

## **INFORMATION STATEMENT OF THE REGULATORY AUTHORITY OF BERMUDA AS ISSUED PURSUANT TO SECTION 5 OF THE PUBLIC ACCESS TO INFORMATION ACT 2010**

*Issue Date: 16<sup>th</sup> May 2017*

### Introduction

In the interest of openness, good governance, transparency and pursuant to the Public Access to Information Act 2010 (hereinafter referred to as “PATI” or the “Act”), the Regulatory Authority of Bermuda (the “Authority”) provides this information statement.

PATI gives the public the right to access records held by public authorities and supports the idea that the people of Bermuda should know more about how and why public authorities do what they do or make certain decisions, and how public money is spent. The Authority is committed to this effort within Bermuda and so its information statement seeks to facilitate the public’s access to the records that it holds.

General information concerning the Authority and its activities can be found at [www.rab.bm](http://www.rab.bm).

The Authority recommends that where there is a genuine interest in information that may be held by the Authority, the requesting party should first try to obtain the information from what is available in the public domain as a request for information pursuant to the Act can be time consuming.

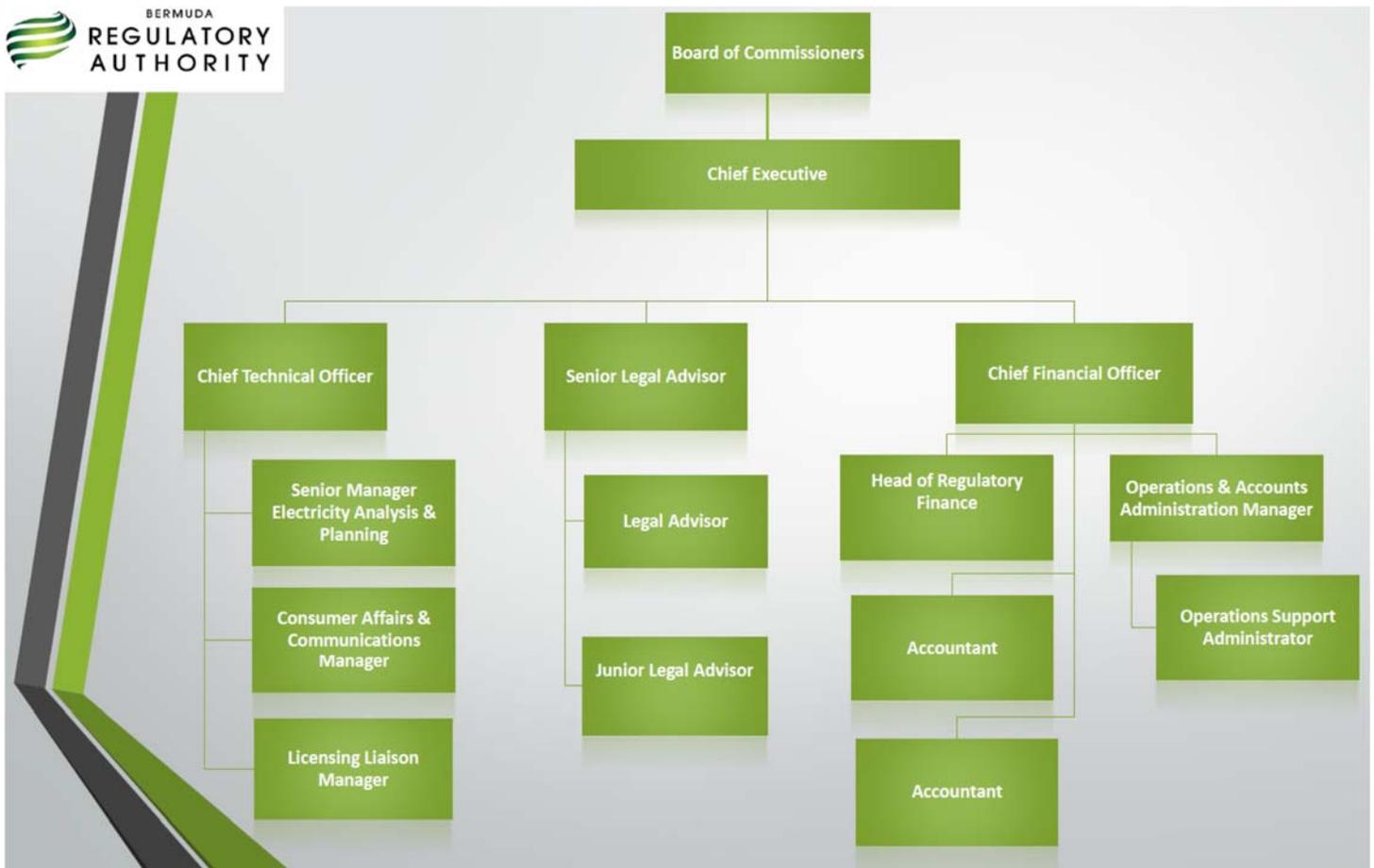
The Authority is committed to facilitating the public’s access to information fairly, efficiently and accurately therefore requests made pursuant to PATI must be submitted via a formal application process. The reason for this application process is to enable the Authority to assess and balance your right of access while simultaneously protecting certain confidential information held by the Authority that must remain confidential. The Act provides that certain records may be exempt from disclosure however the Authority will consider and apply such exemptions reasonably and in accordance with the Act and relevant guidance.

The Authority otherwise summarizes the relevant information concerning requests made pursuant to PATI as follows:

#### **A. Structure, Organization and Legislation (s. 5(1)a)**

The Authority is an independent, multi-sector regulatory authority which was created and is empowered by the Regulatory Authority Act 2011. It is currently responsible for the oversight of the electronic communications and electricity sectors in Bermuda (the “Regulated Industries”). This remit can be expanded by an Act of Parliament to cover other industry sectors.

The Authority is headed by the Chairman of the Board of Commissioners. The Chief Executive, who acts as the principal administrative officer of the Authority, has charge of its the day-to-day functions as well as of the staff of the Authority. The Chief Financial Officer currently serves as the PATI Information Officer for the Authority and will consider all requests for access to information made pursuant to the Act.



The Acts of Parliament and Regulations that govern the Authority are listed below and can be found on our website at [www.rab.bm](http://www.rab.bm):

#### **ACTS**

Electricity Act 2016

Customs Tariff Amendment (No. 2) Act 2013

Electronic Communications Act 2011

Regulatory Authority Act 2011

Telecommunications Act 1986

#### **REGULATIONS**

Cable Television Service Amendment Regulations 2008

Cable Television Service Regulations 1987

Class Eight Radio (Personal Radio Service) Regulations 1988

Class Eleven Radio (Aeronautical and Maritime Land Services) Regulations 1987

Class Four (Two Way Radiotelephone Services) Regulations 1987

Class Nine Radio (Maritime Mobile Service) Regulations 1988  
Class Three Radio (Amateur Service) Regulations 1987  
Electronic Communications (Regulatory Authority Fees) Regulations 2016  
Electronic Communications (Regulatory Authority Fees) Regulations 2013  
Electronic Communications (Transitional) Regulations 2013  
Government Fee Amendment Regulations 2016  
Government Fees Amendment (No 4) Regulations 2014  
Government Fees Amendment (No 2) Regulations 2013  
Government Fees Amendment Regulations 2012  
Public Telecommunication Service Regulations 1998  
Satellite Network Notification and Coordination Regulations 2007  
Subscription Radio Service Regulations 2003  
Telecommunication Radio Regulations 1987  
Wireless Telegraphy (Exemption from Licensing) Regulations 1967  
Wireless Telegraphy (License) Regulations 1961

**GENERAL DETERMINATIONS AND ORDERS**

Regulatory Authority (Transitional Measures for Bermuda Electric Light Company Limited Solar Net Metering Scheme) Emergency General Determination 2017  
Regulatory Authority (Process for Payment of Regulatory Authority and Government Authorization Fees) General Determination 2016  
Regulatory Authority (Electronic Communications Price Comparison Website) General Determination 2015  
Regulatory Authority (Locking of Cellphones) General Determination 2014  
Regulatory Authority (Numbering Portability) General Determination 2014  
Regulatory Authority (National Numbering Plan) Interim General Determination 2014  
Regulatory Authority (Amalgamation of North Rock and Logic) Emergency General Determination 2013  
Regulatory Authority (Amalgamation of North Rock and Logic) Revocation Emergency General Determination 2013  
Regulatory Authority (Exemptions and Class Licenses) (No 2) General Determination 2013  
Regulatory Authority (Exemptions and Class Licenses) General Determination 2013  
Regulatory Authority (Obligations for Operators with Significant Market Power) General Determination 2013

Regulatory Authority (Market Definition and Significant Market Power) General Determination 2013

The Telecommunications (Bermuda Land Development Company) Exemption Order 2000

Telecommunications (Department of Corrections' Prisons Telephone System) (Exemption) Order 2011

Telecommunications (Bermuda Hospitals Board) Exemption Order 1999

**B. Functions, Powers and Duties of the Authority, including its Obligations under PATI (s. 5(1)b)**

**PRINCIPAL FUNCTIONS WITHIN THE REGULATED INDUSTRIES**

- Promote and preserve competition;
- Promote the interests of the residents and consumers of Bermuda;
- Promote the development of the Bermuda economy, Bermudian employment and Bermudian ownership; and
- Promote innovation

**POWERS & DUTIES**

The Authority supervises, monitors and regulates both the electronic communications and electricity sectors in Bermuda. As defined by the Electronic Communications Act 2011, electronic communications regulated by the Authority include all electronic voice and data transmissions, including audio and visual services. The Authority's powers to regulate the electricity sector are set forth in the Electricity Act 2016.

The Authority is responsible for issuing licences and permits, promoting competition, protecting consumer interests and encouraging innovation in the Bermuda electronic communications and electricity sectors. This involves dealing with complex regulatory matters, economics, technology and ensuring that the Authority's decisions are done fairly and in the best interests of the residents and businesses of Bermuda.

The Authority has the power to issue Administrative Determinations, which are written documents the Authority uses to establish the legal rights and obligations of the participants in the Regulated Industries. General Determinations, which are a form of Administrative Determinations, hold the force of law as statutory instruments pursuant to the Statutory Instruments Act 1977.

Another function of the Authority is to provide consumer protection services as it relates to the Regulated Industries. If a consumer has a complaint concerning a regulated service provider, the Authority will hear that complaint and has the power to direct the service provider to remedy the issue which gave rise to the complaint, if it finds that the service provider has breached the terms of its licence or any applicable legislation.

## **STRATEGIC GOALS & VALUES**

*i) Striving for Organizational Excellence*

To be a highly efficient and effective organization that supports and enables its staff to achieve the Authority's objectives.

*ii) Promoting and Facilitating Sustainable Competition*

Dependent on the sectorial legislation, to apply effective and proportionate regulation to facilitate dynamic and sustainable competition within the sectors it regulates.

*iii) Promoting and Protecting the Interests of Consumers*

To safeguard the interests of the consumers of electronic communications and electricity services by protecting and empowering them.

*iv) Facilitating Innovation and Investment*

To provide regulatory certainty within the sectors under its responsibility. This will include the fair application of rules, market evaluation and enforcement of breaches of the rules and compliance. This, in turn, will support investment into the relevant sectors.

*v) Providing Timely Advice and Information to the Government*

On policy and legislative changes which may be required to enhance the success of the electronic communications and electricity sectors or its regulatory framework, and to promptly respond to legally mandated directives from the Minister of Economic Development.

## **OBLIGATIONS UNDER PATI**

- 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].
- 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 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 [s.62]

**C. Services & Programmes (s. 5(1)c)**

The Authority presently provides the following services:

- Regulation of the Regulated Industry in line with its responsibilities under the relevant sectoral legislation;
- Periodic comprehensive reviews of each Regulated Industry;
- Rendering of advice and Administrative Determinations to and in respect of licence holders and applicants for licences that are regulated by Authority;
- Investigation of complaints concerning licence holders with the provision of a resolution process to such complaints as may be needed; and
- PATI Requests—the prescribed fees shall apply pursuant to the Government Fees Regulations 1976.

**D. Classes of Records & Documents Held (s. 5(1)d)**

The files that are presently held by the Authority fall within the following classes:

- Human Resource Documents;
- Financial Records;
- Travel Records;
- PATI Information Request Log;
- Information Technology, including website administrative records;
- Minutes of the Board meetings of the Board of Commissioners;
- Annual Reports;
- Work Plans;
- Policies and Procedures;
- Telecommunications Licences;
- Fuel Adjustment Rate Submissions & Approvals;
- Consumer Complaints Log;
- Investigation and Enforcement Records;
- Administrative Determinations and related documents; and
- Public Consultation Documents.

**E. Administrative & Operational Manuals (s. 5(1)e)**

The Authority holds several policies and procedures and an employee handbook.

**F. Decision-Making Documents (s. 5(1)f)**

- Public consultations
- Reports and papers for Board of Commissioners meetings
- The following policies are presently in force or in the process of being developed within the Authority:
  - Governance Policy;
  - Procurement Policy;
  - Finance Policy;
  - Overseas Travel and Subsistence Policy;
  - Conflict of Interest and Gifts and Hospitality Policy; and
  - Recruitment, Remuneration and Employee Performance Review Policy

**G. PATI Information Officer (s. 5(1)g)**

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Tel: +1 441 405 6000  
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**H. Any Other Information (s. 5(1)h)**

As new consultations, determinations and policies and procedures for the Authority becomes available they will be posted to the website at [www.rab.bm](http://www.rab.bm).

**I. Any Other Information to be Provided (s. 5(1)i)**

For our Annual Reports and other financial documents please visit our website.

All requests for information made pursuant to PATI must be made in writing. Information request forms can be found on the Authority's website or obtained from the office of the Authority.

**J. Information Statement: Copies & Updates (s. 5 (2,3,4,5))**

Every public authority shall update its information statement as least once a year, and make it available for inspection by the public at reasonable times pursuant to s. 5 (1-5) of the Act.

**Date Information Statement was updated:** 16<sup>th</sup> May 2017

**Locations of Information Statement:**

- Principal office: 1st Floor, Craig Appin House, 8 Wesley Street, Hamilton HM11
- The Bermuda National Library
- The Bermuda Archives
- Available electronically by request
- Website of public authority: [www.rab.bm](http://www.rab.bm)
- With the Information Commissioner

Signed: \_\_\_\_\_



**Paul Davis**

**Date: 16<sup>th</sup> May 2017**