



GOVERNMENT OF BERMUDA

Ministry of Health

Department of Health

29th October 2019

Re: Children Act 1998, Section 75 and 76C

Dear Day Care Providers and Day Care Center Operators,

The Child Care Regulation Programme has requested from each child care setting in Bermuda **the name and date of birth of each child registered**. This information is kept on file for each setting with all the other information for that establishment.

This information is to allow child officers to perform a thorough review of programming (appropriate care, play and learning) relevant to each child and to assure adequate administrative practices (supervision, attendance and safety) relevant to each child and group of children. In Day Care Centres which care for four or more children this information is to allow child officers to verify group sizes and that ratios are correct for each age group.

The Children Act 1998, Section 75 and 76C requires Day Care Centres and Day Care Providers to keep records on the children in the Centre or Provider's care and to furnish this information to the Director of Health as requested (the legislation is cited at the end of this letter). This information is used to assure quality child care as outlined above.

The Department's mission to promote and protect the optimal health and wellbeing of the children. The Department's role is proactive, and is preventative, and we work to assure quality care. The best for our children cannot be achieved by receiving individual names and birthdates after a critical incident and working reactively.

We have heard concerns about confidentiality. Please be assured the only purpose of collecting this information is to assure the health and safety of the children as previously outlined. It will be held in strict confidence and not disclosed – even for a PATI request as the PATI Information Commissioner Office supports non-disclosure of the children's names.

We look forward to your continued compliance with the law and the supply the information requested. To assist, a child to staff ratio form has been created and is available on our website here: <https://www.gov.bm/child-care-information-providers>

Child Care Regulation Programme
Ministry of Health
Continental Building, 25 Church Street
Hamilton HM 12

Phone: (+1 441) 278-4900

Email: childcare@gov.bm



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If you have any questions, please contact the Programme on childcare@gov.bm

Sincerely,

Virloy Lewin
Acting Director of Health

Children Act 1998 – Section 75 and 76C

Records, returns and reports

- 75 (1) The operator of a licensed day care centre shall maintain records including—
- (a) each child's name and address;
 - (b) the name, address and telephone number of the child's parent;
 - (c) the name, address and telephone number of a person to be contacted in the event of an emergency if a parent is not available;
 - (d) the names of persons to whom the child may be released;
 - (e) any medical, physical or developmental conditions relevant to the care of the child;
 - (f) the name, address and telephone number of the child's physician and relevant health insurance information;
 - (g) records of such other matters as may be prescribed.

(2) The operator of a licensed day care centre shall furnish to the Director of the Department of Health such records, returns and reports as the Director of the Department of Health requests in such form and manner and within such time as the Director of the Department of Health may require.

[Section 75 amended by 2018 : 66 s. 2 effective 10 January 2019]

Records, returns and reports

76C Section 75 applies, with the necessary changes, to the maintaining and furnishing of records, reports and returns by a day care provider.

[Section 76C inserted by 2010 : 59 s. 9 effective 22 December 2010]

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