

PRIVACY NOTICE

How and why does the FSC process your personal data?

As a general principle, the FSC only collects and processes personal data for the performance of statutory tasks assigned to it on the basis of the Financial Services Act 2007 (“the FSA”) and other relevant Acts specified in the FSA such as the Captive Insurance Act, the Insurance Act, the Private Pension Schemes Act, the Protected Cell Companies Act, the Securities Act, the Securities (Central Depository, Clearing and Settlement) Act and the Trusts Act.

As regards the collection and processing of personal data received in the usual course of business or practice through international transfers, the FSC is committed to have in place the safeguards set out in the [administrative arrangement](https://www.fscmauritius.org/media/112404/administrative-arrangement.pdf) (<https://www.fscmauritius.org/media/112404/administrative-arrangement.pdf>) for the transfer of personal data between EEA and non-EEA securities regulators (“the administrative arrangement”), without prejudice to any other legal basis of international transfer of data as specified in the relevant applicable relevant laws.

In particular, when the FSC collects and processes personal data transferred under the administrative arrangement, it guarantees the following:

- The FSC will only transfer personal data that are relevant, adequate and limited to what is necessary for the purposes for which they are transferred and further processed;

- The FSC will have in place appropriate technical and organisational measures to protect personal data that are transferred to it against accidental or unlawful access, destruction, loss, alteration, or unauthorised disclosure;
- The FSC will retain personal data for no longer than is necessary and appropriate for the purpose for which the data are processed;
- No decision will be taken by the Authority concerning a natural person based solely on automated processing of personal data, including profiling, without human involvement;
- The FSC will not divulge your personal data for other purposes, such as for marketing or commercial purposes.

What are your safeguards under the Administrative Arrangement?

As regards the personal data shared under the administrative arrangement, you can make a request to the Authority to receive information about the processing of your personal data, to access the personal data and to correct any inaccurate or incomplete personal data, as well as to make request about the erasure, restriction of processing or to object to the processing of your personal data on written request to be addressed to the Data Protection Officer c/o the Chief Executive, FSC Mauritius.

Given the often sensitive nature of our work, and the risk of prejudice to the discharge of our public functions, in some cases your safeguards might be restricted in accordance with the Data Protection laws and FSC related legislations, such as the FSC's obligation not to disclose confidential information pursuant to professional secrecy or other legal obligations, or to prevent prejudice or harm to its supervisory or enforcement functions or to the supervisory or enforcement functions of a transferring or receiving Authority under the AA acting in the exercise of the official authority vested in it. This may include functions relating to the monitoring or assessment of compliance with applicable laws, prevention or

investigation of suspected infringement; for important objectives of general public interest, or for the supervision of regulated individuals and entities. In each case, the FSC will assess whether the restriction is appropriate. The restriction should be necessary and provided by law, and will continue only for as long as the reason for the restriction continues to exist. For more information, please see <https://www.fscmauritius.org/en/legal-framework/our-enabling-laws>.

What redress is available to you?

If you believe that your personal data have not been handled consistent with these safeguards, you can lodge a complaint or claim at the transferring Authority, the receiving Authority or both Authorities: for doing so, you can contact the Data Protection Officer c/o the Chief Executive, FSC Mauritius. In such event, the Authority or the Authorities will use best efforts to settle the dispute or claim amicably in a timely fashion.

In the event where the matter is not resolved, other methods can be used, by which the dispute could be resolved unless the request is manifestly unfounded or excessive. Such methods include participation in non-binding mediation or other non-binding dispute resolution proceedings initiated by the natural person or by the Authority concerned.

If the matter is not resolved through cooperation by the Authorities, nor through non-binding mediation or other non-binding dispute resolution proceedings, in situations where you raise a concern and a transferring Authority is of the view that a receiving Authority has not acted consistent with the safeguards set out in the administrative arrangement, the transferring Authority will suspend the transfer of personal data under this Arrangement to the receiving Authority until the transferring Authority is of the view that the issue is satisfactorily addressed by the receiving Authority, and will inform you thereof.

Should a data subject make a complaint to other regulators with respect to data handled, the data subject is invited to simultaneously inform the FSC so as to activate matters.

Contact details

If you have questions or concerns, please contact:

The Data Protection Officer
c/o
D. Thakoor
The Chief Executive
Financial Services Commission,
FSC House
54 Cybercity Ebene,
Mauritius

Tel: (+230) 403-7000

Fax: (+230) 467-7172

Email address: fscmauritius@intnet.mu

Email address: dpo@fscmauritius.org

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About the FSC

The FSC is the integrated regulator for the non-banking financial services sector and global business.

The vision of the FSC is to be an internationally recognised Financial Supervisor committed to the sustained development of Mauritius as a sound and competitive Financial Services Centre.

In carrying out its mission, the FSC aims to promote the development, fairness, efficiency and transparency of financial institutions and capital markets in Mauritius; suppress crime and malpractices so as to provide protection to members of the public investing in non-banking financial products; and ensure the soundness and stability of the financial system in Mauritius.