

R2P Week 36: PRIVACY NOTICE: LAYERED APPROACH

Top layer:

How and why we use personal information

Middle layer:

Our role in your privacy

When, how and why we collect personal information

What types of personal information we collect

Your privacy rights

How secure is the information we collect

Where do we store your information?

For how long do we store your information?

Third parties who process your information

Sensitive personal information

Information about children

Information about employees

Personal information collected for recruitment purposes

Bottom layer:

Under the Personal Information Protection Act (PIPA) 2016, personal information is used in a lawful manner if:

a/ there is a law that tells us we have to collect personal information

[for other conditions and purposes, see page 6]

Note: This template is intended to demonstrate the “layers” of a layered privacy notice. Use it to guide the development of your own privacy notice. Each layer allows the individual to choose the level of detail they desire, offering them more information as they “click through”. Start with your top-level questions or statements. The “top layer” is designed to be simple, and it aligns with the requirements of PIPA section 9, Privacy notices. To meet your obligations under section 8, Fairness, you should ensure the top layer is in plain English and then provide further details as needed to ensure individuals understand. You can use hyperlinks to “read more” or a similar prompt. You should consider what additional details individuals need to know and continue to provide explanations in an iterative way with increasing complexity. The “middle layer”, which will provide more detailed answers and guidance, should include a more in-depth list of items. Finally, the “bottom layer” should be the most comprehensive explanation from a technical and legal perspective, providing a definitive statement for your business regarding your information handling practices. Be sure to include information regarding individual rights under PIPA and the contact details of your Privacy Officer.

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Do we use your personal information? Yes/No

Why? What are the purposes for which personal information is or might be used?

1. [Example: We use your name and email for our monthly newsletter. We engaged an overseas third party called [vendor name].]
2. [Example: When you make a payment, we use name, address, and banking or credit card information to process the payment.]
3. [Example: When you provide information, we store it for seven years due to a legal requirement to retain the information for financial compliance.]
4. [Example: We might use your personal information for the purpose of detecting financial fraud. In such cases, we may be under a legal requirement not to notify you or receive your advance consent.]
5. Etc.

Want to learn more? Click on each purpose to see more details...

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Identity and types of individuals or organisations to whom personal information might be disclosed:

1. [Example: For the purpose of customer service, we share information with an information technology service provider called [vendor name].]
2. [Example: For the purpose of our monthly newsletter, we share personal information with an overseas third party called [vendor name] to manage the mailing list and send the emails.]
3. Etc.

Want to learn more? Click on each purpose to see more details... [link to more detail, such as table as discussed below]

Who are we and where are we located?

We are an organisation with the legal name of [Name], and we do business under the name [Name]. We are located in Bermuda / in [country] and do business in Bermuda.

Want to learn more? Click here to visit our “About Us” page.

How can you contact us with privacy questions?

You can contact our Privacy Officer at [contact details].

We have a tool for you to make requests about your rights under PIPA. You can access this tool here: [link].

If you wish to contact us about a general customer service matter unrelated to personal information requests, please contact us at [contact details].

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Your Choices and Rights:

For some of our purposes for using personal information, we rely upon your consent. When we rely on your consent, you can choose to withdraw your consent. We rely on your consent for:

- [Example: Purpose 1: the purpose[s] of [example 1: monthly newsletter, example 2: ...].

Other purposes for using personal information are based on legal conditions that do not require consent. In such cases, your choices will vary depending on the legal condition. To learn more about these conditions and your choices, click here: [link to more information, such as table such as the one below].

Under PIPA, you have the right to request access to your personal information; to request a correction to an error or an omission in your personal information; to request an organisation to block the use of your personal information; to request an organisation to erase and destroy your personal information. To make a request related to your rights, use our tool [link] / contact our Privacy Officer. For some purposes under PIPA, we may lawfully limit or decline your request in full.

You have the right to make a request to the Privacy Commissioner asking for a review our response to your request. You can also make a complaint to the Privacy Commissioner. To do so, visit the Privacy Commissioner's "Contact Us" page [link].

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Middle layer(s): Paragraphs describing organisational practices, with headings such as:

Our role in your privacy

When, how, and why we collect personal information

What types of personal information we collect

Your privacy rights (PIPA sections 17-19)

How secure is the information we collect (PIPA section 13)

Where do we store your information?

For how long do we store your information?

Third parties who process your information (PIPA section 15)

Sensitive personal information (PIPA section 7)

Information about children (PIPA section 16)

Information about employees

Personal information collected for recruitment purposes

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Bottom layer: Most comprehensive detail is provided here. For example, organisations could develop a table of purposes, types of personal information (PI) used, retention, whether the individual can make a choice, etc. As an example:

Purpose that PI Is Used (or mark <u>Might Be Used</u> as appropriate)	Type(s) of PI to be Used for this Purpose	Identity of Org(s) to Whom PI Is Disclosed & (if known) Identity or Type of Org(s) to Whom PI Might Be Disclosed	What is the Condition for using PI (PIPA Sec 6(1))? (Select from: Consent, Reasonable Expectations, Performance of a Contract, Required by Law, Public Information, Emergency, Official Task, Employment, or Exception under Sec 6(3).)	How Long Will the PI be Retained for this Purpose?	Where is information used? <u>In Bermuda, Overseas, or Both In Bermuda and Overseas.</u> (If overseas, indicate jurisdiction)	What Choices can Individuals Make? Such as: <u>Withdraw Consent or Block / Request Use to Cease, Correct or Erase PI</u>
<i>Purpose 1: Customer Newsletter</i>	<i>First and Last Name, email address</i>	<i>[Mailing Service Vendor Name]</i>	<i>Reasonable Expectations</i>	<i>Indefinitely</i>	<i>Both In Bermuda and Overseas (USA)</i>	<i>Block / Request Use Cease</i>
<i>Purpose 2: Personal Financial Consulting</i>	<i>Client Files: First and Last Name, dates of appointments, banking information, confidential notes</i>	<i>None</i>	<i>Performance of a Contract</i>	<i>Indefinitely</i>	<i>In Bermuda</i>	<i>Terminate Contract</i>
<i>Purpose 3: Disclosure for Financial Compliance (Might Be Used)</i>	<i>Client Files: [as above in Purpose 2]</i>	<i>Financial regulators</i>	<i>Required by Law</i>	<i>X years from date of creation of personal information</i>	<i>In Bermuda</i>	<i>None</i>