



IBRC SL

General Data Protection Notice

June 2023

1. Introduction

- 1.1 Irish Bank Resolution Corporation Limited (in Special Liquidation) (“**IBRC**”, “**we**”, “**us**” or “**our**”) is committed to protecting and respecting your privacy.
- 1.2 This Data Protection Notice (“**Notice**”) is intended to ensure that you are aware of how we, as a controller, use, Process and disclose your Personal Data, in accordance with Data Protection Law including the General Data Protection Regulation (2016/679) (“**GDPR**”), the Data Protection Act 2018 (“**DPA**”), EU Privacy and Electronic Communications Directive 2002/58/EC, and any national implementing laws, as amended or updated from time to time.
- 1.3 Capitalised terms used in this Notice are defined in the Glossary in the **Annex**.

2. Scope

- 2.1 This Notice applies to mortgagors, creditors, and debtors of IBRC (and including their staff). It applies to all Personal Data collected, maintained, transmitted, stored, retained, or otherwise used by IBRC regardless of the media or device on which that data is stored.

3. IBRC as a Data Controller

- 3.1 The Irish Bank Resolution Corporation Act 2013 (“**IBRC Act**”) was enacted as emergency legislation on 7 February 2013. The principal purpose of the IBRC Act is summarised in the recitals to the IBRC Act which state that “*it is necessary, in the public interest, to provide for the orderly winding up of the affairs of IBRC to help to address the continuing serious disturbance in the economy of the State*”. The recitals go on to note that “*the maintenance of the functioning of IBRC is no longer necessary to support the financial stability of the State or the stability of the Irish financial system*”. In order to achieve these purposes, the recitals note that “*in the achievement of the winding up of IBRC the common good may require permanent or temporary interference with the rights, including property rights, of persons*”.
- 3.2 Pursuant to Sections 4 and 7 of the IBRC Act and the Irish Bank Resolution Corporation Act, 2013 (Special Liquidation) Order 2013, the Minister for Finance passed a “Special Liquidation Order”, for the purposes of the winding up of IBRC. Pursuant to that Order (SI 36 of 2013), Kieran Wallace and Eamonn Richardson were appointed as Special Liquidators (“**SLs**”). Pursuant to Section 9 of the IBRC Act the Minister for Finance issued the SLs with instructions setting out the details in respect of the manner in which the winding up of IBRC is to proceed. Section 9(3) of the IBRC Act places a legal obligation on the SLs to comply with instructions issued or any direction given under the IBRC Act.
- 3.3 This means that the SLs are under a legal obligation to comply with the Ministerial Directions issued by the Minister for Finance under s.9 of the IBRC Act. In doing so, the SLs are given immunity from suit under s.9(4) in relation to “*any cause of action of any kind in respect of anything done or not done in compliance with instructions issued or any direction given under this Act.*”

4. Personal data we hold about you.

- 4.1 We hold some or all the following categories of personal data about you:
 - (a) **Personal contact details:** contact/identifying details including name, address, email address, date of birth, civil status, gender, nationality, dependents, etc.
 - (b) **Claims and complaints:** information relating to any legal or financial claims or complaints involving creditors, debtors and/or mortgagors; and
 - (c) **Account details:** details of any loans, mortgages, or bank accounts you had that are relevant to IBRC.
- 4.2 We obtain the above information in the following ways: (i) information you give us (e.g., through communicating with us via email); and (ii) information we obtain from other sources (e.g., a group entity or through persons that act on your behalf, such as your legal advisors).
- 4.3 If you are a mortgagor or creditor / debtor (or employee of same), we need to process your personal data to comply with our statutory obligations. We will tell you when we ask for information which is a statutory or contractual requirement or needed to comply with our legal obligations.

5. How we use your Personal Data

5.1 We will use your Personal Data for the following purposes and legal bases:

Categories of Personal Data Processed	Processing Purposes	Legal Bases for Processing
Personal contact details, claims and complaints and account details.	To fulfil the statutory functions of IBRC and the liquidations obligations of the SLs (including under the IBRC Act). To remediate interest overcharging issues.	<ul style="list-style-type: none"> ➤ This processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in IBRC in accordance with the IBRC Act. ➤ To comply with any legal or regulatory obligations¹.
	To adjudicate on unsecured creditor claims.	<ul style="list-style-type: none"> ➤ Performing a task in the public interest or in the exercise of official authority vested in IBRC in accordance with the IBRC Act.
	To identify, secure and distribute assets of IBRC.	
	To communicate with you (e.g., when you contact us using the contact details on our website).	
	To deal with complaints, including complaints to the Financial Services Ombudsman.	<ul style="list-style-type: none"> ➤ This processing is necessary in order to comply with any legal or regulatory obligations
	To prepare and provide reports to the Minister for Finance on the work of IBRC.	
	To comply with legally binding requests for information (including from An Garda Síochána).	
To comply with IBRC's regulatory obligations.		
We may also be required to use your personal data (including any of the categories of personal data set out in the table above) for the purposes of establishing, exercising, or defending legal proceedings.		

6. Special Categories of Personal Data

6.1 IBRC Processes Special Categories of Personal Data (“SCD”) in limited circumstances. We will use your SCD data for the following purposes and legal bases:

¹ Please note that where legal or regulatory obligations are cited as a legal basis for processing personal data, examples of such legal obligations include, but are not limited to; our obligations under the Taxes Consolidation Act 1997.

Category of Personal Data	Purpose	Our legal basis for using it
Physical or mental health data: such as information about your physical or mental health or condition.	We will collect and Process SCD relating to health for the purpose of maintaining customer files.	Processing for reasons of substantial public interests under Art 9(2)(g) GDPR and Section 49 of the DPA
We may also be required to use your personal data (including any of the categories of personal data set out in the table above) for the purposes of establishing, exercising, or defending legal proceedings.		

7. Recipients of your Personal Data

7.1 It may be necessary to share your personal data to other group entities. It may also be necessary from time to time for us to disclose personal data to third parties or agents, including without limitation to the following third parties or agents, and others as may be required from time to time:

- (a) Third parties (including sub-contractors) to assist in the administration, processing and management of certain activities pertaining to the provision of past, current, and prospective services.
- (b) Individuals or companies engaged by IBRC to carry out specific services, functions or consultancy work including external reference agencies;
- (c) Regulatory bodies or law enforcement agencies to whom are obliged or required to disclose information including the Courts and Court-appointed persons and the Workplace Relations Commission;
- (d) Third parties that have acquired loans from IBRC, including the National Asset Loan Management Designated Activity Company;
- (e) Legal professionals and other advisors, including Interpath Ireland Limited;
- (f) Relevant Government departments and agencies; and
- (g) Support service providers necessary to assist IBRC with the above (e.g. data storage and retrieval services and IT support providers).

7.2 We will inform you in advance if we intend to further process or disclose your personal data for a purpose other than the purposes set out above. We take all reasonable steps, as required by law, to ensure the safety, privacy and integrity of such data and information and, where appropriate, enter into contracts with such third parties to protect the privacy and integrity of such data and any information supplied.

8. Individual Data Subject Rights

8.1 You have various rights under the GDPR. These rights include:

- (a) The right of a data subject to receive detailed information on the processing (by virtue of the transparency obligations on the Controller);
- (b) The right of access to Personal Data;
- (c) The right to rectify or erase Personal Data (right to be forgotten);
- (d) The right to restrict processing;
- (e) The right of data portability;
- (f) The right of objection; and

(g) The right to object to automated decision making, including profiling; (“**Data Subject Rights**”).

8.2 Please note that these rights are not absolute and may be subject to statutory exemption and/or limitation. For example, Arts 17 and 20 GDPR state that the right to be forgotten and the right of data portability do not apply to processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller. Therefore, these rights will not normally apply in the case of IBRC.

8.3 In the event that we request, and receive, your consent to process your personal (or explicit consent for special category data) for a specific purpose, you have the right to withdraw your consent at any time. Your withdrawal of consent will not affect the lawfulness of our processing based on consent before its withdrawal. If you wish to exercise this right, please see Contact Us below.

8.4 If you wish to exercise any of these rights, please see Contact Us below. We will respond to your request within one month. That period may be extended by two further months where necessary, taking into account the complexity and number of requests. We will inform you of any such extension within one month of receipt of your request. We may request proof of identification to verify your request. We have the right to refuse your request where there is a legal basis to do so, or if it is manifestly unfounded or excessive, or to the extent necessary for important objectives of public interest.

8.5 You also have the right to lodge a complaint with the Data Protection Commission (“**DPC**”) at any time. Contact details of the DPC are available at <https://www.dataprotection.ie/en/contact/how-contact-us>

9. **Data Security**

9.1 For security reasons, IBRC does not publish its data security policy. However, we have technical and organisational measures in place to protect Personal Data from unlawful or unauthorised destruction, loss, change, disclosure, acquisition, or access. This includes firewall technology, intrusion prevention and antivirus software as well as data loss prevention systems. In accordance with Arts 24 and 32 GDPR, in adopting these measures, IBRC has taken into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons. The measures shall be reviewed and updated where necessary.

10. **Automated decision making**

10.1 Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not envisage that any decisions will be taken about you using automated means, without human involvement in the decision-making process, however we will notify you in writing if this position changes.

11. **Data Retention**

11.1 IBRC retains data in a combination of structured electronic files, unstructured electronic format and in hard copy.

11.2 The SLs are under legal obligations to retain records. In light of these circumstances, it is not currently possible for IBRC to adopt a data deletion policy.

11.3 Upon completion of the wind-down of IBRC, a process will be adopted to ensure the secure archival and/or deletion of IBRC records in accordance with the Ministerial directions, court orders or other legal requirements that then apply. While Art 89 GDPR and Section 42 of the DPA permit the retention of personal data for archiving purposes subject to certain conditions, those conditions do not currently apply to IBRC, but this will be kept under review pending the final wind-down of IBRC (which is expected in late 2024). For further information concerning our data retention practices please see the Contact Us section below.

12. **Data Transfers outside the EEA**

12.1 IBRC will not normally need to transfer Personal Data outside the EEA. However, if such transfers become necessary, they will occur in accordance with applicable Data Protection Law. We will ensure that appropriate safeguards are in place to protect the transfer of your personal data to any

non-EEA countries. In order to transfer your personal data to recipients outside the EEA, we will comply with applicable law and rely on mechanism such as: (i) your consent; (ii) the adoption of European Commission approved standard contractual clauses; or (iii) European Commission adequacy decisions. To obtain more information concerning these safeguards, see Contact Us below.

13. **Contact Us**

13.1 If you have any questions about how we handle your personal data, or if you want to exercise any of your rights, please contact our Data Protection Officer: Data Protection Officer, Irish Bank Resolution Corporation Limited (In Special Liquidation), Viscount House, 6/7 Fitzwilliam Square East, D02 Y447., Email: dataprotectionofficer@ibrc.ie in writing.

14. **Changes to this Privacy Notice**

14.1 We reserve the right to change this Notice from time to time at our sole discretion. If we make any changes, we will post those changes here and update the "Last Updated" date at the bottom of this Notice. However, if we make material changes to this Notice, we will notify you [by means of a prominent notice on the website or by email] prior to the change becoming effective.

Last Updated: **June 2023**

ANNEX

Glossary

In this Notice, the terms below have the following meaning:

“Data Breach” means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored, or otherwise Processed.

“Data Controller”/“Controller” means the entity which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data.

“Data Processor” / “Processor” means the party that Processes Personal Data on behalf of the Data Controller (for example, a cloud storage provider).

“Data Protection Law” means the GDPR and the Data Protection Act 2018 (as amended) and any other laws which apply to IBRC in relation to the Processing of Personal Data.

“European Economic Area” or **“EEA”** means Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Iceland, Liechtenstein, and Norway.

“Personal Data” means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, 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 natural person;

“Processing” means any operation or set of operations which is performed on Personal Data or on 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. **“Process”** and **“Processing”** are interpreted accordingly.

“Special Categories of Personal Data” are types of Personal Data that reveal any of the following information relating to an individual: racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership. Special Categories of Personal Data also include the Processing of genetic data, biometric data (for example, fingerprints or facial images), health data, data concerning sex life or sexual orientation and any Personal Data relating to criminal convictions or offences.