



**GOVERNMENT OF BERMUDA**  
**Ministry Of Health**

**Information Statement**  
**Public Authority: Ministry Headquarters**

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**Introduction to Your Rights under Public Access to Information**

The following document is the Information Statement for the Ministry Headquarters Authority. Every public authority covered by the Public Access to Information Act has a legal duty to maintain an information statement. *Please note that individual information statements were established for each section (aka business unit) under the Headquarters authority.* Accordingly, in many cases the reader is referred to the business unit's Information Statement for more information.

The purpose of the PATI Act and 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 unless it is exempt. 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. However, these 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 [see sections 21 to 40, PATI Act]. In addition every person has a right to amend their personal information if it is incomplete, incorrect or misleading [s19, PATI Act].

**How to make a request**

Requests for information, or to amend your personal information, must be made using the application form, and submitted in person to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

**Key and Definitions**

- Authority means the Ministry Headquarters
- Ministry means the Ministry of Health

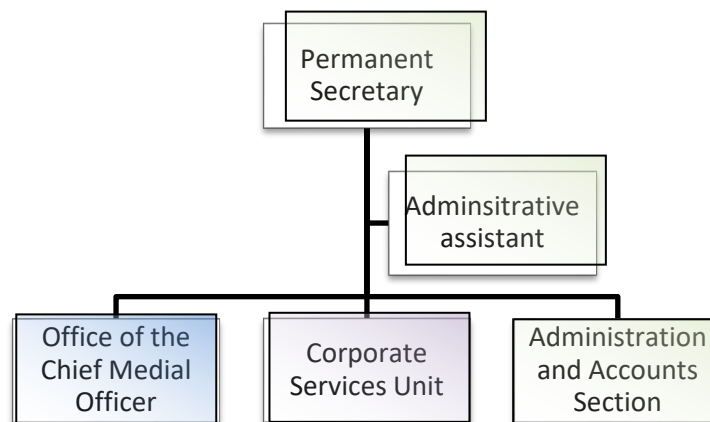
- PATI means Public Access To Information
- Square brackets [ ], refer to sections of the PATI Act, unless another Act is indicated

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

The following four sections comprise Headquarters (HQ):

- Office of the Permanent Secretary and administration
- Accounts and Administration
- Corporate Services Unit
- Office of the Chief Medical Officer (OCMO) (transferred to headquarters, April 1<sup>st</sup> 2013)

The three sections: Accounts, Corporate Services, and the Office of the Chief Medical Officer, report to the Permanent Secretary.



**Figure: The organizational chart of Ministry Headquarters (Note the structure indicates reporting hierarchy, whereas the colour indicates budget heads).**

Other governing legislation outlines the role of the Minister and its Officers with regards the following entities:

- Bermuda Hospitals Board Act 1970
- Health Insurance Act 1970
- Bermuda Health Council Act 2004
- various other legislation (see section B1)
- various international conventions and treaties (see section B1)

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

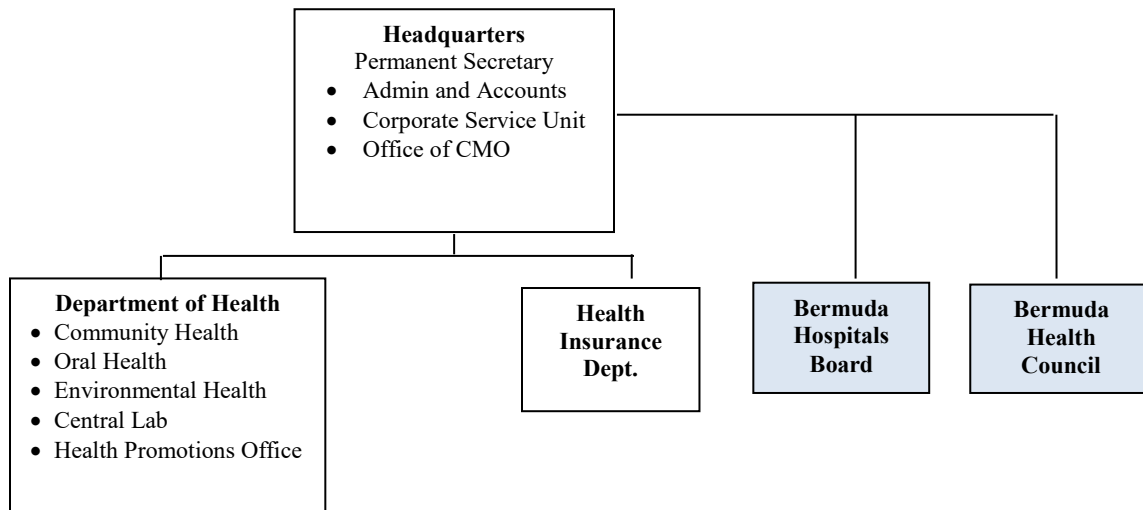
### 1. Legislated Functions of Ministry Headquarters (HQ)

*Mission: To serve as the policy directorate for the Bermuda Health System.*

Ministry headquarters is charged with providing central policy direction, management and coordination of its departments and the services operated by the Ministry. The Minister provides policy direction to the Bermuda Hospitals Board (BHB) and the Bermuda Health Council (BHeC). These two Quangos,

being statutory bodies appointed by the Minister, report to the Minister through the Permanent Secretary.

The Ministry is comprised of three departments: Ministry Headquarters, the Department of Health and the Health Insurance Department. Each department head reports directly to the Permanent Secretary. The Ministry, and entities under the direction of the Ministry, provides a large range of services either directly, or through partnerships with community agencies, to ensure positive health outcomes for the island’s residents. In addition, the Ministry is responsible for upholding the Government’s commitment to international treaties and conventions relevant to health, and international reporting requirements.



**Figure: The functional organization of the Ministry (blue shading indicates QUANGO)**

The mission for the Ministry is to “To make Bermuda healthier”. This is achieved through ensuring the following outcomes:

- The population of Bermuda has a healthcare system which is accessible, affordable and effective.
- The population of Bermuda is protected from public health threats and has information to allow them to lead healthy lives.
- Bermudians have access to affordable health insurance.
- Residents of Bermuda have access to hospitals which provide affordable, safe and effective care.

Ministry initiatives are prioritized in the Ministry’s strategic plan and progress is monitored through various accountability mechanisms. In 2016 the Ministry launched the Bermuda Health Strategy 2014-2019: *Priorities for Bermuda’s Health System Reform*. Its objective is to improve the quality, accessibility and affordability of the health system.

## 2. Legislated Powers and Duties of Ministry Headquarters (HQ)

The powers and duties of the Ministry are outlined in the following legislative instruments:

Legislative Instrument	Relevance to Ministry of Health*
<b><i>Under the legislated responsibility of the Ministry of Health</i></b>	
Allied Health Professions Act, 2018 (previously titled: The Professions Supplementary to Medicine Act)	Regulates allied health professionals
Bermuda Health Council Act 2004	BHeC established to monitor the health sector (professionals, businesses & services); and regulate health insurance providers.
Bermuda Hospitals Board Act 1970	Establishes the Board to operate the two hospitals. The role of the Minister is to provide policy oversight.
Dental Practitioners Act, 1950	Regulates Dentists, Dental Hygienists, Dental assistants and Dental technicians.
Health Insurance Act, 1970	Establishes the framework for compulsory and voluntary health insurance offered by licensed insurers and approved schemes. It also establishes the Health Insurance Committee to provide the Government's health insurance products (Health Insurance Plan, Mutual Reinsurance Fund, FutureCare and the Subsidies).
Human Tissue Act, 1967	Defines death and the use of the body for medical purposes (therapeutic, education or research).
Medical Practitioners Act, 1950	Regulates Physicians.
Mental Health Act, 1968	Concerns admissions to hospital for persons suffering a mental disorder and patients concerned with criminal proceedings. Establishes the Mental Health Review Tribunal to assess discharge.
Miscellaneous Taxes Act, 1976	With regards payroll taxes on Health professionals
Nursing and Midwifery Act 1997	Regulates Nurses and Midwives.
Optometrists and Opticians Act 2008	Regulates Optometrists and Opticians.
Occupational Safety and Health Act 1982 (previously titled: Health and Safety at Work Act; (Nb. Health & Safety at Work (pressure systems) Regulations 1989 needs title updated)	Establishes the duties for employers and employees to ensure that workplaces and work practices in Bermuda are safe as far as reasonably practicable. Creates the Advisory Council for Safety and Health to advise the Minister on occupational safety matters and empowers the Minister to appoint inspectors.
Pembroke Parish Public Cemetery Act, 1907	CMO approval for purchasing land
Pharmacy & Poisons Act, 1979	Regulation of pharmacists; facilities and drugs
Psychological Practitioners Act 2018	Regulates Psychologists
Public Health Act, 1949	Provides the Minister with responsibility for:- -sanitation & water supply -prevention of public health nuisances (pollution) -offensive trades

	<ul style="list-style-type: none"> <li>-communicable diseases</li> <li>-vaccination</li> <li>-burial and cremation of human remains and carcasses</li> <li>-general housing conditions (in conjunction with the Bermuda Housing Act 1980 and regulations)</li> <li>-production, preparation and sale of food</li> <li>-packaging and labelling of products other than food</li> <li>-hospitals, maternity homes, medical labs, rooming houses, laundries, slaughter houses, any place where food or drink is sold or prepared or stored for sale, day care centres for children or adults, kindergartens, beauty shops, barber shops, manicure parlours, mobile beauty shops, tattooing, electrolysis and body-piercing establishments, swimming baths, bathing beaches and places of public assembly, entertainment or resort.</li> <li>- In addition the Minister is given the legal powers to remedy unsatisfactory public health conditions and to license various categories of establishments and prescribe hygienic and safety standards for the above mentioned establishments</li> <li>- The Minister also has the power to establish clinics</li> </ul>
Quarantine Act, 1946	To protect Bermuda from the international spread of disease by controlling ports, conveyances and commodities; the Minister is the quarantine authority, empowered to appoint quarantine officers, establish quarantine stations
Radiation Act, 1972	Protects the operators of radiation equipment and radioisotopes and the public from harmful levels of ionizing radiation, by licensing all sources of ionizing radiation and ensuring that the source, equipment, environment and handling practices are safe and satisfactory.
Tobacco Control Act, 2015 [Replaces the Tobacco Products (Public Health) Act, 1987; and Tobacco Products (Public Health) Regulations, 1988]	Controls the sale, promotion, advertising of tobacco products and prohibits smoking in various places. The 2015 Act includes e-cigarettes and strengthens protections for minors.
<b>Non- Health Ministry legislation in which Ministry of Health Officers hold responsibilities</b>	
Children Act, 1998	Child care providers are regulated by the Dept of Health.
Education Act, 1996	Consultation with the Ministry of Health regarding drug testings.67 and s.73
Liquor License Act, 1974	Legislated responsibility of Ministry of Justice (NDC). Env. Health issues certain licenses.

The only part of Part IX- Day regulation is Health.

	1 <sup>st</sup> Schedule refers to Mental Health Act	
Misuse of Drugs Act and Regulations 1972	Determines what are controlled drug and the licensing requirements for importation and distribution.	
Police and Criminal Evidence Act, 2006 (previously the Evidence Act, 1905)	AKA PACE. Part VI: Treatment and collection of medical evidence from person detained by police. References the Mental Health Act. As pertains to the Criminal Code Act (see above).	
Road Traffic Act, 1947	Regarding the collection and analysis of human samples by an analyst and medical practitioner [s 35C-35J]	
<b>Legislation updated annually (1<sup>st</sup> April) by Ministry of Health</b>		
Annual Budget Legislation - The Bermuda Constitution Act [s96] The Appropriation Act (annual not consolidated)		Heads as det
- Bermuda Hospitals Board (Hospital fees) Regulations	Negative Resolution	
Bermuda Hospitals Board (Medical and Dental Charges) Order	Not subject to parliamentary scrutiny	
Health Insurance (Standard Health Benefit) Regulations, 1971	re: Standard Premium Rate. Affirmative Resolution	
Health Insurance (Future Care Plan) (premium) Order	Not subject to parliamentary scrutiny	
Health Insurance (Health Insurance Plan) (premium) Order	Not subject to parliamentary scrutiny	
Health Insurance (Mutual Reinsurance Fund) (Prescribed Sum) Order	Not subject to parliamentary scrutiny	
<b>Key Legislation for all Ministries- not the responsibility of the Ministry of Health</b>		
The Constitution Order 1968		Sets out scen health super
Contributory Pensions Act, 1970	Information only	
Contributory Pensions and Workmen's Compensation (Reciprocal Agreement) Act, 1970	Information only	
Interpretation Act 1951	Explains interpretation of terms used in Bermuda Legislation	
Parking of Vehicles (Designated Areas) Act 1973	Relevant to parking at Ministry HQ and KEMH	
Criminal Code Act 1907	Established that Sexual assault is committed if HIV, AIDS or Hep B sufferer does not inform partner before sex act; Abandonment of children under 2 is a felony;	
Evidence Act, 1905 [Now called the Police and Criminal Evidence Act, 2006]	As pertains to the Criminal Code Act (see above)	

Government Authorities (fees) Act 1971	Prescribes remuneration for members sitting on statutory bodies. See list of Ministry Boards, Annex E.
Government Fees Act 1965 Government Fees Regulations 1976	Prescribes fees payable to public authorities for listed functions. Includes fees In: Public Health Act, Registration of professionals, and this table. Updated every 2 years (last update April 2012)

### 3. INTERNATIONAL COMMITMENTS

The Ministry is responsible for upholding the Government's commitment to the following international treaties and conventions, and international reporting requirements, including:

- International Health Regulations (IHR) and
- International Narcotics Control Board (INCB)

#### INTERNATIONAL MEMBERSHIPS

- Pan American Health Organization (PAHO)
- World Health Organization (WHO)
- Caribbean Public Health Agency (CARPHA) (formerly Caribbean Epidemiology Centre (CAREC) plus other organizations)
- Caribbean Health Research Council (CHRC)
- Caribbean Community and Common Market (CARICOM)

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

##### Obligations of the Authority under 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:
  - General information, e.g. activities of the Authority
  - Log of all information requests and their outcome
  - Quarterly expenditure (upon request) [s6(5)]
  - 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:
  - **Fees** for Requests for information
  - Management and maintenance of **records**
  - **Procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate one of its offices** to be the person to whom requests are directed [s62]

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

The services and programmes provided by Ministry Headquarters are listed by section. Please see the Information Statement of the relevant section for more information on these services:

#### Office of the Permanent Secretary

1. Strategic development of Ministry & Health Sector
2. Coordination of programmes
3. Policy development
4. Grant management
5. Cabinet paper writing
6. Direct service delivery

#### Corporate Services

1. Project management
2. Programme & policy development
3. Programme evaluation oversight
4. Research and analysis
5. Legislative review

#### Accounts and Administration

1. Budget preparation for Ministry
2. Payroll for Ministry employees
3. Cash processing
4. Payment of invoices
5. Ministry human resource management

#### Office of the Chief Medical Officer

1. Regulation & Registration of profession and facilities
2. Drugs Control - import/ export licenses
3. Customs duty exemptions
4. Burials
5. LCCA
6. Epidemiology & Surveillance Unit
7. Consultative services national – incl: Staff Medical Board, GEHI, BHB, BHeC
8. Consultative international - for the World Health Organization

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

The classes of records in respect of this public authority are listed below by section (business unit). Please see Section D of their information statements for the description, dates, and PATI status of each record.

#### Office of the Permanent Secretary

- Correspondence to the Ministry (from national & international bodies etc)
- Ministerial speeches
- Legislative review documents
- Fiscal/ budget
- Strategic

#### Accounts

- Personnel files
- Client files
- Revenue records and invoice batches

#### Corporate Services

- Ministry overview
- Legislative review
- Policy development



**Office of the Chief Medical Officer**

- Register of Bermuda Medical Council
- Drugs importation/ exportation licenses
- Customs duty exemptions
- Statutory bodies activities: minutes, reports

***Epidemiology and Surveillance unit***

- Surveillance Registers and Reports on communicable diseases and syndromes
- International reporting and reports
- Public information leaflets on managing communicable diseases

Note: In November 2020 Ageing and Disability Services, including KMCC, was moved to the Ministry of Social Development and Seniors.

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

The administrative records for this authority are listed below by section (business unit). Please see Section E of the relevant business unit's information statement for the description, dates, and PATI status of each record.

**Office of the Permanent Secretary**

- Cabinet and Ministerial Responsibilities and Procedures

**Accounts & Administration**

- Enterprise (E1) training manual
- Collective Bargaining Agreements

**Corporate Services**

- The Legislative process
- Making Policy Happen

**Office of the Chief Medical Officer**

- Procedures Manual for the office of the CMO
- Activities: minutes

***Epidemiology and Surveillance unit***

- Surveillance Manual
- Standard Operating Procedures for the Nurse Epidemiologist
- Case management policies
- Guidelines to manage occupational exposure

**Section F: Decision-making documents [s5(1)f]**

The decision making records for this public authority are listed below by section (business unit). Please see Section D of their information statements for the description, dates, and PATI status of each record.

**Office of the Permanent Secretary*****Strategic***

- Speech from the Throne
- Government Platform (public access)
- Cabinet directives
- Strategic Planning Sessions

***Employment/ HR***

- Conditions of Employment & Code of Conduct
- BPSU Collective Agreement 2017-2020
- BIU Collective Agreement 2017-2018
- Public Service Commission Regulations 2001

*Fiscal*

- Financial Instructions

*Ministry Specific*

- Legislation (public access)
- Strategic planning sessions
- Briefs to the Permanent Secretary
- Ministerial briefs. Provides information and recommendations on projects of interest for the Permanent Secretary and Minister (exempt)
- Ministry Public Consultations (public access)

**Accounts**

- Financial Instructions
- Code of Practice for Project Management and Procurement

**Corporate Services**

- none

**Office of the Chief Medical Officer**

- Legislation
- For medical council – policies and standards
- Drug control policies
- International Health Regulations
- Guidance and Plans to deal with public health emergencies
- Surveillance Manual

***Epidemiology and Surveillance unit***

- (Bermuda) Legislation
- International Health Regulations

**Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]**

**How to make a request for information, or to amend your personal information**

Requests must be made using the application form and submitted in person to the Information Officer. You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver's license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied with the outcome you may appeal the decision via several mechanisms: an Internal Review by the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

Contact	PATI Information Officer, Sarah D'Alessio Ministry of Health
Hand-deliver to	Continental building, 25 Church Street, Hamilton
Mail to	PO Box HM 380, Hamilton HM BX, Bermuda
Telephone	278-4900
Email*	<a href="mailto:mohpati@gov.bm">mohpati@gov.bm</a> Add subject line: <i>PATI request re Headquarters</i>
* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor's identity.	

**Section H: Further Information [s5(1)h]**

- Further information**
- About us** is available on the government website at: <https://www.gov.bm/ministry/health-and-seniors>.
  - The **legislation** listed in this document may be found at Bermuda Laws Online [www.bermudalaws.bm](http://www.bermudalaws.bm).
  - Financial Information:** For the annual expenditure of the Authority for the past fiscal period (31<sup>st</sup> Mar to 1<sup>st</sup> Apr), see the online Budget Book at: ([www.gov.bm](http://www.gov.bm)); then select Ministry of Finance; then select the "Budget Book" icon on the right-hand side; then select: Section B - Current Account Estimates; then select the Ministry).

**Section I: Other Information As Prescribed [s5(1)i]**

- Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
- Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)], will be gazette annually.
- Expenditure:** Quarterly expenditure for the Authority will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)
- 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)]**

<b>Locations of Information Statement</b>	
• Office: Ministry Headquarters, Continental Building, 25 Church st, Hamilton	Y
• The Bermuda National Library	Y
• The Bermuda Archives	Y
• Available electronically at:	
• PATI website <a href="https://www.gov.bm/public-access-information-pati">https://www.gov.bm/public-access-information-pati</a>	Y
• Ministry website <a href="https://www.gov.bm/ministry/health">https://www.gov.bm/ministry/health</a>	Y
• With the Information Commissioner.	Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y

**Date Information Statement was updated:**

*Date:* Dec 15 2020

*Sign:*



*Name:* Shivon Washington

*Post:* Acting Permanent Secretary, Ministry Headquarters Authority

*Ends*