



**EUROPEAN CENTRAL BANK**  
**BANKING SUPERVISION**

21/12/2024 (DATE OF PUBLICATION/LAST UPDATE)

**UPDATABLE**

## RECORD OF PROCESSING ACTIVITY

### FIT AND PROPER PROCEDURES

#### 1. Controller(s) of data processing activities

Controller: European Central Bank (ECB)

Organisational unit responsible for the processing activity: Directorate General SSM  
Governance & Operations/Fit and proper Division (DG-SGO/FAP)

Data Protection Officer (DPO): [DPO@ecb.europa.eu](mailto: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/FAP as well as other ECB Business areas such as the Joint Supervisory Teams (JSTs), DG-SGO/SSM Secretariat or horizontal functions at the ECB (e.g. editors/translators).
- The data is being processed by the National Competent Authorities acting on behalf of the ECB. Contact point at the National Competent Authority (e.g. Privacy/Data Protection Officer): *depending on the National Competent Authority conducting the processing activity.*

Link to privacy statement:

[https://www.bankingsupervision.europa.eu/services/data-protection/privacy-statements/html/ssm.privacy\\_statement\\_prudential\\_supervision.en.html](https://www.bankingsupervision.europa.eu/services/data-protection/privacy-statements/html/ssm.privacy_statement_prudential_supervision.en.html)

The data is being processed also by IBM Deutschland GmbH and AWS cloud are processors for the purpose of the Heimdall project and the ensuing functionalities

### 3. Purpose of the processing

*The SSM Regulation<sup>1</sup> confers specific tasks on the European Central Bank 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). The ECB collects and further processes personal data for the purposes of prudential supervisory tasks, responsibilities and powers conferred upon it by the SSM Regulation (particularly Articles 4, 5, 6, 7, 8 and 18 of that Regulation). In particular, the ECB has been entrusted with the specific tasks referred to in Article 4 (1)(e) of the SSM Regulation, within the framework of Article 6 of that Regulation, in relation to credit institutions established in (i) EU Member States whose currency is the euro and (ii) EU Member States whose currency is not the euro which have entered into close cooperation with the ECB in accordance with Article 7 of the SSM Regulation (the participating Member States).*

*This includes the assessment and/or reassessment of the suitability of members of the management bodies, key function holders, branch managers as well as certain other persons responsible for the management of significant supervised entities or branches in other EU Member States or in third countries (within the scope of the applicable national law) within the (hereafter 'fit and proper procedure').*

*Personal data is thus, collected and processed for the purpose of:*

- assessing whether the appointees meet the so-called 'fit and proper' requirements. In particular, the five criteria are: (i) the person's experience; (ii) the person's reputation; (iii) conflicts of interest and independence of mind; (iv) the person's time commitment to the institution in question; and (v) the collective suitability of the board as a whole.*

<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 287, 29.10.2013, p. 63–89).

- *reassessment in order to ensure that fit and proper requirements are met at all times. The ECB may, in particular initiate a new assessment based on new facts or issues or if the ECB becomes aware of any new facts that may have an impact on the initial assessment of the relevant member of the management body for the purposes of Article 91(1) of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 which states 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. Articles 93 and 94 of the SSM Framework Regulation set out 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 addition, the ECB may remove at any time members from the management body of credit institutions who do not fulfil the requirements, as set out in relevant Union law (Article 16(2)(m) of the SSM Regulation).*
- *Furthermore, applications to authorise an additional non-executive directorship of members of the management body as well as applications to hold at the same time the position of Chair and the position of CEO are directly addressed to the ECB according to Article 95 of the SSM Framework Regulation. In particular, Article 91(6) of Directive 2013/36/EU states that competent authorities may authorise members of the management body to hold one additional non-executive directorship and Article 88(1)(e) of Directive 2013/36/EU states that the chairman of the management body in its supervisory function of an institution must not exercise simultaneously the functions of a chief executive officer within the same institution, unless justified by the institution and authorised by competent authorities.*
- *The ECB further processes personal data for conducting quantitative research, analysis and statistical reporting on an aggregated level.*

*For further details, please read the [EDPS Prior Checking Opinion](#).*

#### 4. Description of the categories of data subjects

*Whose personal data are being processed?*

- ECB staff members
- Non-ECB staff members (agency staff, consultants, cost-free trainees or cost-free secondees working at the ECB)<sup>8</sup>
- National Central Bank (NCB) or national competent authority (NCA) counterparts (in the ESCB or SSM context)<sup>8</sup>
- Visitors to the ECB, including conference participants and speakers
- Contractors providing goods or service
- Complainants, correspondents and enquirers
- Relatives of the data subject
- Other (please specify): *appointees who are board members or employees of the significant supervised entity and/or their 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): *such as,*
- *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 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<sup>2</sup>:

<sup>2</sup> The ECB does not explicitly request these special categories of personal data for the Fit and Proper assessment and does not use this information in the assessment. However, these special categories of personal data might be retrieved and accidentally found in the C.V., the ID Card or the elements provided by the appointee in his/her questionnaire. As personal data matching with these special categories of data might be provided by the appointees, they might be “processed” (i.e. recorded with the other documents used for our assessments) by the Fit and Proper Division and to ensure full transparency, the following categories are ticked in this form.

- 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): *In specific circumstances,*
  - *members of the Supervisory Board and of the Governing Council of the ECB;*
  - *a limited number of staff members of other Union institutions, bodies, agencies, supervisory authorities and national authorities (e.g. criminal prosecutors, anti-money laundering authorities);*
  - *Significant institutions (appointed certified staff allowed to receive FAP decisions)<sup>3</sup>*

<sup>3</sup> In accordance with Article 35 of the SSMFR the Secretariat of the Supervisory Board will continue to notify final ECB decisions to the supervised entities or, if a supervised entity is part of a banking group, to the entity heading this group. In addition, the final ECB decision can be communicated to the supervised entity through the Portal provided that the supervised entity concerned has declared in writing that the persons having access to the portal are authorised to receive ECB supervisory decisions on its behalf.

- other EEA or third-country relevant authorities, administrations or international organisations may exceptionally also be recipients of personal data.

- (from IMAS Portal DPIA): IMAS Portal users

- (from Heimdall DPIA): Assigned IBM staff and potential sub-processors registered at the ECB and having signed a non-disclosure agreement, AWS cloud services and its sub-processors, or other recipients identified and granted special authorisation to access Heimdall for a limited period of time (e.g. Internal Audit).

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

Data are processed by third country entities:

Yes

*In the context of supervisory cooperation, some personal data may be sent outside the EEA, to international organisations or relevant authorities and the administrations of third countries.*

*Such transfers may take place on the basis of an [adequacy decision](#) by the European Commission pursuant to Article 47 of Regulation (EU) 2018/1725.*

*In the absence of an adequacy decision by the European Commission, personal data may, under Article 48(1) of Regulation (EU) 2018/1725, only be transferred to a third country or an international organisation if appropriate safeguards are provided and enforceable data subject rights and effective legal remedies for data subjects are available.*

*In the absence of an adequacy decision or appropriate safeguards, transfers of personal data to third countries may only take place exceptionally on the basis of specific derogations provided for in Article 50 of Regulation (EU) 2018/1725 (particularly Article 50(1)(d)). Should such transfers be massive, structural or repeated, the ECB has to adduce appropriate safeguards pursuant to Article 48 of Regulation (EU) 2018/1725*

- 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

The ECB filing and retention plan will be adjusted to reflect the following, subject to the approval of the Executive Board of the ECB:

- a) general retention period of 7 years, starting on the date the ECB communicates the decision to the Supervised Entity. This will cover the vast majority of FAP cases. In case the application is withdrawn before a decision is taken, the retention periods starts from the date of application or notification to the ECB.
- b) a longer retention period applies to cases where there is a concrete justification such as a pending action before Court, any (administrative) review or due to the fact that either national law or the bank's statutes allow for renewals of terms of office of persons falling under the FAP and the original data is crucial for the ECB's assessment in the context of the renewal. In such exceptional cases the



retention period would expire 2 years after the final court decision or 7 years after the renewal, respectively.

- c) 10 years, counted from the date the ECB communicates the decision to the Supervised Entity, would apply to very specific cases, such as negative decisions and decisions with conditions not previously agreed with the banks.