

Privacy Notice

Foreign Direct Investment (FDI) Screening

Your privacy is important to us and we are fully committed to keeping your personal information safe. This privacy notice 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 Business, Enterprise and Innovation \(the “Department”\)](#) is a **Joint Data Controller** for the **Foreign Direct Investment (FDI) Screening framework** with the [European Commission](#). This means that we as well as the [European Commission](#) have certain responsibilities when we process or “use” your Personal Data. These responsibilities are set out in a detailed Data Protection Agreement. Part of these responsibilities include that we provide you with information about your personal data. This information is set out in this Privacy Notice.

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 notice, our privacy practices or if you wish to exercise your data rights. Our Data Protection Officer can be reached by e-mail at: dataprotection@dbei.gov.ie. We value your opinions. Should you have any questions or comments related to this privacy notice, please contact us at: dataprotection@dbei.gov.ie.

3. What is FDI Screening?

The [EU Investment Screening Regulation 2019/452](#) is a response to the growing concerns amongst Member States regarding the purchase of a number of strategic European companies by foreign-owned firms (and in certain cases, state-owned firms).

The Regulation creates a European framework for screening foreign direct investment where there are concerns that an investment may pose a risk to security or public order in the host Member State, or to other Member States.

This framework is intended as a cooperation mechanism through which Member States and the [European Commission](#) can exchange information and raise specific concerns about a foreign direct investment on security or public order grounds.

The collection of the Personal Data will assist with the identification of the source of an investment to support efforts to ensure any such investment is not a possible threat to security or public order.

4. Information we will collect under FDI Screening

Under the [FDI Screening Regulation](#), the European Commission and the Member States will exchange information on foreign direct investments. This information might include personal data (e.g. identification and contact data, professional data and data related to foreign direct investment).

Pursuant to Article 6 of the Regulation, we will collect the following Personal Data when requesting information regarding a specific investment:

- Name of Investor
- Address/Domicile/Registered Office of the Investor
- Information on whether the investor is subject to EU financial restrictive measures

The data will be collected via a notification form, the structure of which has been agreed by all Member States. This Form will be required to be completed by investors undertaking an investment that is required to be screened.

5. 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 both the [Minister for Business, Enterprise and Innovation](#); the “Department” and the [European Commission](#) are **Joint Controllers**); and

- Article 6(1)(c) [GDPR](#) - processing is **necessary for compliance with legal obligations** to which the Controller (i.e. the [Minister](#); the “Department”) is subject.

6. Who has access to the data?

Designated staff within the Investment Screening Unit of the [Department of Business, Enterprise and Innovation](#) with responsibility for the implementation and the administration of the [EU Investment Screening Regulation 2019/452](#).

The Minister and Junior Ministers of the [Department of Business, Enterprise and Innovation](#).

Under the Regulation, we are bound by the duty of cooperation. To meet such obligations, information, including personal data, shall be shared with the Member States of the European Union and with the [European Commission](#). This exchange will be performed via a secure information exchange system to which designated officials in each Member States and the [European Commission](#) will have access.

The personal data may also be shared with the officials that sit on the Interdepartmental Group on Investment Screening as well as a dedicated Investment Screening Board, consisting of officials from relevant government departments, upon its establishment.

Where personal data are shared by us with other parties these arrangements, including the technical and physical safeguards to protect your privacy rights will be set out by way of appropriate data protection agreements.

7. Data storage and retention

We will retain your personal information as needed to fulfil the purposes for which it was collected. Information will be securely destructed after a 7- year period (i.e. Current Year + 6 Years).

8. International transfers

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

9. Your data rights

You have certain rights under data-protection law in relation to how we use your personal information.

It is important to remember that in certain cases, these rights may be restricted.

The [European Commission](#) have published a decision on 15th October 2020 setting out the restriction of certain data protection rights for individuals in relation to the cooperation mechanism established by the [EU Investment Screening Regulation 2019/452](#). Further information on this Decision is available [here](#).

10. Making a complaint

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

These rights are in some circumstances limited by data-protection legislation. We may take measures to verify your identify. We will do this by reference to copies of acceptable identification documentation supplied by you.

We will endeavour to respond to your request within **a month**. If we are unable to deal with your request within a month we may extend this period by a further two months and if this occurs we will contact you and explain why.

9. Changes to this privacy policy

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

Updated 20 October 2020