

Jurisdiction	Bermuda
Date	4 April 2022
Law Firm	Conyers Dill & Pearman Limited
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Questionnaire

I. Law concerning protection of personal information

- i. Does your country have a general law concerning the protection of personal information in the private sector at the present or in the near future?
- ii. Does your country have a general law concerning protection of personal information in the public sector at the present or in the near future?
- iii. Does your country have laws concerning protection of personal information which apply in individual (specific) sectors at the present or in the near future? (If yes, please describe outline.)

The Personal Information Protection Act 2016 (“PIPA”) is designed to regulate and protect the use of personal information in Bermuda in both the private sector and the public sector.

Where all of the answers to the question of I.(i), (ii) and (iii) is “no”, please skip to IV.

II. The basic information of the regulation concerning protection of personal information.

- i. Please fill in the blanks below about all the law concerning personal information mentioned at I..(please add a reply column as necessary,)

The title of the law : [Personal Information Protection Act 2016](#)

① The definition of “Personal Information”	“Personal information” is broadly defined and means “any information about an identified or identifiable individual” (i.e. a natural person). PIPA also includes a definition of “sensitive personal information” as “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.”
② The scope in which the law applies	PIPA applies to all organisations – being any individual, entity (e.g. companies, associations, non-profits and charities) or public authority that: (i) uses personal information in Bermuda

- (a) エラー! プロパティ名に誤りがあります。

	(PIPA does not apply to the use of personal information outside of Bermuda); and (ii) where that personal information is used wholly or partly by automated means (electronically in computer files) or where its use, if not by automated means, forms (or is intended to form) part of a structured filing system
③ The territorial scope	PIPA only applies to personal information used in Bermuda

The title of the law :

① The definition of "Personal Information"	
② The scope in which the law applies	
③ The territorial scope	

- ii. If there are any special instructions about the laws, please describe them.

Although passed in 2016, most substantive provisions of PIPA are not yet in force. However, it is expected that the full Act will be enacted in 2022.

III. OECD Privacy Principles

- i. If there are any provision of law which embody each OECD Privacy Principle in your country, please describe the outlines.

<https://www.oecd.org/sti/ieconomy/oecdguidelinesonthe protectionofprivacyandtransborderflowsofpersonaldata.htm>

(a) Collection Limitation Principle PIPA provides that the collection of personal information should be proportionate to the purpose it is required for.

(b) Data Quality Principle PIPA is consistent with this principle

(c) Purpose Specification Principle PIPA is consistent with this principle

(d) Use Limitation Principle PIPA is consistent with this principle

(e) Security Safeguards Principle PIPA is consistent with this principle

(f) Openness Principle PIPA is consistent with this principle

- (a) エラー! プロパティ名に誤りがあります。

- (g) Individual Participation Principle [PIPA is consistent with this principle](#)
- (h) Accountability Principle [PIPA is consistent with this principle](#)
- ii. If there are any sectors in which any laws exclude the application of each OECD Privacy Principle, please describe the outline.
 - (a) Collection Limitation Principle
 - (b) Data Quality Principle
 - (c) Purpose Specification Principle
 - (d) Use Limitation Principle
 - (e) Security Safeguards Principle
 - (f) Openness Principle
 - (g) Individual Participation Principle
 - (h) Accountability Principle

[PIPA does not specifically exclude any of the above principles. PIPA was not designed to replicate GDPR but is aimed at ensuring transparency, accuracy, proportionality and security in respect of an organisation's use of personal information in Bermuda, while providing a level of personal autonomy and control to individuals in respect thereof.](#)

IV. Data Localization and Government Access

In your country, are there any systems having an impact on the rights of data subjects such as comprehensive government access to personal data or Data Localization? If yes, please describe them. [No](#)

V. The Data Protection Authority

If there is the data protection authority, please write down the name and address of the

- (a) エラー! プロパティ名に誤りがあります。

authority

Office of the Privacy Commissioner
Maxwell Roberts Building, 4th Floor
1 Church Street
Hamilton, HM11
Bermuda

(a) エラー! プロパティ名に誤りがあります。