

BERMUDA GOVERNMENT

MINISTRY OF JUSTICE

PATI Information Statement

Name of Public Authority

Department of Public Prosecutions (DPP)

Introduction

The Public Access to Information Act 2010 (PATI) grants the Bermuda public the legally enforceable statutory right to request information held by public authorities including the DPP, subject to exceptions that are in the public interest or for the protection of the rights of others.

The PATI Act 2010 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. This will be achieved by providing information on the activities of the DPP to the public, and more generally, by shifting the culture towards putting more information in the public domain. The following information serves to begin to fulfill this obligation and provide an overview for the public of the resources in the DPP, to which they are entitled access.

Each public authority is required by law to publish an Information Statement. It not only provides information but also serves to demonstrate a commitment to routinely and proactively provide information to the public. What follows is the DPP's Information Statement.

Whilst we are committed to this culture shift towards delivering an open and transparent service wherever possible, the DPP is committed to prosecute in the public interest and therefore certain information will not be disclosed. Information about ongoing investigations must be protected for example. When appropriate, certain information will be protected by the exemptions provided for by the PATI Act.

Exemptions (Part 4)

The PATI Act 2010 provides that certain information held by public authorities be protected by exemptions and cannot or may not be disclosed upon request because of the harm that disclosure is likely to cause. Harm is defined as substantial damage to a particular interest, and must be real, likely and significant.

The exemptions relate to information under the following headings:

- Health and safety, where disclosure would endanger the physical or mental health or the safety of the individual;
- Personal information, subject to certain instances where disclosure may be allowed;
- Commercial information, for example trade secrets or contractual negotiations;
- Cabinet documents, including official records of deliberations or decisions;

- 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;
- Deliberations of public authorities, where disclosure could undermine free and frank discussion and advice during the course of the deliberative process;
- Operations of public authorities, where disclosure could prejudice the effectiveness of operations of public authorities eg. with respect to negotiating positions and industrial relations, or in relation to investigations, inquiries or audits conducted by public authorities;
- Records for which disclosure could have an adverse effect on the financial and economic interests of Bermuda;
- National security, defense and international relations;
- Governor's responsibilities and communications with the United Kingdom;
- Law enforcement records for which disclosure of certain types of information would prejudice law enforcement efforts or would endanger a person's life or safety;
- Legal professional privilege, where disclosure of records would be exempt from production in legal proceedings on the basis of legal professional privilege;
- Records for which disclosure would be in contempt of court or a breach of parliamentary privilege; and
- Disclosure prohibited by other legislation.

Section A: Structure, Organisation and Legislation (s5(1)(a))

The Department of Public Prosecutions is functionally divided into three sections:

- Administration
- Specialist
- Litigation

Please see attached Organisational Chart

Legislation

The Director of Public Prosecutions heads the DPP's office. The position was created by section 71A of the Bermuda Constitution Order of 1968 ("the Constitution") and the Governor appoints the DPP. Further, the Director of Public Prosecutions is independent in his decision making (section 71(b) of the Constitution).

Section B: 1) Functions, Powers, Duties of the Authority (s5(1)(b))

The DPP acts in the public interest to prosecute those accused of crime and advise the police and other Government Departments on prosecutions. The DPP is Government's principal legal adviser on criminal matters.

The DPP has the power to institute, conduct and discontinue criminal prosecutions in the public interest.

Mission Statement

The mission of the prosecutors in the DPP office is to uphold and honour our duties as "Ministers of Justice" in the criminal justice system in Bermuda. To that end, we will be guided by the principles of fairness and equity, maintaining the honourable traditions of the legal profession. We will be ever mindful of our obligation to serve the public interest and criminal justice agencies with care, consistency and integrity. As guardians of the rule of law, we will prosecute in a manner that is fearless, impartial, transparent and diligent.

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

The PATI legislation places the same obligations upon all public bodies.

- To provide an **Information Statement** for the public and promulgate it (s.5)
- 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 (s.6). This includes:
 - general information, eg. activities of the Authority
 - Log of all information requests and their outcome
 - Quarterly expenditure (upon request) (s.6(5))
 - Contracts valued at \$50,000 or more
- To **respond to information requests** in a timely manner (s.12-16)
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner (s.9)

- 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(7), 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 as required under the PATI Act and subsequent Regulations (s.59, 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 (s. 62).

Section C: Services and Programmes (s.5(1)(c))

The DPP is exempt from this requirement pursuant to section 4(1)(b)(v) of the PATI Act 2010.

Section D: Records and Documents Held (s.5(1)(d))

The DPP is exempt from this requirement pursuant to section 4(1)(b)(v) of the PATI Act 2010.

Section E: Administration (all public access) manuals

The DPP does not currently produce an employee manual. Employees refer to the *Code of Conduct and Conditions of Employment* and the *BPSU Collective Bargaining Agreement*.

Section F: Decision-Making Documents

The DPP is exempt from this requirement pursuant to section 4(1)(b)(v) of the PATI Act 2010.

Section G: The Information Officer (s5(1)(g))

The PATI Information Officer will be:

Victoria Greening, Crown Counsel, Specialist Team, DPP.

Email: vgreening@gov.bm

Telephone: 296 1277.

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

The DPP is exempt from this requirement pursuant to section 4(1)(b)(v) of the PATI Act 2010.

Section I: Any Other Information To be Provided? (s5(1)(h))

The DPP is exempt from this requirement pursuant to section 4(1)(b)(v) of the PATI Act 2010.

Section J: Information Statement: Copies and Updates

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: 26 January 2015

Locations of Information Statement:

Confirm copies of Information Statement are available at the following sites

- **Your Principal Office:** Department of Public Prosecutions, 2nd Floor, Global House, 43 Church Street, Hamilton HM12
- Website for public authority: www.gov.bm

Sign and Date:

Vicki Arpening

12 February 2015.

DEPARTMENT OF PUBLIC PROSECUTIONS CURRENT ORGANIZATIONAL CHART OCT 2010

