



BERMUDA GOVERNMENT
MINISTRY OF LEGAL AFFAIRS

PATI Information Statement

Name of Public Authority: Ministry of Legal Affairs Headquarters

INTRODUCTION

The following information is made available under the Public Access to Information Act 2010 (PATI/the Act). The Act grants the Bermuda 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.

PATI is designed to increase transparency with regard to the activities of public authorities and their decision-making processes and to hold such authorities to a high standard of accountability. Each public authority is required by law to publish an information statement describing the organization and functions, the policies and procedures of the authority, and the name of a contact person to whom requests under the act are to be directed. The following information serves to fulfill this obligation and to provide an overview of the resources at ministry of justice headquarters which the public is entitled to access.

The ministry of Legal Affairs is charged with responsibility for upholding the constitution and legal system of Bermuda; the incarceration and rehabilitation of offenders; and the provision of substance abuse treatment and education.

The departments that come under the umbrella of the Ministry of Legal Affairs are:

- The Judiciary
- The Department of Public Prosecutions
- The Attorney General's Chambers,
- The Department of Court Services
- National Anti-Money Laundering Committee
- Financial Intelligence Agency
- Legal Aid Office

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

DESCRIPTION OF STRUCTURE/ORGANIZATION AND GOVERNING LEGISLATION

Ministry of Legal Affairs Headquarters under the auspice of the Minister of Legal Affairs is comprised of the following components:

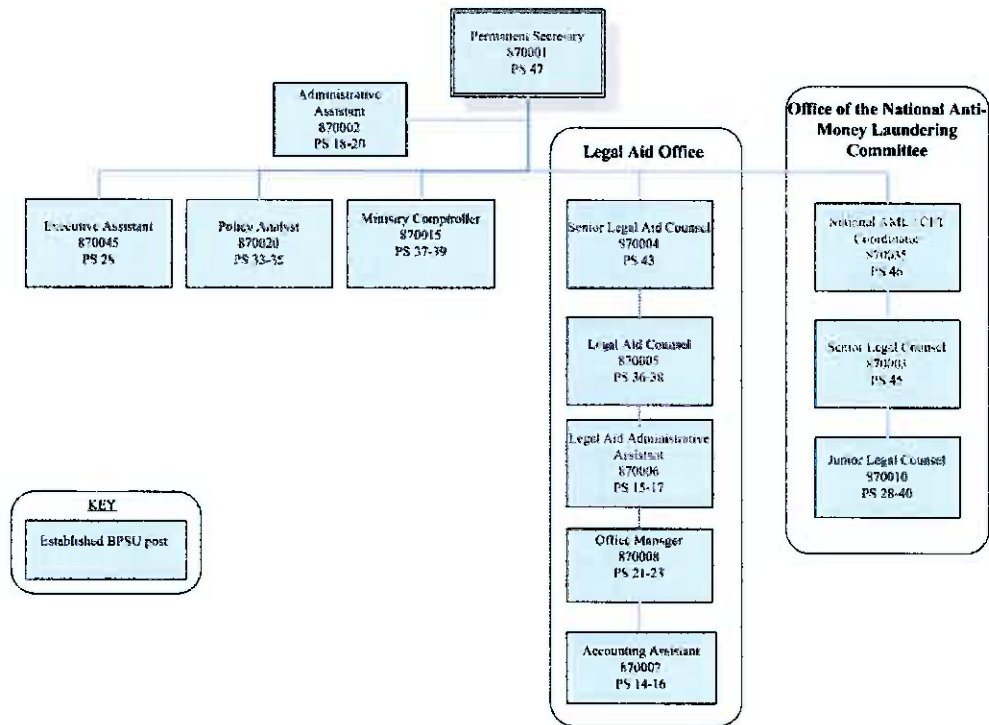
The Permanent Secretary who has oversight of the civil service administration for the entire Ministry and direct management responsibilities for the Legal Aid Office and the National Anti-

Money Laundering Committee as well as toward the following:

- An Administrative Assistant providing service to the Minister and the Permanent Secretary;
- A Controller in charge of the accounting transactions and financial records for the Ministry; and
- A Policy Analyst who assists with policy formulation.

The Legal Aid Office and the National Anti-Money Laundering Committee also come directly within the remit of Legal Affairs Headquarters.

Ministry of Legal Affairs
Organizational Chart – May 2014



Legislation

The role of the Permanent Secretary is defined by section 61(5) of the *Bermuda Constitution Order 1968* and by the *Public Service (Delegation of Powers) Regulations 2001* per his/her role as Head of Department under the schedule.

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

FUNCTIONS, POWERS AND DUTIES (including PATI)

Ministry of Legal Affairs Headquarters is responsible for making information available to the public about its operations per Part 2 of the Public Access to Information Act 2010; and to oversee all departments that fall within the remit of the Ministry so as to ensure that:

- Government policy initiatives under the direction of the Minister of Legal Affairs are being advanced;
- Departments under its remit are fulfilling their functions in accordance with legislative mandate and/or Government policy objective; and
- Ministry departments are coordinated in their pursuit of Ministerial policy objectives.

Headquarters further ensures that Government's legislative framework is updated and current with Government's policy directives.

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]

SUMMARY OF SERVICES (including programs)

Ministry of Legal Affairs Headquarters provides the following services and has jurisdictions over the following programs:

1. Assisting the Minister of Legal Affairs with policy formulation as required;
2. Consulting with stakeholders toward policy formulation;
3. Preparation of Cabinet papers with supporting policy documentation;
4. Preparation of Drafting Instructions for codification of policy;
5. Attending Attorney General's Legislative Policy Committee to support finalization of draft legislation;
6. Preparation of documentation for tabling legislation;
7. Assisting with the gazetting of legislation;
8. Ensuring proper management of budgetary and other resources allocated toward fulfillment of the Ministry' mandate; and
9. Overseeing component divisions as to their meeting statutory requirements.

Ministry of Legal Affairs Headquarters is also responsible for overseeing the management of the Legal Aid Office and the National Anti-Money Laundering Committee, with the support of an administrative staff.

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

Ministry of Legal Affairs - Headquarters

- Heads of Department Meeting minutes
- Year End Budget statements,
- Legal Aid Office Annual Reports and Financial Statements,
- Financial Intelligence Agency Annual Reports and Financial Statements,
- Ministry files pertaining to policy development and Ministerial initiatives, and
- Policy development reports.

Office of National Anti-Money Laundering Committee

The following are records held by the Office of NAMLC:

- I. Records held on behalf of NAMLC by the Office of NAMLC and which are presumed to be exempt as per sections 28 and 29 of the PATI Act are:
 - i. Minutes of Committee Meetings;
 - ii. Correspondence between Committee members concerning the deliberations of the Committee; and
 - iii. Correspondence between the Chairman of the Committee and the Minister/Permanent Secretary concerning advice given in the discharge of the statutory functions.

2. Legal research and opinions provided to the Committee by the Office of NAMLC and/or legal personnel within NAMLC member agencies, to support NAMLC's deliberations in order to discharge its statutory advisory function to the Minister. Such documents are presumed to be exempt as per sections 29 and 35 of the PATI Act.
3. Correspondence with Government House concerning the discharge by the Governor of statutory functions imposed on him by the Government of the UK under a suite of legislative Orders in Council made by the UK Privy Council under their United Nations Act 1946 and under their Terrorist Asset-Freezing etc. Act 2010. Such correspondence are presumed to be exempt as per section 33(1)(b) of the PATI Act.

Legal Aid Office

Files

- Client Files (criminal, matrimonial/domestic, civil)
- Client billing files
- Client case files where representation is done in-house
- Drug Court
- Mental Health Court
- Staff personnel files
- Vendor files
- Budget
- Accommodation
- Project files i.e. case management system website

Minutes

- Legal Aid Committee Meeting Minutes
- Legal Aid Staff Meeting Minutes
- Government Heads of Department Meeting minutes
- Ministry of Legal Affairs Heads of Department Meeting Minutes

Correspondence

- Client correspondence
- Counsel correspondence
- Legal Aid Committee correspondence
- Staff internal and external email correspondence
- Team members personal correspondence
- Internal correspondence with Ministry
- External correspondence with public
- Correspondence with stakeholders both internal and external

- File notes

Reports

- Legal Aid Annual Reports 2002 – 2012

Other Documents

- Policies and procedures manual
- Business plans
- Legal Aid certificates
- Legal aid applications
- Legal Aid questionnaires
- Legal Aid financial assessments

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

The Legislative Process (manual)

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

POLICIES, RULES AND GUIDELINES FOR DECISIONS AND RECOMMENDATIONS

Instructions and directives for policy development are obtained from the Minister of Legal Affairs through the Permanent Secretary. Applicable legislative directives are taken into consideration accordingly as pertains to particular initiatives.

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

IDENTITY AND CONTACT INFORMATION OF DESIGNATED CONTACT PERSON (S. 62)

Onika Mendes
PATI Officer

Ministry of Legal Affairs Headquarters
Global House
43 Church Street
Hamilton HM 12
Tel: 292-2463

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

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: 23rd March, 2015

Locations of Information Statement:

Copies of Information Statement are available at the following sites:

- Principal office: (Global House – 4th floor) 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

Sign and Date:



27.3.15