



Bermuda Hospitals Board

PATIENT PRIVACY NOTICE

This Patient Privacy Notice informs patients of how Bermuda Hospitals Board (BHB) uses their personal information (including sensitive personal information). It 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.

BHB has prepared this Patient Privacy Notice for circulation to the public to help educate individuals who are or who may become patients 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 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 our patients. We encourage members of the public to bring any queried or concerns about PIPA issues to the attention of our Privacy Officer.

PERSONAL INFORMATION USED BY BHB

BHB keeps records about patients' health, treatment and the care that BHB, along with other health providers and health care professionals, has provided or plans to provide. These records form patients' clinical records and these records may include **personal information**, inclusive of a patient's:

- full name, date of birth and residential address;
- hospital identifier number;
- billing and health insurance information;
- evidence of patient consents; and
- any other information which is about an identified or identifiable patient.

SENSITIVE PERSONAL INFORMATION USED BY BHB

Patients' clinical records also may include **sensitive personal information**, such as confirmation of a patient's:

- ethnicity, place of origin, race and colour;
- sex, sexual orientation, sexual life, marital status;
- physical and mental disability;
- physical and mental health;
- family status and relevant family history;
- religious beliefs, political opinions and trade union membership;
- biometric information (such as facial images and fingerprints);
- genetic information (such information resulting from a testing sample from a patient);
- hospital appointment/visit details;
- current medications, allergies and drug sensitivity; and
- prescription record.

HOW BHB USES PERSONAL INFORMATION

Patient clinical records may be used by BHB to guide and administer individualised patient health care to ensure that:

- our health care professionals have accurate and up to date information to provide a good basis for any treatment or advisory services we provide to patients;
- full and correct information is available to other healthcare providers from whom patients may be receiving treatment;
- patients' treatments are safe and effective, and the advice that BHB provides is appropriate and relevant to our patients;
- there is a good basis for referring to and checking on the type and quality of treatment that patients have received in the past;
- visitors for patients are adhering to visiting standards as well as health, safety and security protocols; and
- patient concerns can be properly investigated, should they wish to raise a complaint.

Patient clinical records also may be used by BHB **outside of individualised patient health care administration**:

- to promote the **welfare of patients in Bermuda generally**, such as when we encounter infectious diseases that may endanger the safety of others and the public health;
- to **promote a safe and secure environment** (such as in relation to review of CCTV and other security and surveillance systems). For more information on the use of CCTV at BHB owned and controlled premises please see our [CCTV Privacy Notice](#).
- to **review and address changes to hospital procedures and policies**, such as protocols for patient admission, discharge, identification and protection of the rights of patients, managing the conduct of patients and visitors of patients;

- to **collate records of complaints, safety events and root cause analyses for appropriate incident response**;
- to **execute protective hospital liaison practices**, such as where there is a serious risk of harm or abuse to the patient or other persons (including child protection and safeguarding vulnerable adults);
- to **execute public welfare hospital liaison practices**, such as where a serious crime is being investigated or where it could be prevented (including road traffic accidents);
- for **statistical purposes**, such as the notification of new births;
- in connection with **formal court proceedings and for compliance with a formal court order** that has been issued; and
- in **compliance with a legal requirement** to do so.

DISCLOSURES OF PERSONAL INFORMATION BY BHB

Overview

BHB works closely with other organisations, both in Bermuda and offshore, to support patient care and ensure public health in accordance with legal requirements. This means that the personal information (including sensitive personal information) of patients may be disclosed by BHB to other organisations.

Due to the nature of our work, it is difficult to specifically identify all individuals and organisations who may receive disclosures of personal information from BHB.

BHB is though able to confirm that the following types of organisations and individuals within Bermuda might receive such disclosures from BHB:

- The patient's stated next of kin, or parent/guardian in the case of a minor;
- The patient's General Practitioner (GP) and other healthcare providers involved in their care (such as psychologists and addiction counsellors, physiotherapists and chiropractors, audiologists, speech and language pathologists, sexual health service providers, optometrists and opticians, dentists, pharmacies and dispensaries);
- Individuals and organisations responsible for responding to health emergencies such as volunteer ambulance, Bermuda Fire and Rescue Service, Bermuda Police Service, Coast Guard Unit, and Royal Bermuda Regiment;
- Individuals, public authorities and public officers responsible for the performance of public tasks and responding to public health emergencies such as the Bermuda Government Minister of Health and the Epidemiology and Surveillance Unit of the Chief Medical Officer;
- Healthcare organisations and professionals involved in patient care, such as medical offices, general practitioners and specialists along with psychologists, addiction counsellors, dentists, physiotherapists, chiropractors, speech & language pathologists;
- Insurance providers for medical / health related care;
- Internal and external auditors along with certification and accreditation bodies;

- Regulators and judicial bodies such as the Bermuda Medical Council, the Information Commissioner in connection with Public Access to Information requests, and the Supreme Court of Bermuda; and
- Individuals identified in any valid Receivership Order, Enduring Power of Attorney, and any executor or administrator of a deceased person's estate.

Recognising that accurate patient clinical records are vital to patients accessing adequate health care overseas and needed by organisations to properly support the operations of BHB, BHB may also make disclosures involving the personal information (including sensitive personal information) of patients to overseas organisations such as:

- the GP that the patient is/was receiving care from;
- private medical specialists and experts;
- hospitals;
- ambulance and other emergency service providers;
- certification and accreditation bodies; and
- the insurers of BHB

BHB DISCLOSURES OF PATIENT PERSONAL INFORMATION WITHOUT CONSENT

We will normally ask patients for their express consent to disclosures of their personal information. There are times, however, when we may make disclosures of patients' personal information (including sensitive personal information) without their express consent. These may occur:

- where there is a serious risk of harm or abuse to the patient or to other people (including disclosures to the Bermuda Government's Ageing and Disability Services);
- where a serious crime is being investigated or where it could be prevented;
- for notification of new births;
- where we encounter infectious diseases that may endanger the safety of others, (including disclosures to the Office of the Chief Medical Officer);
- where a formal court order has been issued; and
- where there is any other legal requirement to do so.

PERFORMANCE OF PUBLIC TASKS AND COOPERATION WITH EMERGENCY SERVICES

This part of our Patient Privacy Notice describes how BHB may use patients' personal information to perform tasks carried out in the public interest or in the exercise of official authority vested in BHB (or in a third party to whom the personal information is disclosed).

BHB may disclose health data (inclusive of personal information and sensitive personal information) to organisations including the Epidemiology and Surveillance Unit of the Office of the Chief Medical Officer, the Bermuda Fire and Rescue Service, the Bermuda Police Service and Coast Guard Unit, and the

Bermuda Regiment for the primary purpose of responding to public health emergencies which threaten the lives, health and/or security of individuals, or where otherwise required by law to do so.

REPORTING PURSUANT TO LEGAL/REGULATORY REQUIREMENTS

BHB may use patients' personal information for reporting to Government Ministries, Offices and other statutory bodies pursuant to legal and regulatory requirements under Bermuda law:

HOW LONG DO WE KEEP PERSONAL INFORMATION OF PATIENTS?

We retain the personal information of patients in accordance with Bermuda law. Records are securely destroyed once they are no longer necessary for the purposes for which they are held.

RIGHTS OF PATIENTS UNDER PIPA

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

The right of access to personal information and medical records

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.

Under PIPA, BHB may lawfully refuse a request for access to personal information if such access would be likely to prejudice the physical or mental health of the requester, and the personal information is:

- of a medical or psychiatric nature relating to the requester, or
- kept for the purposes of, or obtained in the course of, the carrying out of social work in relation to the requester.

In such cases, BHB, if requested to do so by the individual, may provide access to the personal information to a health professional who has expertise in relation to the subject matter of the record, and the health professional shall determine whether disclosure of the personal information to the individual would be likely to prejudice the physical or mental health of that individual.

If you would like to request accessing your healthcare record, please complete the **Authorization for Uses and Disclosures of Health Information Form**, or the **MWI Authorization to Release/Obtain Information Form** for records from the Mid-Atlantic Wellness Institute. For all other requests for access

to personal information, please complete the [Subject Access Request Form](#). Completed forms should be sent to the Privacy Officer at privacy@bhb.bm.

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 also 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.

If you would like to request the rectification of your personal information please complete the [Subject Access Request Form](#) and send to the Privacy Officer at privacy@bhb.bm.

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.

Generally, this right is not available within healthcare data due to the information we process often being essential to us in continuing to provide you with services. You will be notified where the right is available for specific processing activities.

If you would like to request the erasure or destruction of your personal information please complete the [Subject Access Request Form](#) and send to the Privacy Officer at privacy@bhb.bm.

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.

If you would like to request the cessation of the use of your personal information please complete the [Subject Access Request Form](#) and send to the Privacy Officer at privacy@bhb.bm.

CHANGES TO OUR PATIENT PRIVACY NOTICE

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