



EUROPEAN CENTRAL BANK
EUROSYSTEM

ECB-PUBLIC

RECORD OF PROCESSING ACTIVITY

Authorisations procedures¹ as part of the Single Supervisory Mechanism (SSM)

¹ Authorisations procedures refers to: licensing, qualifying holdings, withdrawals of authorisations, right of establishment by supervised entities, freedom to provide services, approval or exemptions of (mixed) financial holding companies, and mergers or divisions of credit institutions.

1. Controller(s) of data processing activities

Controller: European Central Bank (ECB)

Organisational unit responsible for the processing activity: Authorisations Division (DG-SGO-AUT).

Data Protection Officer (DPO): DPO@ecb.europa.eu

2. Who is actually conducting the processing activity?

- The data is processed by the ECB itself
- The organisational unit conducting the processing activity is DG-SGO/ Authorisations Division and depending on the specific activity conducted, other ECB business areas and NCAs are involved.
- The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party [mention third party]

[Link to privacy statement](#)

3. Purpose of the processing

Under the SSM Regulation (Council Regulation No 1024/2013), the ECB has been conferred with certain supervisory tasks and powers for the prudential supervision of all credit institutions established in participating Member States. These powers are exercised under the SSM Regulation by the ECB in cooperation with the national competent authorities (NCAs) of the participating Member States. Assessing and taking decision on authorisations procedures is one of the powers assigned to the ECB. The detailed distribution of tasks for the processing, assessing and decision-taking for authorisations procedures between the ECB and the NCAs is laid down in the SSM Framework Regulation (EU) No 468/2014. In order to carry out these powers and tasks related to authorisations procedures, the ECB is processing personal data. In

particular, the EU regulatory framework has assigned to the ECB the following powers and tasks related to six different authorisations procedures:

1. Licensing

The ECB is exclusively competent for granting authorisations to take up the business of a credit institution in participating Member States pursuant to Article 4 (1)(a) of the SSM Regulation subject to Article 14 of the same regulation and Title 1, Part V, of the SSM Framework Regulation.

In this context, the task of the ECB is to ascertain that entrants to the banking market are robust and comply with national and Union law. In particular, the assessment shall focus on applicant banks' capital/liquidity levels, their programme of operations, structural organisation and the suitability of their managers and relevant shareholders. The requested personal data are thus needed to assess the criteria for the granting of authorisations to pursue the activity of a credit institution.

2. Qualifying holdings

The ECB is exclusively competent to assess the notifications of the acquisition of qualifying holdings in credit institutions in participating Member States. The ECB decides whether to oppose the acquisition on the basis of the assessment criteria set out in the relevant Union law and/or applicable national law in accordance with the procedure and within the assessment periods set out therein, pursuant to Articles 4 (1)(c) and 15 of the SSM Regulation and Title 3, Part V, of the SSM Framework Regulation. The requested personal data are thus needed to assess the criteria for proposed acquisitions of qualifying holdings in a credit institution.

3. Withdrawals of authorisation²

For the purpose of ensuring that only credit institutions with a sound economic basis, an organisation capable of dealing with the specific risks inherent to deposit taking and credit provision, and suitable directors/shareholders carry out the activities of credit

² In relation to certain withdrawal grounds, national law may provide that the authorisation of a credit institution lapses and does not need to be withdrawn.

institutions, the ECB has the task and exclusive competence to withdraw the authorisation of credit institutions in participating Member States, pursuant to Article 4 (1)(a) and 6 (4) of the SSM Regulation subject to Article 14 of the SSM Regulation and Title 2, Part V, of the SSM Framework Regulation.

The requested personal data are thus needed to assess whether the criteria for the granting of authorisations to pursue the activity of a credit institution are no longer met.

4. Right of establishment by supervised entities and freedom to provide services

Right of establishment in another participating Member State: Credit institutions established in participating Member States may exercise the right of establishment within the territory of another participating Member State. To do this, NCAs are required to inform the ECB (by means of the procedures set out in the SSM Framework Regulation) about all the information that significant credit institutions provide to them under Article 35(2) of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 (including, among other things, information on the persons who are set to be responsible for the management of the proposed branch and its key functions). All required personal data, as referred to in the forms set out in Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council, is necessary so that the ECB can assess the suitability of the persons who are set to be responsible for the management or key functions of the proposed branch. In addition, NCAs also notify the ECB about information (which may include personal data) that is received from (i) less significant institutions that are exercising the right of establishment within the territory of another participating Member State and (ii) credit institutions established in non-participating Member States that are exercising the right of establishment in a participating Member State.

Right of establishment in a non-participating Member State: Significant credit institutions established in participating Member States may exercise the right of establishment within the territory of a non-participating Member State (referred to as

“outgoing passporting”). In such situations, the ECB is required to exercise the powers of the competent authority of the home Member State in accordance with the procedures set out in Article 17(1) of the SSM Framework Regulation. The powers of the home Member State in respect of credit institutions’ right of establishment are set out in Article 35 of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 and include an assessment of the adequacy of the credit institution’s administrative structure. To that end, information on the persons who are set to be responsible for the management of the proposed branch and its key functions has to be provided by the credit institution. All required personal data, as referred to in the forms set out in Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council, is necessary in order to assess the suitability of the persons who are set to be responsible for the management or key functions of the proposed branch. In addition, NCAs also notify the ECB about information received from less significant institutions regarding the exercise of the right of establishment within the territory of a non-participating Member State, which may include personal data.

Freedom to provide services in another participating Member State: Credit institutions established in participating Member States may exercise the freedom to provide services within the territory of another participating Member State. NCAs are required to inform the ECB (by means of the procedures set out in the SSM Framework Regulation) about all the information that credit institutions provide to them under Article 39(1) of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013, including information on the intended activities. All required personal data, as referred to in the forms set out in Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council, is necessary so that the ECB can assess the notification and ensure compliance with the applicable

regulatory requirements.

Freedom to provide services in a non-participating Member State: Significant credit institutions established in participating Member States may exercise the freedom to provide services within the territory of a non-participating Member State. In such situations, the ECB is required to exercise the powers of the competent authority of the home Member State in accordance with the procedures set out in Article 17(1) of the SSM Framework Regulation. The powers of the home Member State in respect of credit institutions' freedom to provide services are set out in Article 39 of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013. All required personal data, as referred to in the forms set out in Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council, is necessary to assess the notification and ensure compliance with the applicable regulatory requirements. In addition, NCAs also notify the ECB about information received from less significant institutions regarding the exercise of the right of establishment within the territory of a non-participating Member State, which may include personal data.

Notification of changes procedures

Personal data are processed to assess notifications of changes to the information submitted in the context of the right of establishment and the freedom to provide services, in accordance with Commission Implementing Regulation (EU) No 926/2014 and Directive 2013/36/EU of the European Parliament and of the Council.

5. Approvals or exemptions of (mixed) financial holding companies

The ECB is competent to grant approvals or exemptions to certain parent (mixed) financial holding companies (“(M)FHC”) which are established in participating Member States and which are part of a significant supervised group. The ECB decides whether to grant or refuse the approval or exemption on the basis of the approval or exemption criteria set out in the relevant Union law and/or applicable national law, pursuant to

Articles 4 (1)(g) and 4(2) of the SSM Regulation and Article 8 of the SSM Framework Regulation. The assessment is mainly related to internal governance, risk management and suitability of shareholders and board members of the (mixed) financial holding company. The requested personal data are thus needed to assess the criteria for granting an approval or exemption to those (M)FHCs.

6. Mergers and divisions

The ECB is the competent authority for assessing notifications of mergers and divisions when the resulting entity (in case of merger) or entity carrying out the operation (in case of division) is classified as a significant institution. The ECB decides whether to oppose the merger or division on the basis of the assessment criteria set out in the relevant Union law and/or applicable national law in accordance with the procedure and within the assessment periods set out therein, pursuant to Articles 4(1)(d) and 4(1)(e) of the SSM Regulation. The assessment includes evaluating the reputation of the financial stakeholders involved, and, in case the operation involves the appointment of one or more new members of the management body, the suitability of these members, the financial soundness of the financial stakeholders involved, compliance of the resulting entity with prudential requirements, the implementation plan of the proposed operation as well as ML/TF risk of the proposed operation. The requested personal data are thus needed to assess the criteria for approving a merger or division operation.

4. Description of the categories of data subjects

Whose personal data are being processed?

- ECB staff
- Externals (agency staff, consultants, trainees or secondees)
- NCB or NCA counterparts (in the ESCB or SSM context)

- Visitors to the ECB, including conference participants and speakers
- Contractors providing goods or services
- Complainants, correspondents and enquirers
- Relatives of the data subject
- Other (please specify):
 1. Licensing: supervised entities staff and shareholders; and managers, shareholders and key function holders of entities seeking to obtain a banking license. In addition, persons with whom the applicant and applicant's members of the management body, key function holders and shareholders or members (in case of legal persons, the persons effectively directing their business) have relevant financial or non-financial relationships
 2. Qualifying holdings: supervised entities staff and shareholders; managers of supervised entities; and managers/shareholders of entities seeking to acquire a qualifying holding in a supervised entity; as well as persons with whom the proposed acquirers have relevant financial or non-financial relationships; staff and authorised representatives of the acquirer.
 3. Withdrawals of authorisation: supervised entities staff and shareholders; and managers of supervised entities; staff and authorised representatives of the supervised entity subject to the procedure and of its shareholders or members;
 4. Right of establishment by supervised entities: supervised entities staff and shareholders; and managers of significant supervised entities seeking to obtain the right of establishment.
 5. Approvals or exemptions of (mixed) financial holding companies: supervised entities staff and shareholders; managers of supervised entities; managers of other entities which are not supervised; and managers of entities seeking to receive an approval or exemption.

6. Mergers and divisions: supervised entities' (and their related entities) managers, staff and shareholders; managers, staff and shareholders of entities seeking to obtain an approval for a merger or division (as well as their legal representatives and close relatives).

5. Description of the categories of personal data processed

(a) General personal data:

The personal data contains:

- Personal details (name, address etc)
- Education & Training details
- Employment details
- Financial details
- Family, lifestyle and social circumstances
- Goods or services provided
- Other (please give details):
 - Criminal records including (suspected) criminal offences, convictions, information on criminal investigations and proceedings, relevant civil and administrative proceedings, and disciplinary actions (including disqualification as a company director, bankruptcy, insolvency and similar procedures);
 - Information about personal, professional and financial relationships of close relatives (spouse, registered partner, cohabitee, child, parent or other relation with whom the appointee shares living accommodation) with the significant supervised entity, the parent entity or its subsidiaries is collected in order to identify any potential conflicts of interest. In such cases, information about spouses or registered partners may be collected which may allow

inferences about the sexual orientation of data subjects (please see section (b) below);

- Information as to whether a fit and proper assessment has already been conducted by another competent supervisory authority (the identity of that authority and evidence of the outcome of this assessment);
- Comments by the ECB and/or NCA staff members regarding the performance of the appointee during the fit and proper procedure (e.g. comments that reflect the opinion or the assessment of the examiner on the individual performance of the appointee, particularly in relation to their knowledge and competences in the relevant field);
- Data that has come to the knowledge of the competent authority by other means (e.g. via the media, databases like world-check, credit registers).

(b) Special categories of personal data

The personal data reveals:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data, biometric data for the purpose of uniquely identifying a natural person or data concerning health
- Data regarding a natural person's sex life or sexual orientation

6. The categories of recipients to whom the personal data have been or will be disclosed, including the recipients of the data in Member

States, third countries or international organisations

- Data subjects themselves
- Managers of data subjects
- Designated ECB staff members
- Designated NCB or NCA staff members in the ESCB or SSM context
- Other (please specify):
 1. In specific circumstances, other relevant authorities may be recipients of personal data:
 2. National Market Authorities;
 3. AML authorities;
 4. External experts and contractors working on behalf of the ECB who are providing opinions, advice and support in the context of the prudential supervision of credit institutions (e.g. legal counsel);
 5. A limited number of staff members of other Union institutions, bodies and agencies, supervisory authorities and national authorities (e.g. public prosecutors or authorities tackling money laundering). Personal data processed for the purposes of conducting suitability assessments may be shared with the European Supervisory Authorities (ESAs), via the ESAs Information System established in accordance with Article 31a of the ESAs Founding Regulations;
 6. Other EEA or third-country relevant authorities, administrations or international organisations may exceptionally also be recipients of personal data.

7. Transfers to/Access from third countries or an international organisation

Data are processed by third country entities:

Yes

Specify to which countries:

Specify under which safeguards:

If data are to be transferred to a third country or an international organisation, as recipients located outside the application of Union data protection law, the ECB is required to comply with specific rules on the transfer of personal data. These rules are set out in Chapter V of Regulation (EU) 2018/1725 (the 'Data Protection Regulation').

In the absence of an adequacy decision or of appropriate safeguards, transfers which are not repeated, massive or structural may be justifiable under the derogations provided for in Article 50 of the Data Protection Regulation (among which the most likely to be used is Article 50 (1)(d), i.e. necessity of transfer for important reasons of public interest). Should such transfers be massive, structural or repeated, the ECB has to adduce appropriate safeguards, subject to the authorisation from the European Data Protection Supervisor, pursuant to Article 48 (3)(a) (b) of the Data Protection Regulation.

Adequacy Decision of the European Commission

Standard Contractual Clauses

Binding Corporate Rules

Administrative arrangement containing enforceable and effective data subject rights

If the third country's legislation and/or practices impinge on the effectiveness of appropriate safeguards, the personal data can only be transferred to, accessed from or processed in such third country when sufficient 'supplementary measures' are taken to ensure an essentially equivalent level of protection to

that guaranteed within the EEA. These supplementary measures are implemented on a case-by case basis and may be technical (such as encryption), organisational and/or contractual.

No

8. Retention time

In accordance with the [ECB's Filing and Retention Plan](#), the ECB stores personal data relating to authorisation procedures for 15 years from the date the relevant procedure is closed.