

Brussels, 28 May 2019

Annex 1 to the handbook on assessment of fitness and propriety

Form 1 “New appointment”

Scope

Belgian financial holding companies and credit institutions subject to direct prudential supervision by the European Central Bank¹, and their branches.

¹ The list of institutions subject to the ECB’s direct prudential supervision is available on <https://www.bankingsupervision.europa.eu/banking/list/who/html/index.en.html>.

Basic information for administrative purposes

Name of the institution:

Type of institution:

Address of the institution:

LEI code of the institution:

Name and personal details of the contact person:

Family name and first name of the appointee:

Sex:

Position:

Board of directors (Chairperson/Non-executive member/Independent non-executive member)

Management committee (Chairperson/Member)

Head of a branch

Independent control function (audit/compliance/risk)

PRELIMINARY INSTRUCTIONS

1. Aim of the questionnaire

The information provided in this questionnaire will enable the National Bank of Belgium (hereinafter "the NBB") and the European Central Bank (hereinafter "the ECB") to carry out a prudential assessment on the suitability of the appointee.

The following documents should be consulted before completing the application:

- the handbook on assessment of fitness and propriety;
- the SSM guide on fit and proper assessment;
- guidelines EBA/GL/2017/12 on the assessment of the suitability of members of the management body and key function holders.

The appointee and the institution concerned are expected to correctly answer the questions set out below and to communicate all relevant material information which they are aware of. Answers shall not be limited to a mere reference to the C.V. Providing inaccurate or incomplete information slows down or hinders the processing of the questionnaire and may raise doubts as to the suitability of the appointee and governance of the institution concerned. **Any finding that incomplete or inaccurate information was intentionally communicated will result in a negative suitability assessment of the appointee. Consequently, if there is any doubt as to the relevance or importance of a piece of information, the information must be sent, or contact must be made with the supervisory authority through the usual channels.** In this regard, attention is drawn specifically to sections 2.4.1 and 2.6.3 of the handbook on assessment of fitness and propriety.

It is important to note that the answers given should cover all aspects of the situation of the appointee, whether in Belgium or abroad.

In addition to the information required, both the appointee and the institution should notify the NBB of any information that the NBB may reasonably expect. The NBB shall be notified using Form 3 "NEW ELEMENTS" of any subsequent changes in relation to the responses provided in this form.

If so requested, or if the appointee so wishes, s/he may communicate verbally to the NBB any additional information deemed useful.

Please also note that pursuant to Article 351 of the Banking Law², all investigations and criminal proceedings resulting from infringement of the Banking Law or any law referred to in Article 20 of the Banking Law must be notified to the Bank by the judicial authority.

2. Who is concerned?

This questionnaire concerns persons who wish to be appointed as member of the statutory governing body, head of a branch or responsible person of an independent control function (compliance, risk management or internal audit).

² Law of 25 April 2014 on the legal status and supervision of credit institutions and stockbroking firms.

3. Who should fill out and sign the questionnaire?

Part A of this questionnaire must be completed by the appointee. The questions in **Part B** are addressed to the supervised entity.

However, the appointee and the supervised entity shall be jointly responsible for ensuring that complete and accurate information regarding the (proposed) appointment is provided to the NBB. Their respective declarations and signatures at the bottom of this questionnaire therefore cover all the information contained therein.

Save as otherwise provided in the articles of association with regard to representation of the statutory governing body, this questionnaire should be signed on behalf of the supervised entity as follows:

- If the form concerns the chairperson of the board of directors: signature by two other non-executive directors;
- If the form concerns a member of the management committee or a head of an independent control function: signature by the chairperson of the statutory governing body and the chairperson of the management committee;
- If the form concerns the chairperson of the management committee: signature by the chairperson of the statutory governing body;
- If the form concerns another member of the statutory governing body: signature by the chairperson of the statutory governing body.

4. What documents should be annexed to the questionnaire?

The questionnaire **must** be accompanied by the following documents:

- a curriculum vitae
- a criminal record check, model 596 - 1 (issued less than three months before the date of the introduction of this questionnaire)
- a copy of the identity card or passport
- the minutes of the meeting of the nomination committee (if any)
- a report on the suitability of the appointee (if any)
- an organisational chart (situation before and after the envisaged appointment)
- an overview and assessment of the composition of the statutory governing body (in accordance with the model annexed to this questionnaire)
- a function profile
- (where appropriate, see the NBB regulation of 6 February 2018, approved by the Royal Decree of 15 April 2018) for a responsible person of the compliance function: (i) certificate attesting that the candidate has passed an examination with an institution whose examinations have been recognised by the FSMA and the NBB; (ii) certificates attesting to participation in training programmes at training institutions recognised by the FSMA, on the advice of the NBB
- any other document that may reasonably be considered necessary for the assessment by the supervisor of the suitability of the appointee.

Additionally, the questionnaire **may** be accompanied by any other document which may contribute to a positive assessment.

Please make your national registry number unreadable on any document you submit to the NBB. In Belgium, the national registry number can be found, among others, on the reverse side of the identity card and on the criminal record check.

5. How should the questionnaire be sent?

Once it has been fully completed and signed, the questionnaire should be sent to the NBB by e-mail according to arrangements made with your contact person.

If relevant, please verify that your data in eManex are complete and correct, and make any necessary amendments.

6. What happens next?

The questionnaire is submitted to the NBB, but it is processed by both the NBB and the ECB. The result of the assessment will be notified by the ECB to the supervised entity.

PART A - TO BE COMPLETED BY THE APPOINTEE

TITLE I. DATA CONCERNING THE APPOINTEE

a)	Name
	Title:
	Family name:
	First name(s):
	Any previous name you may have had
	Title:
	Family name:
	First name(s):
	Date and reason for change:
	Domicile
	Address:
	Town:
	Country:
	Place of residence (if different from the address indicated above)
	Address:
	Town:
	Country:

Other details							
Sex:							
Date of birth:							
Place of birth:							
Nationality:							
Country where ID/passport was issued							
Date of current ID/passport expiry							
Telephone number (private and business if already available), including the country code:							
E-mail address (private and professional if already available):							
b) Previous regulatory assessments (both negative and positive) in the financial sector							
	Competent authority involved	Institution involved	Position involved	Start date	End date	Date of the assessment	Conclusion of the assessment (mentioning any validation conditions)
Please explain the reasons for the negative assessments indicated above, if any:							
e) Have you already been approved by the FSMA as a compliance officer or is such a procedure under way? If this is the case, please provide below information on the authorisation obtained or on the current authorisation procedure.							

TITLE II FUNCTION FOR WHICH THE QUESTIONNAIRE IS SUBMITTED

a)	Please indicate below what function you wish to exercise within the institution.
	Please indicate the official title of the position within the institution.
	<p>Please indicate what function you wish to exercise within the institution. If necessary, several boxes must be checked.</p> <ul style="list-style-type: none"> <input type="checkbox"/> executive director <input type="checkbox"/> non-executive director <input type="checkbox"/> chairperson of the statutory governing body <input type="checkbox"/> vice-chairperson / deputy chairperson of the statutory governing body <input type="checkbox"/> chairperson of the audit committee <input type="checkbox"/> member of the audit committee <input type="checkbox"/> chairperson of the remuneration committee <input type="checkbox"/> member of the remuneration committee <input type="checkbox"/> chairperson of the risk committee <input type="checkbox"/> member of the risk committee <input type="checkbox"/> chairperson of the nomination committee <input type="checkbox"/> member of the nominating committee <input type="checkbox"/> chairperson of the management committee <input type="checkbox"/> vice-chairperson / deputy chairperson of the management committee <input type="checkbox"/> member of management committee <input type="checkbox"/> senior manager of an institution devoid of a statutory governing body

	<input type="checkbox"/> senior manager of a branch <input type="checkbox"/> responsible person of the compliance function <input type="checkbox"/> responsible person of the internal audit function <input type="checkbox"/> responsible person of the risk management function <input type="checkbox"/> member of the management committee designated senior officer responsible for the prevention of money laundering and terrorism financing <input type="checkbox"/> person responsible for implementing the anti-money laundering policy (AMLCO) <input type="checkbox"/> other:
	<p>If it is a non-executive director's position, please indicate in what capacity you aspire to be appointed.</p> <input type="checkbox"/> as shareholder, cooperant or mutual member of the institution concerned. <input type="checkbox"/> as representative of a shareholder, cooperant or mutual member of the institution concerned. <input type="checkbox"/> as independent director within the meaning of Article 526ter of the Code on Companies. ³ <input type="checkbox"/> in another capacity. Please specify:
	<p>b) Please provide below as detailed a description as possible of the main duties, responsibilities and number of subordinates relating to the function in question. Please specify which other functions, if any, the person involved will exercise within the supervised entity.</p>
	<p>Please also specify on which sub-committees of the management body or other (management) committees the appointee will sit, if applicable.</p>
	<p>c) Please provide below additional details about the planned start date and the length of the term of office</p>
	<p>(Planned) start date for the appointment</p>
	<p>(Planned) term of office:</p>

	Are you replacing somebody else?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If so, who and why?	
d)	Nature of the arrangement between you and the supervised entity	
	<input type="checkbox"/> Contract for services <input type="checkbox"/> Employee <input type="checkbox"/> Other – please specify:	

TITLE III. PROFESSIONAL INTEGRITY OF THE APPOINTEE

In Title III of this questionnaire, “you” should be understood as “you personally”, but also includes any body corporate or unincorporated entity with which you are or have been associated as board member, member of the management committee, accredited statutory auditor, manager or qualifying shareholder.

The questions in this title relate to both Belgium and foreign countries.

a)	Do you have any previous convictions in criminal proceedings? Do you have any relevant (i.e. where there is an impact on the reputation or significant impact on the financial soundness of the appointee) convictions in civil or administrative proceedings (including convictions under appeal)?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below, in particular: nature of charge; length of time since the alleged wrongdoing; likely penalty if conviction ensues; stage of proceedings; any other mitigating or aggravating factors (e.g. a rehabilitation was obtained, recidivism, etc.).	
b)	Do you have any pending criminal proceedings? Do you have any pending relevant civil or administrative proceedings (including any formal notification of investigation or committal for trial)?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below, in particular: nature of charge; length of time since the alleged wrongdoing; likely penalty if conviction ensues; stage of proceedings; any other mitigating or aggravating factors.	

³ It should be noted that it is the responsibility of the institution to verify compliance with all legal criteria contained in Article 526ter of the Code on Companies.

c)	Do you have any previous disciplinary measures or pending disciplinary actions (including disqualification as a company director, discharge from a position of trust)?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below.	
d)	Do you, or does an institution in which you are a member of the statutory governing body, have any previous or pending bankruptcy, insolvency or similar procedures?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below (including whether the bankruptcy or insolvency was voluntary or not).	
e)	Have any of the proceedings described above been settled out of court or within the framework of alternative dispute resolution (e.g. mediation)?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below.	
f)	Have you ever been included in a list of unreliable debtors or have you been the subject of an enforcement action on an outstanding debt obligation?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below.	
g)	Have you ever been the subject of a refusal of registration, authorisation, membership or licence to carry out a trade, business or profession, or have you had such withdrawn, revoked or terminated?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below.	
h)	Have you ever been sanctioned by any public authorities or professional bodies or are you the subject of any pending investigations or past investigations or enforcement proceedings?	<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, please provide details below.	

i)	Have you been directly or indirectly involved in a case that led to suspicions of money laundering?	<input type="checkbox"/> yes <input type="checkbox"/> no
If YES, please provide details below.		
j)	Has any financial undertaking in which you perform or have performed a function that falls within the scope of the law, or whose management you influence or have influenced materially in any other way, or in which you hold or have held material interests, ever: 1) received a criminal conviction, or was an administrative or disciplinary action or equivalent administrative measure ever taken against it, or has it ever been suspended or excluded as a member of a professional association? 2) ever denied a license or was its license ever withdrawn?	<input type="checkbox"/> yes <input type="checkbox"/> no
If you answer this question with YES, please provide the necessary information below. Please also clearly identify the financial institution concerned. Make, as far as point 1 is concerned, a distinction between convicted sentences or actions and ongoing matters.		
k)	Has any financial institution in which you perform or have performed a function that falls within the scope of the law, or whose management you influence or have influenced materially in any other way, or in which you hold or have held material interests, ever received state aid?	<input type="checkbox"/> yes <input type="checkbox"/> no
If YES, please provide the necessary information below. Please also identify precisely the financial institution involved.		

TITLE IV. EXPERTISE OF THE APPOINTEE

In assessing a person's level of experience, the following criteria are relevant and shall be mentioned in completing the following fields: nature and hierarchical level of the position; nature and complexity of the business where the position was held, including its organisational structure; scope of competencies, decision-making powers and responsibilities, and number of subordinates.

a)	Diploma (Bachelor / Master + field of study)		Start and end dates		Educational establishment		Type of education (secondary, higher, university, training institute, etc.)	
b)	Practical experience in the banking / financial sector							
	Position (specify whether or not it was an executive or non-executive function)	Main responsibilities	Organisation, company,, etc.	Size (number of employees, balance sheet total)	Number of subordinates	From	To	Reason for termination of contract

c) Other relevant senior managerial ⁴ experiences outside the financial sector								
	Position	Main Responsibilities	Organisation, business, etc.	Size (number of employees, balance sheet total)	Number of subordinates	From	To	Reason for termination of contract
d) Other relevant experiences outside the financial sector (e.g. academia, legal services, IT, engineering, human resources, political functions, other non-commercial mandates)								
	Position	Main Responsibilities	Organisation, business, etc.	Size	Number of subordinates	From	To	Reason for termination of contract
e) General experience (both theoretical and practical) in the financial sector						Explanations and sources		
	a) financial markets;							
	b) regulatory frameworks and requirements;							
	c) strategic planning, and understanding of an institution's business strategy or business plan and accomplishment thereof;							
	d) risk management (identifying, assessing, monitoring, controlling and mitigating the main types of risk of an institution, including the responsibilities of the member);							

⁴ Member of a board of directors or one or two levels below.

	e) assessing the effectiveness of an institution's arrangements, creating effective governance, oversight and controls;	
	f) interpreting an institution's financial information, identifying key issues based on this information and appropriate controls and measures.	
f)	Other specialised experience	
g)	References	
	<p>Please provide contact information for at least two people who are willing to provide references. One of these persons should, if possible, represent a previous employer. By mentioning a person as a reference, you expressly authorise the NBB to contact that person after informing you thereof.</p> <p>Parents and allies in the direct or collateral line up to and including the third degree, the spouse, the registered partner or cohabitee, or a person of trust cannot be designated as a reference.</p>	
	<p>Family name and first name: Address: Telephone: Function: Relationship with the appointee:</p>	
	<p>Family name and first name: Address: Telephone: Function: Relationship with the appointee:</p>	

TITLE V. CONFLICTS OF INTEREST

“You” throughout Title V of this questionnaire should be understood as “you personally”, but also includes your close relatives (spouse, registered partner, cohabitee, child, parent or other relation with whom you share living accommodation) and any legal person of which you are or were a board member or manager at the relevant time.

a)	Do you have any personal relationship with: - other members of the management body and/or key function holders of the supervised entity, the parent undertaking or its subsidiaries or affiliated undertakings? - a person that has a qualifying holding in the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions?	<input type="checkbox"/> yes <input type="checkbox"/> no
If YES, please provide details below.		
b)	Do you conduct business (in private or through a company) with the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions?	<input type="checkbox"/> yes <input type="checkbox"/> no
If YES, please provide the following information. - a description of the type and content of the business and the obligations of both parties - if relevant, the name of the company; - the relevant period of this relationship.		
c)	Are you currently involved in any legal proceedings against the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions, either directly or indirectly?	<input type="checkbox"/> yes <input type="checkbox"/> no
If YES, please provide information on the content and status of the legal proceedings and the entity involved.		
d)	Do you have any professional (such as holding management or senior position(s)) or commercial relationship or have you had such relationship over the past 2 years with competitors of the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions?	<input type="checkbox"/> yes <input type="checkbox"/> no
If YES, please provide details below. Where a commercial relationship exists, please provide information as to what (financial) value it represents to the business of the member or his/her close personal or business relationships.		

e)	<p>Do you, either personally or through a company you are closely connected with, have any substantial financial interest (such as ownership or investment) in the supervised entity, the parent undertaking or its subsidiaries or affiliated undertakings, or in competitors or clients of the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions? If yes, please provide the following information:</p>					
	<p>Personally or through a company</p>	<p>Name of the entity</p>	<p>Main activities of entity</p>	<p>Relationship between the entity and the supervised entity</p>	<p>Relevant period</p>	<p>Size of the financial interest (% of the capital and voting rights, or value of investment)</p>
f)	<p>Do you, in any way, represent a shareholder of the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions?</p>					<p><input type="checkbox"/> yes <input type="checkbox"/> no</p>
<p>If YES, please provide the following information:</p> <ol style="list-style-type: none"> 1. name of the shareholder; 2. % participation (in % of the capital and voting rights); 3. nature of the representation. 						
g)	<p>Do you have any substantial financial obligation to the supervised entity, the parent undertaking or its subsidiaries or affiliated undertakings of the afore-mentioned institutions?</p> <p>In principle, performing loans negotiated at arm's length the total of which does not exceed €100,000, as well as performing private mortgages negotiated at arm's length, would generally not be considered as substantial.</p>					<p><input type="checkbox"/> yes <input type="checkbox"/> no</p>
<p>If YES, please provide the following information:</p> <ol style="list-style-type: none"> 1. name of the institution to which you are indebted 2. the type of obligation; 2. the value of the obligation 3. relevant period of this obligation. 						

h)	Do you have or have you had over the past 2 years a position with high political influence (either internationally, nationally or locally)?	<input type="checkbox"/> yes <input type="checkbox"/> no
<p>If YES, please provide the following information:</p> <ol style="list-style-type: none"> 1. the nature of the position; 2. the specific powers related to or the obligations of this position; 3. the relationship between this position (or the entity where this position is held) and the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions. 		
i)	Do you have any other relationships, positions or involvement that are not addressed in the questions above, which could adversely affect the interests of the supervised entity, the parent undertaking or subsidiaries of the afore-mentioned institutions?	<input type="checkbox"/> yes <input type="checkbox"/> no
<p>If YES, please provide all necessary information (e.g. nature, content, period and, if relevant, the relation to/relationship with the supervised entity, the parent undertaking or its subsidiaries)</p>		

TITLE VI. TIME COMMITMENT

a)	What time commitment, expressed in days per week/month/year, is required for the function involved?	
b)	Has an additional non-executive directorship been authorised by a competent authority (Article 91(6) of CRD IV and Article 62, § 7, of the Banking Law)? If YES, please indicate what authority it was.	

c) If relevant, please complete the list of executive and non-executive directorships and other professional activities. Please list the directorship for which this form is being completed first and then all other directorships and other professional activities held by the appointee											
	a. Entity (please mark listed companies with*)	b. Country	c. Description of the company's activity	d. Size of entity ⁵	e. Function within the entity: executive director/non-executive director/other	f. Privileged counting (Article 91(4) CRD IV) ⁷ or no counting ⁶	g. Additional responsibilities such as membership of committees, chair functions, etc.	h. Time commitment per week (hours) and per year (days) (to include additional responsibilities)	i. Term of mandate (as of – until)	j. Any additional comments	k. Number of meetings per year
d)	Total number of executive directorships if privileged counting and exceptions (no counting) are applied.										
e)	Total number of non-executive directorships if privileged counting and exceptions (no counting) are applied.										
f)	If privileged counting applies, please provide details of whether any synergies exist between your functions in the companies, such that the investment in terms of time may be reduced as a result.										
g)	Total hours per week of time committed to all directorships outside the function for which submission is made										
h)	Total days per year of time committed to all directorships outside the function for which submission is made										

PART B - TO BE COMPLETED BY THE SUPERVISED ENTITY

	Name/ LEI code of the institution applying	
	Contact person within the institution (name / e-mail address / telephone number)	
	Is the institution a significant institution within the meaning of Article 3, 30°, of the Banking Law?	<input type="checkbox"/> yes <input type="checkbox"/> no

⁵ E.g. total assets year-end data for a financial institution, total turnover and international presence for other companies.

⁶ For more information on privileged counting and no counting in significant institutions as defined in Article 3, 30°, of the Banking Law, please refer to the external guidelines on Article 62 of the Banking Law. This document is available on the Bank's website: <https://www.nbb.be/en/financial-oversight/prudential-supervision/areas-responsibility/credit-institutions/governance-7>. If reference is made to these concepts, please provide the information necessary for the supervisory authority to carry out supervision (e.g. by specifying, in the case of privileged counting, the type of link between the Institutions involved).

TITLE I. EXPERTISE AND PROFESSIONAL INTEGRITY

a)	If the appointee does not have relevant experience, then please list below any potential compensating factors (e.g. size of entity; other compensating experience; degree/academic experience; proven ability to challenge; overall suitability; specialised knowledge; limited appointment in terms of the role of the appointment; other special cases)		
b)	Prior to the assumption of the function or within the first year of the assumption of the function, will the appointee follow specific training?		
	Content of training	Training provided by (internal or name of external organisation)	Specific information on the scope and duration of training (number of days/hours)
c)	Has the management body of the supervised entity conducted a special consultation on any aspect of the professional integrity of the appointee?		<input type="checkbox"/> yes <input type="checkbox"/> no
	If YES, what was the subject of the consultation and what was its outcome?		
d)	Does the institution set an age limit for the function in question? If so, please specify and provide references to the relevant document.		

TITLE II COLLECTIVE EXPERTISE

a)	Please provide a general description of the points of attention that have been established as regards the composition of the management body and, where relevant, refer to the conclusions of the latest self-evaluation.
b)	How does the appointee fit in the collective suitability of the management body? Please explain how the appointee can contribute to solving some or all of the points of attention referred to in the preceding question.

ANNEXES

a)	If there is any other information the appointee or the supervised entity considers to be relevant to the assessment, it must be included here.
b)	Please tick the boxes as proof of completeness of the attached information.
	<p>Mandatory annexes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a CV <input type="checkbox"/> a criminal record check, model 596 – 1, subcategory 14⁷ (issued less than three months before the date of the introduction of this questionnaire) <input type="checkbox"/> a copy of ID card/passport <input type="checkbox"/> Minutes of the meeting of the nomination committee if any <input type="checkbox"/> a suitability report if any <input type="checkbox"/> an organisational chart (situation before and after the envisaged appointment) <input type="checkbox"/> an overview of the composition of the statutory governing body (following the model annexed to this questionnaire) <input type="checkbox"/> a function profile <input type="checkbox"/> (where appropriate, see the NBB regulation of 6 February 2018, approved by the Royal Decree of 15 April 2018) for a responsible person of the compliance function: (i) certificate attesting that the candidate has passed an examination with an institution whose examinations have been recognised by the FSMA and the NBB; (ii) certificates attesting to participation in training programmes at training institutions recognised by the FSMA, on the advice of the NBB <p>Other annexes:</p> <p style="color: red;">Please make your national registry number unreadable on any document you submit to the NBB. In Belgium, the national registry number can be found, among others, on the reverse side of the identity card and on the criminal record check.</p>

⁷ In the case of conglomerats or mixed financial holdings, subcategory 6 is also accepted.

1. Privacy statement for the processing of personal data related to fit and proper assessments under European banking supervision

1.1 Data Protection legal framework applicable to the European Central Bank

The European Central Bank (ECB) adopts decisions regarding the suitability of the members of the management bodies of significant credit institutions following fit and proper assessments in accordance with Regulation (EU) No 1024/2013 (the SSM Regulation)⁸.

In this context, the ECB collects and further processes personal data in line with EU data protection law.⁹

1.2 The European Central Bank as controller of processing personal data

The ECB is the controller of the data processing operations in the context of prudential supervision of significant institutions.¹⁰

1.3 Purposes for processing personal data by the European Central Bank

Personal data is collected and processed for the purpose of assessing whether the persons responsible for the management of significant credit institutions meet the "fit and proper" requirements, i.e. whether they possess sufficient knowledge, skills and experience to fulfil their duties and are of sufficiently good repute.

⁸ Council Regulation (EU) No [1024/2013](#) of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

⁹ 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).

¹⁰ Within the meaning of point (8) of Article 3 of Regulation (EU) 2018/1725.

1.4 Lawfulness of the European Central Bank's data processing operations

The processing of personal data for the aforementioned purposes is necessary within the meaning of Article 5(1)(a) and (b) of Regulation (EU) 2018/1725, in conjunction with Article 127(6) of the Treaty of Functioning of the European Union, the SSM Regulation, Regulation (EU) No 468/2014 (the SSM Framework Regulation)¹¹ and Directive 2013/36/EU (CRD IV)¹².

In particular, the ECB must ensure compliance with the relevant Union law that imposes requirements on credit institutions, including the requirement to have in place robust governance arrangements, including the fit and proper requirements for the persons responsible for the management of credit institutions.¹³ For the purpose of carrying out its tasks, the ECB has the power to remove at any time members from the management body of credit institutions who do not fulfil the requirements set out in the acts of the relevant Union law.¹⁴

Moreover, Article 91(1) of CRD IV states that members of the management body shall at all times be of sufficiently good repute and possess sufficient knowledge, skills and experience to perform their duties.

Articles 93 and 94 of the SSM Framework Regulation set out the rules on the assessment by the ECB regarding the compliance with the fit and proper requirements for persons responsible for managing credit institutions. In order to ensure that fit and proper requirements are met at all times, the ECB may initiate a new assessment based on new facts or issues or if the ECB becomes aware of any new facts that may have an impact on the initial assessment of the relevant member of the management body.

1.5 Categories of personal data processed by the European Central Bank

The following personal data is processed in relation to fit and proper assessments.

- a) Personal data provided by the applicants (in written form¹⁵ or during interviews) which relate to:
 - **personal details**, such as full name, ID/passport number, nationality;

¹¹ Regulation (EU) No [468/2014](#) of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ L 141, 14.5.2014, p. 1).

¹² Directive [2013/36/EU](#) of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

¹³ Article 4(1)(e) of the SSM Regulation.

¹⁴ Article 16(2)(m) of the SSM Regulation.

¹⁵ See the [Fit and Proper Questionnaire](#).

- **contact details**, such as address, email, phone number;
 - **knowledge, skills and experience**, such as information regarding practical, professional experience gained in previous occupations and theoretical experience (knowledge and skills) gained through education and training;
 - **reputation**, such as criminal record;
 - **conflicts of interest**, such as any close personal relationship with a member of a management body, any significant private business transactions with the supervised entity, positions of significant political influence, etc.;
 - **time commitment**, such as other professional or personal commitments or circumstances (e.g. involvement in a court case);
 - **collective suitability of the board**, such as the added value of a particular candidate in relation to the overall composition of the board.
- b) Personal data that has come to the knowledge of the competent authority by other means (e.g. via the media).
- c) Personal data that is not related to the applicant but to third parties.
- d) Any comments by the ECB and/or NCA staff members regarding the performance of the applicant during the fit and proper procedure (e.g. comments that reflect the opinion or the assessment of the examiner on the individual performance of the applicant, particularly in relation to their knowledge and competences in the relevant field).

1.6 Access to personal data collected and processed by the European Central Bank

For the purposes set out in Section 3, access to personal data is given to the following persons:

- staff of the NCAs;
- ECB staff of Joint Supervisory Teams (ECB Directorate General Microprudential Supervision I or II);
- dedicated staff members of the ECB Directorate General Microprudential Supervision III, Directorate General Secretariat to the Supervisory Board and the Authorisation Division of the Directorate General Secretariat to the Supervisory Board;
- members of the Supervisory Board and of the Governing Council of the ECB;
- other dedicated ECB staff members providing opinions and advice in the context of fit and proper assessments, such as the staff of Directorate General Legal Services;
- external experts and contractors working on behalf of the ECB who provide opinions and advice in the context of fit and proper assessments, such as external legal counsel;
- a limited number of staff members of other Union institutions, bodies, agencies, supervisory authorities and national authorities (e.g. criminal prosecutors, Anti-Money Laundering authorities).

1.7 Transfers of personal data to third countries

In the context of supervisory cooperation with authorities outside the European Economic Area (EEA), your personal data may be transferred outside the EEA upon request of a third country authority. In the absence of an adequacy decision, personal data may be transferred outside the EEA only if appropriate safeguards are in place, as set out in Article 48 of Regulation (EU) 2018/1725. In exceptional cases, international transfers of personal data may also take place based on the derogation provided for by Article 50 of Regulation (EU) 2018/1725.

1.8 Retention period

Personal data are stored as follows:

- for fifteen years from the date of application or notification if the application is withdrawn before a formal decision is reached;
- for fifteen years from the date of a negative decision;
- for fifteen years from the date the data subjects cease to be members of the management bodies of the supervised entity in the case of a positive ECB decision;
- For fifteen years from the date of the most recent ECB decision in case of reassessment based on new facts.

In the event that administrative or judicial proceedings are initiated, the retention period is extended and ends one year after such proceedings are concluded by a final decision.

1.9 Your rights as a data subject

You have the right to access your personal data and correct any data that is inaccurate or incomplete. You also have (with some limitations) the right to delete your personal data and to restrict or object to the processing of your personal data in line with Regulation (EU) 2018/1725.

1.10 Contact information in case of queries and requests

You can exercise your rights by emailing the ECB's Authorisation Division at Authorisation@ecb.europa.eu.

For all queries relating to personal data, please contact the ECB's Data Protection Officer at dpo@ecb.europa.eu.

1.11 Addressing the European Data Protection Supervisor

If you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data, you have the right to lodge a complaint with the [European Data Protection Supervisor](#) at any time.

1.12 Changes to this Privacy Statement

This Privacy Statement may be changed to take into account new legal developments.

Revision date: 15.05.2019

NBB PRIVACY STATEMENT

1. Privacy statement for the processing of personal data related to fit and proper assessments as part of the supervision of financial institutions

1.1 Data Protection legal framework applicable to the National Bank of Belgium

Processing of personal data by the National Bank of Belgium (NBB) falls within the scope of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation – GDPR).

1.2 The NBB as controller of processing personal data

The NBB is the controller of the data processing operations in the context of supervision of financial institutions.¹⁶

1.3 Purposes for processing personal data by the NBB

Personal data is collected and processed for the purpose of assessing whether the persons responsible for the management or for an independent control function meet the "fit and proper" requirements, i.e. whether they possess sufficient knowledge, skills and experience to fulfil their duties and are of sufficiently good repute.

¹⁶ Within the meaning of point (7) of Article 4 of the GDPR.

1.4 Lawfulness of the NBB's data processing operations

The processing of personal data for the aforementioned purposes is necessary within the meaning of Article 6(1)(c) and (c) of the GDPR, in conjunction with Article 12bis of the Law of 22 February 1998 establishing the organic statute of the National Bank of Belgium, with the specific laws governing the supervision of financial institutions and with the European rules governing the Joint Supervisory Mechanism.

In particular, the NBB must ensure compliance with the relevant regulation that imposes requirements on financial institutions, including the requirement to have in place robust governance arrangements, including the fit and proper requirements for the persons responsible for the management of financial institutions or for independent control functions.

Moreover, the persons responsible for the management or for an independent control function of the financial institution shall at all times be of sufficiently good repute and possess sufficient knowledge, skills and experience to perform their duties.

In order to ensure that fit and proper requirements are met at all times, the NBB may initiate a new assessment based on new facts or issues or if the NBB becomes aware of any new facts that may have an impact on the initial assessment of the person responsible for the management or for an independent control function.

1.5 Categories of personal data processed by the NBB

The following personal data is processed in relation to fit and proper assessments.

a) Personal data provided by the applicants (in written form or during interviews) which relate to:

personal details, such as full name, ID/passport number, nationality;

contact details, such as address, email, phone number;

knowledge, skills and experience, such as information regarding practical, professional experience gained in previous occupations and theoretical experience (knowledge and skills) gained through education and training;

reputation, such as criminal record;

conflicts of interest, such as any close personal relationship with a member of a management body, any significant private business transactions with the supervised entity, positions of significant political influence, etc.;

time commitment, such as other professional or personal commitments or circumstances (e.g. involvement in a court case);

collective suitability of the board, such as the added value of a particular candidate in relation to the overall composition of the board.

- b) Personal data that has come to the knowledge of the competent authority by other means (e.g. via the media).
- c) Personal data that is not related to the applicant but to third parties.
- d) Any comments by the ECB and/or NBB staff members regarding the performance of the applicant during the fit and proper procedure (e.g. comments that reflect the opinion or the assessment of the examiner on the individual performance of the applicant, particularly in relation to their knowledge and competences in the relevant field).

1.6 Access to personal data collected and processed by the European Central Bank

For the purposes set out in Section 3, access to personal data may be given to the following persons:

- NBB staff and members of the Management Committee of the NBB;
- ECB staff of Joint Supervisory Teams (ECB Directorate General Microprudential Supervision I or II);
- dedicated staff members of the ECB Directorate General Microprudential Supervision III, Directorate General Secretariat to the Supervisory Board and the Authorisation Division of the Directorate General Secretariat to the Supervisory Board;
- members of the Supervisory Board and of the Governing Council of the ECB;
- other dedicated ECB staff members providing opinions and advice in the context of fit and proper assessments, such as the staff of Directorate General Legal Services;
- external experts and contractors working on behalf of the NBB or ECB who provide opinions and advice in the context of fit and proper assessments, such as external legal counsel;
- a limited number of staff members of other Union institutions, bodies, agencies, supervisory authorities and national authorities (e.g. criminal prosecutors, Anti-Money Laundering authorities). ;
- third parties to whom the personal data are to be transferred in accordance with a legal provision.

1.7 Transfers of personal data to third countries

In the context of supervisory cooperation with authorities outside the European Economic Area (EEA), your personal data may be transferred outside the EEA upon request of a third country authority. In the absence of an adequacy decision, personal data may be transferred outside the EEA only if appropriate safeguards are in place, as set out in Article 46 of the GDPR. In exceptional cases, international transfers of personal data may also take place based on the derogation provided for by Article 49 of the GDPR.

1.8 Retention period

Unless otherwise provided by law, the personal data are stored as follows:

- for twenty years from the date of the request to withdraw the application before a formal decision is reached;
- for twenty years from the date of a negative decision;
- for twenty years from the date the data subjects cease to be members of the management bodies or of independent control functions of the supervised entity in the case of a positive decision;
- for twenty years from the date of the most recent decision in case of reassessment based on new facts.

In the event that administrative or judicial proceedings are initiated, the retention period is extended and ends one year after such proceedings are concluded by a final decision.

1.9 Your rights as a data subject

All persons whose data are being processed have the right, provided that the conditions laid down in the applicable laws and regulations in this respect are met:

- (1) to have access to such data and possibly have such data rectified;
- (2) to object to such processing on grounds relating to their particular situation;
- (3) to obtain erasure of such data or restriction of processing in relation to such data;

1.10 Contact information in case of queries and requests

For all queries relating to personal data or for the exercise of your rights, please contact the NBB's Data Protection Officer at dataprotection@nbb.be.

1.11 Addressing the Data Protection Authority

If you consider that your rights under the GDPR have been infringed as a result of the processing of your personal data, you have the right to lodge a complaint with the Data Protection Authority at any time.

1.12 Changes to this Privacy Statement

This Privacy Statement may be changed to take into account new legal developments.

Revision date: 08.11.2019

FINAL DECLARATIONS

Declaration of the appointee

The undersigned,

- confirms that the information provided in this questionnaire is accurate and complete to the best of his/her knowledge;
- declares to have the ability to commit sufficient time to duly perform his/ her function in the Supervised Entity;
- confirms that s/he will notify [name Supervised Entity] immediately if there is a material change¹⁷ in the information provided;
- authorises the NBB to make such enquiries and seek such further information as it thinks appropriate to identify and verify information that it considers relevant to the fit and proper assessment;
- confirms that s/he is aware of responsibilities arising from the European and national legislation and international standards, including regulations, codes of practice, guidance notes, guidelines and any other rules or directives issued by the ECB, by national competent authorities and by the European Banking Authority (EBA), which are of relevance to the function for which a positive assessment is sought, and also confirms the intention to ensure continued compliance with them.

Name:

Signature:

Date:

¹⁷ A material change is a change that may affect the suitability of the appointee.

Declaration of supervised entity

The undersigned

- confirm(s) that the information provided in this questionnaire is accurate and complete to the best of his/her/their knowledge;
- confirm(s) that the supervised entity will notify the NBB immediately if there is a material change in the information provided;
- confirm(s) that the supervised entity has requested the full information necessary to assess the appointee's suitability and that it has given due consideration to that information in determining the appointee to be fit and proper;
- confirm(s) that the description of the function for which a positive assessment is sought accurately reflects the aspects of the activities of the supervised entity which it is intended that the appointee will be responsible for;
- confirm(s) that the supervised entity believes, on the basis of due and diligent enquiry and by reference to the fit and proper criteria as laid down in national and EU law, that the appointee is a fit and proper person to perform the function as described in this questionnaire;
- confirm(s) that the supervised entity has made the appointee aware of the regulatory responsibilities associated with the function as described in this questionnaire;
- confirm(s) that he/she/they has/have authority to make this notification/application and provide the declarations given by, and sign this questionnaire on behalf of, the supervised entity.

Name of the institution:

Name(s):

Function(s):

Signature(s):