

Enforcement

Purpose

1. The primary function of our Enforcement Division is to prevent, detect and restrain conduct that causes or may cause damage to the reputation of the DIFC or the financial services industry in the DIFC.
2. The DFSA is empowered to conduct investigations into suspected contraventions of the legislation it administers, and may exercise its powers to obtain information, conduct inspections, compulsorily obtain books and records, or require individuals to participate in interviews under oath or affirmation.
3. The DFSA may initiate court proceedings or impose penalties or other sanctions where we are satisfied that contraventions have occurred, which may involve communicating to the public the basis on which we have taken action and our reasons for doing so. We may also refer any conduct which could constitute a breach of criminal law to the relevant local, Federal or international authorities.
4. It is necessary for us to collect and use Personal Data for the above purposes in order to meet our statutory obligations.
5. For further information on our approach to enforcement, please refer to Chapter 5 of the DFSA's Regulatory Policy and Process Sourcebook, available here: [RPP Sourcebook](#).

Personal Data we use

6. In order to undertake our enforcement work, we are often required to collect and process a wide range of information relevant to suspected contraventions from a wide variety of sources. We may, for example, collect information from individuals who report suspected misconduct, potential witnesses, the firms or individuals who are the subject of our investigations or from other governmental, regulatory or law enforcement agencies.
7. This information will usually include Personal Data (including Special Categories of Personal Data) relating to the subject(s) of our investigation or other actions, or to other individuals, such as the directors, controllers, employees or customers of the subject(s) of our investigation, potential witnesses or the individuals who have made a complaint or raised concerns of misconduct. The Personal Data provided may, for example, 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 and health information.
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. Courts and public records.
 - g. Governments, regulators, formal bodies, authorities and organisations, including for AML/CTF.
 - h. Professional screening programs and facilities such as Accuity.
 - i. Relevant Persons (as defined in the GLO Module of the DFSA Rulebook, available here: [Glossary Module \(GLO\)](#)).
 - j. DFSA regulatory reporting or notifications.
 - 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. 'Classes' of individuals whose Personal Data may be processed include:
- 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. Individuals engaged or employed by third party providers of goods and services.
 - s. Family members of a., b., c., d., i., or j.

Lawful basis for processing Personal Data

10. 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.
11. 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 establish, exercise or defend legal claims, which falls under Article 11(f) of the DP Law;

- b. to protect members of the public against improper conduct, which falls under Article 11(j) of the DP Law; and/or
- c. 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.