

## DATA PROTECTION STATEMENT - ESAs INFORMATION SYSTEM

### (I) ESAs Information System and identity of Joint Controllers

The European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities and Markets Authority (ESMA) are developing and managing a system for the exchange of information relevant to the assessment of the fitness and propriety of holders of qualifying holdings, directors and key function holders of financial institutions by competent authorities (hereinafter “**ESAs Information System**”) in collaboration with the ECB and the National Competent Authorities under the ESAs remit (hereinafter individually or collectively referred to as “**CA**” or “**CAs**”). The ESAs Information system is hosted by the EIOPA.

The ESAs Information System has been established by the ESAs pursuant to their mandate as described in Article 31a of their Founding Regulations.

The ESAs Information System consists of a cross-sectoral database aiming at facilitating a timely exchange of information between the CAs.

Employees of the CAs and the ESAs in charge of fitness and propriety assessments have access to the ESAs Information System to further facilitate the exchange of information. Access of such employees is strictly defined on a need-to-know basis.

As the creation and use of the ESAs Information System involves the processing of personal data by the ESAs for the purposes of setting up, maintaining the ESAs Information System, as well as facilitating the exchange of information through it, such processing is subject to Regulation (EU) 2018/1725 (hereinafter “**EUDPR**”).

As the ESAs are jointly determining the concrete purposes mentioned in the previous paragraph as well as the (essential) means of the processing of personal data through the ESAs Information System, and such processing would not be possible without all Parties’ participation, as further specified in the Appendix, the ESAs qualify as “**Joint Controllers**” pursuant to Article 28 of EUDPR.

### (II) Who to contact

A) With regard to the set-up, functioning and maintenance of the ESAs Information System, as well as the processing of the contact data of its users, as specified under 1. and 2. of the Appendix, the affected data subjects may opt to contact the Joint Controllers, via the **Primary Contact Point** specified below through the following contact details:

## EIOPA

Postal address: Westhafenplatz 1, 60327 Frankfurt am Main, Germany

Email address: [dpo@eiopa.europa.eu](mailto:dpo@eiopa.europa.eu)

B) When a request is related to the personal data inserted in the ESAs Information System by the CAs, this request will be redirected to the CA from which the data originated.

### (III) Information on the processing of personal data

The purposes, legal basis, categories of data subjects and personal data, recipients of personal data and retention periods are specified in the Appendix.

### (IV) Existence of automated decision-making

The Joint Controllers shall not undertake any form of automated decision-making as specified in Article 24 of EUDPR.

### (V) Transfers of personal data to countries outside the EU

There will be no transfers of personal data to third countries in the context of the ESAs Information System.

### (VI) Data subject rights

In case the conditions of Articles 17 to 24 of EUDPR are met, data subjects may exercise the following rights regarding the personal information processed by the Joint Controllers:

Access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate. Data subjects also have the right to request the erasure of their personal data, as well as object to or obtain the restriction of their processing.

Where processing is based solely on the consent, data subjects have the right to withdraw their consent to the processing of their personal data at any time.

Restrictions of certain rights of the data subject may apply, in accordance with Article 25 of EUDPR.

For the protection of the data subjects' privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion. Data subjects may exercise their rights by contacting the Primary Contact Point via the contact details provided in point (II) above.



Data subjects may request access to the essence of the joint controllership arrangement concluded between the Joint Controllers pursuant to Article 28 of EUDPR.

#### (VII) Complaints

If data subjects have any questions about how the ESAs process their personal data or wish to exercise any of the rights set out above, they may contact EIOPA using the contact details provided above.

Alternatively, data subjects can have recourse to the EDPS ([www.edps.europa.eu](http://www.edps.europa.eu)) at any time, as provided in Article 63 of the Regulation.

**APPENDIX – ESSENTIAL ELEMENTS OF PROCESSING BY THE ESAS**

Purpose of the processing activity	Categories of data subjects	Categories of personal data	Legal basis	Recipients/ Categories of recipients/process ors	Retention period	Joint Controller	Primary Contact Point
<b>1. Granting access to the ESAs Information System</b>	Users/End-users of ESAs Information System (ESAs, and CAs staff members)	Contact data (name, professional e-mail address)	<ul style="list-style-type: none"> <li>- Necessary for compliance with a legal obligation (Articles 2(4), 31a and 35 of the ESAs Regulation)</li> <li>- Necessary for the performance of a task carried out in the public interest (Article 5(1)(a) of EUDPR)</li> </ul>	<ul style="list-style-type: none"> <li>- ESAs as owners of the system</li> <li>- EIOPA's IT Unit as processor of personal data related to the hosting and use of the ESAs Information System</li> </ul>	Until the ESAs or CAs staff member is no longer appointed as the respective authority's representative for the ESAs Information System.	Joint controllership between the ESAs.	EIOPA

<p><b>2. Setting up, functioning and maintainance of the ESAs Information System</b></p>	<p>Potentially:</p> <ul style="list-style-type: none"> <li>- Persons of interest subject to fit and proper assessments (data inserted by the CAs);</li> <li>- Users/End-users of ESAs Information System</li> </ul>	<p>Potentially:</p> <ul style="list-style-type: none"> <li>- The information inserted in the ESAs Information System by the CAs, i.e. Identification data (first name(s), surname/family name, date of birth, place of birth, birth name, other names used by the person)</li> <li>- Contact data of the users of the ESAs Information System</li> </ul>	<p>As explained in 1. above.</p>	<p>As explained in 1. above.</p>	<ul style="list-style-type: none"> <li>- For the information inserted in the ESAs Information System: Fifteen years (15). Shorter retention periods may apply in line with applicable legislation.</li> <li>- For the contact data of the users of the ESAs Information System, the retention period explained in 1. above.</li> </ul>	<p>Joint controllership between the ESAs.</p>	<p>EIOPA</p>
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### **ESSENTIAL ELEMENTS OF PROCESSING BY THE CAS**

<b>Personal data inserted by CA(s) in the ESAs Information System for fulfilling their supervisory purposes</b>	Persons of interest subject to fit and proper assessment	- Identification data (first name(s), surname/family name, date of birth, place of birth, birth name, other names used by the person)	- National and EU laws, as applicable, providing for the collection of information on fitness and propriety  - ECB's Founding Regulation	- Relevant CA or the ECB	Fifteen years (15)  Shorter retention periods may apply in line with applicable legislation.	Separate controllership for the ECB and each of the CAs	CAs (ECB or CAs) that initially created the data input into the ESAs Information System.
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