



Bermuda Hospitals Board

APPLICANT PRIVACY NOTICE

This Applicant Privacy Notice informs individuals applying for employment, service contracts, placements, volunteer opportunities, internships or assignments with the Bermuda Hospitals Board (BHB) (whether to become an employee, self-employed person, on behalf of a private contracting entity or in a volunteer/internship capacity) of how BHB uses their personal information (including sensitive personal information).

If you are interested in applying to BHB through our website (www.bermudahospitals.bm) and wish to learn more about how we generally use information obtained from our website, please also see our [Website Privacy Notice](#).

If you are an employee or simply interested in learning more about how we use the information of our employees, please also see our [Employee Privacy Notice](#). If you are a party to a contract with BHB which does not create employment obligations, please see our [Contracting Parties Privacy Notice](#).

This Applicant Privacy Notice is a live document and will be kept under review and updated, as required, to comply with Bermuda law and any new guidance from the Privacy Commissioner, or the Bermuda Government.

WHO IS BHB AND WHAT DO WE DO?

BHB is responsible for the general charge and management of hospitals on island (inclusive of the King Edward VII Memorial Hospital, the Mid-Atlantic Wellness Institute and the Lamb Foggo Urgent Care Centre) as well as the provision of health services within the jurisdiction.

LEGAL STATUS OF THIS NOTICE

Taking full effect from 1 January 2025, the Personal Information Protection Act 2016 (**PIPA**) places all individuals, private entities and public authorities that use personal information in Bermuda (whether by automated means or as part of a structured filing system) under legislative obligations to protect that information. Part of those obligations involve the provision of a privacy notice to individuals by the time their personal information is collected, or as soon as possible thereafter.

PIPA requires that organisations use personal information only for the specific purposes provided in their privacy notices or for purposes that are related to those specific purposes (with some limited exceptions).

BHB has prepared this Privacy Notice for circulation to the public to help educate individuals of their legal rights generally and of BHB's specific legal obligations as an organisation using personal information under PIPA.

KEY DEFINITIONS

PIPA establishes the following new statutory definitions as referred to in this Privacy Notice:

- **personal information:** means any information about an identified or identifiable individual.
- **sensitive personal information:** means any personal information relating to an individual's place of origin, race, colour, national or ethnic origin, sex, sexual orientation, sexual life, marital status, physical or mental disability, physical or mental health, family status, religious beliefs, political opinions, trade union membership, biometric information* or genetic information**.
 - * **biometric information** means any information relating to the physical, physiological or behavioural characteristics of an individual which allows his unique identification, such as facial images or fingerprint information.
 - ** **genetic information** means all personal information relating to the genetic characteristics of an individual that have been inherited or acquired, which give unique information about the physiology or the health of that individual resulting, in particular, from an analysis of a biological sample from the individual in question.
- **use or using:** in relation to personal information, means carrying out any operation on personal information, including collecting, obtaining, recording, holding, storing, organising, adapting, altering, retrieving, transferring, consulting, disclosing, disseminating or otherwise making available, combining, blocking, erasing or destroying it.

OUR PRIVACY OFFICER

BHB has appointed a Privacy Officer who will have primary responsibility for communicating with the Privacy Commissioner and for members of the public to contact if they have any questions or concerns on how we use personal information. The Privacy Officer's name and contact information is as follows:

Garland Swan, Privacy Officer
King Edward VII Memorial Hospital, 7 Point Finger Road, Paget DV 04
privacy@bhb.bm

We aim to meet the highest standards when using the personal information and sensitive personal information of applicants. We encourage members of the public to bring concerns about PIPA issues to the attention of our Privacy Officer.

USE OF APPLICANT PERSONAL INFORMATION

Overview

BHB primarily uses applicant personal information in the context of their potential employment or another alternative working relationship with us.

Such use involves the review and processing of applications, informing applicants of the outcomes of their applications, interviews and conditional offers in accordance with BHB policies and procedures.

We will also, however, use personal information of applicants to:

- Personalise applicants' online visits to the BHB Jobs NOW portal service and to generally improve the services provided to applicants;
- Inform applicants about the latest changes to the BHB Jobs NOW portal service;
- Provide technical support to applicants seeking to use the BHB Jobs NOW portal service;
- Conduct market research in terms of understanding retention within BHB;
- Carry out technical and statistical analysis to measure the performance of our services; and
- Comply with Bermuda legal or regulatory requirements.

Potential Employment or Alternative Working Relationships

To support BHB's fair and proportionate use of applicants' personal information, our application processes align the use of personal information with the following stages of our application review process:

- General application review and job requirements check;
- Shortlisting or longlisting of candidates;
- Interview;
- Candidate selection and offer; and
- Candidate reference and background checks.

If applicants fail to provide personal information

If applicants fail to provide information when requested, where that information is necessary for BHB to consider their application (such as evidence of qualifications or work history), we will not be able to process their application successfully. For example, if we require a credit check or references for a role and applicants fail to provide us with relevant details, we will not be able to take their application further.

Prior to an Offer of Employment Being Accepted

In connection with considering the applications submitted to BHB, whether as part of a formal BHB recruitment process or unsolicited, we will use **personal information** provided:

- in applicants' submitted curriculum vitae and covering letter;
- in application forms, including full name, title, residential address, telephone number, personal email address, date of birth, gender, employment history, qualifications, and availability;
- in copies of qualifications, registrations and professional good standing documentation;
- during an interview;
- in records pertaining to criminal offences*;
- behavioural assessments;
- by third parties, such as local and overseas registration bodies and regulatory councils and registers; and
- In character and professional references.

** We may be required or entitled to do this in accordance with Bermuda law in connection with confirming the capacity of applicants to properly complete responsibilities, to monitor that equality requirements are being met by BHB through its application processes, and to comply with any safeguarding laws relating to the position that applicants have applied for.*

We may also use the following categories of **sensitive personal information** provided by applicants, such as confirmation of applicants':

- ethnicity, place of origin, race and colour;*
- sex;
- religious beliefs;*
- physical and mental disability**, including any medical condition, health and sickness records; and
- physical and mental health, including any medical condition, health and sickness records.

** We will use information about applicants' race or national or ethnic origin, religious beliefs, sex, sexual life, and sexual orientation, to ensure meaningful equal opportunity monitoring and reporting and to take into account religious and cultural dress (including clerical collars, head scarves, skullcaps and turbans) in determining appropriate allowances for departures from dress code policies. This information will not be available to anyone involved in the candidate selection process and will not be published, except as part of a set of anonymised statistics.*

*** We use information about the disabilities of applicants to consider whether BHB can make modifications to the circumstances of employment so as to eliminate the effects of a disability without unreasonable hardship in accordance with the Human Rights Act 1981 (for example whether modifications need to be made during a test or interview).*

After an Offer of Employment has Been Accepted

BHB will engage in the following applicant vetting processes during the appointed candidate stage which will use the **personal information** for appointed candidates in connection with the:

- review and verification of references provided by appointed candidates;

- collation of identification documentation, such as proof of address, from appointed candidates;
- completion of disclosure checks (for convictions, reprimands and cautions);
- completion of checks applicable for appointed candidates.

We will also use the following categories of **sensitive personal information** provided by appointed candidates:

- biometric information (in the form of photo identification documentation);
- ethnicity, place of origin, race and colour information (in connection with confirming entitlement or permissions required to be engaged in gainful employment in Bermuda and obtaining any necessary permissions from the Department of Immigration);
- genetic information in connection with an analysis of biological samples for the completion of pre-employment testing, including substance abuse screening and/or communicable disease screening; and
- physical and mental disability and physical and mental health (for the completion of occupational health screenings).

BHB considers the above to be essential for the assessment of applicants.

DISCLOSURES OF PERSONAL INFORMATION BY BHB

Overview

We may disclose the personal information (including sensitive personal information) that applicants provide to BHB to third parties in connection with:

- Assessing the suitability of applicants for contracts with BHB, including in relation to their:
 - Professional Experience & Qualifications:**
 - Contacting character and professional referees that applicants have provided to BHB for this purpose;
 - Contacting local and overseas professional registration bodies for complaint history, conditions imposed on practising of professional services and any admonishments, warning, civil penalties, investigations, suspension or disqualifications involving applicants; and
 - Contacting the Bermuda Medical Council to confirm ability to practice (where applicable).
 - Ability to Lawfully Work in Bermuda:**
 - Confirming applicants' ability to engage in gainful employment in Bermuda with assistance from the Department of Immigration.
 - Criminal and Fit & Proper Person Checks:**
 - Completing disclosure checks for appointed candidates for convictions, reprimands and cautions with assistance from the Bermuda Police Service].

Applicant Screenings:

- Transferring applications to recruitment agencies where BHB is relying on such agencies for applicant assessment purposes, for example psychometric testing; and
 - Conducting pre-employment health screenings for the completion of occupational health screenings, inclusive of screenings in relation to substance abuse, physical and mental disability, and physical and mental health, with assistance from safeguarding agencies.
- Interview administration, for example to provide appropriate modifications during the application process for applicants with disabilities;
 - General administration and management purposes, for example to provide technical support to applicants submitting applications via our BHB Jobs NOW portal;
 - Statistical analysis, for example equal opportunity monitoring and reporting (this information will not be available to anyone involved in the candidate selection process and will not be published, except as part of a set of anonymised statistics); and
 - Compliance with Bermuda’s legal or regulatory requirements, inclusive of the Allied Health Professions Act 2018, the Public Access to Information Act 2010 (PATI), and government or regulatory bodies’ lawful requests for information.

When personal information is disclosed by BHB, it is transferred securely in line with the requirements of PIPA and confidentiality protocols. BHB does not sell or share applicants’ personal information or sensitive personal information for marketing purposes.

Internal Disclosure of Applicant Personal Information

If an applicant has applied for a job on the BHB Jobs NOW portal service or created an applicant account for the purposes of applying to BHB, then BHB will have access to that personal information (including sensitive personal information) and any other materials that the applicant may have uploaded onto their account purely for the purpose of their application for a job at BHB.

BHB also has payroll and human resources systems outside of the BHB Jobs NOW portal service which are used to store the personal information (including sensitive personal information) of applicants. The personal information and sensitive personal information that applicants submit to BHB via the BHB Jobs NOW portal service may be transferred to or copied onto these systems for the purposes of:

- completing the applicant assessment process;
- meeting employment obligations (e.g. payroll); and
- lawful reporting.

HOW LONG DO WE KEEP PERSONAL INFORMATION OF APPLICANTS?

Overview

BHB retains the personal information of applicants in accordance with Bermuda law and our Human Resources policies and protocols. BHB deletes all personal information when it is no longer needed for the purposes for which it is held.

Removal of Your BHB Jobs NOW Portal Account

If you are an applicant and no longer wish to retain your account on BHB Jobs NOW, then please contact the Human Resources Department of BHB [here](#) and advise them of your wish to have your account removed completely. Please note that once the account has been deleted, the data will no longer be retrievable.

RIGHTS OF APPLICANTS AS UNDER PIPA

PIPA provides individuals with a number of statutory rights in relation to their personal information which is held by organisations, including applicants. These rights are subject to a number of statutory exemptions. This aspect of our Applicant Privacy Notice provides a general overview of these rights:

The right of access to personal information

You have a right to request and BHB is required to provide:

- personal information about yourself which is in the custody or under the control of BHB;
- the purposes for which your personal information has been and is being used by BHB; and
- the names of the persons or types of persons to whom and circumstances in which your personal information has been and is being disclosed.

The right to request the rectification of your personal information

If you believe that personal information concerning you which is under the control of BHB has an error or omission, you can make a written request for a correction to the same.

If there is an error or omission in personal information that your correction request has identified, BHB must correct your personal information as soon as reasonably practicable, or we will add a note regarding the erroneous information where its erasure is not possible due to systems limitations. Where BHB has disclosed the incorrect information to other organisations, BHB must send a notification containing the corrected information to each organisation to which the incorrect information has been disclosed, if it is reasonable to do so.

The right to request the erasure or destruction of your personal information

You have the right to request BHB to erase or destroy your personal information where that personal information is no longer relevant for the purposes of its use by BHB. The right to erasure is also known as the 'right to be forgotten'.

On receiving such a request, BHB must erase or destroy your personal information that you have identified in your request, or provide you with written reasons as to why the use of such personal information is justified.

The right to request the cessation of the use of your personal information

You have the right to request BHB to cease, or not to begin, using your personal information:

- a) for the purposes of advertising, marketing or public relations; and
- b) where the use of that personal information is causing or is likely to cause substantial damage or substantial distress to yourself or to another individual.

On receiving a request described in sub-section (a) above, BHB must cease, or not begin using your personal information for the purposes of advertising, marketing or public relations.

On receiving a request described in sub-section (b) above, BHB must either cease, or not begin, using the personal information that you have identified in your request, or provide you with written reasons as to why the use of such personal information is justified.

To make any of the requests referred to above, please complete our [Subject Access Request Form](#) and send to the Privacy Officer at privacy@bhb.bm.

CHANGES TO OUR PRIVACY NOTICE

We reserve the right, at our discretion, to change, modify, add to, or remove portions from, our Applicant Privacy Notice. We will of course notify you of any changes where we are required to do so.