BERMUDA

POLICE (INTERNATIONAL CO-OPERATION) AMENDMENT ACT 2026

2026 : 33

WHEREAS it is expedient to amend the Police Act 1974 to provide for co-operation between the Bermuda Police Service and overseas law enforcement authorities in relation to the prevention, detection, investigation or prosecution of criminal offences, and connected matters;

Be it enacted by The King'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 Police Act 1974, may be cited as the Police (International Co-operation) Amendment Act 2026.

Inserts Part IIA

2 The Police Act 1974 is amended by inserting the following after Part II—

"**PART IIA**

INTERNATIONAL CO-OPERATION

International co-operation: interpretation

9A (1) In this Part—

"international agreement for co-operation" means a written agreement entered into by the Commissioner with one or more overseas law enforcement authorities for the disclosure, receipt, exchange or use of investigative information or for any other form of co-operation relating to the exercise of the functions of the Service;

"international arrangement for co-operation" means an informal arrangement entered into by the Commissioner with one or more overseas law enforcement authorities for the disclosure, receipt, exchange or use of investigative information or for any other form of co-operation relating to the exercise of the functions of the Service;

"investigative information" means information, intelligence, documents, records, data or other materials lawfully obtained or capable of lawfully being obtained by the Commissioner in connection with the exercise of the functions of the Service and relating to the prevention, detection, investigation or prosecution of criminal offences;

"joint investigative team" means a team established or joined by the Commissioner and one or more overseas law enforcement authorities for a specified period and purpose to carry out a coordinated criminal investigation involving Bermuda and one or more countries or territories outside Bermuda;

"overseas law enforcement authority" means any authority, agency, body, office or other person of a country or territory outside Bermuda that is authorised under the law of that country or territory to exercise functions relating to—

(a) the prevention, detection or investigation of criminal offences;

(b) the institution, conduct or prosecution of criminal proceedings; or

(c) the civil recovery of criminal assets.

(2) For the avoidance of doubt, in subsection (1) a reference to an "international agreement for co-operation" does not include a "treaty" as defined by the Criminal Justice (International Co-operation)(Bermuda) Act 1994.

International agreement for co-operation

9B (1) Subject to subsection (2), the Commissioner may, in connection with the exercise of the functions of the Service, with the approval of the Governor, enter into an international agreement for co-operation with one or more overseas law enforcement authorities that exercise functions corresponding to the functions of the Service—

(a) for the purposes of and in support of the Service's functions; or

(b) to assist the overseas law enforcement authorities with the performance of their functions,

in relation to the prevention, detection, investigation or prosecution of crimes.

(2) Before entering into an international agreement for co-operation, the Commissioner must be satisfied of the following—

(a) the identity and the functions of the recipient overseas law enforcement authority or authorities;

(b) the lawful purpose for which the investigative information is required;

(c) there are adequate confidentiality and information security safeguards; and

(d) there are adequate safeguards concerning permitted use and further disclosure of the investigative information.

International arrangement for co-operation

9C (1) The Commissioner may enter into an international arrangement for co-operation under subsection (2) only if he is satisfied that it is necessary in the public interest to enter into an arrangement with one or more overseas law enforcement authorities and it is not reasonably practicable to enter into an international agreement for co-operation with the overseas law enforcement authority or authorities.

(2) The Commissioner may, subject to subsection (3), in connection with the exercise of the functions of the Service, enter into an international arrangement for co-operation with one or more overseas law enforcement authorities that exercise functions corresponding to the functions of the Service—

(a) for the purposes of and in support of the Service's functions; or

(b) to assist the overseas law enforcement authorities with the performance of their functions,

in relation to the prevention, detection, investigation or prosecution of crimes.

(3) Before entering into an international arrangement for co-operation, the Commissioner must be satisfied of the following—

(a) the identity and the functions of the recipient overseas law enforcement authority or authorities;

(b) the lawful purpose for which the investigative information is required;

(c) there are adequate confidentiality and information security safeguards; and

(d) there are adequate safeguards concerning permitted use and further disclosure of the investigative information.

Joint Investigative Teams

9D (1) Subject to an international agreement for co-operation, the Commissioner may establish or join a joint investigative team only if he is satisfied that—

(a) an offence has been committed, or there are reasonable grounds for suspecting that an offence has been committed, in Bermuda and the investigation of the offence or suspected offence is connected with one or more overseas law enforcement authorities, or

(b) conduct which would constitute an offence if it occurred in Bermuda has occurred, or there are reasonable grounds for suspecting that such conduct has occurred, partly in Bermuda and partly in the jurisdiction of an overseas law enforcement authority or authorities; and

(c) establishing or joining the joint investigative team is in the public interest in accordance with subsection (2).

(2) The Commissioner may establish or join a joint investigative team under subsection (1) only if the Commissioner is satisfied that establishing or joining the joint investigative team is in the public interest, having considered—

(a) the purpose of the proposed co-operation;

(b) the likely benefit of the joint investigative team to the investigation;

(c) the need for coordinated action by the Service and the overseas law enforcement authority or authorities concerned;

(d) the administration of justice; and

(e) the rights and interests of any person who may affected.

Power to disclose, receive or exchange information internationally

9E (1) The Commissioner may, subject to subsections (2) to (7), disclose, receive or exchange investigative information with an overseas law enforcement authority where the Commissioner reasonably believes that the disclosure, receipt or exchange is necessary for—

(a) the prevention, detection, investigation or prosecution of a crime which would be considered criminal conduct under Bermuda laws;

(b) the collection, analysis or dissemination of criminal intelligence;

(c) the identification, tracing, restraint, forfeiture or recovery of criminal assets; or

(d) the exercise of a function of the Service or a function corresponding to that of the Service exercised by the overseas law enforcement authority.

(2) The Commissioner may disclose, receive or exchange investigative information under subsection (1) only if the disclosure, receipt or exchange of information is made under—

(a) an international agreement for co-operation made under section 9B; or

(b) an international arrangement for co-operation made under section 9C.

(3) The Commissioner may disclose, receive or exchange investigative information under subsection (1) only if the disclosure, receipt or exchange of information—

(a) is necessary for a specified investigative or intelligence purpose;

(b) is proportionate to that purpose; and

(c) either—

(i) relates to an identifiable person or entity and to the investigation or prosecution of that person or entity; or

(ii) relates to the prevention, detection, investigation or analysis of criminal activity, including the exchange of strategic intelligence, threat assessments, typology information, criminal network analysis or information relating to emerging threats.

(4) The Commissioner may disclose, receive or exchange investigative information under this section whether or not a request for the information has been made by the Commissioner or received from the overseas law enforcement authority.

(5) The Commissioner shall not disclose or exchange investigative information if the disclosure or exchange is likely to—

(a) prejudice an ongoing investigation;

(b) compromise intelligence sources, investigative techniques or operational methods;

(c) prejudice national security;

(d) disclose information that is subject to legal professional privilege;

(e) endanger individuals;

(f) facilitate improper or unlawful action by the overseas law enforcement authority receiving the information; or

(g) otherwise be contrary to the public interest.

(6) A request by the Commissioner to an overseas law enforcement authority for investigative information or other co-operation shall, as far as practicable, specify the factual and legal basis for the request, the investigative information or other co-operation sought, the purpose for which it is being sought and its intended use, and where the request is urgent, the reasons for the urgency.

(7) This section does not apply to information which at the time of the disclosure or exchange is or has already been made available to the public from other sources.

(8) For the avoidance of doubt, where criminal proceedings have been instituted or investigative information is required for use as evidence in any court, tribunal or other judicial proceeding, a request for that information shall be made in accordance with the Criminal Justice (International Co-operation) (Bermuda) Act 1994 and not pursuant to an international agreement or international arrangement for co-operation.

Conditions on disclosure

9F (1) The Commissioner may impose conditions on any disclosure, receipt or exchange of investigative information under this Part.

(2) Conditions may include requirements relating to—

(a) permitted use of investigative information;

(b) confidentiality;

(c) further disclosure;

(d) storage and security;

(e) retention periods; and

(f) destruction or return of investigative information.

Power to obtain information on behalf of overseas law enforcement authorities

9G (1) The Commissioner may, after receiving a request for co-operation by an overseas law enforcement authority, in connection with the exercise of the functions of the Service obtain investigative information available in Bermuda on behalf of that authority where the Commissioner is satisfied that it is necessary in the public interest to obtain such information.

(2) The Commissioner may disclose investigative information obtained in accordance with subsection (1) to the overseas law enforcement authority that made the request subject to section 9E.

(3) For the avoidance of doubt, this section shall not be used to obtain investigative information on behalf of an overseas law enforcement authority where the information could not lawfully be obtained by the Bermuda Police Service for an equivalent domestic investigation without a warrant, order, consent or other judicial authorisation.

Keeping of records of international co-operation

9H (1) The Commissioner shall keep a record of each disclosure, receipt, exchange or request for investigative information under section 9E.

(2) A record under subsection (1) shall include such particulars as the Commissioner considers appropriate, including—

(a) the date of the disclosure, receipt, exchange or request for investigative information;

(b) the investigative information that was disclosed, received, exchanged or requested;

(c) the overseas law enforcement authority or authorities involved;

(d) the investigative purpose for the disclosure, receipt, exchange or request; and

(e) any conditions subject to which the investigative information was disclosed, received, exchanged or requested.

(3) The Commissioner shall periodically review records retained under this section and shall ensure that a record is not retained for longer than is necessary for the purposes specified in subsection (4).

(4) The Commissioner shall securely dispose of a record kept under this section as soon as reasonably practicable if that record is no longer required—

(a) for the prevention, detection, investigation or prosecution of a criminal offence;

(b) for any criminal proceedings to which the record relates, including any appeal arising from those proceedings;

(c) for the purposes of any international agreement or international arrangement for co-operation;

(d) for any audit, review or oversight purpose relating to the exercise of the Commissioner's powers under this Part; or

(e) to comply with any applicable law.

(5) A record shall be considered to be securely disposed of under subsection (4) if—

(a) the information contained in the record is permanently deleted, destroyed or otherwise rendered inaccessible;

(b) the record cannot be reconstructed, retrieved or restored by any person; and

(c) any disposal is carried out in a manner that protects the confidentiality, integrity and security of the information contained in the record.

Restrictions on further disclosure or exchange

9I (1) Investigative information disclosed or exchanged by the Commissioner under section 9E shall not be further disclosed or exchanged with any person or authority except—

(a) as required under the law of the country or territory of the receiving overseas law enforcement authority; or

(b) with the consent of the Commissioner.

(2) Consent under subsection (1) may be given—

(a) in relation to a particular disclosure or exchange; or

(b) in relation to disclosures made in circumstances specified or described in the consent.

Protection and use of information

9J (1) All investigative information disclosed, received, exchanged, processed or held by the Commissioner under this Part shall be securely protected and shall be disclosed, exchanged, disseminated, used and retained only in accordance with—

(a) this Act;

(b) the Personal Information Protection Act 2016;

(c) any conditions imposed by the overseas law enforcement authority from which the information was received; and

(d) any other applicable law.

(2) Subject to subsection (3), investigative information received from an overseas law enforcement authority under this Part shall only be used for the purpose for which it was disclosed, received or exchanged.

(3) Investigative information received from an overseas law enforcement authority shall not be used for any other purpose except with the consent of that authority or where required under the laws of Bermuda.

(4) Any person to whom investigative information is disclosed under this Part shall be subject to the same conditions, restrictions and obligations applicable to the Commissioner in relation to that information.

Savings

9K (1) An agreement or other arrangement relating to international law enforcement co-operation that was entered into by or on behalf of the Commissioner and that subsists immediately before the commencement of this Part shall continue in effect after commencement.

(2) A disclosure, receipt, exchange, or request for investigative information occurring before the commencement of this Part is not invalid solely

because the agreement or other arrangement pursuant to which it occurred was not authorised under this Part."

Transitional

3 (1) The Commissioner shall, within 12 months after the commencement of this Act, review each agreement or other arrangement referred to in section 9K(1) of the principal Act to determine whether it complies with the requirements of Part IIA of the principal Act.

(2) Where the Commissioner determines that an agreement or other arrangement does not comply with the requirements of the principal Act, the Commissioner shall, as soon as reasonably practicable, take such steps as are necessary to amend, replace or terminate it.

(3) Any disclosure, receipt, exchange or request for investigative information occurring after the commencement of this Act under an agreement or other arrangement referred to in section 9K(1) of the principal Act shall be subject to Part IIA of the principal Act.

(4) In this section "principal Act" means the Police Act 1974.

Commencement

4 This Act comes into operation on Assent.

[Assent Date: 14 September 2026]

[Operative Date: 14 September 2026]