



DATA PROTECTION POLICY

DECEMBER 2025



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1. Introduction

The Financial Services Commission (“the FSC”) operates under the Financial Services Act (“the FSA”) and has duties and functions under the other relevant Acts as listed in the First Schedule to the FSA, such as the Insurance Act, the Securities Act, and the Private Pension Schemes Act.

This Data Protection Policy (the “Policy”) explains which personal data the FSC collects and how it uses, discloses, or otherwise processes personal data of data subjects.

The FSC handles a vast amount of personal data and is strongly committed to ensuring the protection of personal data of prospective employees, licensees, officers, suppliers, students, participants, consultants, resource persons, whistleblowers, and other data subjects.

Please read this Policy carefully before using the FSC’s website and its services. By providing the FSC with any personal information, data subjects are consenting to the use of their personal information as set out in the law and this policy.

Reference to personal data in this Policy shall include reference to sensitive personal data (where applicable).

This Policy may be subject to regular review to reflect, for example, changes to legislation or to the structure or policies of the FSC.

2. Data Controller

The FSC is registered with the Data Protection Office as a Data Controller under the Data Protection Act (“the DPA”). All processing of personal data by the FSC is done in compliance with the DPA.

3. Collection of personal data

Personal data is collected by the FSC when data subjects contact or request information from the FSC, or where such information is necessary for the purposes of the services which the data subjects require from the regulator including for recruitment, licensing and regulatory purposes.

Personal data of data subjects may also be needed when the latter register for events / trainings / conferences on the FSC’s website or to submit feedback.

The personal data which the FSC may collect include the following:

- Personal details: Your name, title, position, the name of your company, your present salary;
- Contact details: email address, phone number(s), residential address;
- CCTV recordings when you come on the premises of the FSC; and
- Any other personal information relevant to the administration of the FSC and provision of services according to law.

It is the responsibility of the data subject to ensure that the information that is submitted to the FSC is true, complete, not misleading, and does not violate any third party's rights.

4. Reason for collecting personal data

The FSC may collect and process personal information in its role as the integrated regulator in Mauritius for the financial services sector (other than banking), and global business, and for the performance of its statutory functions under the relevant Acts administered by the FSC.

The FSC may obtain personal data directly from data subjects, or from their legal representative and/or agent, or from the use of its online platforms. Personal data may also be obtained indirectly from third parties such as from publicly available sources, intelligence sources, whistleblowers, management companies, counterparts (regulators), government agencies, during the course of an investigation, law enforcement agencies and / or public authorities.

The FSC may collect personal data to enable it to:

- perform its functions including for recruitment purposes;
- consider request of data subjects;
- perform background and due diligence checks;
- fulfill its legal obligations and statutory objectives;
- respond to requests of data subjects and deliver the services which data subjects have required from it;
- compile anonymous statistics regarding website usage;
- keep up to date with its regulatory developments or upcoming training and conferences and other legitimate purposes;
- communicate with data subjects; and
- for other types of operations within the mandate of our relevant Acts.

If the FSC needs to use your personal data for purposes other than those stated in this Policy, the FSC will notify the data subject and/or obtain its consent where required by applicable laws.

The FSC is committed to protecting the privacy of data subjects. The regulator will treat any information it receives from data subjects with care and recognises the need to manage and protect any information which is shared with it.

5. Disclosure of Personal Data

All FSC employees, members of the Board, the technical committees, the Enforcement Committee and, the Chief Executive are mandated under Section 83 of the FSA to keep confidential any matter relating to the relevant Acts which comes to their knowledge. However, the FSC may be required to disclose personal information to comply with legal or regulatory requirements. In certain circumstances, the DPA allows personal data to be shared among public sector agencies without the consent of the data subject.

Pursuant to Section 83(7) of the FSA, disclosure of information is required under the following circumstances:

- (a) the obligations of Mauritius under any international treaty, convention or agreement, and to the obligations of any public sector agency under any international arrangement or concordat;*
- (b) such disclosure as is necessary for the purpose of administering the relevant Acts and of discharging a function under those Acts;*
- (c) disclosure, pursuant to an agreement or arrangement for the exchange of information and under condition of confidentiality, for the purpose of exercising its functions, in relation to a corporation holding a Global Business Licence or in relation to a financial institution carrying out any services or business activities under any of the relevant Acts:*
 - *to a public sector agency; or*
 - *to any other institution which performs in a foreign country functions similar to those of the Commission under this Act;*
- (d) the duty of the Commission to pass on information to the FIU established under the Financial Intelligence and Anti-Money Laundering Act, pursuant to section 22 of that Act;*
- (e) disclosure to the Ombudsperson, pursuant to an agreement or arrangement for the exchange of information.*

In addition, pursuant to Section 87 of the FSA, the FSC *may exchange with a supervisory body or any other public sector agency any information relevant to the administration of the relevant Acts for the purpose of discharging the functions of the Commission or of that body.*

The FSC may have obligations under other relevant laws, for instance, under Section 55 of the Financial Crimes Commission Act which provides for the duty to report financial crimes and other offences (by a public body).

6. Data Retention

Pursuant to Section 87A(c) of the FSA, every record of the FSC shall be kept for a period of **at least 7 years** after the completion of the transaction to which it relates.

The FSC retains and processes personal data for as long as necessary to comply with its legal obligations pursuant to various applicable laws, to resolve disputes, and enforce its legal agreements.

7. Accessing the Personal Data

For the purposes of the services that the data subjects require, persons referred to in section 83 of the FSA may have access to the personal data of data subjects.

As mentioned above, Section 83(1) of the FSA lays an obligation on every member of the Board, the technical committee, the Enforcement Committee, the Chief Executive, and every employee of the Commission to take an oath of confidentiality. It is to be noted that Section 83(1) of the FSA also applies to a person referred to in Section 88(1)(fa), (g) and (h)¹ of the FSA.

The FSC also appoints external service providers/consultants to facilitate it in the performance of its duties. In this regard, the FSC ensures that appropriate safeguards are kept in place

These external service providers such as IT support companies may have access to personal data of data subjects. The FSC has in place contractual documentation including Confidentiality Undertakings with these service providers to ensure that all information that these service providers have access to are kept confidential.

The FSC may also lawfully share personal data with a variety of third parties as necessary in accordance with Sections 83(7) and 87 of the FSA as provided in Part 5 above.

8. Transfer of data abroad

The FSC may transfer personal data of data subjects abroad in accordance with the legal provisions of the relevant Acts and the DPA.

¹ Section 88(1)(fa) to (h) provides of the FSA:

No action shall lie against the Commission or any of the following persons –

(fa) a person appointed under section 90 of the Insurance Act;

(g) a person to whom functions or powers of the Commission have been delegated under a relevant Act; or

(h) a person appointed by the Commission, or appointed by a licensee in accordance with a direction of the Commission, to investigate the affairs of a licensee or a matter relevant to a relevant Act, and a person assisting the appointed person, for anything done or omitted to be done by the Commission or the person in the performance, in good faith, of the Commission's or the person's functions, or the exercise, in good faith, of the Commission's or the person's powers, under a relevant Act.

9. Rights of Data Subjects

Under data protection law, the data subjects must ensure that their respective personal information is accurate and up to date. Therefore, it is the responsibility of the data subject to notify the FSC of any changes to its personal information.

In case the FSC holds your personal data, you are entitled to:

- request access to your personal data.
- request rectification or erasure of your personal data.
- request restriction of processing of your personal data.
- object to the processing of your personal data.
- request withdrawal of consent, where legally permissible.

In the event a data subject wants to exercise any of its rights listed above, the Data Protection Officer appointed by the FSC may be contacted.

The FSC endeavours to answer requests from data subject within one month, but if the request is too complex or we receive too many other requests, we shall inform you that this period may be extended by a further two months.

You may however wish to note that pursuant to Section 37(4) of the DPA, where the personal data is not or have not been collected from you, the FSC shall not be required to provide information where the processing is expressly prescribed by law, or this proves to be impossible or involves a disproportionate effort.

Data subjects must be aware that there are certain circumstances when the FSC may however be able to continue to process personal information of data subjects to the extent required or permitted by law, e.g., to comply with its legal or regulatory obligations.

10. Data Security

The FSC has implemented security measures and appropriate IT safeguards to protect personal information of data subjects from unauthorized access, use, disclosure, alteration or destruction as required under the DPA.

11. Links to other websites

Data subjects are informed that the FSC website may contain links to other websites of relevance. Data subjects are reminded that the FSC does not have any control over these other websites. Therefore, the FSC cannot be responsible for the protection and privacy of any information which data subjects provide whilst visiting such websites and using contents therein, which are also not governed by this Policy.

12. Queries and Complaints - Contact details of the Data Protection Officer

If you have any questions about this Policy or want to exercise your rights set out in this Policy, please contact us by:

- sending an email to dpo@fscmauritius.org and/or mail@fscmauritius.org ; or
- calling us on: +230 403 7000

13. Conclusion

This Policy will be updated as and when required to reflect the best practices in data management, security and controls and to ensure compliance with any changes or amendments made to the relevant Acts and the DPA.

Glossary of Terms:

Data Protection Act: In Mauritius, the law which governs the protection of personal data is the Data Protection Act 2017 ('The DPA') .

Data Subject (Individual) means an identified or identifiable individual, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.

Controller means a person who or public body which, alone or jointly with others, determines the purposes and means of the processing of personal data and has decision making power with respect to the processing.

Personal Data means any information relating to a data subject.

Processing means an operation or set of operations performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Special categories of data in relation to a data subject means personal data pertaining to:

- a) his racial or ethnic origin;
- b) his political opinion or adherence;
- c) his religious or philosophical beliefs;
- d) his membership of a trade union;
- e) his physical or mental health or condition;
- f) his sexual orientation, practices or preferences;
- g) his genetic data or biometric data uniquely identifying him;
- h) the commission or alleged commission of an offence by him;
- i) any proceedings for an offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any Court in the proceedings; or
- j) such other personal data as the Commissioner may determine to be sensitive personal data.

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