

# Information Statement

## Public Authority: The Historic Wrecks Authority

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### Introduction

This document is the Information statement for the Historic Wrecks 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 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, 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, including definitions

- Act means Historic Wrecks Act 2001

- Authority means the Historic Wrecks Authority
- Ministry means the Ministry of Health, Seniors and Environment
- 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]**

*Insert structure of Authority (a chart – if helpful, and some explanatory text):*

As per the Act the Authority consists of seven members appointed by the Minister, of whom—

- One is the Chairman
- One advises in matters relating to scientific research
- One advises in matters relating to Underwater Cultural Resource Management
- One of whom advises in matters relating to Tourism
- One of whom advises in matters relating to diving or dive boat operators
- One of whom advises in matters relating to education

Please see the Ministry website for the list of current members at: <http://www.conservation.bm> then select the Marine Heritage Section from the pull down menu; then select Shipwreck Legislation and the Historic Wrecks Authority – Current Members label.

*Insert Governing Legislation:*

The Historic Wrecks Act 2001 and the Historic Wrecks Amendment Act 2004. There is no subordinate legislation.

### **Section B1: Legislated Functions, Powers and Duties of the Authority [s5(1)b]**

*Insert power, duties and functions of the Authority (cite Act or Policy):*

#### **Functions of Authority**

The General Function of the Authority is to advise the Minister and the Custodian of Historic Wrecks on matters relating to the management of historic wrecks and artifacts from historic wrecks.

This is achieved through advising the Minister on;

1. Management measures relating to historic shipwrecks and marine heritage sites.
2. Management of the National Collection under section 12. of the HWA 2001.

And advising the Custodian of Historic wrecks on;

1. The classification of wrecks and sites under section 6 of the HWA 2001; and
2. The issuance of licenses and the conditions to work on wrecks under section 8 of the HWA 2001.

#### **Powers and Duties of the Authority**

The Authority is advisory.

## **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:*

### **The Authority advises on**

1. The management and protection of Bermuda's Historic Shipwrecks and Underwater Cultural Heritage.
2. The Classification of Historic Shipwrecks.
3. The issuance of licenses for activities on or affecting Historic Shipwrecks
4. Management Measures for the National Collection

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

*List and describe the classes of records held by the authority:*

### **Retention Policy**

All administrative records for a period of 30 years, and all financial records will be retained for

7 years as per financial instructions.

**There are no records held by the Authority.**

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

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

1. *Terms of Reference for the Authority.* (This document provides participation guidelines for the Authority and contains a *Non disclosure agreement regarding matters that are specific to the location of protected wrecks*).

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

*Insert list and description of all policies and guidelines for decision-making in respect to any person. Note "person" includes any company or association or body of persons, whether corporate or unincorporate; [Interpretation Act, 1951]*

The documents that guide the Authority, include:

1. **Marine Heritage Policy** document. This document provides an accessible interpretation of the Act including clarification of key definitions. The Marine Heritage Policy document also outlines the specific rubric used by the Custodian in the Classification of shipwrecks.
2. **Shipwreck Reporting Form.** Individuals or groups wishing to report a shipwreck discovery use this form.
3. **The Planning Process for Underwater Cultural Heritage Assets in Bermuda.** This document specifically outlines the expectations of the Act in relation to planning applications that will or might impact underwater cultural heritage.
4. **License Application Form.** Individuals or groups seeking a license to work on an historic shipwreck use this form. The form provides for several forms of license as outlined in the Act.

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

*Insert name and contact information:*

Requests for information shall be in writing and submitted to the Ministry Information Officer; from where they will be directed to the Department.

Contact

PATI Information Officer,  
Mr. Andrew Pettit

Ministry of the Environment  
Re: Historic Wrecks Authority  
Attention: Dr. Phillippe M. Rouja

Mail to Botanical Gardens, 169 South Road, Paget, DVO4, Bermuda  
Visit (as above)  
Tel 236-4201

**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]:*

1. **About us** is available on the government website at: <http://www.gov.bm> then select Ministry of Health from the pull down menu; then select Historic Wrecks Authority.
2. **Fees and Remuneration:** The fees for services and the remuneration of board members for service is governed by the following legislation, respectively:
  - 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.
  - 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.
3. The **legislation** listed in this document may be found at Bermuda Laws Online [www.bermudalaws.bm](http://www.bermudalaws.bm).

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

*At Dec 2014 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:*

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)].
3. **Expenditure:** Quarterly expenditure will be provided upon request. **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 at [s5(2-5), PATI Act]:

**Date Information Statement was updated:** 5<sup>th</sup> October 2016

**Locations of Information Statement** (*Confirm copies of Information Statement are available at*):

Ministry Headquarters, Botanical Gardens, 169 South Road, Paget	
The Natural History Museum & Library	Y/N
The Bermuda National Library;	Y/N
The Bermuda Archives;	Y/N
Available electronically,	Y/N
Website for public authority (www.environment.bm)	Y/N

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

With the Information Commissioner. Y/N

Sign and Date:



5<sup>th</sup> October 2016

*Ends*