



# Bermuda Hospitals Board

## EMPLOYEE PRIVACY NOTICE

This Employee Privacy Notice informs individuals currently or previously employed with the Bermuda Hospitals Board (BHB) of how BHB uses their personal information (including sensitive personal information). Employees who are interested in learning about how BHB uses their personal information when they are patients of BHB, please see our [Patients 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](#). If you are not clear as to which privacy notice is applicable to you, please contact our Privacy Officer at [privacy@bhb.bm](mailto:privacy@bhb.bm).

If you are an individual considering applying for employment, casual or locum engagements, placements, volunteer opportunities, internships or assignments with BHB, please see our [Applicant Privacy Notice](#). If you are interested in applying to BHB through our website ([www.bermudahospitals.bm](http://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](#).

Your privacy is important to us. This Employee 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 Employee Privacy Notice for circulation to its employees to help educate individuals in our employ 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 Employee 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 employees) 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 DV04  
[privacy@bhb.bm](mailto:privacy@bhb.bm)

We aim to meet the highest standards when using the personal information and sensitive personal information of employees. We encourage employees to bring any queries or concerns about PIPA issues to the attention of our Privacy Officer.

## USE OF EMPLOYEE PERSONAL INFORMATION

### OVERVIEW

BHB primarily uses the personal information (inclusive of sensitive personal information) of individuals who are or have been employed by us to administer contractual employment obligations and functions associated with employment, such as:

- transfer of the personal information of successful applicants from the BHB Jobs NOW portal, Human Capital Management System (HCMS) and recruitment affiliates to complete employee records;
- management of human resources processes and systems during and after the employment relationship for adherence to Bermuda law (e.g. benefits, pension, payroll, termination of employment/redundancy);
- provision of occupational health and wellbeing services (e.g. the employee assistance programme and Employee Health Services);
- management of employee and labour relations (e.g. disciplinary proceedings, grievances and complaints, tribunal claims, etc.);
- communication of organisational information about BHB and its employees, including news, events, policy updates, new systems that capture employee information as well as guidance and education; and
- maintenance of general communications concerning matters arising from the existing or past employment relationships.

We also use personal information of individuals who are or have been employed by us for:

- **Security and Safety Management**
  - management of safe working environments and monitoring fitness to work, inclusive of testing for coronavirus and other communicable diseases.
  - maintenance of physical premises and property owned and/or controlled by BHB;
  - prevention & detection of activity in breach of BHB protocols, policies and/or Bermuda law (e.g. BHB swipe cards registered to employees, photo ID badges, CCTV and other surveillance systems). Further information on BHB's use of CCTV is provided in the [CCTV Privacy Notice](#); and
- security of BHB's communications systems (including electronic records systems and]) inclusive of monitoring employees' access to and use of communications systems. Further information on

BHB's monitoring of communications systems can be viewed by BHB employees in the [Information Privacy & Security policy](#).

- **Patient Records**
  - maintenance of accurate patient health records, specifically an employee's involvement in that patient's care, in line with BHB's clinical records-keeping standards.
- **Organisational Planning and Governance**
  - business analysis for employee retention, employee safety events, leave management, terminations, retirements, succession planning, policy adherence and quality monitoring;
  - compliance with Bermuda law, regulatory requirements and/or accreditation standards (including complying with requests made by members of the public under the Public Access to Information Act 2010 (PATI), which BHB is subject to as a public authority);
  - completion of technical and statistical analysis;
  - collection of debts owed to BHB or for BHB to repay to any individual (including employees) money owed by the organisation; and
  - defence or protection of BHB and/or its employees in legal proceedings, labour disputes, employee tribunals or compliance with an order made by a court, individual or body having jurisdiction over BHB.

## PERSONAL INFORMATION USED BY BHB

We use the **personal information** of employees inclusive of:

- full name, title, residential address, overseas contact, telephone number, personal email address, date of birth, place of birth, marital status, nationality, gender, and next of kin/emergency contact information;
- bank account and salary/wages, as well as pension, tax and national insurance details;
- employment history, qualifications, registrations and professional good standing documentation professional memberships, character and professional references; and
- in records pertaining to criminal involvement, the commission or alleged commission of an offence, criminal proceedings or sentencing relating to offences or alleged offences\*.

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

## SENSITIVE PERSONAL INFORMATION USED BY BHB

We will also use the following categories of **sensitive personal information**:

- 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, sexual orientation, sexual life;\*
- religious beliefs;\*
- physical and mental disability and physical and mental health, including fitness assessment information:
  - for the completion of Occupational Health Screenings;
  - 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, the work itself, the place of work, apparatus or facilities so as to enable a person with a disability to carry out employment);
  - for completion of health and sickness records; and
  - for the safety and health of other employees.
- genetic information
  - in connection with an analysis of biological samples for the completion of pre-employment health and substance abuse screening; and
  - in connection with an analysis of biological samples for the completion of general health testing during employment, including the completion of specific health testing during a public health emergency.

\* BHB will use information about employees' 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.

## DISCLOSURES OF PERSONAL INFORMATION BY BHB

### OVERVIEW

BHB may disclose the personal information (including sensitive personal information) of individuals who are or have been employed by BHB to:

- BHB employees, agents and contractors who need the information to carry out their contractual duties, such as the line manager of an employee, BHB HR team and third parties who work with BHB to provide employee support services, like counselling, health screenings and testing;

- professional regulatory bodies in relation to the assessment of suitability for employment or continued employment with BHB and registration and BHB may receive information pertaining to complaint history, conditions imposed on practising of professional services and any admonishments, warning, civil penalties, investigations, suspension, terminations or disqualifications involving employees;
- Bermuda Government departments regulating employment benefits, pension, immigration permissions and the management of labour complaints and concerns, such as the Department of Labour;
- individuals identified by employees as their emergency contacts;
- Bermuda Government departments and local or international 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;
- advisors of BHB, such as attorneys and subject matter experts, and insurance providers; and
- trade unions and industry associations.

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

## HOW LONG DO WE KEEP PERSONAL INFORMATION OF EMPLOYEES?

BHB retains the personal information of employees 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.

## RIGHTS OF EMPLOYEES UNDER PIPA

PIPA provides individuals with a number of statutory rights in relation to their personal information which is held by organisations, including employees. These rights are subject to a number of statutory exemptions. This aspect of our Employee 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; or
- 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.

For further information on the above rights and a copy of our request procedure can be viewed by BHB employees in our [Subject Access Request Policy](#).

## CHANGES TO THIS PRIVACY NOTICE

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