



Government of Bermuda
Ministry of Economic Development

Ministerial Statement
To the House of Assembly
By

Dr. the Hon. E Grant Gibbons, JP, MP
Minister of Economic Development

**Personal Information Protection Act 2016 –
Implementation of Administrative Provisions**

Date: Friday February 3rd, 2017

Mr. Speaker, you may recall that this honourable House passed the Personal Information Protection Act 2016, also known as the “PIPA” this past summer. The legislation received Royal Assent on July 27, 2016. Due to the significant rights and duties created by the PIPA, it was announced during the Debate that the coming into force of its major provisions would be delayed for approximately two years, thus providing organisations with sufficient time to prepare.

Mr. Speaker, an important element for the proper and effective eventual implementation of the legislation is the creation of the Office of the Privacy Commissioner. The role of the Privacy Commissioner is defined in the PIPA as being “responsible for monitoring how the PIPA is administered to ensure that its purposes are achieved”. The broad spectrum of powers granted to the Privacy Commissioner in the legislation enables them to discharge these duties. However, it is critical for PIPA’s effective implementation that the Privacy Commissioner inform and provide guidance to organisations regarding compliance with the Act prior to the Act being fully implemented.

Mr. Speaker, Privacy legislation will go a long way in providing important rights that traditionally have been lacking and it will also encourage the adoption of robust cybersecurity practices. Developing a culture of privacy, however, will take time and we recognise that implementing legislative requirements that are wholly new will require education and information.

Mr. Speaker, due to the need for developing this knowledge base in Bermuda regarding compliance with the PIPA and putting into place a regulatory infrastructure for its implementation, I am pleased to inform honourable Members, as indicated in the recent 2016 Throne Speech, that those sections relating to the appointment of the Privacy Commissioner were enacted on December 2nd.

These include the creation of the Office of the Privacy Commissioner and staff, as well as those duties and powers relevant to their operation in the period leading up to the implementation of the whole Act. This will enable the recruitment of the appropriate person to be appointed as Privacy Commissioner and the creation of an office to discharge the Privacy Commissioner's duties.

Mr Speaker, the office of Privacy Commissioner is an important appointment and the appropriate regulatory infrastructure is necessary to ensure that the personal information rights of the residents of Bermuda are effectively protected and enforced. We have previously mentioned our intention to seek an "Adequacy" finding from the European Union which would allow for the free flow of personal information between Bermuda and other "Adequate" jurisdictions. A key criterion of the EU's assessment is that the Privacy Commissioner must be wholly independent. As a result, the creation, staffing and operations of the Commissioner's office will be done in a manner to ensure full compliance with these requirements.

Finally Mr. Speaker, I should also note that the enactment of the PIPA is but the first piece of legislation that honourable Members will be asked to consider in order to protect the privacy rights of our residents – during the course of the Parliamentary year the Privacy Commissioner will also facilitate the advancement of consequential amendments to other Acts in order to harmonise them with the Personal Information Protection Act 2016.

Thank you, Mr. Speaker.