

Data Protection Notice

MiCAR supervision

The European Banking Authority (EBA) processes your personal data based on [Regulation \(EU\) 2018/1725](#) (EUDPR).

The following information is provided in accordance with Articles 15 and 16 of the EUDPR.

Who is the controller?

The EBA is the controller with regard to the data processing activities described in this data protection notice. EBA can be contact through email using info@eba.europa.eu by stating in the subject 'Data protection enquiry' or in writing using the following address:

DEFENSE 4 – EUROPLAZA
20 Avenue André Prothin CS 30154
92927 Paris La Défense CEDEX

For more information on the EBA, please consult the EBA website <https://eba.europa.eu>.

Details of any data processor

Microsoft Ireland Operations Limited - providing M365 software

Microsoft EU Data Protection Officer
One Microsoft Place
South County Business Park
Leopardstown
Dublin 18 D18 P521 Ireland
Telephone: +353 (1) 706-3117
Webform available at <https://aka.ms/privacyresponse>

What personal data do we process, for what purpose, who can access it and how long do we keep them?

The MiCAR supervision team collects information from competent authorities and issuers in the context of the tasks and supervisory duties imposed on the EBA by Regulation (EU) 2023/1114. The collection of personal data is only auxiliary to the main purpose of carrying out the supervisory tasks laid down in Title VII of Regulation (EU) 2023/1114. This processing activity involves processing of personal data of individuals connected with the issuer, EBA staff and authorities and central banks with access to the system.

Personal data will be processed for the following purposes:

- (i) to carry out the significance assessment of asset-referenced tokens (Articles 43 and 44) and e-money tokens (Articles 56 and 57);
- (ii) to establish, manage and chair the consultative supervisory colleges for asset-referenced and e-money tokens classified as significant (Article 119);
- (iii) to promote convergence on the classification of crypto-assets (Article 97);
- (iv) to carry out the supervisory responsibilities with respect to issuers of significant asset-referenced tokens and e-money tokens laid down in Title VII, Chapter 4 and 5 of Regulation (EU) 2023/1114; and
- (v) to promote and enhance supervisory convergence in line with Article 1(5) of Regulation (EU) No 1093/2010.

The EBA processes the following personal data for these purposes:

- (i) Identification data (mainly): name, surname, date of birth, country of residence, nationality;
- (ii) Data relating to administrative sanctions and possibly connected to (suspicions of) criminal offences in the context of Articles 33, 34(2) and 42(1)(e) of Regulation 2023/1114;
- (iii) Data relating to reputation, knowledge, skills and expertise of the subjects in the context of Articles 34(2), 34(4) and 42(1)(b) of Regulation (EU) 2023/1114;
- (iv) Data relating to the financial soundness of the data subject in the context of Article 41(1)(c) of Regulation (EU) 2023/1114.

In addition, the processing activity will involve processing of identification and technical data such as IP and access logs of EBA staff and authorities and central banks accessing the data.

Special categories of personal data are not specifically required for MiCAR supervision. Nevertheless, the processing may involve special categories of data / data of a highly personal nature, such as data relating to administrative sanctions and possibly connected to (suspicions of) criminal offences for the purposes of assessing the suitability of the management body and of shareholders of qualifying holdings in line with Title III, Title IV and Title VII of Regulation (EU) 2023/1114.

The data are analysed and can be shared with competent authorities and central banks at national and EU level for their supervisory activities in line with Chapters 1, 4 and 5, Title VII of Regulation (EU) 2023/1114. The data can be further shared with EIOPA and ESMA (in line with Article 97 of Regulation (EU) 2023/1114). Pursuant to Article 119 of Regulation (EU) 2023/1114, the data will be shared with the members of the college of supervisors, including, where relevant, ESMA, the ECB,

the SSM and the relevant supervisory authorities of third countries with which EBA has concluded administrative agreements in accordance with Article 126 of Regulation (EU) 2023/1114.

The EBA will keep personal data on an identifiable form for a period of up to 10 years from the date the supervised entity has ceased its operation. The EBA shall delete personal data upon expiry of that period. In case of outstanding legal proceedings, the EBA will keep the personal data for 3 additional years from the closure of said proceeding.

Why do we process your personal data and under what legal basis?

The processing of your personal data by the EBA is lawful since is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the EBA (Article 5.1.a). Specifically, it is necessary to fulfil its mandate it has received in line with Article 1(2) of the EBA Regulation (Regulation 1093/2010). Furthermore, Titles III, IV and VII of Regulation 2023/1114, provide the details of performance of these tasks.

The processing may involve data relating to administrative sanctions and possibly connected to (suspicions of) offences, and measures taken in response to these by reporting authorities. The legal basis for processing this category of personal data is based on Article 10(2)(g) EUDPR as the processing is necessary for reasons of substantial public interest, on the basis of Union law, in particular to fulfil the supervisory tasks laid down in Title VII of Regulation (EU) 2023/1114.

Will the processing of your personal data involve any transfer outside of the EU?

Your personal data is processed by the EBA within the EU/EEA and will not leave that territory.

What are your rights regarding your personal data?

As a data subject, an individual whose personal data is processed, you have the following rights:

Access - You have the right to access your personal data and to relevant information concerning how we use it.

Rectification - You have the right to rectify your personal data, where there are inaccuracies or where data is incomplete.

Erasure - Under certain conditions, you have the right to ask that we delete your personal data.

Objection - You have the right to object to processing of your personal data on grounds related to your particular situation. If you do so, EBA may only continue processing your personal data where overriding legitimate grounds can be demonstrated or where the processing is necessary for the establishment, exercise or defense of legal claims.

Restriction - Under certain conditions, you have the right to ask that we restrict the use of your personal data or momentarily pause the processing conducted on the data.

Right to Withdraw Consent – Where the EBA relies on consent as the legal basis for processing your personal data you have the right to withdraw your consent at any time.

These rights are subject to certain conditions and limitations in accordance with the EUDPR and general principles of law.

For more information on these rights and details of the exceptions that may apply please see Articles 14 to 25 of EUDPR.

Where you wish to exercise any of your rights, you can send your request by post in a sealed envelope or via email using the contact details provided below.

You have the right to lodge a complaint

If you have any remarks or complaints regarding the way we process your personal data, we invite you to contact the Data Protection Officer (DPO) of the EBA (see section on contact details below).

You have, in any case, the right to lodge a complaint with the European Data Protection Supervisor, our supervisory authority for data protection matters.

Contact details for enquiries regarding your personal data

Should you wish to contact the EBA, we encourage you to do so by email: EBA-MiCAR-Supervision@eba.europa.eu by stating in the subject “Data Protection Enquiry”.

If you wish to contact the DPO of the EBA personally, you can send an e-mail to dpo@eba.europa.eu or a letter to the postal address of the EBA marked for the attention of the DPO of the EBA.

The postal address of the EBA is DEFENSE 4 – EUROPLAZA, 20 Avenue André Prothin, CS 30154, 92927 Paris La Défense CEDEX, France.

You can also find contact information on the EBA’s website: <https://eba.europa.eu/contacts>