



Bermuda Parliament approved bespoke privacy framework

The Personal Information Protection Act 2016 (**Bill**) has been passed in both the House of Assembly and the Senate and now awaits a final review by the Premier and the Attorney General before being sent to the Governor to receive Royal Assent on behalf of Her Majesty the Queen.

Minister Grant Gibbons has already confirmed that the appointment of a privacy commissioner will follow soon after enactment of the legislation.

The Bill introduces a landmark statutory penalty regime to be enforced against all organisations and individuals that fail to comply with the statutory framework for the protection of personal information.

These penalties include financial compensation for financial loss and emotional distress:

- on summary conviction, in the case of an individual, to a fine of up to \$25,000.00 or up to two years of imprisonment or to both; and
- on conviction on indictment, in the case of a person other than an individual, to a fine of up to \$250,000.00

The Bermuda Government has indicated that the Bill will be subject to a two year delay prior to its implementation to allow organisations to prepare, however the specific timeframe will require confirmation from the Government upon the Bill receiving Royal Assent.

Notwithstanding the potential delay in implementation of the Bill, persons in Bermuda continue to be bound by the common law rules governing privacy and use of personal information.

If you have any questions or require further information, please contact us.

Key Contacts



Timothy Faries
Managing Partner, Bermuda
Group Head, Bermuda | Corporate
Group Team Leader | Insurance
+1 441 298 3216
tfaries@applebyglobal.com



Steven Rees Davies
Partner
Corporate
Bermuda
+1 441 298 3296
sreesdavies@applebyglobal.com



Gretchen Tucker
Associate
Dispute Resolution
Bermuda
+1 441 298 3228
gtucker@applebyglobal.com

Offshore Legal Services

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