

BERMUDA GOVERNMENT MINISTRY OF HOME AFFAIRS

PATI Information Statement

Name of Public Authority: CONSUMER AFFAIRS

Introduction:

The Public Access to Information Act (PATI) 2010 provides the public with the right to obtain information not subject to exemption which is held by public authorities. Access to this information will ensure transparency and accountability within public authorities to keep information accurate, complete and up-to-date. Upon receipt of the written request for access to information the public authority has up to 6 weeks to provide the requester with their decision as to whether the request for the information will be granted.

Consumer Affairs has been mandated to carry out criminal and civil investigations under their Acts. Mediation and advice services are given for those Acts that fall in and outside of our jurisdiction but still have a direct impact on the Consumer. Consumer Affairs is responsible for all product recalls, consumer market research, assessing applications for rent increases, providing advice to landlords and tenants on tenancy issues (whether property is under rent control or not) and mediating disputes between parties upon request and all other tasks assigned to Consumer Affairs by the statutory Consumer Affairs Board and the Rent Advisory Panel.

CLASS OF RECORDS:

Right of access to: Annual Report

All publications in public domain Financials as pertaining to the budget

No right of access: Case Management System

Enforcement Documents Criminal Investigation Files

Inspection Files
Personnel Records

Statutory Board Minutes (as criminal activity are discussed). Financial Information related to an Investigation or Prosecution

Tribunals and Appeals to the Minister

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

ORGANIZATION CHART

Executive Officer / Rent Commissioner

Karen Marshall

CONTACT NUMBERS

297-7627 OR 297-7700

ENFORCEMENT INSPECTORS

Rhonda Daniels Paula Carlington Thomas Matvey

COMMUNITY AND BUSINESS LIAISON OFFICER

Jordan Cutts

CASE MANAGEMENT SUPPORT OFFICER

Heather Marshall

ADMINISTRATIVE ASSISTANT

LaVonne Bean Patrice Simmons (Seconded)

REGULATORY AUTHORITIES

Consumer Affairs Statutory Board Rent Advisory Panel Debt Licensing Authority Tribunals

Legislation

Criminal Acts:

- I. Consumer Protection Act 1999
- 2. Copyright and Design Act 2004 (Enforcement Only)
- 3. Debt Collection Act 2018

Civil Acts:

- I. Supply of Services (Implied Terms) Act 2003
- 2. Rent Increases (Domestic Premises) Control Act 1978
- 3. Rent Increases (Domestic Premises) Control Rules 1972
- 4. Rent Increases (Scientific Research Institutions) Order 1975

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

MISSION STATEMENT

Consumer Affairs will strive for excellence by carrying out our mandate with the highest standard of integrity, efficiency and service to individuals, commercial, professional and governmental organizations. We will ensure the rights of consumers to fair trade practices, product safety and redress by maintaining an international viewpoint, a spirit of partnership through collaboration, information sharing, and where necessary, enforcement and prosecution.

DECISIONS AND GUIDELINES:

Guidelines for the authority and work carried out by Consumer Affairs are governed by the Acts; prosecution of offenders is carried out by the Department of Public Prosecution. Administrative guidelines are administered through Government policies and procedures such as Financial Instructions.

LEGISLATIVE POWERS:

- 1. Powers to Conduct Investigations, Gather Evidence and Conduct Interviews
- 2. Powers to Enter Premises
- 3. Powers to Obtain Information
- 4. Powers to Seize Goods
- 5. Powers to make Test Purchases
- 6. Powers to issue Orders to Cease Unfair Practices.
- 7. Powers to issue Orders for Immediate Compliance
- 8. Powers to issue Orders of Voluntary Compliance
- 9. Powers to Remove Products for Sale
- 10. Powers to issue Prohibited Notices and Warning
- II. Powers to Facilitate Prosecution
- 12. Powers to Remove Unsafe Products from Sale
- 13. Powers to Make Product Safety Regulations
- 14. Powers to Conduct Market Research
- 15. Powers to Grant Increases of Rent

- 16. Powers to Provide the Avenue for Appeals
- 17. Power to Grant or Revoke a Debt Collector Licenses
- 18. Power to seek Civil Penalties.

Section B: 2) Obligations under PATI Act [s5(1)b]

To provide in timely manner information that is in the public domain, such as our Education Publications, Annual Report, Social Media, etc. And to make every reasonable effort to assist persons in connection with their request.

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

Services:

- Investigations / Enforcement / Prosecution
- Consumer Redress and Protection
- Granting of Debt Collection Licenses
- Mediation
- Advice
- Product Safety / Recalls
- Consumer Education
- Granting of Rent Increases
- Rental Inspections
- Granting of Vacation Rental Certificates

•

Programmes:

For Businesses:

- Training in Consumer Conflict Resolution
- Best Business Practices and Advice
- Seminars on the Acts which Govern their Business
- Product Safety and Recall adherence
- Business Trends

For Public:

- Dissemination of Information on Consumers Rights and Responsibilities
- Dissemination of Information on Various Topics such as Scams, Budgeting, Vendor Solicitation etc.
- Dissemination of Information on Various Topics monthly on Radio talk Shows
- Direct access to the Office for Q & A and Filing a Complaint on consumers@gov.bm
- Facebook Q & A
- Consumer Education Campaigns
- Dissemination of Information to both landlords and tenants on their Governing Acts

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

Classified Documents:

- Case Management System which houses all investigation and prosecution records
- Court Documents
- Evidence Records
- Statutory Board Minutes
- Staff Personnel Records
- Rent Files and Documents
- Tribunals
- Licensing Applications and Financial Documents

Public Documents:

Access can be gained from the Government Portal at www.gov.bm or from our offices. The following is a list of some of the info available.

Auto and Cycle Repairs

Budget Planner CA

Budgeting Tips

Business Help Section for Providers of Goods and Services

Children's Coloring Book on Finance (hard copy)

Complaint Process

Consumer Q & A

Consumer Guide to New Car Purchases

Consumer Protection Act 1999

Customer Service Guide

Food Labels

Guide to Buying a New Car

Gift Cards

Home Conveyance Information

Hurricane Tips

Landlord and Tenant Act Revised 1989

Landlord and Tenant Rent Control

Landlord and Tenant general information

Making a Complaint

Money Management Plan

Multi-Level Marketing/Pyramid Schemes

Phishing Scams

Planning A Wedding

Press Releases

Product Recalls

Responsible Trader Booklet

Rent Increase RC7, RC8, RC2 Forms

Sample Refund Letter

Senior Safety Tips

Shopping on the Internet

Small Claims Court Guide

Small Claims Court Fee Schedule

Teen Advice

The Laws and You

The TCD Guide to Selling Your Car

The World of Copyright and You

Vehicle Repair Tips

Your First Motorbike

Youth Guide to the Bermuda Court System English

Youth Guide to the Bermuda Court System Portuguese

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

Manuals used by Consumer Affairs are those that are produced by Government such as Financial Instructions, Code of Conduct, the Legislative Process, Human Resource Procedures etc.

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

The Decision-Making Process is located within the Acts we enforce. Every decision is subject to the Nature of the Offence, Rules of Evidence and Prosecution Procedures. Office administration and personnel decisions are govern by those identified in section E.

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

Karen Marshall
Consumer Affairs

Alternate in the absence of Ms. Marshall Rhonda Daniels Consumer Affairs

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

Any information that we are legally allowed to distribute to the public can be found on the Portal Web-Site page as well as in hard copy within our offices.

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

No

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(I-5), PATI Act]:

Date Information Statement was updated: January 2021

Locations of Information Statement:

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

| Your principal office: | Υ/ |
|--|----|
| The Bermuda National Library; | Y |
| The Bermuda Archives; | Υ/ |
| Available electronically, | Υ/ |
| Website for public authority | Υ/ |
| • Have you published a notice in the Gazette indicating the places where the information statement | |
| is available for the public? | N/ |

• With the Information Commissioner.

Sign and Date:

VI