



# Data Protection Statement

## COVID-19 Loan Scheme (CLS)

Your privacy is important to us, and we are fully committed to keeping your personal information safe. This data protection 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 **COVID-19 Loan Scheme (CLS)**

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 data protection 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 data protection statement, please contact us at: [dataprotection@enterprise.gov.ie](mailto:dataprotection@enterprise.gov.ie).

### **3. What is the COVID-19 Loan Scheme (CLS)**

Lending for working capital or investment purposes is being made available through the CLS 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 the criterion of the scheme, which is: the business is impacted by the COVID-19 virus pandemic resulting in business turnover/profitability being negatively impacted by a minimum of 15%.

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 CLS 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 CLS is part of a number of supports being offered to businesses impacted by COVID-19.

### **4. Information we may receive in relation to the COVID-19 Loan Scheme (CLS)**

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 CLS. Some of this information may include personal data 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 the 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 CLS is being operated in compliance with the terms set out for the Scheme. To assess this compliance, the [Department of Enterprise, Trade and Employment](#) needs to review 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 CLS.
- 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 reviewing of the CLS.

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

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 CLS.

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 review 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 reviews will be issued to [SBCI](#) via e-mail 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 review exercise** of the CLS. However, summary reports of the findings of the reviews will be retained by the [Department of Enterprise, Trade and Employment](#) for **6 Years** post the expiry of the CLS. 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. The Data Protection Commission is the Irish Supervisory Authority that oversees data protection complaints from individuals in Ireland.

## **12. Changes to this data protection statement**

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

**04 July 2022**