

PUBLIC PRIVACY NOTICE

The Financial Services Commission ("FSC", "we," "our," or "us") respects your privacy and is committed to protecting your personal data ("you" or "your"). We ask that you read this Privacy Notice carefully as it contains important information about what to expect when FSC collects and processes your personal data through your use of this site, including any data and/or information you may provide through this site, and how we will hold, use, store, and whenever necessary, disclose your personal data. FSC has adopted this notice to comply with its obligations under the Data Protection Act of Jamaica, 2020 ("DPA") and we will keep our privacy notice under regular review. If we change our Privacy Notice, we will post the changes on this page.

The personal data we collect and process about you

Personal data is information about a living individual or an individual who has been deceased for less than thirty years, who can be identified from that information alone or from that information and other information the FSC may be in possession of, or information likely to come into the FSC's possession.

We may collect, use, process, store and transfer different kinds of personal data about you, including:

- a. Identity Data (e.g. name and date of birth);
- b. Contact Data (e.g. postal/residential address, email address, telephone number);
- c. Financial Data (e.g. bank account information);
- d. Technical and Usage Data e.g. internet protocol (IP) address, browser type and version, time zone setting and location, operating system and platform, and other data on the devices you use to access this site; and information on how you use this site;
- e. Sensitive Personal Data:
Where necessary and permitted by law, we may collect and process sensitive personal data, including:
 - information concerning the alleged commission of an offence by a data subject; and
 - information concerning any proceedings for an offence alleged to have been committed by a data subject.

Such information may arise, for example, in connection with the FSC's fitness and propriety assessments and other regulatory or supervisory functions.

We will only collect and process personal data, including sensitive personal data, where it is necessary, relevant and lawful for the purposes for which it is collected, including the performance of its regulatory, statutory and other lawful functions.

There are different ways in which we may collect personal data from and about you. These include but are not limited to the following:

- a. Information you provide us e.g. by filling in forms or corresponding with us by email and when you fill out personal data on this site, complete a survey or give us feedback, subscription to a service or contact us.
- b. Information that your devices or web browser provide us or that is obtained using web technologies e.g. device details, browsing actions and patterns through the use of cookies.
- c. Information from a variety of third-party sources such as business customers, government agencies, and other suppliers of public information.

Cookies and Internet Technology¹

Cookies are text files placed on your computer to collect standard Internet log information and visitor behaviour information. We use Internet technology like cookies and Web Beacons and other technologies for a variety of purposes, including to:

- (a) assist us in providing services to you;
- (b) track visitor use of this site;
- (c) deliver information specific to your interests on additional Web sites; and
- (d) compile statistical reports on site activity.

You can set your browser to not accept cookies. If you disable or refuse cookies, please note that some parts of this site may become inaccessible or not function properly.

How will we use your personal data?

We may gather this personal data and use it and disclose it to any person or organization, including any service providers, and other third parties for legitimate purposes including:

¹ FSC website will typically include functionality to enable sharing via third party social media applications, such as the Facebook Like button and Twitter widget. These social media applications will collect and use information regarding your use of FSC website. Any personal information that you provide via such social media applications will often be collected and used by other members of that social media application and such interactions are governed by the privacy policies of the companies that provide the application. We do not have control over, or responsibility for, those companies or their use of your information.

In addition, the FSC website may host blogs, forums, crowd-sourcing and other applications or services (collectively "social media features"). The purpose of social media features is to facilitate the sharing of knowledge and content. Any personal information that you provide on any FSC social media feature will typically be shared with other users of that social media feature (unless otherwise stated at the point of collection), over whom we often have limited or no control.

- a. facilitating and processing applications for licensing and registration in accordance with the powers of the FSC under the relevant legislation² administered by the FSC;
- b. facilitating and processing applications for employment;
- c. processing and delivering your requests;
- d. managing our relationship with you;
- e. enabling you to participate in surveys;
- f. administering and protecting our business and this site;
- g. meeting our legal and regulatory requirements;
- h. verifying information previously given by you with any other organization when necessary; and
- i. finding out how many persons use our electronic channels, and which aspects of our channels are used most frequently.

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes outlined in the DPA³.

The DPA requires companies to tell you about the legal basis for using, sharing, or disclosing your information. To the extent those laws apply, we may rely on the following legal bases which the data may be necessary for:

- The performance of a contract related to employment, licensing etc.;
- Compliance with any legal obligation;
- To protect the vital interest of the data subject;
- For the administration of justice, exercise of any function conferred by or under any enactment, or exercise of any other functions of a public nature exercised in the public interest;
- Purposes of legitimate interest; and
- With consent by the data subject.

The relevant information and/or data is used by us, our agents, representatives, and sub-contractors to process your application, act upon your request and to communicate with you in general. You will receive marketing communications from us if you have requested information from us and you have not opted out of receiving that marketing information. We may also use your personal data to determine what type of information is most useful in order to improve our electronic channels and to provide you with better customer experience as well as for general operation of our business.

How we protect your personal data

We will use all reasonable efforts to safeguard your personal data against loss, theft, unauthorized access and disclosure, copying, use or modification. However, you should

² The Financial Services Commission Act, the Securities Act, the Insurance Act, the Pensions (Superannuation Funds and Retirement Schemes) Act and the Trust and Corporate Services Providers Act and their attendant regulations.

³ Section 28 of the Data Protection Act, 2020

be aware that the use of the Internet is not entirely secure and for this reason we cannot guarantee the security or integrity of any personal data which is transferred from you or to you via the Internet.

In the event of a data breach, in alignment with DPA standards, we commit to provide a thorough report to the Information Commissioner of the Office of the Information Commissioner (OIC), encompassing all pertinent details including the breach's specifics, mitigation measures, and consequences within 72 hours. Simultaneously, should your data be compromised, you will be promptly notified with comprehensive information about the breach and provided with relevant contact details.

Your Rights

Subject to certain exceptions, you have data privacy rights under the DPA, including right of access, right to rectification, right to prevent processing, rights in relation to automated decision-making. This includes:

- **Right of access:** You may have the right to access the personal data we have on you by obtaining a copy of this personal data.
- **Right to rectification:** You may have the right to request the correction or amendment of any errors in the personal data we have about you.
- **Right to prevent processing:** You have the right to request that the data controller cease, or not begin the processing of your personal data.
- **Rights in relation to automated decision-making:** You have the right to ensure that no decision to which this section applies is based solely on the processing, by automatic means, of personal data in respect of the data subject for the purpose of evaluating matters relating to the data subject

If you would like to exercise any of these rights or obtain further information about them, please contact us. Please note that if you contact us to do any of the things listed above, we may require you to provide sufficient personal data to allow us to identify you. However, this personal data will only be used for this purpose. If you contact us to exercise these rights, we will respond to your request within 30 days. You can submit your request via email to our Head of Privacy at dataprivacy@fscjamaica.org.

Furthermore, any disagreement with any requests, queries or complains regarding our privacy policies you can contact the Office of the Information Commissioner via [Data Subject Complaint | Office of the Information Commissioner, Jamaica \(oic.gov.jm\)](#) or [Contact | Office of the Information Commissioner, Jamaica \(oic.gov.jm\)](#).

Your Consent

By submitting your personal data to FSC in person or through any of our electronic channels you consent to FSC's collection, use and disclosure of your personal data as set out in this Public Privacy Notice . If you have any questions about our privacy notice or your personal data, please contact our Head of Privacy at dataprivacy@fscjamaica.org.

Sharing of Personal Data

Subject to your consent, we may disclose some or all of the information we collect about you to third parties including government ministries, departments, agencies (MDA) or any other relevant body. Such information will only be shared with third party companies that perform services for us or on our behalf and companies that perform marketing services on our behalf.

The FSC does not share personal information with third parties, except as necessary for our legitimate regulatory and business needs, to carry out your requests, and/or as required or permitted by law or professional standards.

The contractual arrangements between us and these third parties require them to keep the information that we provide to them confidential, and to use the information only for the purposes authorized by us.

FSC may transfer your information to service providers, and other third parties located outside of Jamaica. This is necessary to provide our Services and for the purposes outlined in this Privacy Notice. The FSC is responsible for providing Jamaican residents with the level of protection defined by the DPA. Third parties outside of Jamaica will be required to confirm controls similar to those in place in Jamaica and as prescribed in the DPA. Safeguards include data transfer agreements.

By providing us with your information, you acknowledge any such transfer, storage, or use of your personal data to third parties located in and outside of Jamaica.

Links to other websites

Our site may contain links to other websites and to plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our site, you should read the privacy notice of every website that you visit.

Changes to this statement

FSC may modify this Public Privacy Notice from time to time to reflect our current privacy practices. When we make changes to this statement, we will revise the "updated" date. Any changes to the processing of personal data as described in this Privacy Statement affecting you will be communicated to you through an appropriate channel