

# **Privacy Notice**

## **1. Scope**

The Cayman Islands Government (“CIG”) Office of the Premier (the “OTP”) respects your privacy and takes care in protecting your personal data. As a data controller, we comply with the Cayman Islands Data Protection Act (2021 Revision) (the “DPA”). This privacy notice (“Privacy Notice”) demonstrates our commitment to ensuring your personal data is handled responsibly.

The OTP falls under the purview of the Cabinet Office. This Privacy Notice does not apply to the processing of any personal data for human resources and finance functions where the Cabinet Office as a Civil Service Entity is the data controller. This Privacy Notice also does not apply to the operations of the Cabinet or Government Caucus. The privacy notice for the Cabinet Office, which supplements this Privacy Notice, is available at: [TO BE INSERTED WHEN PUBLISHED].

## **2. What Personal Data We Collect**

The OTP collects personal data, including sensitive personal data, directly from you and may also collect your personal data indirectly from third party sources. Personal data collected by the OTP is limited to what is necessary for our processing activities. In this Privacy Notice, personal data includes any data relating to an identified or identifiable living individual and includes your name, contact details, job title, educational and/or employment history, opinions about you, and any indication of the OTP’s intentions in relation to you.

The OTP may collect your personal data directly from you or from other sources, including:

- a. Personal data you provide through the website maintained by the OTP ([otp.gov.ky](http://otp.gov.ky)) through the CIG Department of Communications, such as:
  - i. Personal data provided within submission forms, comments and questions, including your name and/or email address if you provide these details. If you ask questions about our public services and programmes or provide information about your relationship with us, this may also reveal other personal data, e.g. your employment status, health information, or family relationships;
  - ii. Your email address and subscription preferences if you sign up for our newsletters or notifications, and how you utilise our emails, including whether you open them and which links you click; and
  - iii. Your Internet Protocol (“IP”) address, details of which device or version of web browser you used to access our website content, and other information about how you used our website;
- b. Personal data you provide when you visit the OTP premises at the Government Administration Building in Grand Cayman and other locations; contact us by email, by telephone or through our social media channels; or access our various programmes and services, including our online services;
- c. Any information you choose to provide when interacting with the OTP, including through our social media channels, including the Facebook page [@OTPCaymanIslands](https://www.facebook.com/OTPCaymanIslands) and Instagram page [@otpcaymanislands](https://www.instagram.com/otpcaymanislands);
- d. Personal data collected through CCTV or other monitoring and security mechanisms at the Government Administration Building in Grand Cayman and other locations, if these data were collected by the CIG Department of Facilities Management or by any other data controller and then lawfully disclosed to the OTP for a legitimate purpose (e.g. to investigate a breach of the law or a security incident);
- e. Personal data provided by a member of your family, your employer, or some other person who is closely connected to you if this is relevant to that person’s engagement with the OTP or our functions; and
- f. Any other personal data where the collection is necessary to achieve our lawful purpose(s).

### 3. How We Use Your Personal Data

The Premier of the Cayman Islands is the political leader and head of Government, appointed by the Governor in accordance with the Cayman Islands Constitution. The duties of the staff of the OTP are to support the Premier in carrying out the functions conferred on him or her by or under the Constitution.

The OTP may use your personal data for the following purposes:

- a. Implementing policies, providing services and programmes, and managing your relationship with us;
- b. Responding to your inquiries;
- c. Verifying your identity;
- d. Measuring how users interact with the OTP's website and continually improving our communications channels (including by aggregating personal data collected using cookies);
- e. Communicating and interacting with website visitors;
- f. Sending you marketing communications;
- g. Communications and public relations activities;
- h. Statistical and other reporting, both internally and externally;
- i. Seeking legal advice, and exercising or defending legal rights; and
- j. Complying with our legal obligations, including all legislation that applies across the public sector, e.g. legislation that provides for records and information management.

### 4. How We Share Your Personal Data

The OTP may share your personal data as required, including under applicable legislation, with recipients that include joint data controllers, our data processors, and third parties. We will only share your personal data as permitted by the DPA.

Your personal data may be shared with the following recipients that support our public functions and operations:

- a. **With other public authorities:** Personal data may be shared with other public authorities – here, “public authorities” means Ministries, Portfolios, Offices, Departments, Statutory Authorities, Statutory Bodies and Government Companies – for the purposes set out in this Privacy Notice.
- b. **With data processors external to the CIG:** Personal data may be shared with persons providing services to the OTP as a data processor in compliance with the DPA. When they are acting as data processors, these service providers are only able to use personal data under our instructions. We engage data processors for a variety of processing activities, which may include:
  - i. Webhosting;
  - ii. Information Technology;
  - iii. Records and Information Management, including storage facilities;
  - iv. Communications;
  - v. Marketing and campaigns;
  - vi. Events management; and
  - vii. Security operations and fraud prevention.

In limited circumstances, service providers who act as data processors for the OTP may also act as a separate data controller in relation to their own purposes for processing your personal data, e.g. to provide customer support, or for analytics or machine learning in order to improve their services. These are unrelated to the purposes for which the OTP processes your personal data and should be clearly and directly disclosed to you by the service provider through their own separate privacy notice. However, you may contact us to ask about our current service providers and specific instances, if any, that we are aware of where your personal data may be processed for a service provider's own purposes.

**c. With legal advisors and other persons if required by law or in relation to legal proceedings or rights:**

Personal data may be disclosed as legally required, for the purpose of or in connection with proceedings under the law, if necessary to obtain legal advice, or if the disclosure is otherwise necessary to establish, exercise or defend legal rights. This may include disclosing your personal data for the following purposes:

- i. Seeking legal advice;
- ii. Exercising or defending legal rights;
- iii. Complying with internal and external audits or investigations by competent authorities; and
- iv. Complying with information security policies or requirements.

**d. With other third parties:** Personal data may be disclosed to other third-party recipients for the purposes set out in this Privacy Notice and in accordance with the DPA.

## **5. Our Legal Bases for Processing Your Personal Data**

Depending on applicable laws and other circumstances, the OTP will rely on specific legal bases, or "conditions of processing", under the DPA to process your personal data. These may include:

- a. A **legal obligation** to which the OTP is subject;
- b. To exercise **public functions**, including the functions of the OTP to provide advice and assistance to the Premier and to administer the Premier's office;
- c. To perform or enter into a **contract** with you;
- d. To protect your **vital interests**, e.g. if you experience a medical emergency during an event coordinated by the OTP;
- e. **Consent**, e.g. to send you marketing communications or to administer surveys and polls; and
- f. For the purposes of **legitimate interests** pursued by the OTP or by a third party or parties to whom the personal data may be disclosed, e.g. when disclosing records containing third party personal data in response to a request submitted under the Freedom of Information Act (2021 Revision).

Where we process your sensitive personal data, we will also meet a second legal basis. These may include:

- a. To exercise our **public functions**;
- b. In relation to **legal proceedings**, including obtaining legal advice and otherwise establishing, exercising or defending legal rights;
- c. To protect your **vital interests**; and
- d. If **you have taken steps to make the personal data public**.

## **6. Security and International Transfers**

The OTP has put in place appropriate technical, physical and organisational measures in order to keep your

personal data secure. These safeguards to maintain the confidentiality, integrity and availability of your personal data may include:

- a. Developing and maintaining written plans to identify, prevent, detect, respond to, and recover from security threats, events and incidents;
- b. Developing robust authentication procedures for accessing all systems that store personal data;
- c. Administrative and technical controls to restrict access to personal data on a “need to know” basis;
- d. Maintaining systems, software and applications, anti-virus software, firewalls, and other computer security safeguards, and appointing appropriate personnel to be responsible for keeping such safeguards up to date, including through actions such as patching, license renewals/expiry monitoring, system health checks and account/user access management;
- e. Contractually requiring that our Data Processors maintain appropriate security measures;
- f. Maintaining appropriate records of access to and processing of personal data;
- g. Ensuring employees are trained on security policies and measures that have been implemented;
- h. Using appropriate measures, such as encryption, pseudonymisation and chain of custody records, to protect personal data, including when stored on laptops, tablets and other storage devices;
- i. Utilising appropriate and secure methods to destroy personal data as legally required; and
- j. Taking other reasonable measures as required at any time by legislation, rules and policies.

The OTP will not transfer personal data to countries or territories that do not ensure an adequate level of protection for personal data. We may transfer your personal data outside of the Cayman Islands to:

- a. Germany, where data are stored securely by our IT service provider Monday.com; and/or
- b. the United Kingdom, where data are stored securely by our IT service providers Microsoft and Delib.

The above is not a comprehensive list of countries and territories where we may transfer your personal data. However, we will only transfer your personal data to a country or territory that ensures an adequate level of protection for your rights and freedoms in relation to the processing of your personal data, unless there is a relevant exemption or exception under the DPA. Exceptions may include your consent or appropriate safeguards.

## 7. How Long We Keep Your Personal Data

The OTP may store your personal data for as long as we need it in order to fulfil the purpose(s) for which we collected your personal data, and in line with any applicable laws. This includes the National Archive and Public Records Act (2015 Revision), which governs the creation, maintenance and disposal of all public records. Sometimes, we may anonymise your personal data so that it is no longer associated with you.

## 8. Your Rights

The OTP will respect and honour your rights in relation to your personal data and implement measures that allow you to exercise your rights under the DPA and other applicable legislation.

In accordance with the DPA, your rights in relation to your own personal data include:

- a. **The right to be informed and the right of access:** The right to request access to all personal data the OTP maintains about you as well as supplementary information about why and how we are processing your

personal data. This is commonly known as a Data Subject Access Request and certain supplementary information about our processing is contained within this Privacy Notice.

- b. **Rights in relation to inaccurate data:** The right to request the rectification, blocking, erasure or destruction of any inaccurate personal data the OTP maintains on you. We will ensure, through all reasonable measures, that your personal data is accurate, complete and, where necessary, up-to-date, especially if it is to be used in a decision-making process.
- c. **The right to stop or restrict processing:** The right to restrict or stop how the OTP uses your personal data in certain circumstances.
- d. **The right to stop direct marketing:** The right to cease the use of your personal data by the OTP for direct marketing purposes.
- e. **Rights in relation to automated decision making:** The right to obtain information about and object to the use of automated decision making by the OTP using your personal data. The OTP does not currently use automated means to make decisions about you. However, we will update this Privacy Notice and we will also notify you in writing as required if this position changes.
- f. **The right to complain:** The right to complain to the Ombudsman about any perceived violation of the DPA by the OTP.
- g. **The right to seek compensation:** The right to seek compensation in the Court if you suffer damage due to a contravention of the DPA by the OTP.

You may contact the OTP, using the contact details listed below, to access and review your personal data or to exercise any other rights provided to you under the DPA. The OTP will take into consideration circumstances where, under the DPA or other applicable legislation, your rights may be limited or subject to conditions, exemptions or exceptions.

Upon contacting the OTP, we may need to verify your identity prior to fulfilling a request and may request additional information as required. In accordance with the DPA, the OTP may also charge a reasonable fee in relation to your request if it is unfounded or excessive in nature, or the OTP may reserve the right not to comply with the request at all.

To learn more about your rights, visit [www.ombudsman.ky](http://www.ombudsman.ky).

## 9. Data Protection Principles

When processing your personal data, the OTP will comply with the eight Data Protection Principles defined within the DPA:

- a. **Fair and lawful processing:** Personal data shall be processed fairly. In addition, personal data may be processed only if certain conditions are met, for example the data controller is subject to a legal obligation that requires the processing or the processing is necessary for exercise of public functions.
- b. **Purpose limitation:** Personal data shall be obtained only for one or more specified, explicit and legitimate purposes, and not processed further in any manner incompatible with that purpose or those purposes.
- c. **Data minimisation:** Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are collected or processed.
- d. **Data accuracy:** Personal data shall be accurate and, where necessary, kept up-to-date.
- e. **Storage limitation:** Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.

- f. **Respect for the individual's rights:** Personal data shall be processed in accordance with the rights of data subjects under the DPA, including subject access.
- g. **Security – confidentiality, integrity and availability:** Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- h. **International transfers:** Personal data shall not be transferred to a country or territory unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## 10. How to Contact Us

The OTP has appointed a Data Protection Leader. If you have any questions about this Privacy Notice or how your personal data is handled, or if you wish to make a complaint, please contact:

Name: Jana Pouchie-Bush

Telephone number: +1 345 244 2455

Email Address: [foi.otp@gov.ky](mailto:foi.otp@gov.ky)

Address: Government Administration Building Box 105, 133 Elgin Ave, Grand Cayman KY1-9000

The OTP aims to resolve inquiries and complaints in a respectful and timely manner.

## 11. Changes to this Privacy Notice

The OTP reserves the right to update this Privacy Notice at any time and will publish a new Privacy Notice when we make any substantial updates. From time to time, the OTP may also notify you about the processing of your personal data in other ways, including by email or through our publications.

*This Privacy Notice was last updated on 19 December 2024.*