



Information Statement

Public Authority: CITES Scientific Authority

This Statement is dated: 20th December 2022

The information contained in this Statement is complete and accurate as of this date.

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Introduction

This document is the Information statement for the **CITES Scientific Authority** (the Authority). In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement. The Authority is regulated by legislation under the Ministry responsible for the environment.

The purpose of this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation. [For more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be in writing using the application form, and submitted to the Ministry Information Officer (see Section G for contact details). A request must identify the record, the subject and time period, and may specify the manner in which access is preferred. Please note there is a small fee levied for reproducing materials (as per the Government Fees Regulations 1976, and as listed on the application form).

Key and Definitions

- ‘Act’ or ‘EAP Act’ means the Endangered Animals and Plants Act 2006
- ‘Authority’ means the CITES Scientific Authority
- ‘Ministry’ means the Ministry responsible for the environment
- ‘Minister’ means the Minister the Environment

- ‘Department’ means the Department of Environment and Natural Resources (DENR)
- ‘PATI’ means Public Access to Information
- Square brackets [], refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Legislation [s5(1)a]

Insert structure of Authority (text, and figure if latter useful):

The CITES Scientific Authority is established by the Minister as authorized by Section 13 of the Endangered Animals and Plants Act 2006. The number of members on the Authority, the qualifications to be seated as a member and the duration of the appointments are not specified by the Act. The Authority is permitted to regulate its own proceedings.

Governing Legislation:

Endangered Animals and Plants Act 2006. There is no subordinate legislation.

Section B1: Functions, powers, duties of the Authority [s5(1)b]

Insert functions, powers and duties:

Functions of Authority [s16, EAP Act]

The general functions of the Authority are to advise the Minister and/or Management Authority (the Department of Environmental Protection) from a scientific perspective on matters relating to any species that is vulnerable, threatened, at risk, endangered, extirpated or extinct; and the import or export of specimens of such species or similar species, both in terms of general policy and in terms of appropriateness of specific shipments.

The Scientific Authority is tasked to:

- (a) advise the Management Authority on —
 - (i) whether any species is vulnerable, threatened, at risk, endangered, extirpated or extinct;
 - (ii) matters in respect of which advice is sought by the Management Authority;
 - (iii) a proposed trade in a specimen will be detrimental to the survival of that species;
 - (iv) it is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it;
- (b) advise the Minister on policy relating to trade in endangered animals and plants;
- (c) recommend, initiate, carry out or support, research which is relevant to any of its functions; and
- (d) monitor the grant of export permits and the actual export of specimens;
- (e) monitor the status of native species listed in the Appendices, if any, and export data, and recommend, if necessary, remedial measures to limit the export of specimens relating to them in order to maintain each species throughout its range at a level consistent with its role in the ecosystem in which it occurs;
- (f) advise the Management Authority on suitable measures to be taken to limit the grant of export permits for a species where it determines that the limitation is necessary to maintain the species throughout its range at a level consistent with its role in the ecosystem in which it occurs and above the level at which that species might become eligible for inclusion in an Appendix;
- (g) advise the Management Authority as to whether or not scientific institutions and individuals should be recognized as suitable scientific entities;
- (h) review all applications for recognition of captive breeding / artificial propagation facilities and advise the Management Authority as to whether the facility concerned meets the criteria for such recognition; and

- (i) review proposals to amend the Appendices submitted by parties to the Convention.

Powers and Duties of Authority

The Authority has the power and duty to monitor local populations of species appearing on the CITES Appendices through scientific research and to advise on measures necessary to maintain such species. The Authority has a duty to render opinions on whether the trade in CITES specimens will be detrimental to the survival of the species and to monitor such exports.

Section B2: Obligations under PATI Act [s5(1)b]

(same for all public authorities)

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5].
2. 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]. This includes:
 - a. General information, e.g. activities of the Authority;
 - b. Log of all information requests and their outcome;
 - c. Quarterly expenditure (upon request) [s6(5)];
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16].
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3].
5. To respond to requests from the Information Commissioner [s9].
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19].
7. To conduct an **internal review** if formally requested [Part 5].
8. To give evidence for **review by the Information Commissioner** [Part 6, 47(4)], or for **judicial review** [s49], if required.
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. To **do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information;
 - b. Management and maintenance of **records**;
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61].
12. To **designate an officer** to be the person to whom requests are directed [s62].

Section C: Services and Programmes provided [s5(1)c]

Insert a summary of services and programmes provided by the authority:

Services

There is no service provided by this Authority to the general public or private sector. The service provided by this Authority is directed towards the Minister, Ministry and the Management Authority.

Section D: Records held [s5(1)d]

Insert list and description of the classes of records held by the authority:

Records

None

Activities of the Authority

The CITES Scientific Authority has been inactive for over a decade.

Section E: Administration manuals [s5(1)e]

Insert list and description of all administrative manuals/guidelines used by employees for administering or carrying-out activities:

None.

Section F: Decision-making documents (all public access) [s5(1)f]

Insert list and description of all policies and guidelines for decision making in respect to any person.

The documents that govern or determine the functions and duties of the Authority:

1. Endangered Animals and Plants Act 2006. Government of Bermuda. Available at www.bermudalaws.bm.
2. The Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora made at Washington, DC in the United States of America on the 3rd March 1973 and any amendment thereto as adopted, from time to time, and relevant to Bermuda;
3. Resolutions arising from a Conference of the Parties, adopted and as may be amended from time to time, and relevant to Bermuda;

The text of the CITES Convention and current Resolutions are available at the CITES website www.cites.org.

Section G: The Information officer [s5(1)g]

Insert name and contact information:

Requests for information shall be in writing and submitted to the Information Officer, Department of Environment and Natural Resources, from where they will be directed to the Authority.

Contact: PATI Information Officer,
Andrew Pettit
Department of Environment and Natural Resources
Re: CITES Scientific Authority

Mail to*: P.O. Box HM-834, Hamilton, Bermuda HM CX

Visit: Department of Environment and Natural Resources
Botanical Gardens, 169 South Road, Paget

E-mail*: apettit@gov.bm

***Requests for personal information will only be accepted for submissions made in-person so to verify the Requester's identity. Emailed & Mailed requests for personal information will not be accepted.**

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

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

Financial Information

1. The fees for services, and the remuneration of Authority members for service, are governed by the following legislation:
2. Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
3. Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.
4. **Budget:** The Authority receives no monies for expenditure.

Further information

5. The **legislation** listed may be found at Bermuda Laws Online www.bermudalaws.bm.
6. Information pertaining to CITES on a global/international scale is available CITES website: www.cites.org.

Section I: Any Other Information as Prescribed [s5(1)i]

As of March 2015 there are no Regulations to specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

Request Application process

- i. Only a person who is Bermudian or a resident of Bermuda has a right to information under the PATI Act [s12(1)]. Requests from other persons will not be accepted.
- ii. Requests must be made in writing to the public authority that holds the information being sought. [s13(1)]
- iii. The identity of the requester shall be kept confidential and, except with the consent of the requester, may not be disclosed to any person other than a person who is required to deal with the request. [s12(4)]
- iv. A requester is not required to give any reasons for making a request [s12(3)]. However, the Information Officer (or designate) may ask questions structured towards the sole purpose of clarifying the request.
- v. Law requires that the public authority make every reasonable effort to assist persons in connection with requests and to respond to requests completely, accurately and in a timely manner.
- vi. Legislation grants the public authority six weeks to decide whether to grant or deny a request, and the authority will notify you of its decision. This time period may be extended for reasons contained in legislation. [s15(1)]
- vii. Requests may be refused on administrative grounds [s16(1)] or may be refused if the record being sought is an exempted record. [s21-40]

viii. The Requester must be mindful that some records involve a third party who must be consulted if the record contains personal information, commercial information or information originally given in confidence. [s39]

ix. There is no fee for simply making a request. However, a fee may be charged for access. You will be apprised of the applicable fee which must be paid before access is granted. [s20]

Other Information that must be provided

i. Log of PATI information access requests: To be provided upon request and with personal identifiers deleted.

ii. Contracts: Any contracts entered into, with a value equal to or greater than \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.

iii. Expenditure: Quarterly expenditure will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)

iv. Salaries: The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

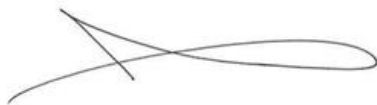
Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(2-5), PATI Act]:

Locations of Information Statement:

- Office of the Department of Environment and Natural Resources, Botanical Gardens, 169 South Road, Paget
- The Bermuda National Library
- The Bermuda Archives
- Office of the Information Commissioner
- www.gov.bm

The Information Statement is available electronically via email. Requests for the Information Statement may be forwarded to animals@gov.bm.

Signed:



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Director, Dept of Environment and Natural Resources on behalf of the CITES Scientific Authority

Date 20th December 2022

Ends