



## RECRUITMENT PRIVACY NOTICE

This Recruitment Privacy Notice informs individuals of how BeesMont Law Limited (**BeesMont Law**) uses individuals' personal information (including sensitive personal information) in a recruitment context.

This Recruitment Privacy Notice 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 and/or the Minister responsible for information and communication technologies policy and innovation.

### 1. ABOUT US

BeesMont Law Limited is a leading boutique Bermuda corporate/commercial law firm. We are registered with Barristers & Accountants AML/ATF Board pursuant to Section 30B of the Proceeds of Crime (Anti-Money Laundering and Anti-terrorist Financing Supervision and Enforcement) Act 2008 and regulated by the Bermuda Bar Council.

### 2. ABOUT PIPA

The Personal Information Protection Act 2016 (**PIPA**) came fully in force in Bermuda on 1 January 2025. As of that time, 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) became subject to legislative obligations to protect that information. Part of those obligations involve the provision of a Privacy Notice to individuals before or at the time of the collection of their personal information.

PIPA requires that organisations use personal information only for the specific purposes provided for in their privacy notices or for purposes that are related to those specific purposes unless such use occurs:

With the consent of the individual whose personal information is used:

- i. when necessary to provide a service or product required by an individual;
- ii. where required by any rule of law or by the order of the court;
- iii. for the purpose of detecting or monitoring fraud or fraudulent misuse of personal information; or
- iv. for the purposes of scientific, statistical or historical research subject to the appropriate safeguards for the rights of individuals.

**Importantly, PIPA and the rights established for data subjects do not apply so as to:**

- i. affect any legal privilege;
- ii. limit the information available by law to a party to any legal proceedings; and
- iii. limit or affect the use of information that is the subject of trust conditions or undertakings to which a lawyer is subject.

**PIPA does not apply to the use of business contact information** (an individual's name, position name or title, business telephone number, business address, business e-mail, business fax number and other

similar business information) for the purpose of contacting individuals in their capacity as an employee, staff member or official of an organisation. Organisations are expressly permitted to use personal information where it is reasonable to protect or defend the organisation in any legal proceeding.

**PIPA further does not apply to:**

- i. personal information contained in a court file and used by a judge of any court in Bermuda or used as part of judicial administration or relating to support services provided to the judges or any court in Bermuda, but only where such personal information is necessary for judicial purposes; and
- ii. personal information contained in a personal note, communication or draft decision created by or for an individual who is acting in a judicial, quasi-judicial or adjudicative capacity.

There are also a number of other scenarios involving the use of personal information which are excluded from the regulatory scope of PIPA entirely or subject to exemptions.

If a provision of PIPA is inconsistent or in conflict with a provision of another statute, the provision of PIPA will prevail unless PIPA is inconsistent with or in conflict with a provision in the Human Rights Act 1981, in which case the Human Rights Act 1981 prevails.

### **3. KEY DEFINITIONS**

PIPA establishes the following new statutory definitions which are followed by BeesMont Law and are referred to in this 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 for their 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.

**staff:** means all employees, part-time workers, consultants and other persons who are engaged by the law firm in an ad hoc administrative capacity or as students, pupils, interns etc as well as agency workers who provide services to the law firm on behalf of a third party organisation.

**use or using:** in relation to personal information and sensitive 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.

Other terms which you may not be familiar with that are commonly used in law firm practice are:

**due diligence** BeesMont Law, as a regulated entity, is responsible for combating Money Laundering (**ML**) and Terrorist Financing (**TF**) by identifying risk profiles for candidates via due diligence processes.

**Officers of the Court** all barristers and attorneys who are enrolled and called to the Roll of the Court are entitled to practice as a barrister or attorney in Bermuda. Such persons are deemed to be Officers of the Court.

**PEP (i.e. politically exposed person)** is a person who is or has, at any time in the preceding year either been entrusted with prominent public functions (e.g. Member of Parliament, Government Minister, Member of higher level judicial body) or a prominent function by an international organisation (e.g. Ambassador), is an immediate family member (includes spouse, partner, children, children's spouse or partner, and parents) of such a person or is a known close associate of such a person (includes business partners and individuals who hold joint ownership in a legal entity as well as boyfriends, girlfriends, and those in relationships with married persons).

#### 4. OUR PRIVACY OFFICER

Our Privacy Officer has primary responsibility for communicating with the Privacy Commissioner and for liaising with members of staff or the public if they have any questions or concerns on how we use personal information. Our Privacy Officer may be contacted via [privacyofficer@beesmont.bm](mailto:privacyofficer@beesmont.bm).

#### 5. WHAT PERSONAL INFORMATION WE USE FOR RECRUITMENT

A. The personal information that BeesMont Law may collect from you or receive from a third-party recruitment agency could include but is not limited to the following types of information:

- i. resumes, CVs, letters of reference, and any other information you include with your application. In particular, BeesMont Law may use personal information such as name, email address, address, telephone number, date of birth, qualifications, experience, information relating to your employment history, skills experience that you provide, nationality.

B. Personal information we collect from other sources:

- i. information deemed of relevance from compliance and adverse media checks to identify your PEP status and whether you are a fit and proper person for the role that you are being considered for by BeesMont Law;
- ii. information provided by a police background check such as traffic offences and criminal convictions;
- iii. personal information about you provided by character references and former employers whom BeesMont Law may contact; and
- iv. we may receive your personal information from a third-party organisation or individual who recommends you as a candidate for a specific job opening or for our business more generally.

## 6. HOW DO WE COLLECT PERSONAL INFORMATION FOR RECRUITMENT

We use the following different methods to collect personal information for recruitment.

A. Collection directly from the candidate, such as that:

- i. included in a general application form or provided to a recruiter who provides it to us; or
- ii. gathered through due diligence carried out as part of our compliance with regulatory requirements and verification of information provided in your CV/resume (e.g. passport, drivers licence, proof of address; former employment information provided by the candidate or their references, verification process, background checks, and police reports); or
- iii. by way of correspondence with us by phone, e-mail, letter or otherwise.

B. Collection via disclosure by public source, such as:

- i. public records (e.g. legal notices, published court schedules, Court judgments, warning and decision notices issued by regulators); or
- ii. press releases and other media publications; or
- iii. Lexis Nexis and Google search.

C. Inadvertent collection from recruitment agencies such as unsolicited CVs or resumes from recruitment agencies or individuals via email, post, fax or in-person.

What we do NOT collect: BeesMont Law does not allow the recording of interviews for any reason. For this reason, we have disabled the recording functions of virtual meetings.

## 7. HOW WE USE RECRUITMENT PERSONAL INFORMATION

The purposes for which we use personal information in the context of recruitment can vary.

**Generally**, we use personal information for the following purposes:

A. **The use of the personal information is necessary in the context of an individual's potential employment relationship with the organisation** such as:

- i. verification of previous employment, as well as educational and professional experience;
- ii. attendance to initial calls and / or correspondence with the candidate and any recruitment agency involved in the recruitment process;
- iii. attendance to in person or virtual interviews with candidates; or
- iv. negotiation of and entry into employment terms with the candidate and any recruitment agency involved in the recruitment process.

B. For candidates that are not being considered for an *employment* opportunity with BeesMont Law, activities similar to the ones set out above are still involved and **the use of the personal information is necessary for the taking of steps at the request of the individual with a view to entering into a contract.**

- C. **Exercising Legal Rights and Meeting Legal Obligations:** using personal information pursuant to a law which authorises or requires such use. We have set out some practical examples below:
- i. for adherence to Anti-Money Laundering and Anti-Terrorist Financing laws and regulations and regulations pertaining to fit and proper person, such as background and criminal record checks; and
  - ii. for proving compliance with the Human Rights Act 1981, such as to make reasonable accommodation for disabilities and in the event that the candidate has a criminal record, determining whether there are valid reasons relevant to the nature of the particular offence for which the candidate has been convicted that would justify any difference in treatment.
- D. **Consent:** using personal information based on the consent of a candidate, for example when you provide your resume or CV to us.

**In select situations**, we may also use personal information for the following purposes:

- A. **Supervisory Adherence:** using personal information to comply with an order made by a court, individual or a body having jurisdiction over us.
- B. **Disclosures to/from Public Authorities:** using personal information collected from, or disclosed to, a public authority which is authorised or required by a statutory provision to provide the personal information to or collect it from us. Practical examples include:
  - i. disclosing personal information to the Bermuda Monetary Authority when adding an employee as an officer of the Company; or
  - ii. making disclosures under the Proceeds of Crime Act 1997.
- C. **Appropriate Use of Public Personal Information:** using publicly available personal information for a purpose that is consistent with the purpose of its public availability.
- D. **Emergency:** using personal information necessary to respond to an emergency that threatens the life, health or security of an individual or the public.
- E. **Protection or Defence of Organisation:** using Personal Information as reasonable to protect or defend our organisation in any legal proceeding.

## 8. HOW WE SHARE STAFF PERSONAL INFORMATION

We may share the personal information of candidates with:

- A. our staff who are involved or otherwise have responsibility for the recruitment process or an aspect of the same; and
- B. third-party service providers such as agencies involving with background checks and general compliance-focused services.

We may also share candidate's personal information with our advisers, such as auditors and accountants, and any external legal advisors which we may instruct from time to time.

Depending on the nature of the advisory matter and/or the Bermuda law regulating us or the candidate concerned, we may also disclose their personal information to:

- A. recruitment agencies;
- B. regulators;
- C. law enforcement agencies, such as the Bermuda Police Service to obtain a criminal record check;
- D. governmental departments and institutions; and/or
- E. tribunals.

## **9. RIGHTS OF CANDIDATES UNDER PIPA**

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

### **The right of access to personal information**

You have the right to request, and we will generally be required to provide:

- personal information about yourself which is in our custody or under our control;
- the purposes for which your personal information has been and is being used by us; 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.

### **We may refuse to provide access to your personal information where:**

- A. the personal information is protected by legal privilege;
- B. the disclosure of the personal information would reveal confidential information of the organisation or of a third party that is of a commercial nature and it is not unreasonable to withhold that information;
- C. the personal information is being used for a current disciplinary or criminal investigation or legal proceedings, and refusal does not prejudice the right of the individual to receive a fair hearing;
- D. the personal information was used by a mediator or arbitrator, or was created in the conduct of a mediation or arbitration for which the mediator or arbitrator was appointed to act under an agreement or by a court;
- E. the disclosure of the personal information would reveal the intentions of the organisation in relation to any negotiations with the individual to the extent that the provision of access would be likely to prejudice those negotiations; and/or
- F. if such disclosure would be likely to prejudice the physical or mental health of that person and the request of an individual involves access to personal information of a medical or psychiatric nature relating to themselves or personal information kept for the purposes of, or obtained in the course of, the carrying out of social work in relation to themselves. In such a case, an organisation must, if requested to do so by the individual, provide access to such 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.

**We will not provide access to requested personal information where:**

- A. the disclosure of the personal information could reasonably be expected to threaten the life or security of an individual;
- B. the personal information would reveal personal information about another individual; or
- C. the personal information would reveal the identity of an individual who has in confidence provided an opinion about another individual and the individual providing the opinion does not consent to disclosure of his identity.

Unless it is reasonable in all the circumstances to provide access.

In some circumstances, we may be able to **redact** certain information, and in such cases, we are required to provide you with access to the remainder of the personal information after such redaction has occurred.

**Redact** or **redaction**: the process of removing or blanking out certain information in a record before disclosure to a data subject.

**The right to request the rectification of your personal information**

If you believe that personal information concerning you which is under our control has an error or omission, you should 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, we will be required to correct your personal information as soon as reasonably practicable and where we have disclosed the incorrect information to other organisations, we will be required to 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.

**The right to request the erasure or destruction of your personal information**

You have the right to request us to erase or destroy your personal information where that personal information is no longer relevant for the purposes of its use by our law firm. The right to erasure is also known as the 'right to be forgotten'.

On receiving such a request, we will be required to erase or destroy 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.

**The right to request the cessation of the use of your personal information**

You have the right to request us to cease, or not to begin, using your personal information:

- A. for the purposes of advertising, marketing, or public relations; and/or



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 to cease using your personal information for the purposes of advertising, marketing or public relations, we will cease or not begin using your personal information for such purposes.

On receiving a request to cease using your personal information where the use of it is causing or is likely to cause substantial damage or substantial distress to yourself or to another individual, we will 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.

#### **10. CHANGES TO OUR PRIVACY NOTICE**

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