



# Data Protection Statement

## Brexit Impact Loan Scheme (BILS)

Your privacy is important to us and we are fully committed to keeping your personal information safe. This privacy statement is intended to provide you with information about the personal information we collect about you and how that information is used and shared. It also sets out your privacy rights. Please take a moment to familiarise yourself with our privacy practices so that you are fully aware of how and why we are using your personal data.

### 1. Data Controller

The [Minister for Enterprise, Trade and Employment \(the “Department”\)](#) is a **Data Controller** for the Brexit Impact Loan Scheme (BILS).

This means that we have certain responsibilities when we process or “use” your Personal Data. Part of these responsibilities include that we provide you with information about your personal data. This information is set out in this Data Protection Statement.

### 2. Our Data Protection Officer

We have appointed a **Data Protection Officer**, Ms. Celyna Coughlan for you to contact if you have any questions regarding this privacy statement, our privacy practices or if you wish to exercise your data rights. Our Data Protection Officer can be reached by e-mail at: [dataprotection@enterprise.gov.ie](mailto:dataprotection@enterprise.gov.ie). We value your opinions. Should you have any questions or comments related to this privacy statement, please contact us at: [dataprotection@enterprise.gov.ie](mailto:dataprotection@enterprise.gov.ie).

### **3. What is the Brexit Impact Loan Scheme (BILS)?**

Lending for working capital or investment purposes is being made available through the BILS to SMEs and small mid-caps. The scheme features a two-stage application process. In order to apply, a business must first complete an eligibility application to the [Strategic Banking Corporation of Ireland \(SBCI\)](#). This application requires businesses (amongst other things) to indicate how they comply with one of the Brexit criteria for the scheme, which are:

1. Export products, services or raw materials to the UK (including Northern Ireland) equate to at least 15% of business turnover.
2. Import products, services or raw materials from the UK (including Northern Ireland) equate to at least 15% of business turnover.
3. The combined exposure (of 1 and 2 above) equates to at least 15% of business turnover.
4. The business is indirectly exposed to the UK (including Northern Ireland), i.e. transacts products, services or raw materials with an enterprise that is directly exposed to the UK (including Northern Ireland) equating to at least 15% of turnover.

Once the [SBCI](#) has confirmed the applicant business' eligibility for the scheme, they will issue an eligibility reference number. Businesses can then use this eligibility reference number to confirm their eligibility to the participating finance providers for the scheme and can proceed to make a loan application under the scheme. Loan approval is subject to the participating finance providers' own credit assessment policies and procedures.

The BILS is co-funded by the [Department of Enterprise, Trade and Employment](#) and the [Department of Agriculture, Food and the Marine](#) and key benefits for borrowers from the State support for the scheme include lower interest rates and access to unsecured lending for loans up to €500,000.

The BILS is part of a number of supports being offered to businesses impacted by Brexit and COVID-19.

#### **4. Information we may receive in relation to the Brexit Impact Loan Scheme (BILS)**

In the context of this Scheme, the [Department of Enterprise, Trade and Employment](#) may receive information that has been provided by loan applicants as part of the eligibility application, loan application and loan agreement processes for the BILS. This personal data may include information such as your **name, signature, address, eircode, contact details (e-mail address and phone number), VAT No., CRO No., Account Numbers (from relevant financial providers) and Customer Eligibility Reference Number for Scheme.**

The reason for receiving this information is set out in Paragraph 5 below.

#### **5. Why are we using your personal data?**

We will use your personal data in order to assess that the BILS is being operated in compliance with the terms set out for the scheme. In order to assess this compliance, the [Department of Enterprise, Trade and Employment](#) needs to audit a proportion of loans that have issued under the scheme. It is for this purpose that the [Department of Enterprise, Trade and Employment](#) may require access to your personal data.

#### **6. What is our legal basis for using your personal data?**

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

- Article 6(1)(e) [GDPR](#) - processing is necessary for the **performance of a task carried out in the public interest** or in the **exercise in official authority vested in the Controller** (in this case the Controller is the [Minister for Enterprise, Trade and Employment; the “Department”](#)); and

- Article 6(1)(c) [GDPR](#) - processing is **necessary for compliance with legal obligations** to which the Controller (i.e. the [Minister for Enterprise, Trade and Employment; the “Department”](#)) is subject. Under the Loan Guarantee Schemes Agreements (Strategic Banking Corporation of Ireland) Act 2021 (enacted 4 June 2021) – SI 269/2021, the [Minister for Enterprise, Trade and Employment; the “Department”](#) has entered into an agreement with the [SBCI](#) to deliver the BILS.
- In order to pursue the statutory purposes set out in Section 2(1) of the Loan Guarantee Schemes Agreements (Strategic Banking Corporation of Ireland) Act 2021 (enacted 4 June 2021) – SI 269/2021 and to give effect to contractual functions, the processing of your personal data to assess compliance of the scheme is grounded in Section 38(1) of the [Data Protection Act 2018](#). Details of this processing is set out in paragraphs 4 and 5 above.

## **7. Who has access to the data?**

Staff in the [Department of Enterprise, Trade and Employment](#) with responsibility for the oversight and auditing of the BILS.

The processing of personal information will be undertaken by officials of the [Department of Enterprise, Trade and Employment](#) for the purposes of auditing the compliance of the scheme with the terms set out for the BILS.

This information will be provided by the [SBCI](#) and will include the data that you have provided as part of the eligibility application, loan application and loan agreements processes when you applied for the BILS.

These data will be transferred from [SBCI](#) to the [Department of Enterprise, Trade and Employment](#) using a secure file transfer platform, and as part of this auditing process, individual loan application and loan agreement documentation will be examined. Any follow-up clarification queries and related responses on content contained within this documentation will be exchanged between [SBCI](#) and the [Department of Enterprise, Trade and Employment](#) via a secure file transfer platform.

A summary report of the findings of the audits will be issued to [SBCI](#) via email as password protected (encrypted) attachments, or, via a secure file transfer platform.

Your personal data may also be shared by us with third parties to meet our legal obligations, applicable regulation or other lawful requests.

## **8. Data storage and retention**

The [Department of Enterprise, Trade and Employment](#) stores your personal data securely and will not retain or use your personal information for any longer than is necessary.

**Personal data sets** will be securely destructed by us **upon completion of the auditing exercise** of the BILS. However, summary reports of the findings of the audits will be retained by the [Department of Enterprise, Trade and Employment](#) for **6 Years** post the expiry of the BILS. These summary reports **do not contain personal data sets**.

## **9. International transfers**

We do not transfer your personal data outside the [European Economic Area \(EEA\)](#).

## **10. Your data rights**

You have certain rights under data-protection law in relation to how we use your personal information. You have the right, free of charge, to:

- Request a **copy** of the personal information we hold about you. You can do this by completing a [Subject Access Request](#) (SAR) form. A copy of the form is available [here](#).
- **\*Rectify** any **inaccurate** personal information we hold about you. If your personal data is incomplete, you have the right to have data completed, including by means of providing supplementary information.

- **Restrict** processing of your personal information in certain limited circumstances (e.g. if you have contested the accuracy of your personal data, for a period enabling us to verify accuracy).
- Not be subject to a decision which is based solely on **automated processing** where that decision produces a legal effect on you or otherwise significantly affects you. We do not make automated decisions of this nature.

We may take measures to verify your identity. We will do this by reference to copies of acceptable identification documentation supplied by you.

### **11. Making a complaint**

In the first instance, we would ask you to **contact us directly** if you have concerns about how we process your personal data. You can do this by e-mailing us at: [dataprotection@enterprise.gov.ie](mailto:dataprotection@enterprise.gov.ie).

You can also [Make a complaint](#) with the [Data Protection Commission \(DPC\)](#) if you have concerns about how we process your personal data.

### **12. Changes to this privacy statement**

We may update this privacy statement from time to time. If we make changes, we will notify you prior to the changes taking effect by posting a statement on our website.

**15 October 2021**