

Record of processing activity

Settlement of disagreement between competent authorities

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	Last update of this record	05/08/2024
2	Date of next review	05/08/2026
3	Reference number	EBA/DPR/2022/6
4	Name and contact details of controller	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: legal.mailbox@eba.europa.eu
5	Contact details of DPO	dpo@eba.europa.eu , 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	Name and contact details of joint controller (where applicable)	Not applicable
7	Name and contact details of processor (where applicable)	Not applicable
8	Short description and purpose of the processing activity	The personal data is processed for the purpose of the pursuit of the settlements of disagreements between competent authorities in cross-border situations under Article 19 of Regulation (EU) No 1093/2010 and for non-binding mediation under Article 31 (2)(c) of Regulation (EU) No 1093/2010. The EBA Legal and Compliance Unit is in charge of managing the procedure with the support, where relevant, of other EBA staff (e.g. Chairperson and Executive Director, policy experts, personal assistant to the Chairperson).

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The request can be brought by a Competent Authority directly addressed to the EBA Chairperson through a form available on the EBA website.

The request is sent to the dedicated mediation mailbox. Hence, the request is handled within the Legal and Compliance Unit.

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

A mediation would involve data from relevant EBA staff and Competent Authorities representatives.

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;
- Address of the individual, if available, save in the case of representatives of legal persons;
- Telephone number of the individual, if available;
- Position (job) of the individual, if available;
- Other data relevant to the mediation provided by competent authorities.

The binding phase of a binding mediation involves the constitution of a panel by the EBA chairperson: Panel call for candidates and retained candidates (further to MB consultation and BoS endorsement) along their assistants and relevant staff, EBA Chairperson/vice-Chairperson in a case of conflict, parties/NCAs representatives and EBA policy and legal experts.

10 **Special categories of personal data processed (as defined in Article 10 EUDPR)**

No special categories of personal data are specifically required. Nevertheless, these can be proactively included by the competent authorities, but it is highly unlikely.

11 **Time limit for keeping the data**

When a Competent Authority sends a request to the EBA, the information they give to the EBA, including their or any personal data, is stored in the Mediations database for 10 years after closure of the case for admissible requests; 5 years after closure of the case for inadmissible requests. 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

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period of 5 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.

12 **Recipients of the data**

The following categories of persons have access to personal data:

- Staff members of the Legal and Compliance Unit of the EBA.
- Relevant EBA staff involved in the settlement proceedings such as, policy staff, Chair, Executive Director, panel members.
- Other relevant experts called by the panel to bring in technical input on the case at hand.

13 **Are there any transfers of personal data to third countries or international organisations?**

The personal data are processed by the EBA with the EU/EEA.

14 **General description of security measures, where possible**

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.

Some data could be kept in original regarding Conflict of Interests and confidentiality forms depending on how and when they are collected.

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.

15 **For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:**

The Privacy Notice is provided on the dedicated EBA webpage and/or is sent to the data subject by email.