



Data Protection Statement

Ukraine Credit Guarantee Scheme (Ukraine CGS)

Your privacy is important to us. The [Minister for Enterprise, Trade and Employment](#) (the “Minister”) , acting by the Department of Enterprise, Trade and Employment, (“we”, “us” “our”) 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](#) is the **Data Controller** for the Ukraine Credit Guarantee Scheme. The **Data Controller** determines the **purposes** for which and the **means** by which **personal data is processed**. 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 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. 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.

3. What is the Ukraine Credit Guarantee Scheme?

The Ukraine Credit Guarantee Scheme facilitates low-cost lending of up to € 1.2

billion as a component of the Government's strategy to aid SMEs and Small Mid-Caps in all sectors, including Primary Producers, impacted by Russia's aggression in Ukraine. The scheme will assist businesses to spread the costs of an increase in input costs and disruption to supply chains over a number of years while they move to new suppliers, absorb the cost of disruption, and evolve their business models to become more resilient.

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 required criteria for the scheme, which are:

1. Businesses must declare that costs have increased by a minimum of 10% on their 2020 figures.
2. Businesses must declare that the loan is being sought specifically as a result of difficulties being experienced due to the Russian aggression in Ukraine.

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 Scheme provides an 80% guarantee on lending until 31st December 2024, for terms of between 3 months and up to 6 years and offers a range of lending products between €10,000 and €1 million including working capital and term loan facilities.

Where there is a default on a loan under the Scheme, the finance provider is entitled to claim 80% of the outstanding principal balance from the State. Depending on the details supplied to the finance provider as part of the loan application process, your personal data may be required to be processed or "used" as part of the claim process or subsequent loan recovery process.

4. Information we will collect in relation to the Ukraine Credit Guarantee Scheme

In the context of this Scheme, we will collect personal data provided by you when you complete the Ukraine Credit Guarantee Scheme application form. This personal data will include information such as your **name; address; Eircode; appointed contact name; contact details; CRO Number; VAT Registration Number; HERD Number** (as applicable) and **loan account number**. We will also collect certain **financial information** relating to your business that you have provided on the Scheme application form, in order to support repayment claims to participating finance providers or to process remittances in relation to loan recovery processes.

There are a number of different parties involved in the administration of this Scheme.

Your personal data is protected at each stage of this processing by way of both physical and technical safeguards in respect of each of the relevant organisations.

The following sets out a brief overview of the various data protection roles in relation to the parties involved in this Scheme:

- Relevant **Finance Provider – Data Controller** for the **personal data** provided by the **Borrower** on the Ukraine Credit Guarantee Scheme **application form**.
- The **Minister**, acting by the **Department of Enterprise, Trade and Employment** - **Data Controller** for the Ukraine Credit Guarantee Scheme.
- **Strategic Banking Corporation of Ireland** - (the “SBCI”) – **Data Processor** on behalf of the Minister for [Enterprise, Trade and Employment](#).
- **Department of Agriculture, Food & the Marine** - **Data Processor** on behalf of the Minister in relation to administrative processing of personal data in respect of loan recovery processes for Primary Producers only.
- **Danske Bank - Sub-Processor** – acting on behalf of the SBCI in relation to the processing of premia for the Minister and, where applicable, in relation to the processing of loan repayment monies to the relevant finance provider.

5. Why is the Minister using your personal data?

The primary purpose for which we use your personal data is in relation to the payment of premia by you to the Minister in connection with the operation of the Ukraine Credit Guarantee Scheme. In addition, in certain circumstances we will process your personal data where there is a default in your loan repayments under the Scheme, for example, where we are required to process remittances in relation to loan recovery processes. These data may also be used to confirm the identity of the defaulting participating businesses under the Scheme for the purposes of

administering claim re-payments to the relevant finance provider or for purposes of identifying participating businesses that have made recovery payments.

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

7. Who has access to your data?

Staff in the Department of Enterprise, Trade and Employment with responsibility for the administration of premia associated with the Scheme. Processing will also be undertaken by staff in the Department of Enterprise, Trade and Employment with responsibility for the administration of the payment of claims under the Scheme, including all administration associated with the recovery of outstanding loan amounts owed by participating businesses, where applicable. (Note: In the case of Primary Producers, administration involved in the recovery of outstanding loan amounts will involve the sharing and processing of personal data with and by the Department of Agriculture, Food & the Marine).

The information will be provided to the Minister by the SBCI as the Operator of the Ukraine Credit Guarantee Scheme. The source of this information will originate from the details that you provided to the relevant finance provider when you completed the Ukraine Credit Guarantee Scheme application form.

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

It is also important to note that general information on the loans granted under the Ukraine Credit Guarantee Scheme will be published by the European Commission. This publication is required as part of the European Commission's criteria which applies to certain State Aid measures, such as public guarantee schemes, including

this Scheme. The publication of this information is required to meet compatibility requirements set by the European Commission under Article 107(3)(b) of the TFEU.

This information will be provided by the SBCI by way of the completion and up-loading of an on-line form.

You can see the information that is published by clicking on the link below:

<https://webgate.ec.europa.eu/competition/transparency/public/search>.

8. Data storage and retention

We will not retain or use your personal information for any longer than is necessary.

Your personal data will only be retained for as long as it is needed to fulfil the purposes of the Ukraine Credit Guarantee Scheme and for a period of up to **10 years from the date the loan has been completed** in order to comply with legal and regulatory requirements.

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.

In relation to the personal data processed under the Ukraine Credit Guarantee Scheme by the Minister:

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

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 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 statement on our website.

December 2022