

PRIVACY STATEMENT FIT AND PROPER PROCEDURE

PURPOSE AND LEGAL BASIS FOR THE PROCESSING OF PERSONAL DATA IN THE CONTEXT OF THE FIT AND PROPER PROCEDURE

The safety and soundness of a credit institution depend on the availability of appropriate internal organisation structures and corporate governance arrangements. Council Regulation (EU) No 1024/2013 of 15 October 2013 (**SSM Regulation**)¹ confers specific tasks on the European Central Bank (**ECB**) concerning policies relating to the prudential supervision of credit institutions on the basis of Article 127(6) of the Treaty on the Functioning of the European Union (**TFEU**).

For prudential supervisory purposes, the ECB is entrusted with the tasks in relation to credit institutions established in the participating Member States referred to in Article 4, within the framework of Article 6, of the SSM Regulation.

According to Article 4(1)(e) of the SSM Regulation, the ECB is to ensure compliance with the acts of the relevant Union law which impose requirements on credit institutions to have in place robust governance arrangements, including the **fit and proper requirements for the persons responsible for the management of credit institutions**. For the purpose of carrying out its tasks, pursuant to Article 16(2)(m) of the SSM Regulation, the ECB has also the supervisory power to remove at any time members from the management body of credit institutions who do not fulfil the requirements set out in the acts of the relevant Union law. Article 91(1) of **CRD IV**² sets that members of the management body shall at all times be of sufficiently good repute and possess sufficient knowledge, skills and experience to perform their duties. Within the procedures for the supervision of significant supervised entities, Articles 93 and 94 of the **SSM Framework Regulation**³ lay down the rules on the assessment by the ECB regarding the compliance with the fit and proper requirements for persons responsible for managing credit institutions. In order to ensure that fit and proper requirements are met at all times, according to Article 94(2) of the SSM Framework Regulation the ECB may initiate a new assessment based on new facts if the ECB becomes aware of any new facts that may have an impact on the initial assessment of the concerned member of the management body.

DISCLOSURE OF PERSONAL DATA

All the required personal data is necessary to carry out the fit and proper assessment of members of management bodies⁷ of existing significant supervised entities. If not provided, the ECB may not assess whether the concerned managers comply with the fit and proper requirements, in order to ensure that credit institutions have in place robust governance

¹ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, OJ L 175, 14.6.2014.

² Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013.

³ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities, OJ L 141, 14.5.2014.

arrangements. Therefore, it shall reject the appointment or request the dismissal of the concerned managers on that basis.

RECIPIENTS OR CATEGORIES OF RECIPIENTS OF THE PERSONAL DATA

In the fit and proper procedure the personal data may be disclosed, on a need-to-know basis, to the NCAs' staff, the Joint Supervisory Teams' staff (ECB Directorate General – Micro-Prudential Supervision I or II), ECB Directorate General – Micro-Prudential Supervision IV staff (Authorisation Division), the Secretariat of the Supervisory Board and the members of the Supervisory Board and of the Governing Council of the ECB.

APPLICABLE RETENTION PERIOD

The ECB is to store personal data regarding fit and proper applications/notifications for a period of fifteen years; from the date of application or notification if withdrawn before a formal decision is reached; from the date of a negative decision or from the date the data subjects cease to be members of the management bodies of the supervised entity in the case of a positive ECB decision. In case of re-assessment based on new facts, the ECB is to store personal data for fifteen years from the date of the ECB decision. In case of initiated administrative or judicial proceedings, the retention period shall be extended and end one year after these proceedings are sanctioned by a decision having acquired the authority of a final decision.

APPLICABLE DATA PROTECTION FRAMEWORK AND DATA CONTROLLER

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁴ is applicable to the processing of personal data by the ECB. For the purposes of Regulation (EC) No 45/2001, the ECB shall be the Data Controller.

DATA SUBJECT RIGHTS

The data subjects of the processing of personal data by the ECB for the mentioned prudential supervisory purpose have access rights to and the right to rectify the data concerning him or herself according to Article 9 of the ECB Decision of 17 April 2007 adopting implementing rules concerning data protection at the ECB (ECB/2007/1)⁵.

POINT OF CONTACT

In case of queries or complaints regarding this processing operation, you can contact the Data Controller at Authorisation@ecb.europa.eu, and/or the National Competent Authority at licenciranje@bsi.si

Equally, you also have the right to have recourse at any time to the European Data Protection Supervisor. The data subjects also have the right to recourse at any time to the European Data Protection Supervisor: <https://secure.edps.europa.eu/EDPSWEB/edps/lang/en/EDPS>

⁴ OJ L 8, 12.1.2001.

⁵ OJ L116, 4.5.2007.

PRIVACY STATEMENT

QUALIFYING HOLDINGS

PURPOSE AND LEGAL BASIS FOR THE PROCESSING OF PERSONAL DATA IN THE CONTEXT OF THE QUALIFYING HOLDING PROCEDURE

An assessment of the suitability of any new owner prior to the purchase or disposal of a significant stake in a credit institution is an indispensable tool for ensuring the continuous suitability and financial soundness of credit institution's owners.

Council Regulation (EU) No 1024/2013 of 15 October 2013 (**SSM Regulation**)⁶ confers specific tasks on the European Central Bank (**ECB**) concerning policies relating to the prudential supervision of credit institutions on the basis of Article 127(6) of the Treaty on the Functioning of the European Union (**TFEU**).

For prudential supervisory purposes, the ECB is entrusted with the tasks in relation to credit institutions established in the participating Member States referred to in Article 4, within the framework of Article 6, of the SSM Regulation.

Considering the provisions set in Articles 4(1)(c) and 15 of the SSM Regulation, the ECB is to assess the notifications of the **acquisition and disposal of qualifying holdings** in credit institutions (except in the case of a bank resolution) and shall decide whether to oppose the acquisition on the basis of the assessment criteria set out in the relevant Union law. According to Article 23(1)(a)(b) of **CRD IV**⁷, the reputation of the proposed acquirer and the reputation, knowledge, skills and experience of any member of senior management who will direct the business of the credit institution as a result of the proposed acquisition shall be assessed. Article 85 ss. of the **SSM Framework Regulation**⁸ establishes the rules on cooperation between the national competent authorities (**NCA**s) and the ECB with regard to the qualifying holdings procedure.

DISCLOSURE OF PERSONAL DATA

All the required personal data is necessary to carry out the assessment of the reputation of the proposed acquirer of a qualifying holding in a credit institution and of the suitability of any member of the management body and any member of senior management who will direct the business of the target credit institution as a result of the proposed acquisition. If not provided, the notification of your intention to acquire a qualifying holding in a credit institution shall be deemed incomplete and the ECB shall oppose to the proposed acquisition on the ground that the information provided by the proposed acquirer is incomplete (Article 23(2) CRD IV).

⁶ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, OJ L 175, 14.6.2014.

⁷ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013.

⁸ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities, OJ L 141, 14.5.2014.

RECIPIENTS OR CATEGORIES OF RECIPIENTS OF THE PERSONAL DATA

In the qualifying holdings procedure the personal data may be disclosed, on a need-to-know basis, to the NCAs' staff, the Joint Supervisory Teams' staff (ECB Directorate General – Micro-Prudential Supervision I or II), ECB Directorate General – Micro-Prudential Supervision III staff, ECB Directorate General – Micro-Prudential Supervision IV staff (Authorisation Division), the Secretariat of the Supervisory Board and the members of the Supervisory Board and of the Governing Council of the ECB.

APPLICABLE RETENTION PERIOD

The ECB is to store personal data regarding qualifying holdings applications/notifications for a period of fifteen years; from the date of application or notification if withdrawn before a formal decision is reached; from the date of a negative decision or from the date the data subjects cease to be qualifying shareholders or members of senior management of the supervised entity in the case of a positive ECB decision. In case of initiated administrative or judicial proceedings, the retention period shall be extended and end one year after these proceedings are sanctioned by a decision having acquired the authority of a final decision.

APPLICABLE DATA PROTECTION FRAMEWORK AND DATA CONTROLLER

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁹ is applicable to the processing of personal data by the ECB. For the purposes of Regulation (EC) No 45/2001, the ECB shall be the Data Controller.

DATA SUBJECT RIGHTS

The data subjects of the processing of personal data by the ECB for the mentioned prudential supervisory purpose have access rights to and the right to rectify the data concerning him or herself according to Article 9 of the ECB Decision of 17 April 2007 adopting implementing rules concerning data protection at the ECB (ECB/2007/1)¹⁰.

POINT OF CONTACT

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⁹ OJ L 8, 12.1.2001.

¹⁰ OJ L116, 4.5.2007.

PRIVACY STATEMENT

RIGHT OF ESTABLISHMENT BY SIGNIFICANT SUPERVISED ENTITIES IN THE TERRITORY OF ANOTHER PARTICIPATING MEMBER STATE

PURPOSE AND LEGAL BASIS FOR THE PROCESSING OF PERSONAL DATA

Credit institutions established in participating Member States may exercise the right of establishment and freedom to provide services within the territory of another participating Member State (within SSM). Council Regulation (EU) No 1024/2013 of 15 October 2013 (**SSM Regulation**)¹¹ confers specific tasks on the European Central Bank (**ECB**) concerning policies relating to the prudential supervision of credit institutions on the basis of Article 127(6) of the Treaty on the Functioning of the European Union (**TFEU**).

For prudential supervisory purposes, the ECB is entrusted with the tasks in relation to credit institutions established in the participating Member States referred to in Article 4, within the framework of Article 6, of the SSM Regulation.

In accordance with Article 17(1) of the SSM Regulation, between participating Member States the procedures set out in the relevant Union law for **credit institutions wishing to establish a branch within the territory of another Member State** and the related competences of home and host Member States shall apply only for the purposes of tasks not conferred on the ECB by Article 4 of the SSM Regulation. The procedures between the National Competent Authorities (**NCA**s) and the ECB for the right of establishment of significant supervised entities within the territory of another participating Member States are set in Article 11(1)(3) of the **SSM Framework Regulation**¹². According to these provisions, the ECB shall be informed of the information provided by significant supervised entities to **NCA**s in accordance with the requirements laid down in Article 35(2) of **CRD IV**¹³, which means that information on the persons responsible for the management of the branch has to be provided by the significant supervised entity.

DISCLOSURE OF PERSONAL DATA

All required personal data, as referred to in the forms set in Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014, is necessary to carry out the assessment of the suitability of the persons proposed to be responsible for the management or key functions of the branch of a significant supervised entity to be established in the territory of another participating Member State. If not provided, the application shall be deemed incomplete. The significant institution shall be informed of the incompleteness of the notification and the two-month assessment period shall not be initiated until the notification is assessed to be complete.

¹¹ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, OJ L 175, 14.6.2014.

¹² Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities, OJ L 141, 14.5.2014.

¹³ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013.

RECIPIENTS OR CATEGORIES OF RECIPIENTS OF THE PERSONAL DATA

In the right to establishment by a significant supervised entity within the territory of another participating Member State procedure the personal data may be disclosed, on a need-to-know basis, to the NCAs' staff, the Joint Supervisory Teams' staff (ECB Directorate General – Micro-Prudential Supervision I or II), ECB Directorate General – Micro-Prudential Supervision III staff, ECB Directorate General – Micro-Prudential Supervision IV staff (Authorisation Division), the Secretariat of the Supervisory Board and the members of the Supervisory Board and of the Governing Council of the ECB.

APPLICABLE RETENTION PERIOD

The ECB is to store personal data regarding the right of establishment of a significant supervised entities in the territory of another participating Member State applications/notifications for a period of fifteen years; from the date of application or notification if withdrawn before a formal decision is reached; from the date of a negative decision or from the date the data subjects cease to be managers or key function holders of the branch in the case of a positive ECB decision. In case of initiated administrative or judicial proceedings, the retention period shall be extended and end one year after these proceedings are sanctioned by a decision having acquired the authority of a final decision.

APPLICABLE DATA PROTECTION FRAMEWORK AND DATA CONTROLLER

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹⁴ is applicable to the processing of personal data by the ECB. For the purposes of Regulation (EC) No 45/2001, the ECB shall be the Data Controller.

DATA SUBJECT RIGHTS

The data subjects of the processing of personal data by the ECB for the mentioned prudential supervisory purpose have access rights to and the right to rectify the data concerning him or herself according to Article 9 of the ECB Decision of 17 April 2007 adopting implementing rules concerning data protection at the ECB (ECB/2007/1)¹⁵.

POINT OF CONTACT

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¹⁴ OJ L 8, 12.1.2001.

¹⁵ OJ L116, 4.5.2007.

PRIVACY STATEMENT

RIGHT OF ESTABLISHMENT BY SIGNIFICANT SUPERVISED ENTITIES IN THE TERRITORY OF A NON-PARTICIPATING MEMBER STATE

PURPOSE AND LEGAL BASIS FOR THE PROCESSING OF PERSONAL DATA

Credit institutions established in participating Member States may exercise the right of establishment and freedom to provide services within the territory of a non-participating Member State (outgoing). Council Regulation (EU) No 1024/2013 of 15 October 2013 (**SSM Regulation**)¹⁶ confers specific tasks on the European Central Bank (**ECB**) concerning policies relating to the prudential supervision of credit institutions on the basis of Article 127(6) of the Treaty on the Functioning of the European Union (**TFEU**).

For prudential supervisory purposes, the ECB is entrusted with the tasks in relation to credit institutions established in the participating Member States referred to in Article 4, within the framework of Article 6, of the SSM Regulation.

According to Article 4(1)(b) of the SSM Regulation, the ECB is competent to carry out the tasks which the competent authority of the home member state shall have under the relevant Union law regarding credit institutions established in a participating Member State, which wish to establish a branch in a non-participating Member State. The powers of the home Member State regarding the right of establishment of credit institutions are set in Article 35 of **CRD IV**¹⁷ and include the assessment of the adequacy of the administrative structure. To that end information on the persons responsible for the management of the branch has to be provided by the significant supervised entity. The procedures between the National Competent Authorities (**NCA**s) and the ECB for the right of establishment of significant supervised entities in relation to non-participating Member States are set in Article 17(1) of the **SSM Framework Regulation**¹⁸.

DISCLOSURE OF PERSONAL DATA

All the required personal data, as referred to in the forms set in Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014, is necessary to carry out the assessment of the suitability of the persons proposed to be responsible for the management or key functions of the branch of a significant supervised entity to be established in the territory of a non-participating Member State. If not provided, the application shall be deemed incomplete and Article 5(2)(3) of the aforementioned Commission Implementing Regulation shall apply: the significant institution shall be informed of the incompleteness of the notification and the three-month assessment period shall not be initiated until the notification is assessed to be complete.

¹⁶ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, OJ L 175, 14.6.2014.

¹⁷ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013.

¹⁸ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities, OJ L 141, 14.5.2014.

RECIPIENTS OR CATEGORIES OF RECIPIENTS OF THE PERSONAL DATA

In the right to establishment by a significant supervised entity within the territory of a non-participating Member State procedure the personal data may be disclosed, on a need-to-know basis, to the NCAs' staff, the Joint Supervisory Teams' staff (ECB Directorate General – Micro-Prudential Supervision I or II), ECB Directorate General – Micro-Prudential Supervision III staff, ECB Directorate General – Micro-Prudential Supervision IV staff (Authorisation Division), the Secretariat of the Supervisory Board and the members of the Supervisory Board and of the Governing Council of the ECB.

APPLICABLE RETENTION PERIOD

The ECB is to store personal data regarding the right of establishment by significant supervised entities in the territory of a non-participating Member State applications/notifications for a period of fifteen years; from the date of application or notification if withdrawn before a formal decision is reached; from the date of a negative decision or from the date the data subjects cease to be managers or key function holders of the branch in the case of a positive ECB decision. In case of initiated administrative or judicial proceedings, the retention period shall be extended and end one year after these proceedings are sanctioned by a decision having acquired the authority of a final decision.

APPLICABLE DATA PROTECTION FRAMEWORK AND DATA CONTROLLER

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹⁹ is applicable to the processing of personal data by the ECB. For the purposes of Regulation (EC) No 45/2001, the ECB shall be the Data Controller.

DATA SUBJECT RIGHTS

The data subjects of the processing of personal data by the ECB for the mentioned prudential supervisory purpose have access rights to and the right to rectify the data concerning him or herself according to Article 9 of the ECB Decision of 17 April 2007 adopting implementing rules concerning data protection at the ECB (ECB/2007/1)²⁰.

POINT OF CONTACT

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¹⁹ OJ L 8, 12.1.2001.

²⁰ OJ L116, 4.5.2007.

PRIVACY STATEMENT

LICENSING PROCEDURE

PURPOSE AND LEGAL BASIS FOR THE PROCESSING OF PERSONAL DATA IN THE CONTEXT OF THE LICENSING PROCEDURE

Prior authorisation for taking up the business of credit institutions is a key prudential technique to ensure that only operators with a sound economic basis, an organisation capable of dealing with the specific risks inherent to deposit taking and credit provision, and suitable directors carry out those activities.

Council Regulation (EU) No 1024/2013 of 15 October 2013 (**SSM Regulation**)²¹ confers specific tasks on the European Central Bank (**ECB**) concerning policies relating to the prudential supervision of credit institutions on the basis of Article 127(6) of the Treaty on the Functioning of the European Union (**TFEU**).

For prudential supervisory purposes, the ECB is entrusted with the tasks in relation to credit institutions established in the participating Member States referred to in Article 4, within the framework of Article 6, of the SSM Regulation.

According to Article 4(1)(a) of the SSM Regulation, the ECB is to **authorise credit institutions** subject to Article 14 of the SSM Regulation. The latter provision provides that the application for an authorisation to take up the business of a credit institution to be established in a participating Member State shall be submitted to the National Competent Authority (**NCA**) of the Member State where the credit institution is to be established in accordance with the requirements set out in the relevant national law. The relevant NCA shall assess the application and provide the ECB with an authorisation draft decision if all requirements are met. The ECB shall only object to the draft decision where the conditions for authorisation set out in the relevant Union law are not met. Pursuant to Articles 13(1), 14(2), 16(3) and 91 of **CRD IV**²² the suitability of the proposed members of the management body and shareholders must be ensured. Article 73 ss. of the SSM Framework Regulation²³ establishes the rules on cooperation between the NCAs and the ECB with regard to the licensing procedure.

DISCLOSURE OF PERSONAL DATA

All the required personal data is necessary to carry out the assessment of the suitability of the proposed members of the management bodies and shareholders within the application for an authorisation to pursue the activity of a credit institution. If not provided, the application shall be deemed incomplete and shall be rejected on that basis.

²¹ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, OJ L 175, 14.6.2014.

²² Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013.

²³ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities, OJ L 141, 14.5.2014.

RECIPIENTS OR CATEGORIES OF RECIPIENTS OF THE PERSONAL DATA

In the licensing procedure the personal data may be disclosed, on a need-to-know basis, to the NCAs' staff, the European Banking Authority's staff, the Joint Supervisory Teams' staff (ECB Directorate General – Micro-Prudential Supervision I or II), ECB Directorate General – Micro-Prudential Supervision III staff, ECB Directorate General – Micro-Prudential Supervision IV staff (Authorisation Division), the Secretariat of the Supervisory Board and the members of the Supervisory Board and of the Governing Council of the ECB.

APPLICABLE RETENTION PERIOD

The ECB is to store personal data regarding the licensing applications/notifications for a period of fifteen years; from the date of application or notification if withdrawn before a formal decision is reached; from the date of a negative decision or from the date the data subjects cease to be members of the management bodies, key function holders or founding shareholders of the supervised entity in the case of a positive ECB decision. In case of initiated administrative or judicial proceedings, the retention period shall be extended and end one year after these proceedings are sanctioned by a decision having acquired the authority of a final decision.

APPLICABLE DATA PROTECTION FRAMEWORK AND DATA CONTROLLER

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data²⁴ is applicable to the processing of personal data by the ECB. For the purposes of Regulation (EC) No 45/2001, the ECB shall be the Data Controller.

DATA SUBJECT RIGHTS

The data subjects of the processing of personal data by the ECB for the mentioned prudential supervisory purpose have access rights to and the right to rectify the data concerning him or herself according to Article 9 of the ECB Decision of 17 April 2007 adopting implementing rules concerning data protection at the ECB (ECB/2007/1)²⁵.

POINT OF CONTACT

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²⁴ OJ L 8, 12.1.2001.

²⁵ OJ L116, 4.5.2007.