

# Credit Guarantee Scheme Data Protection Notice

**This Notice relates to the personal data provided by you and as otherwise obtained and processed in the context of the operation of the Credit Guarantee Scheme (the “Scheme”). The SBCI operates the Scheme on behalf of the Minister and for data protection purposes the Minister acts as data controller and the SBCI as a data processor on its behalf.**

## **The personal data that we obtain about you**

Personal data means any information relating to an identified or identifiable natural person. In the context of the Scheme, this may include personal data such your name, address and contact details and personal information and financial information relating to your business that you provided to certain banks or financial institutions when obtaining finance (“**Relevant Lenders**”), the Minister for Business, Enterprise and Innovation (“**Minister**”) and the Strategic Banking Corporation of Ireland (the “**SBCI**”), as the Credit Guarantee Scheme Operator. Please note that it is necessary for the SBCI and others to process personal data in order to operate the Scheme and a failure to provide personal data may affect your ability to participate in the Scheme.

## **Purposes of processing your personal data and the relevant legal basis**

We are required by data protection law to indicate to you the legal basis which relates to our use and processing of your personal data. This may include (as relevant):

**- Processing that is necessary for performance of a contract or in relation to preparatory steps prior to entering into a contract:** where you apply to participate in the Scheme you will be required to provide certain information (including personal data such as name, contact details, address and Eircode, and registration number) to the SBCI, as Operator of the Scheme, which is necessary in order for the SBCI to assess your eligibility for the Scheme. Such processing may involve the Minister and/or the SBCI making enquiries about your Scheme application, seeking and taking up references about you and your business and sharing information and documents as between the Minister, the SBCI and the Relevant Lenders, in respect of which loans you have applied for a guarantee under the Scheme. The SBCI will also contact you by letter, telephone or e-mail to the extent to which it is necessary for the efficient operation of the Scheme, including for the purposes of preventing fraud or other abuse of the Scheme. In addition, we process your personal data in relation to the payment of premia by you to the Minister in connection with the operation of the Scheme and which may, in certain circumstances, involve us contacting you (for example if your direct debit payment is unsuccessful).

**- Processing that is necessary to comply with a legal obligation:** (other than a contractual obligation) – such as: (a) to process your request for information or when you exercise your rights against us under data protection law; (b) for compliance with legal and regulatory requirements, including certain requirements to retain records; (c) for establishment and defence of legal rights; (d) for activities relating to the prevention, detection and investigation of crime; (e) to verify identity/ies including under anti-money laundering legislation; (f) to submit information to, and reports to Government Departments and/or EU institutions.

**- Processing that is based on your freely given, specific, informed and unambiguous consent:** in limited circumstances we may rely on your consent to process personal data such as where consent is provided to participate in certain promotional activities in connection with our activities and in relation to publication of your personal data. You are entitled to withdraw your consent at any time using the contact details below.

### **Eligibility checking and payment of premia**

The primary purpose for which we use your personal data is to assess your eligibility for participation in the Scheme and to operate the Scheme, including the operation of premium payments on behalf of the Minister. This means that the SCBI will check whether you meet: (i) State Aid criteria, or (ii) the criteria demanded by the Minister, other funders and guarantors or other parties who provide us with financial assistance. In addition, this involves the disclosure of certain information to your nominated bank in order to process the payment of premia which the SBCI does on behalf of the Minister.

### **Retention period or criteria used to determine the retention period**

We will keep your personal data for as long as we need it to fulfil the purposes of the Scheme and for a period of up to 7 years thereafter. We will keep certain personal data after that to comply with legal and regulatory requirements. If you would like further information about our data retention practices you can ask for this at any time (contact details below).

### **Disclosures**

In the event that your application to participate in the Scheme is successful, you acknowledge that the Relevant Lender will be authorised to disclose all relevant details, information and documentation (including personal data contained therein) relating to all facilities made available by the Relevant Lender to you and your business as a borrower to the following: (i) the SBCI; (ii) the Minister and the Department for Business, Enterprise and Innovation (the “**Department**”); (iii) the employees, contractor, sub-contractors, auditors and professional advisors of both the Department and the Bank; (iv) any other persons or bodies having a legal right or duty to receive same ((i), (ii), (iii)) and may be together referred to in the subsequent “Qualifying Finance Agreement/ Offer Letter” as the “Recipient”) for the purposes of audit and research by the Recipient and as may be necessary to give effect to the terms of and for the proper operation of the Scheme. You as borrower further acknowledge the processing of all and any details, information or documentation by the Recipient for the purposes set out above. Please note that the disclosures described above are necessary for the operation of the Scheme.

### **Transfers outside the EEA**

We will not in the normal course transfer your personal data outside the European Economic Area (EEA) save in exceptional circumstances and in all such cases appropriate safeguards shall be put in place to protect your personal data when it is outside the EEA. Such safeguards may include the Standard Data Protection Clauses (also known as EU Model Clauses). You can find out what these are here: [http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index_en.htm). Transfers may also happen based on the US Privacy Shield. Details here: <https://www.privacyshield.gov/welcome>. You can contact us for a copy of EU Model Clauses.

### **Your rights under applicable data protection law**

There are various rights under data protection law and these will not always be relevant to you. We have described below what the rights are but please do be aware that they will not be engaged in all circumstances. If you wish to exercise any of these rights please contact us (details below):

- **The right to obtain access to personal data that we hold about you:** The purpose of this right is to enable you to obtain confirmation that your data is being processed, to gain access to your personal data, and to other supplementary information about how it is processed.

- **The right to obtain from us without undue delay the rectification of inaccurate personal data** concerning yourself and to have incomplete personal data completed in certain circumstances.

- **The right to obtain from us the erasure of personal data** concerning yourself without undue delay in certain circumstances (also known as the “right to be forgotten”). This right is not absolute – it applies only in particular circumstances and where it does not apply any request for erasure will be rejected.

- **The right to obtain the restriction of processing** of your personal data for example where you contest the accuracy of your personal data and its accuracy is being verified.

- **The right to data portability** where the personal data is processed by us based on a consent or based on a contract and by automated means (as relevant). This right allows individuals to have their personal data transferred to another controller where it is technically feasible to do so.

- **Rights relating to automated decision** making about you including profiling (as relevant) if this has a legal or other significant effect on you as an individual – this right allows individuals in certain circumstances to access certain safeguards against the risk that a potentially damaging decision is taken without human intervention.

You have the right to lodge a complaint with the data protection supervisory authority in Ireland, the Office of the Data Protection Commissioner. For more information visit: website: [www.dataprotection.ie](http://www.dataprotection.ie). To exercise any of your data protection rights or to obtain further information about the data processing described in this Notice please contact the DPO, Celyna Coughlan, at the following [Celyna.Coughlan@dbei.gov.ie](mailto:Celyna.Coughlan@dbei.gov.ie)