government. (public access). This agreement provides guidelines to process the human resource, salary and benefit responsibilities
6. *BIU Collective Agreement (2018)* Bermuda Industrial Union and the Bermuda Government (public access). This agreement provides guidelines to process the human resource, salary and benefit responsibilities.
7. *Workers Compensation Act 1965*. (public access – available on-line at [www.bermudalaws.bm](http://www.bermudalaws.bm)). Government of Bermuda. The Act provides for compensation for worker's injuries or occupational disease; and covers employer's liabilities, offences, and different types of compensation.

### ***Fiscal and Legislative Processes***

8. *Financial Instructions. (2013)*. Ministry of Finance. (public access). This is the Authoritative Document concerning handling public monies, including collection, receipt, custody, issue or payment of public money, stores, stamps, investments, securities, negotiable instruments or any other asset. Financial Instructions apply whether it is the property of the Government or in deposit with or entrusted to the Government or any Government employee in an official capacity either alone or jointly with another Government employee or any other person
9. *The Code of Practice for Project Management and Procurement* outlines how public officers will procure goods or services on behalf of Government.
10. *Public Service Commission Regulations 2001*. (public access – available on-line at [www.bermudalaws.bm](http://www.bermudalaws.bm)). Government of Bermuda. The Regulations set the framework for the

Public Service Commission, appointed under the Bermuda Constitution Order, to ensure that all appointments, promotions, dismissals and disciplinary matters within Bermuda's public service are conducted efficiently, fairly and without political interference.

### **B. Ministry Specific**

11. *Ministry legislation* (see legislation list in section B of the Ministry Headquarters Information Statement). Government of Bermuda. (public access – available on-line at [www.bermudalaws.bm](http://www.bermudalaws.bm))
12. *Ministry Consultations*, for example:
  - a. Tendering: Requests for Information; Requests for Proposal. (last 7 years). Government of Bermuda. (exemption section 25 commercial information). Documents that outline

contract requirements for an external entity to undertake work/project for the Ministry. For example for services or facilities.

b. Public consultation on legislative or policy (public access)

13. *Ministry Strategic Planning* (last 7 years). Ministry responsible for Health. (exemption section 29 deliberations of public authorities). Identifies the strategic direction for the Ministry.

14. *Briefs for the Permanent Secretary*. (last 7 years). Ministry responsible for Health. (exemption section 29 deliberations of public authorities). Provides information and recommendations on projects of interest for the Permanent Secretary and Minister

15. *Ministerial briefs* (last three years). Ministry responsible for Health. (exemption sections 28 – Ministerial responsibility). Provides recommendations on projects of interest for the Minister

### Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]

#### How to make a request for information, or to amend your personal information

Requests must be made using the application form and submitted in person to the Information Officer. You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver's license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied with the outcome you may appeal the decision via several mechanisms: an Internal Review by the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

Contact	PATI Information Officer, Ms Shivon Washington Ministry of Health <i>Re: Office of the Permanent Secretary</i>
Hand-deliver to	Continental building, 25 Church Street, Hamilton
Mail*	PO Box HM 380, Hamilton HM BX, Bermuda
Tel	278-4900
Email*	<a href="mailto:mohpati@gov.bm">mohpati@gov.bm</a> Add subject line: PATI request re Headquarters

\* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor's identity.

### Section H: Further Information [s5(1)h]

**Further information**

1. **About us** is available on the government website at: <https://www.gov.bm/ministry/health>
2. The **legislation** listed in this document may be found at Bermuda Laws Online [www.bermudalaws.bm](http://www.bermudalaws.bm).
3. **Financial Information:** For the annual expenditure of the Authority for the past fiscal period (31<sup>st</sup> Mar to 1<sup>st</sup> Apr), see the online Budget Book at: ([www.gov.bm](http://www.gov.bm); then select Ministry of Finance; then select the "Budget Book" icon on the right-hand side; then select: Section B - Current Account Estimates; then select the Ministry).

**Section I: Other Information As Prescribed [s5(1)i]**

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)].
3. **Expenditure:** Quarterly expenditure for the Authority will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and **salary range of every post** of public officers [s6(6)].

**Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]****Locations of Information Statement:**

- Office: Ministry Headquarters, Continental Bdlg, 25 Church St, Hamilton Y
- The Bermuda National Library Y
- The Bermuda Archives Y
- Available electronically at:
  - PATI website <https://www.gov.bm/public-access-information-pati> Y
  - Ministry website <https://www.gov.bm/ministry/health> Y
- With the Information Commissioner. Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y

**Date Information Statement was updated:**

*Date:* January 10 2020

**Sign:**

**Name:** Shivon Washington

**Post:** Acting Permanent Secretary, Ministry Headquarters Authority

*Ends*