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PATI Information Statement

Name of Public Authority: Bermuda Casino Gaming Commission (BCGC)

Introduction:

The Public Access to Information Act 2010 (the "PATI Act") grants the Bermuda 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. It is designed to increase transparency with respect to activities of public authorities and their decision-making process. It is further designed to hold public authorities to a high standard of accountability.

By law, the PATI Act requires each public authority to publish its own Information Statement which describes its organization, functions, policies and procedures, and provides a contact person to whom requests are to be directed.

The purpose of this Information Statement is to fulfill those requirements and provide a general overview, outlining the information held by the Bermuda Casino Gaming Commission ("the Commission"), which the public are entitled to access.

The Information Statement is divided into several different categories to assist the public in accessing the information that they are seeking:

Section A deals with the structure, organization and legislation of the Commission.

Section B describes the functions, powers and duties of the Commission and its obligations under the PATI Act.

Section C covers the services performed by the Commission.

Section D outlines the records and documents held by the Commission.

Section E lists any administrative manuals used by the Commission.

Section F describes any other decision-making documents held by the Commission.

Section G provides the name and contact details of the Information Officer for the Commission.

Section H contains any other relevant information held by the Commission.

Section I explains where copies of the Information Statement may be obtained.

Information that may be withheld:

In maintaining this Information Statement, our aim is to be as transparent as possible. However, there may be limited circumstances where information will be withheld. The provisions of Part 14 of the Casino Gaming Act 2014 ("the Act") which deals with the preservation of secrecy, disclosure of information and cooperation between the Commission and foreign regulatory

casino bodies, restricts the ability of the Commission to disclose information it has received outside of the parameters contained within the Act and schedule 2 thereof. This means that an array of records and information that are received, gathered, stored, analyzed and disseminated under the Act are presumptively exempt from disclosure.

Section 37 of the PATI Act recognizes and gives effect to any statutory non-disclosure provision contained in any statute, including the Casino Gaming Act 2014 which specifically excludes PATI Act disclosure for certain documents.

The Commission will generally not publish:

- information in draft form;
- information that is not held by the Commission, or which has been disposed of in accordance with a legally authorized retention/disposal schedule;
- information that is not readily available – for example: information that is contained in files, that have been placed in archive storage, or is otherwise difficult to access;
- information which is covered by the preservation of the secrecy provisions in Section 189 of the Casino Gaming Act 2014 or any other provision in the gaming legislation;
- information which is exempt under the PATI Act, or otherwise protected from disclosure. For example: Section 4 (1) (a) as read with subsection (2) thereof provides, subject to records relating to the general administration, the Act does not apply to 'records relating to the exercise of judicial or quasi-judicial functions by any court, tribunal or other body or person'.

Whenever information is withheld, the Commission will inform the requester of this fact and explain why that information cannot be released. Even where information is withheld, it may be possible to provide a redacted copy, with the exempt matter edited out.

If a requester wishes to lodge a complaint regarding any information which has been withheld, they may submit their concerns for review in accordance with PART 5 of the PATI Act.

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

Structure:

As per Section 7 of the Act, the Commission is made up of five members—

- (a) a Chairman who shall be a barrister with no fewer than five years post-qualification experience;
- (b) four other members including—
 - one person who shall be a public accountant registered or deemed to be registered under the Chartered Professional Accountants of Bermuda Act 1973;

- one person who shall have a background in law enforcement or anti-money laundering or anti-terrorist financing or compliance issues;
- one person who shall have a background in the tourism or hospitality industry.

Schedule 1 to the Act also has effect with respect to the Commission, its members and its proceedings.

Commissioners appointed under Section 7 of the PATI Act (and Schedule 1):

Cheryl-Ann Mapp – Chairman
 Judith Hall-Bean – Deputy Chairman
 Dennis Tucker
 Jonathan Smith
 Daniel Reece

Employees of the Commission appointed under Section 12 of the Act:

Executive

Vacant – Executive Director
 Teresa Wilson – Corporate Operations Manager

Legal

Deborah Blakeney – General Counsel
 Charleda Mahon Gibbons – Legal Analyst
 Vanessa Richmond – Legal Assistant

Finance

Julie Grant – Chief Financial Officer
 Tyson Flood – Business Analyst
 Chelsea Todd – Finance Assistant

Problem Gaming

Roger Trott – Director of Problem & Responsible Gaming
 Deborah Trott – Executive Administrator

Legislation relating to the Commission (Acts, Amendments, Regulations, Rules, Orders and Notices):

- Anti-Terrorism (Financial and Other Measures) Act 2004
- Betting Act 1975
- Casino Gaming (Casino Fees) Regulations 2017
- Casino Gaming (Casino Licence Application) Regulations

- Casino Gaming (Designated Site) (No.2) Order 2016
- Casino Gaming (Designated Site) Order 2016
- Casino Gaming (Designated Sites) Regulations 2016
- Casino Gaming (General Reserve and Casino Taxes) Regulations 2017
- Casino Gaming Act 2014 Commencement Day (No. 2) Notice 2015
- Casino Gaming Act 2014 Commencement Day (No. 3) Notice 2015
- Casino Gaming Act 2014 Commencement Day Notice 2015
- Casino Gaming Act 2014 Commencement Day Notice 2017
- Casino Gaming Act 2014
- Casino Gaming Amendment Act 2015 Commencement Day Notice 2015
- Casino Gaming Amendment Act 2015
- Casino Gaming Amendment Act 2016 Commencement Day Notice 2017
- Casino Gaming Amendment Act 2016
- Casino Gaming Amendment Act 2017
- Casino Gaming Regulations 2018 Public Inspection Notice 2018
- Casino Gaming Regulations 2018
- Criminal Code Act 1907
- Criminal Jurisdiction and Procedure Act 2015
- Financial Intelligence Agency Act 2007
- Liquor Licence Act 1974
- Misuse of Drugs Act 1972
- Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008
- Proceeds of Crime Act 1997
- Proceeds of Crime Amendment (No.2) Act 2016
- Proceeds of Crime Amendment (No.3) Act 2017
- Proceeds of Crime Amendment Act 2015
- St. George's Resort Act 2015
- St. George's Resort Act 2018
- Statutory Instruments (Second Schedule Amendment) Order 2018

- Statutory Instruments Act 1977
- Various other Rules and Regulations which are currently being drafted will be added to this Information Statement once they have been made, and published on the Commission's website, which is currently under construction.

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

Part 1 of the Act provides for the Commission to receive and consider applications for the Minister to make an Order designating a site as an appropriate site for a Casino.

Part 2, Chapter 2, of the Act sets out the objects, functions, powers and duties of the Commission.

Functions and duties of the Commission – Section 9 of the Act:

- to do all things it is authorised or required to do under the Act;
- to receive and consider applications for a licence to operate a casino;
- to investigate the suitability of applicants for licences and issue a licence where appropriate;
- to supervise, regulate and inspect the operations of casinos, the persons responsible for such operations, and the conduct of gaming within the casinos;
- to ensure that the handling, collection, disbursement and counting of money within casino premises is supervised;
- to detect offences committed within casino premises or in relation to casinos;
- to receive and investigate complaints from casino patrons concerning the conduct of gaming in the casino;
- to check casino records;
- to inspect, test and approve gaming equipment and chips used in casinos;
- to prepare reports to give to the Minister concerning the operation of casinos and the conduct of gaming;
- to supervise casino operations and casino operators for the purpose of detecting or preventing money laundering, the financing of terrorism, the financing of the proliferation of weapons of mass destruction and to be alert to the risk that they may be used in connection with financial crime, and to the consequent need to have appropriate arrangements in place to monitor and control its incidence.
- to manage, exchange, and control matters, and regulate transactions;

- to make decisions regarding disciplinary action with respect to casino operators and special employees.

Powers of Commission – Section 10 of the Act

The Commission may carry on such activities as appear to the Commission to be advantageous, necessary or expedient in connection with its objectives, the performance of its functions and the discharge of its duties under this Act, the Regulations, or any other law, including:

- conduct investigations for the grant of licenses or compliance with licence conditions;
- require any person to furnish returns and information;
- issue or approve codes of practice relating to casino operations;
- publish educational materials or carry out research or other educational activities relating to casino gaming, or to support (financially or otherwise) the carrying out by others of such activities, or the provision by others of information or advice;
- enter into such contracts as may be necessary or expedient for the purpose of performing its functions or discharging its duties;
- acquire and hold property, for the provision or future provision of business premises for the Commission;
- make provision for pensions, allowances or other benefits for employees or former employees of the Commission;
- make provision for the specialized training of any employee of the Commission and, in that connection, to offer scholarships to intending trainees or otherwise pay for the cost of the training; and
- furnish the Minister with information with respect to its property and activities as the Minister may, from time to time, require.

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

- To provide an **Information Statement** for the public and to promulgate it [s5];
- To provide **other information** to the public so that the public needs only to have minimum resort to the use of PATI 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 it 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 PATI and subsequent Regulations [s59, 60], including:
 - **Fees** for requests for information;
 - **Management and maintenance of records**;
 - **Procedures** for administering PATI;
- To **train staff and make arrangements** so as to facilitate compliance with PATI [s61]; and
- To **designate one of its officers** to be the person to whom requests are directed [s62].

Section C: Services [s5(1)c]

The Casino Gaming Act 2014 was enacted to meet the challenge of enhancing investment, tourism and employment in Bermuda through the introduction of up to three (3) Integrated Resort Casinos. In order to ensure the orderly introduction and operation of these facilities, the Commission is empowered to satisfy the following five (5) goals in the execution of its duties:

- The owners, vendors, managers, employees, and sources of finance should be free from any inappropriate past or present associations and behaviours, and uphold high ethical standards;
- The casinos should possess sound operational and financial controls;
- The games offered should be fair, honest, and operate with a high level of security and integrity;
- All fees, taxes, and related payments, should be appropriately accounted for and paid; and
- Controls should be in place to protect the vulnerable.

In ensuring the achievement of the public policy goals of the Act in ways that are smart, economical, and efficient, Bermuda's regulatory model is based on providing the following services:

- To offer an approach that is appropriate to the social, cultural, and economic realities of Bermuda;
- To offer a human resource policy of being staffed by a limited number of high performance individuals comprising the regulatory leadership team;
- To work in a collaborative fashion with other global regulatory entities to achieve efficiencies and avoid duplicative actions;
- To utilize the expertise and services of third-parties for –
 - Forensic accounting for suitability of applicants;
 - Criminal & civil suitability investigations;
 - Compliance auditing assistance; and
 - Technological standards and testing.
- To mandate the establishment of Operator Compliance Committee whereby –
 - The operator performs many tasks traditionally performed by the regulatory entity, with the Commission staff performing audits to ensure compliance; and
 - The Operator Compliance Committee is required to report all compliance failures to the Commission staff.
- To be less reliant on prescriptive regulations by:
 - Moving to risk-based methodologies in regulatory construction;
 - Establishing stated goals and standards; and
 - Enhancing dependence on user defined internal controls.
- To utilize an evidence-based best practices approach in developing a program to provide protections to the vulnerable, working in concert with existing treatment providers.

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

The files that are presently held by the Commission 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;
- Provisional Casino Licenses;
- advertisement of the commencement of the Designated Site Order process;
- applications submitted to the Minister for a Designated Site Order;
- 2017 RFP Process for applications for the issue of a Casino License; and
- CFATF Mutual Assessment 2018.

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

A description of all manuals used by employees of the commission in administering or carrying out the programs and activities of the commission will be published on the website, as soon as possible.

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

The Commission holds several policies, rules and guidelines used by the Commission to make decisions or recommendations in respect to any person. The following are presently in force or in the process of being developed within the Commission:

- Team member handbook
 - This document will assist team members in understanding the policies, conditions and benefits relating to their employment
- Financial controls and procurement policies
 - This policy document provides an accurate record keeping and reporting of financial data for the commission. The procedures set out in the document set the standards to which the commission will adhere to when conducting financial transactions, safeguarding assets and financial reporting.
- Travel and subsistence policy
 - This policy document outlines the reimbursement to team members for ordinary, necessary and reasonable expenses properly incurred in connection with the transaction of the commission's business.
- Payroll policy
 - This policy document outlines the payroll process for monthly payments, advances/interim or early payments.

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

The PATI Information Officer for the Bermuda Casino Gaming Commission is:

Mrs. Charleda Mahon Gibbons

Legal Analyst

1st Floor Crawford House

23 Church Street

Hamilton HM11.

Tel: 400 - 2100

Email: c.mgibbons@bcgc.bm

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

As new consultations, legislation and policies and procedures for the Commission becomes available they will be posted to the website at www.bcgcbm.

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

Every public authority shall update its information statement at least once a year, and may do so more frequently.

Date Information Statement was updated: 7th December 2018

A Notice has been published in the Gazette indicating the places where this Information Statement is available for the public which include the following locations:

- Principal office: "Crawford House" 23 Church Street Hamilton HM11
- The Bermuda National Library
- The Bermuda Archives
- Available electronically by request
- Website of the Commission: www.bcgcbm
- With the Information Commissioner

Signed:



Dated: 7 December 2018

Print Name and Title: Charleda Mahon Gibbons, Legal Analyst