

# ACT

## Client Privacy Notice

This notice explains how Applied Computer Technologies Ltd. (“**ACT**”) of PowerHouse, 7 Par-la-Ville Road, Hamilton, Bermuda collects and uses your personal information. As you have placed your trust in us when providing your personal information, we want to be totally transparent with you about how it’s handled.

“Personal information” is information relating to you as a living, identifiable individual. ACT (“we” or “us”) will use your personal information in accordance with Bermuda’s Personal Information Protection Act 2016 (“**PIPA**” or the “**Act**”), related regulations and guidance notes which regulate the way in which all personal information is held and used in Bermuda.

### How we use your personal information

Your personal information is used for a number of different reasons depending on what it is. We only collect what is necessary in order to provide our service to you. The tables below set out what information is collected, our purpose for collecting it and our lawful basis (why we need to collect it) in line with PIPA.

- 1. Your personal details such as your name, date of birth, address, email address, phone number, identification documentation and information in connection with matters we are acting on**

<b>What we do and why</b>	<b>Our lawful basis</b>
We collect your name, address and contact details so we can identify who you are when providing services to you and to ensure that our records are accurate.	As part of our contract with you.
When taking instructions, we may collect personal information including information about your job in connection with matters we are acting on.	As part of our contract with you.
Send updates and reminders to ensure that you provide us with information to deliver services to you.	Our legitimate interest to provide our services to you.
Send you service updates such as changes to our terms and conditions or service disruptions or to inform you of any changes to the services we provide.	This is a legal requirement and part of our contract with you.
Send you information about our wider services, events and resources. We like to keep you up to date and help you get the best	Only with your consent, so the choice is yours.

<b>What we do and why</b>	<b>Our lawful basis</b>
from our services (you can find out more in the section on marketing messages below).	
We may sometimes ask for your feedback about our overall service. Usually this is anonymized, but we may want to respond to you directly, if you're unhappy with something.	Our legitimate interest to address your concerns and continue to improve our services to you.

In addition, use of your personal information may be necessary for compliance with our legal and professional obligations to you as our client and to third parties. This includes for example, the courts and our obligations to regulators. It also includes other legal obligations we have, for example to identify connected persons or beneficial owners and to fulfil our reporting obligations to the Bermuda Government or the Bermuda Monetary Authority.

Additionally, we may automatically obtain information about you such as your image or your vehicle registration number via our CCTV systems operating at our premises. We operate CCTV for our legitimate interests of helping to secure our premises and keep our clients, visitors and staff safe.

## 2. Your payment information

This is information provided when you are required to pay directly for any services. We don't store your card details. Butterfield Bank Ltd. are our payment services provider.

<b>What we do and why</b>	<b>Our lawful basis</b>
Take payments for the service we provide and give refunds where necessary as some of our services require direct payment.	As part of our contract with you.
Keeping a record of financial transactions so we know what you've paid for.	It's a legal requirement.

## 3. Your contact history with us

This covers things you've said, whether that be via email or telephone to our employees or the 'Contact Us' page on our website. Calls made to our contact number may be recorded.

<b>What we do and why</b>	<b>Our lawful basis</b>
Provide client service and support.	It's up to you whether you contact us via the methods above so it depends

What we do and why	Our lawful basis
	on the nature of your query. It could be part of our contract with you.
Improve our support services to ensure our client service is the best it can be.	Our legitimate interest to keep our team trained to the highest standard to provide the best possible service to you.
Resolve complaints and disputes and claims.	Our legitimate interest to resolve complaints and disputes in a timely manner and to exercise our legal rights.

We may also anonymise and/or aggregate your personal information, so you aren't identifiable. This process may be used to facilitate the testing of our IT systems, research, data analysis, improving our website and developing new products and services.

#### 4. Sensitive personal information

Certain personal information is subject to additional safeguards under PIPA. Such information includes details of:

- your racial or ethnic origin;
- your political opinions;
- your marital status;
- your religious beliefs or other beliefs of a similar nature;
- whether you are a member of a trade union;
- your physical or mental health or condition;
- your sexual life or sexual orientation;
- the commission or alleged commission by you of any offence, or
- any proceedings for any offence committed or alleged to have been committed by you, the disposal of such proceedings or the sentence of any court in such proceedings.

It may be necessary for us to use some sensitive personal information in order to comply with legal or regulatory obligations (including making reasonable adjustments for clients with disabilities), or if we need to do so in order to seek confidential legal advice or establish or defend legal claims.

Otherwise, we will only use your sensitive personal information with your explicit consent. If you voluntarily send us your sensitive personal information, we shall treat that as your explicit consent for us to hold that information, which otherwise shall only be used in accordance with this privacy notice. Where such information is used by us on the basis of your explicit consent, you may withdraw your consent at any time: this will not affect the lawfulness of any use based on your consent before you withdrew it.

## **How do we obtain your information**

There are several ways in which we obtain your information. Most information is voluntarily provided by yourself via completing our forms or conversing with our employees.

## **If you decide not to provide personal information**

If you decide not to supply personal information that we have requested and as a result we are unable to comply with our professional, legal or regulatory obligations, then we may have to cease acting for you or may be unable to enter into a relevant contract with you.

## **Who will see or use your personal information**

Your personal information may be seen or used by our employees in the course of their duties or others lawfully working with us in the ordinary course of our business (for example, former employees or consultants in accordance with the terms of our contract with them).

We may also outsource some of our support services or engage consultants and others to support us (for example secretarial, marketing, courier, translation or IT services). In these cases relevant personal information would be provided to and used by the provider of such services, in accordance with the terms of our contract with them and to the extent appropriate for the performance of that contract.

## **Sharing your information**

You have trusted us with your information, therefore the first thing we want to assure you of is that we do not, and shall not, sell any of your personal information to any third party.

However, we may share your personal information with the following categories of companies as an essential part of being able to provide our services to you, to fulfill our legal and professional obligations, or to undertake searches (e.g. credit searches):

- Other professional advisors, auditors or counter parties.
- Witnesses, courts and tribunals.
- Banks and payment service providers (including our chosen payment provider, Butterfield Bank Ltd., so that we can deal with payments and refunds where necessary.
- Credit reference and fraud prevention agencies, so that we can obtain information about you and help to detect and prevent fraud.
- Debt collection agencies, should you fall behind with payments for the services we provide.
- Law enforcement, government and other agencies should we receive a request from them to assist with any investigations, or we deem it necessary.
- Third parties such as the police or other authorities where we are unable to reach you for consent and unlikely to be able to for some time.

- Third party software providers, where we implement and you make use of our third party provided apps, your personal information will be shared to facilitate a more convenient, streamlined and more accessible process.

Exceptionally, we might need to share your personal information in order to obtain necessary confidential legal advice or to comply with our insurance, legal or regulatory obligations. For example, we may have to provide some or all of the information to our insurers, legal advisors, public authorities such as the Bermuda Monetary Authority or the Tax Commissioner, or to a court/tribunal.

We take the sharing of your personal information very seriously and only do so where necessary for the purposes set out above. Where your personal information is shared with third party software providers, we ensure that they have the appropriate personal information protection procedures, policies, and certificates in place before transferring any information.

If you would like to know more about the organisations we may share personal information with, or how to find out more on how they will use your personal information, please contact us at the details below.

### **Transfer of your personal information to other countries**

In the course of carrying out the activities referred to above we may transfer your personal information to other countries, which may not have the same legal protections for your personal information as those under the PIPA or the UK / EU General Data Protection Regulations.

Where personal information is being transferred outside of Bermuda to a country that does not provide a comparable level of protection as that required by PIPA, we will take steps to ensure that your personal information is adequately protected in accordance with the Act.

Otherwise for example we may transfer your personal information if it is necessary for performance of our contractual duties to you, or because we have other legal obligations to transfer the personal information, or it is necessary for important reasons of public interest. If you require further detail about the protections given to your personal information when it is transferred outside of Bermuda please contact us using the details in 'How to contact us' below.

### **Marketing messages**

If you have said we may, we'll send you marketing messages to keep you aware of what we're up to and to help you see and find our products and services.

If you no longer wish to receive them then you can unsubscribe via the following methods:

- Click the 'unsubscribe' link at the bottom of any marketing email communication that we send you.
- Contact us directly via **service@act.bm** and ask to be removed from our mailing list.

If you've asked us to stop sending any kind of marketing, we will action the withdrawal of your consent as soon as possible, although we ask that you please be patient so that we can update all of our systems. You may continue to receive messages from us whilst we process your request.

If you decide to opt-out of marketing messages, we will continue to send 'service communications' such as appointment or regulatory filing reminders.

### **How long we keep your information**

We will keep your personal information for as long as we need to in order to fulfil the purposes we have set out in this Privacy Notice. If you cease to be our client, we will still need to keep some of your personal information to meet our legal and regulatory obligations, resolve disputes, prevent fraud and abuse and to enforce our terms and conditions. We will only keep what is necessary for these purposes.

We will keep CCTV images for up to 30 days and telephone call recordings for up to 3 months from the date of recording unless it is necessary for us to keep them for a longer period.

We may be obliged to suspend any planned destruction or deletion where legal or regulatory proceedings require it or where proceedings are underway such as require the personal information to be retained until those proceedings have finished.

### **Your rights**

You have a number of rights relating to your personal information, which are as follows:

- The right to be informed about how your personal information is used, most of which is within this notice.
- The right to access personal information we hold about you.
- The right to rectify personal information we hold about you if it is inaccurate or incomplete (we ask that you contact **service@act.bm** if any of your contact details have changed).
- The right to request that we delete your personal information, stop using it or collecting it in some circumstances.
- The right to stop marketing messages, further information of which is above in the 'Marketing messages' section.
- The right to object to the use of your personal information for the furtherance of our legitimate interests.

If you wish to exercise any of these rights, or have any questions, please contact us using the details in 'How to contact us' below.

### **Changes to this notice**

We will keep this notice under regular review and publish any updates on [www.act.bm](http://www.act.bm). Any significant changes will be communicated with you directly, so you are kept up to date on how your personal information is handled.

**This privacy notice was last updated on 21<sup>st</sup> November 2024.**

### **How to contact us**

Client feedback is essential in ensuring that we provide the best possible service to you. If you have any questions about this notice, want us to stop using your personal information or exercise any of your rights then please contact our Privacy Officer:

Privacy Officer- Kathy Martin  
Email: [kmartin@act.bm](mailto:kmartin@act.bm)  
Telephone: 441-278-5240

## **Complaints**

If you have any concerns about our use of your personal information, you can make a complaint to us via the contact details above.

Whilst we would always prefer to have the opportunity to resolve your complaint first, you can also complain to the Privacy Commissioner if you are unhappy with how we have used your personal information.

## **The Privacy Commissioner's address:**

Maxwell Roberts Building  
4<sup>th</sup> Floor, 1 Church Street  
Hamilton HM11, Bermuda  
Helpline number: +1 441 543 7748  
Website: [www.privacy.bm](http://www.privacy.bm)  
Email: [privcom@privacy.bm](mailto:privcom@privacy.bm)