



BERMUDA

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

2014 : 27

TABLE OF CONTENTS

1	Citation
2	Amends the principal Act
3	Amends section 4
4	Amends section 6
5	Inserts section 26A
6	Amends section 27
7	Amends section 35
8	Amends section 37
9	Amends section 43
10	Repeal and replace section 64
11	Repeal and replace section 65
12	Amends the Schedule to the Government Fees Regulations 1976
13	Commencement

WHEREAS it is expedient to amend the Public Access to Information Act 2010:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Public Access to Information Act 2010 (the "principal Act"), may be cited as the Public Access to Information Amendment Act 2014.

Amends the principal Act

2 The principal Act is amended by deleting "28 days" where it appears and substituting "six weeks".

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

Amends section 4

3 Section 4(1)(b) of the principal Act is amended by—

- (a) deleting the full-stop at the end of sub-paragraph “(v)” and substituting a semi-colon; and
- (b) inserting next after sub-paragraph “(v)” the following—

“(vi) the Attorney General’s Chambers;

(vii) the Department of Internal Audit.”.

Amends section 6

4 Section 6 of the principal Act is amended by deleting subsection (1) and substituting the following—

“(1) A public authority shall provide information to the general public about information it holds, on an annual basis, by—

- (a) print media;
- (b) radio media;
- (c) television media; or
- (d) online web-page,

and on how to access information held by the public authority, to enable the public to have minimum need to resort to this Act for obtaining information held by a public authority.”.

Inserts section 26A

5 The principal Act is amended by inserting, next after section 26, the following—

“Information received in confidence— International tax agreements

26A (1) Subject to subsection (2), a record is an exempt record if it is—

- (a) a record of a request that has been submitted to the Minister of Finance for his consideration, being a record that was brought into existence in connection with an international tax agreement;
- (b) an official record of any deliberation or decision by the Minister of Finance in connection with an international tax agreement;
- (c) a record that is a draft or copy of, or an extract from, a record referred to in paragraph (a) or (b); or
- (d) a record, the disclosure of which would involve, or could reasonably be expected to involve, the disclosure of any deliberation or decision of the Minister of Finance, other than a

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

record by which a decision of the Minister of Finance is officially published.

(2) Subsection (1) does not apply to a record that contains purely statistical, technical or scientific material unless the disclosure of the record would involve, or could reasonably be expected to involve, the disclosure of any deliberation or decision of the Minister of Finance.”.

Amends section 27

6 Section 27(1) of the principal Act is amended by inserting, next after paragraph (b), the following—

“(ba) drafting instructions, draft bills, draft statutory instruments or a record of drafting instructions, draft bills, or draft statutory instruments;”.

Amends section 35

7 Section 35 of the principal Act is amended—

(a) in subsection (2) by deleting the words “A record” and substituting the words “Subject to subsection (3), a record”; and

(b) by inserting, next after subsection (2), the following—

“(3) For the avoidance of doubt a record held by the Attorney General or the Director of Public Prosecutions, that is the subject of legal professional privilege, shall be an exempt record and shall not be subject to public disclosure of any kind.”.

Amends section 37

8 Section 37 of the principal Act is amended—

(a) in subsection (1) by deleting the words “A record” and substituting the words “Subject to subsection (6), a record”; and

(b) by inserting, next after subsection (5), the following—

“(6) For the avoidance of doubt a record held by the Attorney General or the Director of Public Prosecutions, that is the subject of legal professional privilege, shall be an exempt record and shall not be subject to public disclosure of any kind.”.

Amends section 43

9 Section 43(2) of the principal Act is amended by deleting “21 days” and substituting “six weeks”.

Repeal and replace section 64

10 Section 64 of the principal Act is repealed and replaced as follows—

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

“Offence to alter or destroy record

64 (1) Any person who, subject to subsection (2), alters, erases, destroys or conceals any record with the intention of preventing its disclosure under this Act commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for six months or to both such fine and imprisonment.

(2) For the avoidance of doubt, no criminal or civil proceedings shall be brought against any person for anything done, reported or said in good faith in the exercise or purported exercise of a power or in the performance or purported performance of a duty or function of their employment with a public authority. ”.

Repeal and replace section 65

11 Section 65 of the principal Act is repealed and replaced as follows—

“General offence

65 (1) Any person who, subject to subsection (2), knowingly contravenes any provision of this Act (other than section 56 or 64) or regulations made under this Act is guilty of an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for six months or to both such fine and imprisonment.

(2) For the avoidance of doubt, no criminal or civil proceedings shall be brought against any person for anything done, reported or said in good faith in the exercise or purported exercise of a power or in the performance or purported performance of a duty or function of their employment with a public authority. ”.

Amends the Schedule to the Government Fees Regulations 1976

12 The Schedule to the Government Fees Regulations 1976 is amended by inserting after “Head 52” the following—

“

Head 52A

Public Access to Information Act 2010

	Service	Fee
1. Photocopy:		
	(a) Black and white copy (all sizes)	\$1.00 per page
	(b) Colour copy (all sizes)	\$2.00 per page
2. Photographs		
	(a) Black and white and colour (digital photographic print from digital file, scanned hardcopy or existing negative)	\$1.00
	(b) Black and white (photocopy or standard print-out)	\$1.00
	(c) Colour (photocopy or standard print-out)	\$2.00

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

Head 52A	
Public Access to Information Act 2010	
3. Video Duplication	Actual Vendor Costs plus 25% administrative fee
4. Conversion of an analogue audio or video record (eg. tape or reel-to-reel) into digital MP3 or DivX file format	Actual Vendor Costs plus 25% administrative fee
5. Copy of a microfilm positive reel	\$75.00
6. Microfilm print-out black and white copy (all sizes)	\$1.00 per page
7. Conversion of a microfilm record into digital JPEG file format	Actual Vendor Costs plus 25% administrative fee
8. Print-out of a digital document or database report black and white copy (all sizes)	\$1.00 per page
9. Provision of a digital record (text or image) in standard PDF, JPEG or TIF file format:	
(a) by email	No charge
(b) actual cost of digital storage apparatus	No charge
10. Conversion of a paper record (text or image) into digital PDF, JPEG or TIF file format	Actual costs incurred by the authority, based on hourly rates of staff undertaking the conversion, plus the purchase costs of any digital storage apparatus
11. Digital text files converted to audio formats for visually impaired	Actual costs incurred by the Computer Services Department,

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

Head 52A

Public Access to Information Act 2010

	based on hourly rates of staff undertaking the conversion, plus the purchase costs of any carrier medium
1 Searching by a public officer for any document or of any register or index (per hour or part of an hour occupied)	\$52.00
1 Searching by a public officer or a member of the public for	
3. any document or of any register or index, where in the opinion of the public authority, the information to be obtained will be for the public benefit	Nil

Commencement

13 This Act shall come into operation on the same date on which the Public Access to Information Act 2010 comes into operation.

[Assent Date: 29 July 2014]

[Operative Date: 01 April 2015]