



GOVERNMENT OF BERMUDA
MINISTRY OF ECONOMIC DEVELOPMENT

PATI Information Statement

Name of Public Authority: Department of E-Commerce

Introduction:

The general purpose of the Public Access to Information (Bermuda) Act 2010 (the Act) is to:

- a) Give the public the right to obtain access to information held by public authorities to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others;
- b) Increase transparency, and eliminate unnecessary secrecy, with regard to information held by public authorities;
- c) Increase the accountability of public authorities;
- d) Inform the public about the activities of public authorities, including the manner in which they make decisions; and
- e) Have more information placed in the public domain as a matter of routine.

Every public authority is required to have an information statement under the Act. This information statement provides the public a description of the Department of E-Commerce and its functions and structures, a summary of services, and descriptions of the classes of records held. Brief summaries of administrative manuals, policies, rules and guidelines are also provided.

Under the Act, Bermudians and Bermuda residents have the right to request and have access to any record held by a public authority, other than an exempt record. Some records fall within Part 4 of the Act, such as information received in confidence pursuant to Section 26 and information related to the deliberative process pursuant to Section 29. Therefore, not all records can be accessed. This information statement clarifies these categories of information where required.

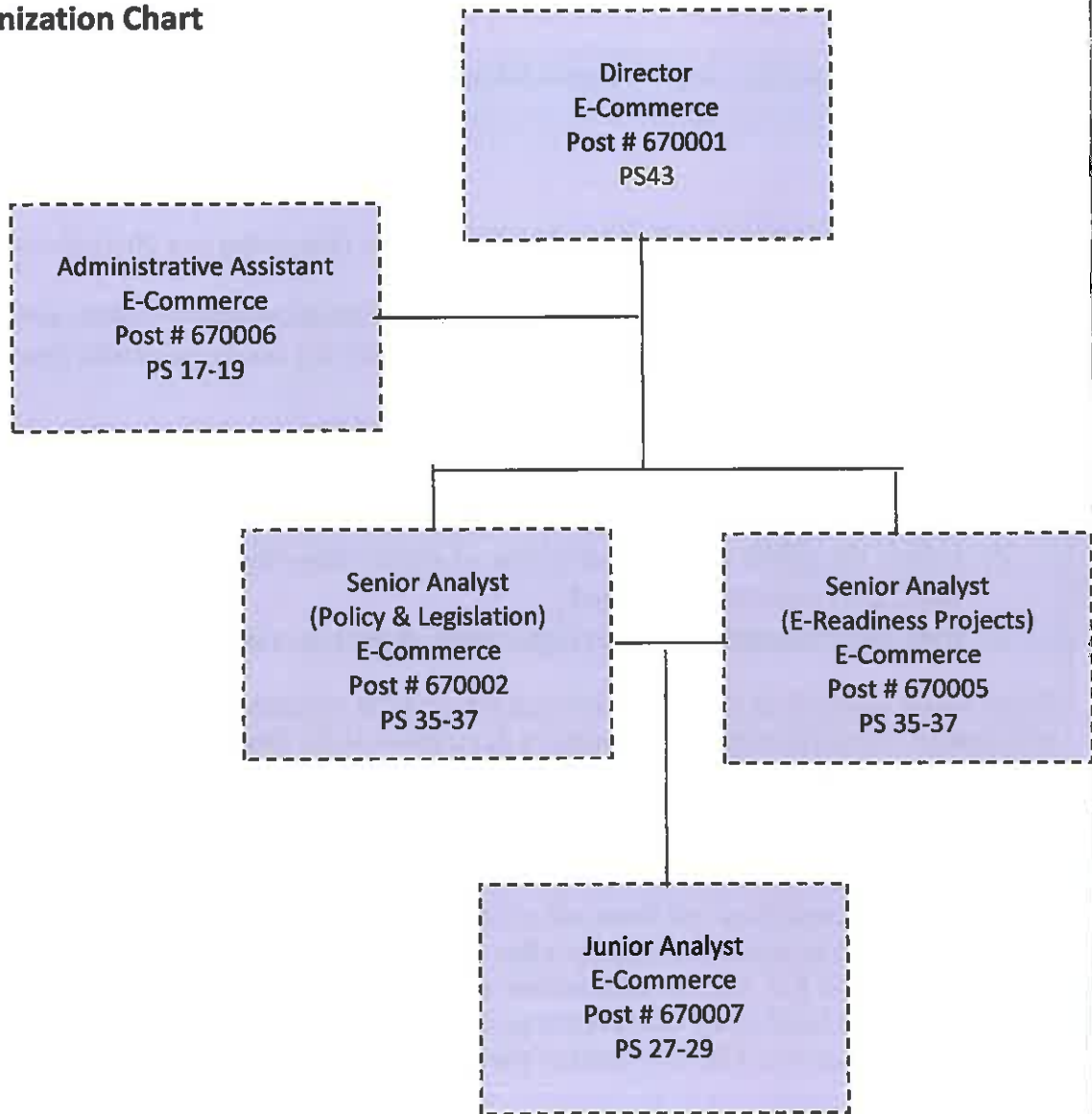
Section A: Structure, Organization and Legislation [s5(1)a]

The Department of E-Commerce is primarily outward facing, concerned with the technology, e-business agenda of the country and its strategic development, ensuring that the appropriate

legislative and policy framework is in place for both business and citizens to flourish and leverage the benefits of living in the digital age. Our stakeholders include: the business community and the public, as well as government. The name of the Department, E-Commerce reflects only a small aspect of the Department's mandate.

Department of E-Commerce

Organization Chart



Legislation

The Department of E-Commerce's primary legislation is the Electronic Transaction Act 1999, or ETA, which promotes public confidence in electronic business. Upon its creation, some of the objects of the ETA were:

- To enhance the reputation of Bermuda as an international business centre;
- To facilitate electronic transactions on a technology neutral basis by means of reliable electronic records;
- To remove uncertainties in relation to conducting transactions electronically with respect to the requirements for documents and for signatures to be in writing;
- To promote public confidence in the validity, integrity and reliability of conducting transactions electronically; and
- To promote the development of the legal and business infrastructure necessary to implement electronic transactions securely.

The original legislation was drafted after consideration of the latest models provided by the OECD and other international organizations such as the 'UNCITRAL Model law on Electronic Commerce 1996'. The ETA was granted Royal Assent on 5th August, 1999 and came into force on 4th October, 1999. The regulations that were implemented to support provisions in the ETA were:

- The Standard for Electronic Transactions ("the Standard") issued effective 18th May, 2000; and
- The Certification Service Providers (Relevant Criteria and Security Guidelines) Regulations that were introduced in 2002.

Under Section 30 of the ETA, there is a provision for the E-Commerce Advisory Board (ECAB). ECAB provides advice to the Minister to allow the function of the ETA to be fulfilled. The Minister appoints ECAB members by notice published in the Gazette. ECAB consists of no fewer than 5 and no more than 11 persons who are knowledgeable about electronic commerce or international business. ECAB advises the Minister on any matter referred to it by the Minister or of its own initiative.

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

As the global technology landscape changes, this can create new issues, challenges, regulatory requirements (for example related to facilitating electronic transactions) and/or opportunities, for Bermuda. As the Department of E-Commerce provides oversight in this area, we are able to promote Bermuda as a sophisticated and first class e-enabled jurisdiction.

This continues to be a strong driver for international business as it heavily relies on the use of technology and the Internet to conduct business globally from Bermuda.

Department of E-Commerce Mission:

To develop the right regulatory framework and facilitate the adoption and advancement of ICT skills and innovation, so that Bermuda continues to be recognized as a prime jurisdiction that successfully leverages and advances the digital economy.

The Department of E-Commerce performs this mission through the following functions:

- Developing privacy legislation and reviewing the Electronic Transactions Act.
- Encouraging responsible personal and organisational online safety and cybersecurity practices.
- Continuing to create initiatives that target ICT career training and mentoring, e-skills adoption, e-entrepreneurship and ICT innovation.
- Providing and disseminating information that demonstrates Bermuda's ICT strengths and successes locally and overseas.

The overriding objective of the Department is directly correlated to the vision: To facilitate an understanding, environment and infrastructure of technology in Bermuda for the benefit of companies and individuals. With regard to this overarching objective, there are specific goals:

- To ensure that the appropriate policies and legislation are in place to support the development of e-business, e-readiness and the digital economy.
- To encourage the development, use and adoption of technology safely and securely across all businesses, organisations, and Government in Bermuda.
- To support opportunities for technology education and training as well as opportunities for education through technological means.
- To promote Bermuda as a sophisticated e-business jurisdiction.

The Director of E-Commerce reports to the Permanent Secretary of the Ministry of Economic Development and to the Minister responsible for the Department of E-Commerce.

Decisions made in the Department of E-Commerce are based on research, stakeholder feedback, industry needs, partnership, and departmental objectives set out by the Ministry and the Government of Bermuda. Government processes and procedures also play a role in the decision making process.

Section B: 2) Obligations under PATI Act [s5(1)b]

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]. 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.
- 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 [s62]

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

The Department of E-Commerce provides services and programmes associated with three primary areas of focus.

a. Legislation and Policy

- a. **ETA** – Bermuda was one of the first countries in the world to enact e-commerce legislation when the Electronic Transactions Act (ETA) was adopted in 1999. The ETA is based on international Model Laws which lay out security requirements for online data and transactions to have the same support under law enjoyed by their traditional paper-based equivalents. The ETA and Standard for Electronic Transactions, both now over a decade old, are currently under review.

Under the Certification Service Providers (Relevant Criteria and Security Guidelines) Regulations, the Minister responsible for E-Commerce is able to authorize Certification Service Providers (known as Certificate Authorities or CAs) to issue accredited certificates under the ETA. A CSP is a key part of a public key infrastructure and is responsible for the issuing, renewing, suspending or revoking of digital certificates. It also decides on the procedures followed in verifying an identity and/or a person's relationship to that organisation. The CSP authorises the signing of certificates and works through registration authorities to approve these requests. The validity period of authorisation of a CSP is 3 years.

CSPs authorized under the ETA pay a fee upon application and a fee for the renewal of the license, as set out in the Government Fees Amendment Regulations. The Government Fees Amendment Regulations 2016 listed the following fees:

- i. On application under section 20(2) for a certificate authorising the applicant to provide accredited certificates \$13,105
- ii. On renewal of certificate \$6,555

There is one authorized CSP operating in Bermuda presently.

- b. **Government Digital Certificate Programme** – this programme manages the issuing of digital certificates to government employees.
- c. **Anti Internet Luring**– The Department of E-Commerce made a significant contribution to anti internet luring and child pornography legislation via changes to the Criminal Code. While not responsible for the legislation, the Department of E-Commerce has implemented the Cybertips programme.
- d. **Privacy Legislation** - The Department of E-Commerce has been working on the development of a working draft model. The draft model will go out for public consultation upon Cabinet approval.

b. **Technology Training and Digital Literacy E-Skills (Awareness, Training and Skills)**

Primary Responsibility:

- a. **Cybertips** - The mandate of the Cybertips initiative is to arm the local community with the tools and resources necessary in the fight for cyber-safety. The Cybertips programme includes a website (www.cybertips.bm) and a roadshow to local schools and PTAs. The programme is proactive in raising awareness and in encouraging internet, cell phone and mobile device users to be safe and smart in the online environment. There is no charge to schools for the Cybertips visits depending upon resources and availability. This programme is often supported by other community partners.
- b. **IT Career Guide** - The Department of E-Commerce develops an annual free IT Career Guide targeted towards Bermuda students. Contained in the Guide is information on the various Information Technology careers in Bermuda, as well as local IT courses, scholarships and interviews with young Bermudians in the field and industry leaders. The Guide is also available from the Department of E-Commerce website.

Partners in:

- c. **Technology Leadership Forum (TLF)** - The TLF (www.tlf.bm) is a registered charity (#907). The TLF is a leadership initiative originally designed by the Department of E-Commerce, in partnership with private sector technology industry companies. The TLF was founded because of an identified need for qualified local ICT talent in Bermuda. This group, made up of key influencers and leaders in the technology industry in Bermuda, came together with the objectives to encourage

dialogue, address issues, propose action steps, and be a networking group amongst peers. As the demand for talented IT resources continues to reflect a keen need in Bermuda's public and private sectors, the TLF developed an internship program that focused on this requirement. The TLF is funded through private sector sponsorship and a grant from the Department of E-Commerce.

- d. **Inspire eBusiness** – Inspire eBusiness (www.inspireeBusiness.bm) is offered in collaboration with the Bermuda Economic Development Corporation (BEDC). The goal of the initiative is to support and encourage the development of e-commerce and to highlight the importance that technology plays in enabling entrepreneurs. There is no cost to entrepreneurs and other interested parties to participate in Inspire eBusiness workshops. Inspire eBusiness also offers Startup Weekend Bermuda, which is funded through private sector sponsorship and a grant from the Department of E-Commerce
- e. **TechTalks** – TechTalks give technology organisations the opportunity to provide the community with information and professional development prospects. In 2014/15, the Business Technology Division of the Bermuda Chamber of Commerce and the Bermuda Chapter of the Information Systems Audit and Control Association (ISACA), partnered under the TechTalks banner to present current and emerging technology trends that may have an impact on or be useful for business. The TechTalks initiative is funded through a grant from the Department of E-Commerce.
- f. **BizCamp** – This is a free summer camp for middle and high-school students offered through the Youth Entrepreneurship Initiative of Bermuda to teach entrepreneurial skills through an online curriculum. This program has been strongly supported by the Department of E-Commerce for more than 10 years.
- g. **Global Entrepreneurship Week and TechAwards** – The Department of E-Commerce is one of the entities that sponsors Global Entrepreneurship Week each November. We also host the Pitch Tech component of the Rocket Pitch Competition. Entrepreneurs share ideas for new, innovative technologies and eBusiness ideas. Pitch Tech supports technology-focused entrepreneurial ventures, and the winner received a financial award to help grow their business. The Technology Innovation Awards – or Techawards - (www.techawards.bm) is designed to increase awareness of the innovative work taking place in the Information Technology sector and the wider community.

The Department of E-Commerce undertakes activities from time to time in order to support its objectives. This has also included initiatives such as TechWeek, Appitude – a mobile application development competition in partnership with local mobile carriers and co-hosting the World Information Technology and Services Alliance (WITSA) Global Public Policy Summit with the Bermuda Chamber of Commerce – Business Technology Division in 2009.

c. Marketing of Bermuda as a Tech Savvy Jurisdiction

- a) **The State of ICT in Bermuda Reports-** The State of ICT in Bermuda report assesses the prevalence of Information Communications Technology (ICT) in Bermuda, from an infrastructure, usage and skills perspective. The reports are available free of charge from the Department of E-Commerce website.
- b) **Economist Intelligence Unit Digital Economy Rankings** - The Department of E-Commerce lobbied hard and was successful in getting Bermuda to be included in the Economist Publication's Annual Global E-Readiness Rankings, now called the Digital Economy Rankings. The Economist study is used as an investment tool by Fortune 500 companies. In the last publication in 2010, Bermuda ranked 22nd in the world; the smallest country to rank in the top 25.
- c) **Setting up an e-Business in Bermuda Brochures** - to provide local and international entrepreneurs with useful information including the necessary steps to setting up an e-business in Bermuda. The brochures are available from the Department of E-Commerce and electronic copies may be downloaded from the website.
- d) **Articles and Advertisements for International and Local Publications** - As part of the Department of E-Commerce's efforts to promote Bermuda's technology strengths; we solicit articles and also advertise in certain international and local publications. Some of these articles are available electronically from the Department of E-Commerce website.

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

a) Administrative Records

- i. Accounts
 - a) Vendors
- ii. Acting Appointments
- iii. Budget
- iv. Business Plan
- v. Contracts
 - a) Vendors
 - b) Consultants
- vi. Document Management
- vii. E1
- viii. E-Commerce website
- ix. HR
 - a) Policy
 - b) Templates and Documents
 - c) Vacation and Sick Leave

- x. Payroll
 - a) Increment Reports
 - b) Monthly
 - c) Weekly
- xi. Staff File
 - a) Acting Appointments
 - b) Job Descriptions
 - c) Recruitment
 - d) Relief
 - e) Secondments
 - f) Security Vetting
 - g) Staff Files
 - h) Summer Interns
 - i) Travel
 - j) Work Permits
- xii. Throne Speech
- xiii. Training

b) Operational Records

- i. E-Business and ICT Policy and Program Development
 - a) Policy and procedures
 - b) General
 - c) E-Business and ICT Policy final publications
 - d) E-Business and ICT Policy consultative advice and support
 - e) E-Business and ICT Policy issues management
 - f) E-Business and ICT Policy programme planning files
- ii. E-Business and ICT Monitoring and Assessment
 - a) Policy and Procedures
 - b) General
 - c) Monitoring and Assessment final publications
 - d) E-Business and ICT consultation files
 - e) Study development and analysis files
 - f) Completed study questionnaires and instruments
 - g) E-Business and ICT data collection development and review files
- iii. E-Business and ICT Programme Support and Implementation
 - a) Policy and Procedures
 - b) General

- c) Programme final report
- d) EW-Business and ICT Programme support files
- e) E-Business and ICT Programme grant files

iv. E-Business Marketing and Information Services

- a) Policy and Procedures
- b) General
- c) E-Business marketing final publications
- d) Marketing development files

v. Certification Service Provider Authorisation Management

- a) Policy and Procedures
- b) General
- c) Certification Service Providers licensing file
- d) Digital certificate auditing/reporting files
- e) Digital Certificate management file
- f) Renew certificate request files
- g) Revoke certificate request files
- h) Digital certificate issue file

c) Classes of Information generally not included as per exemptions under the Public Access to Information (Bermuda) Act 2010:

- a. Health or safety: where disclosure would endanger the physical or mental health or the safety of an individual
- b. Information received in confidence
- c. Cabinet documents
- d. Ministerial responsibility: where disclosure of records could undermine free and frank discussion and advice between Ministers, or between Ministers and public officers, in the course of their public duties
- e. Deliberations of public authorities: where disclosure could undermine free and frank discussion and advice during the course of the deliberative process
- f. Operations of public authorities: where disclosure could prejudice the effectiveness of operations of public authorities
- g. Records for which disclosure could have an adverse effect on the financial and economic interests of Bermuda
- h. National security, defence and international relations (e.g. Bermuda Regiment Aide Memoirs, Standard Operating Procedures)
- i. Governor's responsibilities and communications with the United Kingdom
- j. Law enforcement records: where disclosure of certain types of information would prejudice law enforcement efforts or would endanger a person's life or safety

- k. Legal professional privilege: where disclosure of records would be exempt from production in legal proceedings on the basis of legal professional privilege
- l. Records for which disclosure would be in contempt of court or a breach of parliamentary privilege
- m. Disclosure prohibited by other legislation

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

- a. Budget Process
- b. Cabinet Memoranda
- c. Recruitment and Employment of Staff
 - Employment Act 2000
 - Terms and Conditions of Service
 - BPSU Agreement
- d. Training

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

- a) Major Policy proposals and decisions:
 - Anti-Child Luring
 - ETA
 - Internet Governance
- b) Background information for major policy proposals and decisions:
 - Child Protection
 - ETA Consultation Research
- c) Public Consultations:
 - ETA Public Consultation documents
- d) Minutes of Meetings:
 - ETA Working Group
- e) Reports and papers provided for consideration at senior-level meetings:
 - EIU eReadiness and Digital Economy Reports
 - Department of Statistics Information Technology Reports
 - Regulatory Authority of Bermuda Broadband Study
 - State of ICT in Bermuda Reports

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

Dr. Marisa Stones
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Section H: Any Other Information [s5(1)h]

Section I: Any Other Information To be Provided? [s5(1)i]

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(1-5), PATI Act]:

Date Information Statement was updated: *April 26 2016*

Locations of Information Statement:

- Your principal office: Department of E-Commerce, Government Administration Building
- The Bermuda National Library; Y
- The Bermuda Archives; Y
- Available electronically, Y
 - Website for public authority (<https://www.gov.bm/department/e-commerce>). Y
- Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y
- With the Information Commissioner. Y

Sign and Date:

26/4/16