



GOVERNMENT OF BERMUDA
MINISTRY OF ECONOMIC DEVELOPMENT

PATI Information Statement

Name of Public Authority: BUSINESS DEVELOPMENT UNIT

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.

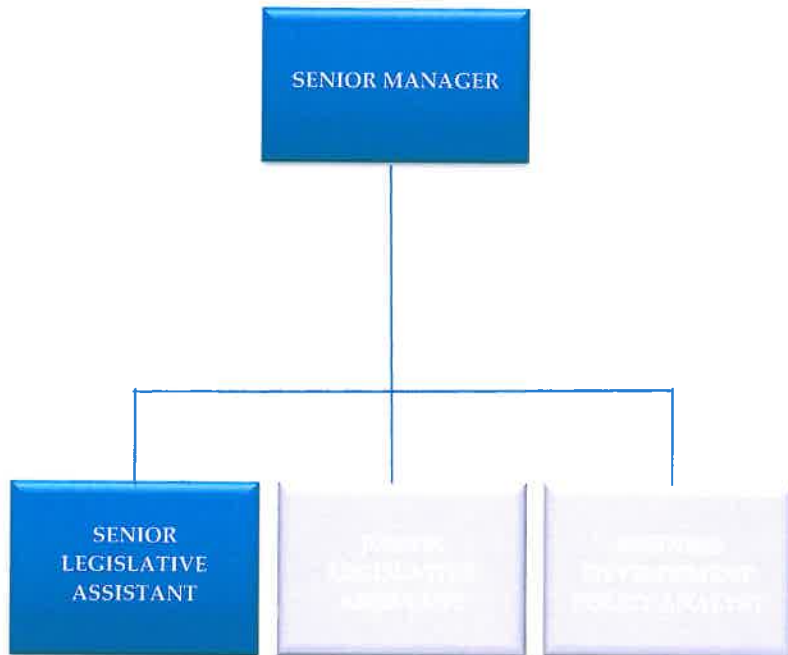
Every public authority is required to have an information statement under the Act. This information statement provides a description of the Business Development Unit and its functions and structures, a summary of services, and descriptions of the classes of records held. Brief summaries of administrative 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.

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

ORGANIZATION CHART 2015

BUSINESS DEVELOPMENT UNIT



LEGEND

-  Existing BPSU Post
-  Post to be Approved

Legislation

There is no legislation that is specific to the Business Development Unit (BDU). As a result, the BDU is 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 BDU's core functions are specifically focused on activities related to international business. As such, the BDU is charged with the following functions:

- **Legislative Change** - The BDU works in close partnership with the Bermuda Business Development Agency's (BDA) industry focus groups to facilitate changes to Bermuda's

laws as needed to modernize them and enhance Bermuda's competitiveness as a jurisdiction of choice for international business. The BDU liaises with industry stakeholders, government departments and the Bermuda Monetary Authority (BMA) to help advance progressive legislative change. The process for implementing legislative change generally involves: 1) substantial analysis of the proposals; 2) researching current laws both in Bermuda and other jurisdictions; 3) liaising with industry stakeholders, government departments and the BMA; 4) advising the Permanent Secretary and Minister of Economic Development; 5) developing policy positions for final approval by the Cabinet; and 6) formalizing the approved policies into legislation.

- **Intelligence Gathering and Reporting** – The BDU provides periodic reports to the Minister of Economic Development and Permanent Secretary on matters which either impact or have the potential to impact Bermuda's economy. To this end, the BDU collects and analyses data, statistics and other information from a number of sources. These include the BMA, Registrar of Companies, Ministry of Finance, Department of Statistics, Department of Immigration, other government entities and information sources as appropriate.
- **Government Liaison for BDA** – The Senior Manager of the BDU serves as the Government liaison to the BDA and is a member of the BDA Board. The BDU assists the BDA as needed with regard to sharing information and facilitating communication between the BDA and various governmental entities.
- **Concierge Service** – The BDU works with the BDA and various government departments to provide a Concierge Service for international companies considering registering a business in Bermuda. The BDU serves as the principal point of contact to assist and direct companies with Government related issues (work permit questions, Companies Act approvals, tax queries, etc.) and applications for company registrations. The BDU also facilitates meetings with Government departments and officials as needed to ensure that parties interested in Bermuda are informed of applicable policies and procedures and that the Government is properly informed of any proposed business activities. The Concierge Service enables expedited processing of applications for business registrations, work permits, payroll tax accounts and social insurance accounts.
- **Other Projects related to Economic Development** – The BDU may, from time to time, be tasked with other projects intended to stimulate job creation and economic development in Bermuda.

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]

The services and programmes provided by the BDU include:

- Legislative change
- Intelligence gathering, analysis and reporting
- Concierge Service

These services are generally provided by BDU staff, which includes both permanent and temporary employees. The cost of these services to the Government include salary payments in accordance with the Government's standard pay scale, together with costs for supplies, resources, and other operating and administrative costs. The BDU's budget allocation is included as a line item in the Ministry of Economic Development's yearly budget.

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

The BDU maintains the following categories of records:

1. Administrative
2. Business Development (Research, Policy Development, etc.)
3. Concierge Service
4. Legislative
5. Project Files
6. PATI

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

- Employment Act 2000
- Terms and Conditions of Service
- BPSU Agreement

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

Current policy documents of the Government and applicable laws of Bermuda

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

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 Business Development Unit
 Ministry of Economic Development
 Government Administration Building 3rd Floor
 30 Parliament Street
 Hamilton HM 12
 BDU Main line: 294-9074
Bdu2@gov.bm

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

The BDU does not make any decisions with respect to entities applying to conduct business in Bermuda. However, the BDU does distribute information regarding applicable policies, practices and laws governing registration applications and business operations in Bermuda. This information is already publicly available through sources such as the Ministry of Economic Development website under the “Latest News” section, other Ministry/Department websites, or Bermuda laws online.

Additionally, the BDU collects confidential and/or proprietary information from third parties as part of its operations. The BDU also 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 or other governmental entities as required in order to help facilitate decision-making processes by such Ministry officials or governmental entities in accordance with their responsibilities and duties.

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: *March 26, 2015*

Locations of Information Statement:

Confirm copies of Information Statement are available at the following sites:

- Your principal office: (30 Parliament St., 3rd Flr.) Y/N
- The Bermuda National Library; Y/N
- The Bermuda Archives; Y/N
- Available electronically, Y/N
- Website for public authority (www.gov.bm). Y/N
- Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y/N
- With the Information Commissioner. Y/N

Sign and Date:

[Signature] *March 26, 2015*