



HALSBURY CHAMBERS

INSIDE *the* CHAMBER



NEWSLETTER ~ OCTOBER 2011 ~ FOURTH QUARTER

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With Christmas right around the corner, this means we've come quite some distance into the new year. For those who have not been consistent with checking in on their goals, **now** is a good time to review those New Year Resolutions to see what has actually been accomplished. After all, we're already in the fourth quarter of the year!

If you have accomplished **6 – 9 Resolutions**, give your self a pat on the back. You're well on your way to peace of mind. **WELL DONE!**

If you have accomplished **3 – 5** of the listed items, hmmm... you really need to reassess your priorities. Today is a good day for a fresh new start!

If you have only accomplished **1 – 2** of the listed items... well, its better than nothing. A journey of a million miles begins with a single step and at least you're on your way. Make it your target to use the rest of the year to knock out at least 3 – 5 more of our Resolutions!! **YOU CAN DO IT!**

If you have not accomplished anything, **MUDDOWS!** You really need to start the year over – but not to fear! You still have some time left to do something!! Make your life count for something! Remember, like Mama used to say, "Failing to Plan, is Planning to Fail!!"

Its not too late to do the right thing! Get started now and contact a reputable firm that will put you on the right track!! For a reprint of our Top Ten Resolutions Bulletin referred to above, email rgodet@halsburylawchambers.com.

Here's a refresher of our **TOP TEN** Resolutions:

1. Draw and/or update your will!
2. Get all of your land papers properly registered!
3. Move on with your life!
4. Resolve debt collection/foreclosure issues!
5. Acquire generational property!
6. Have a clear vision for your business!
7. Incorporate your company!
8. Review all of your contracts and company documents!
9. Consider Arbitration/Mediation for disputes!
10. Review the "Health and Safety in the Workplace Act"!

If you have accomplished all **10 Resolutions, GREAT JOB! GO TO THE HEAD OF THE CLASS!**

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Jason A. Romer

We, at Halsbury Chambers are pleased to welcome to our team our newest Associate, Mr. Jason A. Romer. Mr. Romer is an associate attorney specializing in general litigation. He tells us in his own words, what makes Jason tick:

"As a focused driven young man, I've always had a passion for helping others. After completing my high school education I enrolled at the College of the Bahamas and attained an Associate of Arts Degree in Law and Criminal Justice (Honours). Having realized I needed to quench my thirst for knowledge, the next natural progression for me was to attend university and so I pursued a Bachelor of Laws Degree (Hons) at the University of the West Indies. Of course after academia came time for practice and off to Law School I went and obtained a Legal Education Certificate at EDLS and then was called to The Bahamas Bar in 2007. In the early stages of my career, I developed a strong liking to general litigation. My areas of expertise became and presently are, debt collection, divorces, personal injury claims, contract law, wills and probate. I enjoy reading, sports and music – I'm a saxophonist. I am excited to be a part of the Litigation team at Halsbury Chambers."

New Addition

The article "The Data Protection Act" on the overleaf was written by Jason A. Romer.





THE DATA PROTECTION ACT

Your Right To Privacy And Protection Of Personal Information

Did you know that the Data Protection Act affords protection, to each and every person, of personal data or information which is obtained by a data controller on such person in The Bahamas? Did you also know that the Act permits an individual to know, if requested by such person, what personal data is kept on him? Did you know that any sensitive personal data relating to racial origin, political opinion, religious belief, sexual life and criminal convictions, to name a few, ought to be held in the strictest of confidence? YES, there are far-reaching consequences for breach of privacy under the Act. A data controller is required by the Act to take appropriate security measures to prevent against the unauthorised access to, alteration, disclosure or destruction of the personal information and also to protect such information from its accidental loss or destruction. According to Section 8, a data controller has forty days to furnish personal data to a data subject when a request is made by the data subject. Who is a data subject? You, the reader, are the data subject referred to in the Act.

Also, did you know that it is unlawful for any data controller to unreasonably retain any personal information on you except where the personal data is kept for the purposes of preventing, detecting, or investigating offences, prosecutions, tax collection or assessment, or if such personal data is prejudicial to the security or maintenance of good order in a prison or detention centre. The above is only a snip of the protections offered by the Data Protection Act. With this being said, one may ask **WHO IS A DATA CONTROLLER?** Well, a Data Controller is a person(s) who determines the purposes and manner in which personal data is processed (that is, organised, collected, disseminated etc.) such as Banks, Hospitals, Insurance Companies, Colleges and the like. A data controller is obligated by the Act to obtain information fairly and lawfully, use it in a manner consistent with that for which it has been collected and keep it for specific purposes and periods. This Act is a gem which is undiscovered by many.

The Act was enacted to ensure that information generated on an individual is kept confidential and only disseminated in limited circumstances. Over the years there was a need to protect the transfer of information both locally and jurisdictionally. The main reason for its enactment was based upon international privacy principles on the protection of privacy and trans border flows of personal data. The primary aim is to ensure that information is obtained by fair and lawful means and that it is used in a manner consistent with that for which it was collected. The Act has been on the books since April

2007 and since this date, individuals have been afforded a statutory right to have personal data/information protected. George Rodger, the first Data Protection Commissioner, in a media interview on the Act, stated that one of the more important action steps in his role is to *“get the information out to the public that a privacy law is in place.”* We, at Halsbury Chambers consider this article and Newsletter as our medium to “get the information out” that the Act is in place.

At this point your attention should be focused on knowing who has the right of access to personal data/information on you and if there is any cause for concern under this creature known as ‘privacy.’ By Section 14 of the Act, a Commissioner is appointed and the data subject is backed by the Commissioner who has the power to investigate any provision of this Act that is contravened by a data controller or data processor and to impose stiff penalties such as imprisonment or hefty fines up to \$100,000.00. By Section 12 of the Act, the data controller has a statutory duty of care to the data subject so far as the collection by him of personal data or information is concerned and the data controller’s dealing with the data collected.

Although the Act affords a data subject the right to request of a data controller information that is held by such data controller on the data subject, you should know that the right of access to personal information does not apply to legislation for the protection of individuals against financial loss arising from dishonesty or malpractice; legal professional privilege; matters relating to the protection of the international relations of the country; and statistical, research, or back-up data according to section 9.



In closing, it is worth noting that by section 3 the Crown (a.k.a the Government) is bound by its provisions as regards disclosure of information. In essence therefore no one is above this law.

The above is a brief overview of the Data Protection Act and is not meant to be construed as legal advice in any way. We, at Halsbury Chambers, would be more than happy to provide you with additional information on your right to the privacy of your personal data/information afforded by the Act.

Written by: Jason A. Romer, Associate

