

# Supervision

## *Purpose*

1. Our powers and functions under the legislation we administer include assessing and deciding upon applications made by entities and individuals ("**Applicants**") to be authorised or registered to carry on certain financial and ancillary activities or functions in the DIFC.
2. Applicants include individuals seeking authorisation to carry out defined licensed functions within an authorised firm. These functions are materially linked to an authorised firm's management, and/or the provision of its financial services. As a result, the individuals considered for licensed functions must meet particular standards relating to their experience, knowledge and qualifications.
3. Individuals will only be authorised or registered if the DFSA is satisfied that they are fit and proper, and that the functions of their role will be conducted and managed in a sound and prudent manner. Therefore, it is necessary for us to collect and process Personal Data (and certain Special Categories of Personal Data) relating to such individuals in order to confirm their identity, experience, knowledge, qualifications and integrity to carry out the particular licensed function.
4. The DFSA's powers and functions also encompass exercising continuous oversight of firms and individuals authorised or registered by us ("**Supervised Entities**") as well as the markets we regulate, to monitor compliance with the legislation we administer, including provisions relating to anti-money laundering. It is necessary for us to collect and process Personal Data to exercise those powers and functions.
5. For further information on our approach to supervision (including authorisation), please refer to the DFSA's the Regulatory Policy and Process Sourcebook (RPP), available here: [RPP Sourcebook](#). Our confidentiality policy is located in Chapter 8 of RPP.

## *Personal Data we collect and process*

6. In order to undertake our supervisory work, we are often required to collect a wide range of information on Applicants and the Supervised Entities and markets we regulate. To support our analysis, we often request information relating to the customers of Supervised Entities to help us make informed judgements on whether Supervised Entities are operating properly and whether their customers or other market participants are experiencing harm. The laws we administer require that Supervised Entities provide us with certain information and also allow us to request or require information to be provided by an Applicant or Supervised Entity where we consider it appropriate.
7. The information provided to us by Applicants and Supervised Entities may include Personal Data (including Special Categories of Personal Data) relating to the Applicant or Supervised Entity or to other individuals, such as directors, controllers, employees and customers. The usual types of Personal Data we process include: names, contact details, residency, geographical location, previous addresses, dates of birth, places of birth, passport numbers, nationalities, criminal records, complaints and allegations, personal opinions, appraisals,

reports, communications records, employment history, education and professional history and qualifications, official government records. Applicants and Supervised Entities who provide us with Personal Data about individuals will generally do so with their explicit consent.

8. Sources of Personal Data include:
  - a. Directly from the individual.
  - b. Authorised Persons and DNFBPs (providing information on their employees, agents, advisers, shareholders, ultimate beneficial owners or other related or connected individuals, each for regulatory purposes).
  - c. Applications for licensing or registration.
  - d. Use of DFSA online forms and systems.
  - e. Publicly available information (public directories, media, social media, internet, news articles etc.).
  - f. Governments, regulators, formal bodies, authorities and organisations, including for AML/CTF.
  - g. Professional screening programs and facilities such as Accuity.
  - h. Relevant Persons (as defined in the GLO Module of the DFSA Rulebook, available here: [Glossary Module \(GLO\)](#)).
  - i. DFSA regulatory reporting or notifications.
  - j. DFSA outreach and information sessions.
  - k. DFSA surveys.
  - l. DFSA supervisory contact forms.
  - m. DFSA subscription lists (Alerts, Media releases and Discussion Papers, DFSA publications, Changes in legal framework, SEO letters and HR updates).
9. We may also request or require Applicants and Supervised Entities to provide certain information in the exercise of our functions and powers in other specific circumstances, or obtain information from third parties, such as other regulators or reference agencies or official bodies or authorities.
10. General 'classes' of individuals whose Personal Data may be processed:
  - a. Complainants, correspondents and enquirers.
  - b. Advisors, consultants and other professional experts.
11. 'Classes' of individuals unique to the DFSA whose Personal Data may be processed:
  - a. Authorised Individuals.
  - b. Audit Principals.
  - c. Principal Representatives.
  - d. Auditor Personnel (of DFSA external auditors and Auditors).
  - e. Clients or customers (of Authorised Firms).
  - f. Investors.
  - g. Trustees (individuals appointed to this role).
  - h. Whistle-blowers.
  - i. Connected Individuals (to a Reporting Entity).
  - j. Close Associates (Individuals who are close associates of an Authorised Firm).
  - k. Insiders.
  - l. Shareholders.
  - m. Ultimate Beneficial Owners.

- n. Fund Managers (individuals).
- o. Senior Management of a Relevant Person.
- p. Applicants (for any role required to be approved, registered or notified to the DFSA pursuant to DFSA administered laws or the Rules).
- q. External Individuals (Individuals employed or engaged by or otherwise representing any governmental, regulatory or other authority or body).
- r. Attendees at DFSA information sessions.

*Lawful basis for processing Personal Data*

- 12. We generally process this Personal Data under Article 10(1)(e) of the DP Law, as the processing is necessary for performance of a task carried out by the DFSA in the interests of the DIFC and also necessary for the exercise of the DFSA's powers and functions.
- 13. Where this Personal Data includes Special Categories of Personal Data, we process it only where one of the grounds under Article 11 of the DP Law applies. The grounds generally relied upon by the DFSA in this context will often be that the processing is necessary:
  - a. to protect members of the public against improper conduct, which falls under Article 11(j) of the DP Law; and/or
  - b. for the exercise of a function conferred on the DFSA by applicable law and is proportionate to the aim(s) pursued, which falls under Article 11(l) of the DP Law.