

# Record of processing activity

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## Complaints and Breach of Union Law

Record of EBA activities processing personal data, based on Article 31 of Regulation (EU) 2018/1725 (EUDPR)

Part 1 - Article 31 Record (publicly available)	
1	<b>Last update of this record</b> 05/08/2024
2	<b>Date of next review</b> 05/08/2024
3	<b>Reference number</b> EBA/DPR/2022/5
4	<b>Name and contact details of controller</b> Controller: European Banking Authority, Tour Europlaza, 20 avenue André Prothin, CS 30154, 92927 Paris La Défense CEDEX, France  Responsible Department: Legal and Compliance Unit  Contact: <a href="mailto:legal.mailbox@eba.europa.eu">legal.mailbox@eba.europa.eu</a>
5	<b>Contact details of DPO</b> <a href="mailto:dpo@eba.europa.eu">dpo@eba.europa.eu</a> , or alternatively send a letter to the postal address of the EBA (address above) marked for the attention of the DPO of the EBA.
6	<b>Name and contact details of joint controller (where applicable)</b> Not applicable
7	<b>Name and contact details of processor (where applicable)</b> Not applicable
8	<b>Short description and purpose of the processing activity</b> The personal data is processed for the purpose of assessment of complaints received and potential further pursuit of the investigation proceedings of an alleged breach or non-application of Union law by a competent authority in accordance with Article 17 of Regulation (EU) No 1093/2010.  Requests to investigate an alleged breach or non-application of Union law by a competent authority may be made by a privileged complainant: one or more competent authorities, the European Parliament, the Council, the European Commission or the Banking

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Stakeholders Group. They can also be made by natural or legal persons providing well-substantiated information.

The EBA Legal and Compliance Unit is in charge of managing the procedure with the support, where relevant, of other EBA staff. The EBA Chairperson and the Vice-Chairperson also play a role in the procedure such as regarding the conduct of preliminary enquiries and the initiation of the formal investigation. Requests for information may be made to the competent authority concerned, the Requester or any other legal or natural person.

Where the investigation is formally opened, the EBA (Vice-) Chairperson must convene a panel to determine whether to close the investigation or propose a draft recommendation to be adopted. Where the recommendation is adopted and the competent authority concerned does not comply with it, the EBA may eventually issue an individual decision addressed to a financial institution or financial sector operator requiring it to comply with its obligations under Union law.

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**9 Description of categories of persons whose data the EBA processes and list of data categories**

Natural persons requesting the EBA, in their own name or in the name of a legal person, to investigate an alleged breach or non-application of Union law by a competent authority under Article 17 of Regulation (EU) No 1093/2010.

It may also extend to natural persons intervening in the proceedings in their own name or in the name of legal persons being required to provide information during the proceedings or otherwise, or as representatives of national or European institutions and bodies.

Finally, the Chairperson and the Vice-Chairperson of the EBA, and 6 other natural persons being members of the panel referred to in Article 41(2) of Regulation (EU) No 1093/2010 (the EBA Regulation). The EFTA Surveillance Authority also has to appoint a representative to the panel in certain cases.

In some instances, we may process personal data of data subjects mentioned in the documentation or information provided by the parties involved in the proceedings.

We process the following personal data:

- Name of the individual;
  - Where relevant, link to the legal person, European or national institution or body which the natural person is representing.
  - Email address of the individual, if available;
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	<ul style="list-style-type: none"> <li>• Physical address of the individual, if available, save in the case of representatives of legal persons;</li> <li>• Telephone number of the individual, if available;</li> <li>• Position (job) of the individual, if available;</li> <li>• Other data provided by competent authorities when investigated or the complainant.</li> </ul>
10	<p><b>Special categories of personal data processed (as defined in Article 10 EUDPR)</b></p> <p>No special categories of personal data are specifically required. Nevertheless, these can be proactively included by the competent authorities</p>
11	<p><b>Time limit for keeping the data</b></p> <p>When a person sends a Request to investigate to the EBA, the information he/she gives to EBA, including his/her personal data, is stored in the BUL database for 10 years after closure of the case for admissible complaints; 5 years after closure of the case for inadmissible complaints. After that period, the information enabling the person to be identified is kept in a form which no longer permits identification of the data subject or deleted, if the information is no longer needed. Nevertheless, if at the end of this period of five years, there are on-going administrative or judicial proceedings, the conservation period is extended for a period which ends one year after these administrative or judicial proceedings have become final.</p>
12	<p><b>Recipients of the data</b></p> <p>Access to data is provided strictly on a need-to-know basis, to the following categories of persons:</p> <ul style="list-style-type: none"> <li>• Case handler (inclusive of SNEs and trainees) from the Legal and Compliance Unit of the EBA as well as the Unit's assistant;</li> <li>• Other relevant EBA staff involved in the investigation proceedings such as, policy staff, Chair, Vice-Chair, Panel members, or EBA staff with expertise on the subject-matter;</li> <li>• Personal data may be transmitted, where necessary to investigate the matter, to the concerned competent authority. However, the identity of the Requester would not be disclosed to the competent authority unless the Requester has given express consent to it. In addition, personal data which is not relevant or necessary for the assessment of the case will not be shared. The information collected through the BUL e-mail account is not accessible to anyone else outside EBA. EBA may discuss the particularities of a BUL case with the European Commission, and with ESMA and EIOPA where it relates to their scope of action. However, in such case, the</li> </ul>

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	discussions will take place on an anonymous basis unless a case is transferred to ESMA or EIOPA in which case express consent is obtained.
13 <b>Are there any transfers of personal data to third countries or international organisations?</b>	The personal data is processed by the EBA within the EU/EEA.
14 <b>General description of security measures, where possible</b>	<p>Processing is performed under the EBA Information Security Framework.</p> <p>We keep the data in electronic folders which can only be accessed by certain members of the EBA staff, in particular, by members of the Institutional Team of the Legal and Compliance Unit of the EBA.</p> <p>We also keep data on the Microsoft Teams Application which can only be accessed by members of the Institutional Team of the Legal and Compliance Unit or, where needed, by other relevant members of the EBA staff involved in the proceedings.</p>
15 <b>For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:</b>	Data Protection Notice is provided on the <a href="#">dedicated EBA web page</a> and/or provided to by email.