



FINANCIAL INTELLIGENCE AGENCY

PATI Information Statement

Name of Public Authority: Financial Intelligence Agency (FIA)

Introduction:

The Public Access to information Act 2010 (PATI) 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 the activities of public authorities and their decision making processes. It is further designed to hold public authorities to a high standard of accountability. By law, each public authority is required to publish its own information statement which describes its organisation, functions, policies and procedures. The Act also requires the information statement to contain the name of the contact person to whom requests are to be directed. The information contained in this statement is to fulfill the obligation and provide a general overview for the public of the resources in the Financial intelligence Agency that they are entitled to access.

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

Structure

The Financial Action Task Force (FATF) establishes the international standards on combating money laundering and the financing of terrorism and proliferation (hereinafter referred to as the FATF Recommendations). Part of the FATF Recommendations mandates that Countries should establish a financial intelligence unit (FIU) with responsibility for acting as the national centre for receipt and analysis of suspicious transaction reports and other information relevant to money laundering, associated predicate offences and terrorist financing; and for the dissemination of the results of that analysis.

Accordingly, the FIA was established by the Financial Intelligence Agency Act 2007 (FIA Act) as the sole and independent agency in Bermuda to receive such reports of suspicious transactions from financial institutions and other persons, to analyse information and to disseminate it to law enforcement authorities, foreign financial intelligence units and to other domestic competent authorities for connected purposes.

The Proceeds of Crime Amendment (No. 2) Act 2016 brought Dealers in High Value Goods, that being jewellers, car, motorcycle and boat dealers, antique dealers and auctioneers, within scope of Bermuda's anti-money laundering and anti-terrorist financing (AML/ATF) regime. The FIA was empowered to undertake the monitoring and supervision of businesses which make up that group to ensure compliance with relevant AML/ATF legislative requirements. Accordingly, a separate and distinct Supervisory Unit of the FIA exists with operations of the FIA.

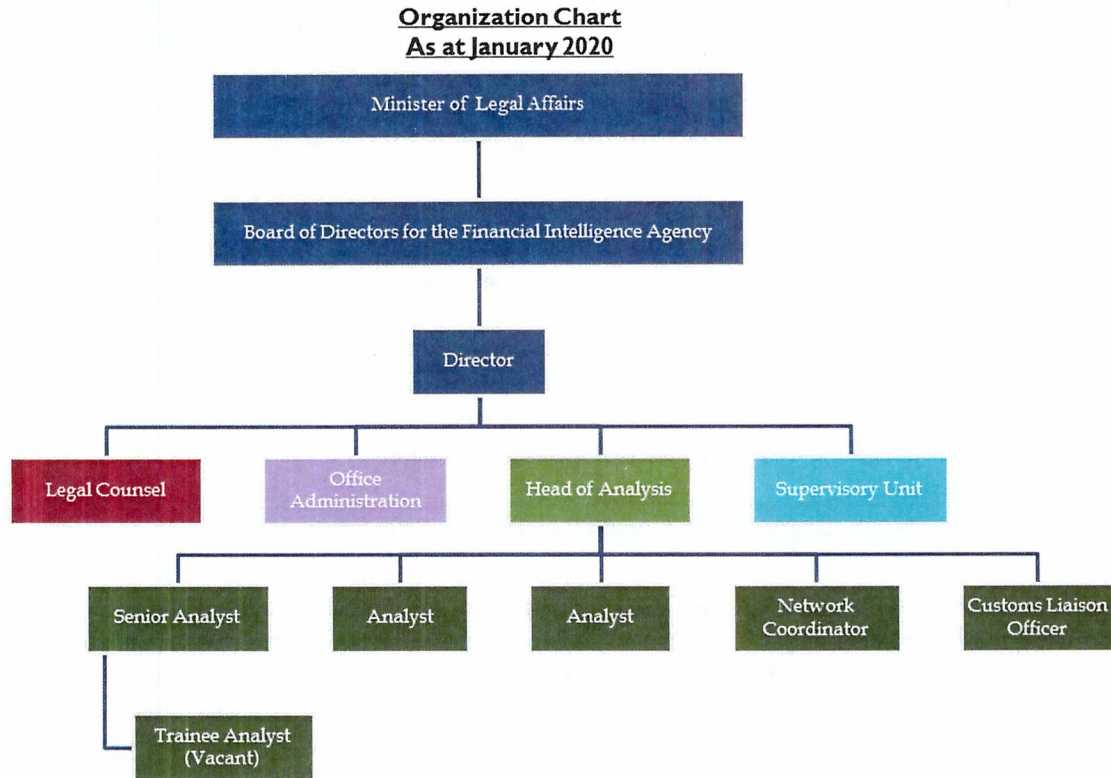
Board of Directors

Pursuant to Section 4 of the FIA Act, a Board of Directors is appointed by the Minister of Legal Affairs to manage the affairs and business of the FIA.

The members of the Board of Directors are as follows:

Greg Wojciechowski (Chairman of the Board) – President & CEO, Bermuda Stock Exchange

Anthony Whaley – Director, Conyers Dill & Pearman
 Cheryl-Ann Mapp – Managing Director, Island Legal Outsourcing Solutions
 Mark Crockwell – Treasurer, Said Holdings Ltd
 John Wight – President and CEO, BF&M Insurance Group
 Sinclair White - Director of the FIA – ex officio



Mr. Sinclair White is the Director of the FIA.

Legislation

The Financial Intelligence Agency Act 2007

Supporting legislations:

- Proceeds of Crime Act 1997 (POCA)
- Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008
- Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 (SEA)
- Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Designation Order 2012
- Anti-Terrorism (Financial and Other measures) Act 2004

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

Functions of the FIA.

Intelligence Unit

The FIA has the functions of receiving, gathering, storing, analyzing and disseminating information relating to suspected proceeds of criminal conduct, potential money laundering offences and potential terrorist financing offences. The FIA may disseminate this information to the Bermuda Police Service and to Foreign FIUs.

Whilst in the course of enquiring into a suspicious transaction, the FIA has the power to request information from any person requiring that person to provide the FIA with such information as it may reasonably require for the purpose of its enquiry. Further, whilst enquiring into a suspicious transaction the FIA is empowered to issue a 72 hour freezing notice against any banking institution in Bermuda requiring it not to make available any funds to any person specified in the notice as

Information that is obtained by the FIA in connection with the exercise of these functions may be disclosed by the FIA to the Minister of Finance, the Minister of Legal Affairs, the Bermuda Monetary Authority and the Registrar-General to discharge their functions under any statutory provision.

Supervisory Unit

Pursuant to Section 3 of SEA, the FIA as the additional functions as the supervisory authority for Dealers in High Value Goods with the responsibility to effectively monitor, on a risk-sensitive basis, the businesses within this sector and take necessary measures for the purpose of securing compliance by such persons with the relevant AML/ATF legislation. A business within the Dealers in High Value Goods sector must register with the FIA, and are subject to AML/ATF regime, in those cases where they enter into a transaction or a series of transactions involving the acceptance of cash of at least \$7,500.

Section 17 of the FIA Act restricts the ability of the FIA to disclose information it has received outside of the parameters contained within the FIA Act. This means that the array of records and information that are received, gathered, stored, analysed and disseminated under the FIA Act and described above are presumptively exempt from disclosure.

Section 37 of PATI recognizes and gives effect to this statutory non-disclosure provision contained in the FIA Act.

Reporting Requirements

The FIA is required to submit the statements of its financial affairs to the Auditor-General within 6 months after the end of its financial year; which is 31 March. Upon completion of the audit, the Auditor-General presents the audited statements to the Board of Director of the FIA.

The FIA is further required to produce an annual report on the exercise of its functions and operations. Both the annual report of operations and the audited annual statement of accounts are provided to the Minister of Legal Affairs who is then responsible for tabling these documents before both Houses of the Legislature.

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 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 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]

Services:

As stated previously, the FIA is the sole and independent agency in Bermuda mandated to receive reports of suspicious transactions and other information relevant to money laundering, associated predicate offences and terrorist financing from financial institutions and other persons, to analyse this information and to disseminate it to law enforcement authorities, foreign financial intelligence units and to other domestic competent authorities for connected purposes. The FIA has the additional functions as the supervisory authority for Dealers in High Value Goods with the responsibility to effectively monitor, on a risk-sensitive basis, the businesses within this sector and take necessary measures for the purpose of securing compliance by such persons with the relevant AML/ATF legislation.

The FIA provides presentations and training to reporting entities and competent authorities to assist in their understanding of the reporting requirements under Bermuda's Anti Money-Laundering/ Anti Terrorist Financing (AML/ATF) regime. This includes the filing of suspicious activity reports via the FIA's online reporting system. There is no charge for AML/ATF training and/or presentations.

Programmes:

The FIA offers no programs to members of the public.

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

As stated previously in Section B (1), records obtained or created by the FIA in the course of carrying out its functions are not accessible to the public.

Records related to the general administration of the FIA are accessible to the public. The FIA employs an Office Administrator, who is responsible for the general office administration and the maintenance of all accounting records. The FIA has outsourced its accounting function with respect to its statutory annual financial reporting obligations. The maintenance of personnel records of staff members with the

FIA is the responsibility of our Legal Counsel. These records fall with Part 4 of PATI (Exempt Records under Sections 23 and 24) and as such, are exempt from disclosure to the public on the grounds that they are personal information. Section 23 (2) provides exceptions to this and Section 24 (2) details what personal information does not include.

The FIA's accounting records are maintained within the FIA by the Office Manager who keeps track the following accounting records, which are accessible to the public:

- Payroll expenses
- Staff Professional Membership fees
- Office supplies
- Monthly rent and maintenance
- Repair and maintenance of office equipment
- Drinking water
- Fixed assets
- IT and communications
- International Organization Membership Fees
- Education and awareness

In addition, the FIA has administrative and vendor contracts that are accessible to the public.

Funding for the FIA is provided through the Ministry of Legal Affairs and is administered via a Memorandum of Understanding on an annual basis.

Budgetary records for the FIA are produced and maintained within the FIA and submitted to the Ministry of Legal Affairs on an annual basis. The Ministry of Legal Affairs is responsible for including the budgetary requirements for the FIA within its own Ministry budget. All Government Departments' budgetary information (i.e. Approved Estimated and Revenue for the Year) are published on the Bermuda Government (Ministry of Finance) website at www.gov.bm. The public can make specific requests to the Financial Comptroller responsible for the Ministry of Legal Affairs for this information, which is handled on a case-by-case basis.

The Annual Report of the FIA's operations is published and accessible to the public via its website www.fia.bm once it has been tabled by the Minister of Legal Affairs in both Houses of Parliament.

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

The FIA maintains the following manuals for use by its employees which may be accessed by the public:

- Conditions of Employment and Code of Conduct Handbook;
- Supplementary Summary of Terms and Conditions of Employment;
- Health & Safety Policy;
- Smoke and Drug Free Workplace Policy;
- Recruitment Policy;
- Financial Instructions.

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

All meetings held and minutes taken pertaining to the activities of the Board of Directors and the FIA are kept within the FIA. The Board holds its meetings on a quarterly. The Board of Directors is involved in the decision-making process, addressing financial matters and managing the affairs and

business of the FIA. All important matters are confirmed by Board resolutions.

- Conditions of Employment and Code of Conduct Handbook;
- Supplementary Summary of Terms and Conditions of Employment;
- Financial Instructions

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

The PATI Information Officer is:
Ms. Christal Hanna, Legal Counsel of the Financial Intelligence Agency,
30A Church Street, Hamilton HMI I. Tel: 292-3422

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

N/A

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

N/A

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

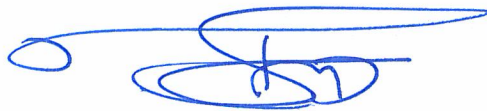
Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

Date Information Statement was updated: 28 January 2020

Locations of Information Statement:

- The Financial Intelligence Agency, 6th Floor, Strata 'G' Building, 30A Church Street, Hamilton HMI I
- The Bermuda National Library;
- The Bermuda Archives;
- Available electronically (by request to pati@fia.bm)
- Website for public authority (www.fia.bm).
- The Office of the Information Commissioner

Sign and Date:



28 January 2020