

# Specific Data Protection Notice

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## Ad-hoc data collection – Request for information on EU financial counterparties and non-financial counterparties using ISDA-SIMM for the exchange of initial margin

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 contacted through email using [info@eba.europa.eu](mailto: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>.

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

For the purpose of this request, three contact persons (name, surname, contact email address and organisation) will be requested from each counterparty using the ISDA-SIMM model. This data will be collected by EBA through an excel template and will be kept on EBA servers together with other information collected through this survey.

The EBA processes name, surname, contact e-mail address, organisation in order to gather information on counterparties that are expected to fall under the scope of initial margin (IM) model authorisation of EMIR 3 and to facilitate their on-boarding by EBA ahead of their application.

Personal data will be collected through an excel template and may be used by EBA staff in charge of the request in case EBA staff in charge of the request needs to contact the entity for a particular question regarding the information submitted through the template.

Your personal data can be accessed by EBA staff in charge of the survey.

The EBA will keep the personal data for a period that is needed to perform data quality assurance and to facilitate the on-boarding of counterparties using the ISDA-SIMM model and applying to the EBA validation process. The retention period will not exceed 5 years from the submission of the survey.

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

The legal basis of the processing is Article 5(1)(a) of EUDPR as the processing 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, in particular provided by the is Article 11(12a) of Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (EMIR).

### **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.

### **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 of access to 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 the 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.

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-immv@eba.europa.eu](mailto:eba-immv@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](mailto: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>