



# 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:

- **Ministry Headquarters.** Ministry of Home Affairs Headquarters is the coordinating body for the six government departments and one section that fall under the Home Affairs banner. The Ministry Headquarters also has administrative responsibility for one quango, as well as for any statutory bodies or committees that may be appointed by the Minister from time to time (with these boards reporting to the Minister through the Permanent Secretary).
  - The six government departments and one section (whose heads report directly to the Permanent Secretary for Home Affairs) include:
    - the Department of Energy;
    - the Department of the Environment and Natural Resources;
    - the Department of Land Title and Registration;
    - the Department of Land Valuation;
    - the Department of Planning;
    - the Registry General Department; and
    - Consumer Affairs (which also includes Rent Control).
  - The one quango for whom the Ministry has administrative responsibility Ministry is:
    - the Regulatory Authority of Bermuda

The Ministry Headquarters executes its duties with eight full-time employees. These include: the Permanent Secretary, an Executive Assistant to the Minister and Permanent Secretary, a Ministry Comptroller, a Management Accountant, a Senior Accounts Officer, an Accounts Assistant, a Policy Analyst, and a Business and Compliance Officer (currently unfilled).

## Legislation

### The Department of Energy

- [Electricity Act 2016](#)
- [Electronic Communications Act 2011](#)
- [Regulatory Authority Act 2011](#)
- [Telecommunications Act 1986](#)

### The Department of Environment and Natural Resources

- [Agriculture Act 1930](#)
- [Agriculture \(Control of Animal Diseases\) Regulations 1947](#)
- [Agriculture \(Control of Plant Disease and Pest\) Regulations 1970](#)
- [Agriculture \(Importation and Sale of Potatoes\) Regulations 1936](#)
- [Agriculture \(Improvement of Livestock\) Regulations 1947](#)
- [Agriculture \(Inspection and Exportation of Nursery Stock\) Regulations 1931](#)
- [Agriculture \(Inspection and Exportation of Produce\) Regulations 1931](#)
- [Agriculture \(Japanese Beetle\) Order 1939](#)
- [Agriculture \(Soil Erosion\) Regulations 1967](#)
- [Care and Protection of Animals Act 1975](#)
- [Care and Protection of Animals \(Commercial Horse Stable\)\(Licensing\) Regulations 2005](#)
- [Clean Air Act 1991](#)
- [Clean Air Regulations 1993](#)
- [Clean Air Rules 1993](#)
- [Dogs Act 2008](#)
- [Endangered Animals and Plants Act 2006](#)
- [Fisheries Act 1972](#)
- [Fisheries Regulations 2010](#)
- [Fisheries \(Protected Areas\) Order 2000](#)
- [Fisheries \(Protected Species\) Order 1978](#)
- [Fisheries \(Use of Fishing Nets\) Order 1990](#)
- [Importation of Milk \(Prohibition\) Act 1997](#)
- [Importation of Fruits, Vegetables and Flowers Act 1961](#)
- [Pesticide Safety Act 2009](#)
- [Veterinary Practitioners Act 2008](#)
- [Water Resources Act 1975](#)
- [Water Resources \(Well Diggers\) Regulations 1976](#)

### The Department of Land Title and Registration

- [Land Title Registration Act 2011](#)
- [Land Title Registration Rules 2018](#)
- [Land Title Registration \(Referral to Adjudicator\) Rules 2018](#)
- [Land Title Registration \(Adjudication\) Rules 2018](#)

## The Department of Land Valuation

- [Land Valuation and Tax Act 1967](#)
- [Land Valuation and Tax \(Objection and Appeals\) Rules 1967](#)
- [Land Tax Act 1967](#)
- [Land Valuation \(Public Utilities Undertakings\) Order 1967](#)
- [Land Valuation \(Exclusion of Properties\) Order 1967](#)
- [Land Valuation \(Westmeath\) Order 1975](#)
- [Land Valuation \(Reorganisation\) Act 2002](#)
- [Land Valuation and Tax \(Special Provisions\) Act 1996](#)

## The Department of Planning

- [Building Act 1988](#)
- [Building Amendment Act 1998](#)
- [Building Code \(Supplementary Provisions\) Regulations 1976](#)
- [Building Code Regulations 1991.pdf](#)
- [Building Authority \(Elevators and Lifts\) Regulations 1962](#)
- [Development and Planning Act 1974](#)
- [Development and Planning \(Amendment\) Act 1997](#)
- [Development and Planning \(Amendment\) Act 1998](#)
- [Development and Planning \(Application Procedures\) Rules 1996](#)
- [Development and Planning \(Appeals to the Minister\) Rules 1974](#)
- [Development and Planning \(Tribunal Procedure\) Rules 1992](#)
- [Development and Planning \(General Development Order\) 1999](#)
- [Development and Planning \(Use Classes\) Order 1975](#)
- [Development and Planning \(Wells and Boreholes\) Order 1976](#)
- [Development and Planning \(Baselands\) Act 1996](#)
- [Development and Planning \(Tree Preservation Order\) Regulations 1975](#)
- [Development of Land \(Airport Approaches\) Act 1956](#)
- [Government Fees Amendment Regulations](#)
- [Hamilton Building Ordinance 1954](#)
- [Special Development Orders](#)
- [Town of St George \(Protection of Buildings of Special Interest\) 1950](#)
- [Zoning Orders](#)

## Registry General Department

- [Assistant Registrar General \(Power and Duties\) Act 1955](#)
- [Baha'i Marriage Act 1970](#)
- [Charities Act 1978](#)
- [Charities \(Anti-Money Laundering and Anti-Terrorist Financing and Reporting\) Regulations 2014](#)
- [Charities Regulations 2014](#)
- [Domestic Partnership Act 2018](#)
- [Friendly Societies Act 1868](#)
- [Friendly Societies Act 1930](#)
- [Jewish marriage Act 1946](#)
- [Maritime Marriage Act 1999](#)
- [Marriage Act 1944](#)
- [Merchant Shipping \(Return of Birth and Deaths\) Regulations 1980](#)
- [Mortgage Registration Act 1786](#)
- [Muslim Marriage Act 1984](#)
- [Registrar General \(Recording of Documents\) Act 1955](#)
- [Registration \(Births and Deaths\) Act 1949](#)
- [Timesharing \(Licensing and Control\) Act 1981](#)
- [Trade Union Act 1965](#)
- [Trade Union Regulations 1965](#)

## Consumer Affairs and the Rent Commission (section)

- [Consumer Protection Act 1999](#)
- [Debt Collection Act 2018](#)
- [Rent Apportionment Act 1880](#)
- [Rent Increases \(Domestic Premises\) Control Act 1978](#)
- [Rent Increases \(Domestic Premises\) Control Rules 1972](#)
- [Supply of Services \(Implied Terms\) Act 2003](#)

## Quango (administrative responsibility only)

- **Regulatory Authority of Bermuda**      [Regulatory Authority Acts and Regulations](#)

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

### Ministry of Home Affairs Mission Statement and Objectives

The mission statement of the Ministry Headquarter is "**We protect Bermuda's resources.**" Consistent with other Ministries Headquarters, the Ministry of Home Affairs Headquarters is responsible for directing and coordinating the activities of its Departments as well as drive any policy or legislative change. The Ministry of Home Affairs Headquarters has the following objectives:

- To fulfil the Ministry's mandate via collaboration / consultations with various Government Departments and public sector stakeholders
- To provide logistical, financial and administrative support to the Ministry Headquarters and its constituent Departments
- To eliminate unfair debt collection practices
- To ensure that landlords and tenants receive fair and equitable treatment
- To ensure consumer protection through education, fair practices and legislation

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 [s 19]
- 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. The Ministry HQ does not have any contracts valued at over \$50,000.

## **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 Govt. 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.

## **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. Parish Councils are appointed by the Governor. Current boards include:

### **Statutory Government Boards**

- Board of Agriculture
- Broadcasting Commission
- Building Appeal Tribunal
- Charity Commissioners
- Commercial Fisheries Council
- Consumer Affairs Board
- Development Applications Board
- Dog Tribunal
- Environmental Authority
- Historic Wrecks Authority
- Marine Resources Board
- Scientific Authority for the Convention on International Trade in Endangered Species
- Telecommunications Commission
- Veterinary Practitioners Council

### **Non-Statutory Government Boards**

- Canine Advisory Council
- Rent Increases Advisory Panel

### **Quango**

- Regulatory Authority Commissioners

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:

- BEST
- 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:

- 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 (Acting):**

Mr. David Northcott

Email: [danorthcott@gov.bm](mailto:danorthcott@gov.bm)

Telephone: 441 -297-7782

### **Ministry of Home Affairs Headquarters Details**

Physical Address:

Ministry of Home Affairs

Government Administration Building 1<sup>st</sup> Floor

30 Parliament Street

Hamilton HM 12

Bermuda

Telephone:

441-294-9059

Web Address:

Ministry of Home Affairs [webpage](#).

## **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](#). 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:**

23<sup>rd</sup> December 2020

**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 |





GOVERNMENT OF  
BERMUDA  
MINISTRY OF HOME  
AFFAIRS

PATI Information Statement

Name of Public Authority: Ministry of Home Affairs Headquarters

Signed:

A handwritten signature in blue ink, appearing to read "David A.", with a long horizontal stroke extending to the right.

David Northcott, Acting Information Officer

Dated:

23 December 2020