



Bermuda Hospitals Board

CONTRACTING PARTIES PRIVACY NOTICE

This Contracting Parties Privacy Notice informs individuals who are or may become:

- a party to a contract with Bermuda Hospitals Board (BHB) that does not create employment obligations; and/or
- associated with an organisation that is contracting or working with BHB, inclusive of:
 - individuals employed, seconded or working for such organisations;
 - individuals acting as an agent or representative of such organisations; and
 - individuals volunteering for such organisations such as charities, volunteer agencies, non-profit entities, trusts, foundations and religious organisations,

of how BHB uses their personal information (including sensitive personal information) in these scenarios.

If you are or were a party to a contract with BHB that creates employment obligations, please see our [Employee Privacy Notice](#). If you are not clear as to which BHB privacy notice is applicable to you or the individuals at your organisation, please contact our Privacy Officer at privacy@bhb.bm.

Your privacy is important to us. This Contracting Parties 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. It does not form part of any contract and may be updated at any time.

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 Contracting Parties Privacy Notice for circulation to help educate individuals and organisations of data subjects' 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 Contracting Parties 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 (inclusive of contracting parties) 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 individuals. We encourage individuals to bring any queries or concerns about PIPA issues to the attention of our Privacy Officer.

USE OF PERSONAL INFORMATION

OVERVIEW

BHB primarily uses personal information (inclusive of sensitive personal information) of individuals to approve, manage, administer or effect a contract between BHB and a contracting party. In this respect, BHB may use personal information for:

- **sourcing:** inclusive of organising, reviewing and evaluating service referrals, responses to Requests for Proposals, applications, proposals for partnering arrangements and/or joint ventures, expressions of interests, samples and other sourcing activities;
- **accounting:** inclusive of managing purchase orders, completing payments and performing other accounting processes;
- **quality assurance:** inclusive of managing the quality and performance of services provided, the personnel and equipment of contracting parties, integration of services into BHB day-to-day operations and protocols, adherence to terms of service and deadlines, issuance of feedback and complaints;
- **contract negotiation and maintenance:** inclusive of fee and term negotiation, management of personnel of contracting parties in non-compliance with BHB service contracts, policies or operational protocols and dispute resolution with contracting parties; and
- **maintenance of general communications and relationship management.**

BHB, however, may also use personal information of individuals in the context of the below wider BHB-centric functions and responsibilities to its patients, visitors and employees:

- **Security and Safety Management**
 - **vetting:** considering the suitability of individuals completing services on behalf of themselves and/or contracting parties, inclusive of verifying permissions to be in gainful employment in Bermuda and conditions imposed and records pertaining to criminal involvement, the commission or alleged commission of an offence, criminal proceedings or sentencing relating to offences or alleged offences;
 - **access management:** management of access to non-public patient health care areas, systems containing patient clinical records, non-public employee areas and human resource systems containing employee and contracting party records;
 - **safety controls:** management of safe working environments and monitoring fitness to work;
 - **property controls:** maintenance of physical premises and property owned and/or controlled by BHB;
 - **prevention & detection of unauthorised activity:** inclusive of activity in breach of BHB protocols, policies and/or Bermuda law (e.g. BHB swipe cards registered to contracting parties, photo ID badges, CCTV and other surveillance systems). For more information on BHB's use of CCTV, see the [CCTV Privacy Notice](#); and

- **security of BHB's communications systems:** such as electronic records systems and those systems shared by BHB with other health organisations, inclusive of monitoring contracting parties' access to and use of communications systems.
- **Regulatory Compliance and Reporting:**
 - Examples include:
 - (a) Adherence to Bermuda law requirements for hospital administration, accounting & auditing and accreditation standards inclusive of the Public Health (Hospitals) Regulations 2002 (Regulations), the Bermuda Hospitals Board Act 1970 and Public Health (Hospitals) (Accreditation Body) Notice 2014;
 - (b) Reporting and adherence to applicable policy directions and regulations effected by the Bermuda Government Minister responsible for health;
 - (c) Adherence to Bermuda law regulating public authorities under the Public Access to Information Act 2010 (**PATI**); and
 - (d) Adherence to Bermuda law regulating organisations using personal information under PIPA.
- **Organisational Planning and Governance:**
 - Business, technical and statistical analysis;
 - Oversight and direction to BHB employees responsible for relationship management with contracting parties;
 - Adherence to applicable BHB policies, such as those policies concerning expenditure, conflicts of interest, anti-bribery & corruption and acceptable gifts & entertainment;
 - Collection of debts owed to BHB or for BHB to repay to any contracting party money owed by the organisation;
 - Defence or protection of BHB and/or its employees in legal proceedings; and
 - Compliance with an order made by a court, individual or body having jurisdiction over BHB.

BUSINESS RELATIONSHIPS: USE OF PERSONAL INFORMATION

Extent of Use

The extent of BHB's use of personal information of individuals in managing its business relationships is directly related to:

- the scope and terms of the contract that individuals have with BHB or the scope and terms of a contract/working arrangement that their associated organisation has with BHB;
- the function of that contract/working arrangement in enabling BHB to achieve its statutory mandate for the administration of hospitals and the provision of health services in an efficient manner; and
- Bermuda law and regulatory requirements.

Use of Personal Information

BHB may use the following **personal information** of individuals:

- employment history, qualifications, registrations and professional good standing documentation, professional memberships, character and professional references;
- in records pertaining to criminal involvement, the commission or alleged commission of an offence, criminal proceedings or sentencing relating to offences or alleged offences*; and
- personal bank account information, residential address, personal email address, personal telephone number.

** We may be required or entitled to do this in accordance with Bermuda law in connection with confirming the capacity of individuals to properly complete responsibilities, to monitor that equality requirements are being met by BHB and to comply with any safeguarding laws.*

Use of Sensitive Personal Information

BHB may also use the following **sensitive personal information** of individuals:

- biometric information (such as photo identification documentation, images captured on CCTV and general photography of BHB events and during the use of online video hosting services);
- ethnicity, place of origin, race and colour*;
- sex*;
- religious beliefs*;
- physical and mental disability and physical and mental health:
 - for the completion of occupational health screenings;
 - to consider whether BHB can make modifications to the circumstances of activity, so as to eliminate the effects of a disability.
 - for completion of health and sickness records; and
 - for the safety and health of other contracting parties, employees, patients and visitors of premises maintained or controlled by BHB.

** BHB will use information about self-employed individuals' race or national or ethnic origin, religious beliefs, sex, sexual life, and sexual orientation, to:*

- *ensure meaningful equal opportunity monitoring and reporting;*
- *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; and/or*
- *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.*

STATUTORY RELATIONSHIPS: USE OF PERSONAL INFORMATION

In addition to the personal information listed at the above section “Business Relationships: Use of Personal Information”, BHB will typically also use the following categories of personal information in relation to members of the Board:

- residential address, personal telephone number, personal email address, date of birth;
- any personal information listed on any conflicts of interest register; and
- private car registration number for assigned parking and security of premises.

In addition to the sensitive personal information listed at the above section “Business Relationships: Use of Personal Information”, BHB will typically also use the following categories of sensitive personal information:

- Family status, marital status, next of kin, and emergency contact information.

VOLUNTEERS: USE OF PERSONAL INFORMATION

In addition to the personal information listed at the above section “Business Relationships: Use of Personal Information”, BHB will typically also use the following categories of **personal information** of volunteers:

- private residential address, personal telephone number, personal email address, date of birth; and
- next of kin/emergency contact information.

BHB will typically also use the following categories of sensitive personal information:

- Family status, marital status, next of kin, and emergency contact information.

DISCLOSURES OF PERSONAL INFORMATION BY BHB

OVERVIEW

BHB may disclose the personal information (including sensitive personal information) of individuals to:

- BHB employees, agents, volunteers, and contracting parties who need the information to carry out their contractual duties;
- professional regulatory bodies in relation to the assessment of suitability for continued engagement of contracting parties and BHB may receive information pertaining to complaint history, conditions imposed on practising of professional services and any admonishments, warning, civil penalties, investigations, suspension or disqualifications involving such individuals;
- individuals identified as emergency contacts;

- Bermuda Government departments and agencies where BHB has specific reporting obligations under Bermuda law to provide such information;
- crime prevention or detection organisations, such as the Bermuda Police Service and private security organisations engaged by BHB to facilitate security systems;
- individuals who have made PATI requests;
- internal and external auditors along with certification and accreditation bodies;
- courts, tribunals, mediators/conciliators; and
- advisors of BHB, such as attorneys and subject matter experts, and insurance providers.

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 individuals' personal information or sensitive personal information for marketing purposes.

HOW LONG DO WE KEEP PERSONAL INFORMATION?

BHB retains the personal information of individuals connected to contracting parties in accordance with Bermuda law. BHB deletes all personal information when it is no longer needed for the purposes for which it is held.

RIGHT OF INDIVIDUALS UNDER PIPA

Once fully in force, PIPA will provide individuals with a number of statutory rights in relation to their personal information which is held by organisations, including contracting parties. These rights are subject to a number of statutory exemptions. This aspect of our Contracting Parties 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 THIS PRIVACY NOTICE

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