

## 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**)<sup>1</sup> 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**<sup>2</sup>, 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**<sup>3</sup> 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).

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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 data<sup>4</sup> 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 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)<sup>5</sup>.

## **POINT OF CONTACT?**

In case of queries or complaints regarding this processing operation, you can contact the Data Controller at [Authorisation@ecb.europa.eu](mailto:Authorisation@ecb.europa.eu), and/or the National Competent Authority at [tb@nbb.be](mailto:tb@nbb.be).

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>.

## **ACKNOWLEDGMENT OF THE PRIVACY STATEMENT**

This Privacy Statement sets out the legal basis and details for the processing of personal data by the ECB. The ECB will be required to process personal data in respect of any application in order to

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<sup>4</sup> OJ L 8, 12.1.2001.

<sup>5</sup> OJ L116, 4.5.2007.

assess the suitability of the acquirer. Please note below an acknowledgement of this Privacy Statement.

**Acknowledgement of the Privacy Statement by / on behalf of the Acquirer**

Acquirer Name<sup>6</sup>:

Name:

Position<sup>6</sup>:

Signature:

Date:

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<sup>6</sup> Only to be filled in if you are acting on behalf of the Acquirer.