

Privacy Statement for the processing of personal data in the context of resolution planning activities and execution of resolution actions

1. Data Protection legal framework applicable to the Single Resolution Board (SRB)

All personal data are processed in line with EU Data Protection Law¹

2. Data controller

The SRB is the controller for processing the personal data

3. Purposes for processing personal data

The purposes of processing personal data are primarily the following: (a) management of resolution planning, including drafting of resolution plans and, whenever necessary, their execution, (b) facilitation of meeting preparations and exchange of information within and between the institutions and units involved in the processes, (c) coordination and crisis management, valuation activities as well as operationalisation of resolution tools, if the SRB is engaged in intensified resolution planning for a bank facing difficulties.

In particular, personal data are processed for:

- storing contact details of persons² potentially relevant for resolution planning and, if applicable, resolution execution;
- facilitating the entry of visitors in the SRB premises for meetings related to resolution planning and crisis management activities, such as for resolution colleges and crisis management group meetings;
- having a document of reference with contact persons inside the bank/group and its relevant counterparties organised per topics of interest for resolution purposes; and
- sharing contact details for the purpose of performing resolution college tasks³

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98 (EUDPR).

² For example, selected members of staff of the institutions under SRB and national resolution authorities remit, national resolution authority personnel, resolution college members and observers, as well as bank representatives and European Commission representatives.

³ According to Article 53(1) of the Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges, OJ L 184, 8.7.2016, the group-level resolution authority shall maintain and share with the resolution college members and observers contact details of nominated persons from each member and observer for the purpose of performing resolution college tasks. The contact details should also include outof-hours contact details to be used for emergency situations and in particular for the purpose of deciding on the need to establish and agree on a group resolution scheme.

4. Legal basis for processing personal data

The legal basis for processing personal data is Article 5(1)(a) and recital 22 of the Regulation (EU) 2018/1725. The processing is necessary for the performance of a task carried out in the public interest by the SRB which is to support the management and functioning of the SRB in conjunction with the Regulation (EU) No 806/20144 , and in particular, but not limited to, Articles 8 (drafting resolution plans by the Board), 12 to 12k (determining MREL by the Board), 28 (resolution procedure), 29 (implementation of decisions under this Regulation), 31 (cooperation within the SRM), and the Article 53(1) of the Delegated Regulation (EU) 2016/1075.

5. Personal data that is processed by the SRB

- Data of: (i) bank/group employees/representatives; (ii) relevant staff at European Central Bank, national competent authorities, national resolution authorities, European Commission, European Banking Authority, Council of the EU; (iii) members and observers to resolution colleges and European resolution colleges, participants in resolution teams, crisis management groups, cross-border stability groups and taskforces; (iv) other contact persons from the aforementioned groups, and in the relevant counterparties, with whom the unit has contacts for resolution planning and if applicable resolution execution purposes, including name and contact details (i.e. business e-mail address, phone number, emergency contact details, position in the company/organisation); and
- Data of visitors accessing the SRB premises, including ID details (i.e. name, date of birth, nationality, ID number).

6. Recipients of personal data

- Dedicated SRB staff members and contractor personnel for the performance of their tasks in the context of resolution planning decision-making process and where applicable resolution execution.
- Dedicated SRB staff members for the performance of their tasks in the context of processing for archiving purposes.
- Dedicated SRB staff members for the performance of their tasks in the context of information management systems.
- Dedicated SRB staff members and contractor personnel in charge of SRB premises and facilities during the entry of visitors for meetings related to resolution activities occurred in the SRB premises.
- Dedicated staff of the relevant national resolution authority and the resolution authority/ies of the non-participating Member States, for resolution planning and if applicable resolution execution.
- The relevant staff of the European Central Bank/national competent authority, for the purposes of their involvement in resolution planning or if applicable resolution procedure.
- Members and observers to resolution colleges and European resolution colleges, participants in resolution teams, crisis management groups, cross-border stability groups and taskforces.
- The Board's Chair, Vice-Chair, its members and the observers of the respective composition of the Board.
- The relevant staff of the European Commission, the European Banking Authority and of the Council of the EU.

Personal data may only be transferred outside the European Economic Area (EEA), if the transfer complies with Chapter V of the Regulation (EU) 2018/1725.

7. Retention periods of personal data

The SRB keeps your personal data for the time necessary to fulfil the purposes mentioned at part 3:

- For data of (i) bank/group employees/representatives; (ii) relevant staff at European Central Bank, national competent authorities, national resolution authorities, European Commission, European Banking Authority, Council of the EU; (iii) members and observers to resolution colleges and European resolution colleges, participants in resolution teams, crisis management groups, cross-border stability groups and taskforces; (iv) other contact persons from the aforementioned groups, and in the relevant counterparties with whom the unit has contacts for resolution planning or if applicable resolution execution purposes: a maximum period of 10 years or until there is a change in the relevant contact employees/representatives. Any changes on data in this respect should be communicated by banks to the SRB without delay so that the personal data are updated in a timely manner.
- For data of visitors accessing the SRB premises: a maximum period of 10 years or as soon as they become not pertinent.

When the processing of personal data is considered necessary for archiving purposes in the public interest, these data may be stored for longer periods in accordance to Article 4(1)(e) and Article 13 of the Regulation (EU) 2018/1725. Processing for archiving purposes in the public interest will be subject to appropriate safeguards for the rights and freedoms of the data subjects.

In the event that judicial and administrative proceedings are initiated, the retention period ends two years after such proceedings are concluded by a final decision. This further retention of data is considered necessary for the respective legal remedies.

8. Your data protection rights

You have the rights to access your personal data and correct any data that are inaccurate or incomplete. You also have the rights to delete your personal data, restrict or object to the processing of your personal data in line with the relevant provisions of Regulation (EU) 2018/1725.

9. Contact information in case of queries and requests

You can exercise your rights by contacting the SRB contact person(s) responsible for the resolution planning activities in the respective bank / banking group, i.e. the SRB internal resolution team coordinator by email specifying the nature of your request. Concerning the Chair, Vice-Chair, the members and the observers of the respective composition of the Board, please contact SRB Secretariat by email (SRB-SECRETARIAT@srb.europa.eu)

You may contact the SRB's Data Protection Officer at SRB-DPO@srb.europa.eu for questions relating to the protection of your personal data.

10. Addressing the European Data Protection Supervisor

If you believe that your rights under Regulation (EU) 2018/1725 have been violated as a result of the processing of your personal data, you have the right to lodge a complaint with the European Data Protection Supervisor (edps@edps.europa.eu) at any time.