

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

Introduction

The Regulatory Authority of Bermuda ('the Authority') is an independent, multi-sector regulator, currently responsible for the oversight of the electronic communications industry sector in Bermuda (the "Regulated Industry"). The Authority's remit can be expanded by an Act of Parliament to cover other industry sectors.

Information concerning the Authority and its activities can be found at www.rab.bm. In the interest of openness, good governance and transparency, and as per the requirements of the Public Access to Information Act, 2010, the Authority also provides this information statement, which provides guidance on how to access information that it holds which is not readily available in the public domain.

Requests made pursuant to the Public Access to Information Act, 2010 ("PATI"), will require the person making that request to make a formal application for access to the information held by the Authority. The reason for this application process is to enable the Authority to balance the right of the public to fairly access information that the Authority holds while simultaneously protecting the legitimate privacy interests of third parties whose personal information may be held by the Authority. 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 PATI does take time to process.

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

a) **Description of the structure and organization of the authority and legislation governing the authority**

The Authority is an independent and accountable regulatory authority which was created and is empowered by the Regulatory Authority Act, 2011. 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 Executive also serves as the Information Officer for the Authority and will consider all requests for access to information made pursuant to the PATI.

The Acts of Parliament and Regulations that govern the Authority can be found [here](#).

b) **Description of the functions, powers and duties of the authority, including its obligations under PATI**

The principal functions of the Authority are to:

- i) promote and preserve competition within a Regulated Industry;
- ii) promote the interests of the residents and consumers within Bermuda with regards to a Regulated Industry;
- iii) promote the development of the Bermuda Economy, Bermudian employment and Bermudian ownership within a Regulated Industry; and
- iv) promote innovation within a Regulated Industry;

At this time, the only industry within Bermuda that is regulated by the Authority is the electronic communications sector. As Defined by the Electronic Communications Act, 2011, the communications that are regulated by that act, through the Authority include all electronic voice and data transmissions including audio and visual services.

The Authority is mandated to promote competition in the Electronic Communications Sector through the issuance of Integrated Communication Operating Licences ("ICOL"s) and Communications Operating Licences ("COLs") to all Electronic Communication Service Providers. The Authority also has the power to issue Administrative Determinations, which are written documents by which the Authority establishes the legal rights and obligations of the participants in the Regulated Industry. General Determinations, which are a form of Administrative Determinations, hold the force of law as Statutory Instrument pursuant to the Statutory Instruments Act 1977.

Another function of the Authority is to provide consumer protection services as it relates to the Regulated Industry. 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 is found that the service provider has breached the terms of its licence or the governing legislation.

c) Summary of services provided including ongoing programs

The Authority presently provides the following services:

- i) Regulation of all industries that fall within its regulatory jurisdiction;
- ii) The rendering of advice and Administrative Determinations to and in respect of Licence Holders and Applicants for Licences that are regulated by Authority;
- iii) The investigation of complaints concerning Licence Holders with the provision of a resolution process to such complaints as may be needed.

d) Description of all classes of records with sufficient detail to authorize access through the Public Access to Information Act, 2010

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

- i) Consumer Complaints;
- ii) Investigations and Enforcements carried out under the Regulatory Authority Act 2011;
- iii) Administrative Determinations and related documents
- iv) Minutes of the Board meetings of the Board of Commissioners;
- v) Policies and Procedures;
- vi) Telecommunications Licences Issued Pursuant to the Electronic Communications Act 2011;

e) Description of all manuals used by employees

Regulatory Authority Employee Handbook

f) Description of policies, rules and guidelines used by authority to make decisions

The following Policies and Procedures are presently in force or in the process of being developed within the Authority:

- i) Procurement Policy;
- ii) Invoice and Payment Policy;
- iii) Overseas Travel and Subsistence Policy;
- iv) Fiscal Policies and Procedures;
- v) Class Licence Database Reconciliation Process Policy;
- vi) Class Licence Collection and Payment Policy;
- vii) ICOL Collection and Payment Policy; and
- viii) Conflict of Interest and Gifts and Hospitality Policy.

g) Name and contact information for person designated by the authority under section 62 as person to whom requests for access to information shall be made

Robert Watson
Information Officer and Chief Executive
3rd Floor – Cumberland House
Hamilton HM11

Tel: 405-6000
E-mail: rwatson@rab.bm

All requests for information made pursuant to PATI must be made in writing and as per the required Public Access to Information Forms. Copies of the forms may be obtained from the office of the Authority at:

The Regulatory Authority of Bermuda
3rd Floor – Cumberland House
Hamilton HM11