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| Boulevard de Berlaimont 14 – BE-1000 Brussels  tel. +32 2 221 38 12 – fax + 32 2 221 31 04  Company number: 0203.201.340  RPM (Trade Register) Brussels  www.bn – fax + 32 2 221 31 04  numéro d’entreprise: 0203.201.340  RPM Bruxelles  www.bnb.be | BNB EU Bil N&B Pos |
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|  | Brussels, 18 September 2018 |
| Appendix 1 to the handbook on assessment of fitness and propriety | |
| Form 3 “New elements” | |
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Scope

Credit institutions, stockbroking firms, payment institutions, electronic money institutions, settlement institutions, institutions equivalent to settlement institutions, central securities depositories and their supporting institutions, central depository banks, (re)insurance companies, (mixed) financial holding companies, insurance holding companies and certain branches.

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| 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.[[1]](#footnote-2)  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.  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.   1. a) Personal data provided by the applicants (in written form or during interviews) which relate to: 2. **personal details**, such as full name, ID/passport number, nationality; 3. **contact details**, such as address, email, phone number; 4. **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; 5. **reputation**, such as criminal record; 6. **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.; 7. **time commitment**, such as other professional or personal commitments or circumstances (e.g. involvement in a court case); 8. **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](mailto: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 |

**TITLE I. CONTACT DETAILS OF THE INSTITUTION**

*Please fill in the contact details of the institution at which the person in question holds a position which falls within the scope of the law.*

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| credit institution  stockbroking firm  payment institution  electronic money institution  settlement institution  institution equivalent to a settlement institution  central securities depository  institution supporting a central securities depository  central depository bank  insurance company  reinsurance company  financial holding company  insurance holding company  mixed financial holding company  If applicable  foreign branch of a Belgian institution ("outward passporting")  Belgian branch of a foreign institution |

1. Name of the institution

2. Address

3. Telephone and fax numbers

4. Company number

5. Nature of the institution

**TITLE II. PERSONAL DATA**

1. Surname

2. First name(s)

3. Place and date of birth

4. Gender

5. Nationality

6. Domicile

7. Place of residence (if different from the domicile mentioned in point 6.)

8. Telephone/ Mobile phone number

9. E-mail address

**TITLE III. DATA RELATING TO THE POSITION**

*Please state below the position which the person in question holds within the institution. Please check all boxes which apply to the person in question.*

 executive director

 non-executive director

 chairman of the management body

 chairman of the audit committee

 chairman of the remuneration committee

 chairman of the risk committee

 chairman of the appointment committee

 member of the audit committee

 member of the remuneration committee

 member of the risk committee

 member of the appointment committee

 member of the management committee

 chairman of the management committee

 senior manager of an institution with no management committee

 senior manager of a branch

 responsible person of the compliance function

 responsible person of the internal audit function

 responsible person of the risk management function

 responsible person of the actuarial function

**TITLE IV. NEW INFORMATION ABOUT THE PERSON IN QUESTION**

Please indicate in as much detail as possible what new information may adversely affect the suitability of the person in question for the position to be held. For the description of this information, we refer readers specifically to the questions in **TITLES II‑VI** of Form 1 "NEW APPOINTMENT".

**TITLE V. OTHER INFORMATION ABOUT THE PERSON IN QUESTION**

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| YES | NO |
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Do you believe you need to provide any other information which might be relevant to the assessment of the person in question?

If you answer in the affirmative, please provide this information below.

**TITLE VI. ENCLOSURES**

Please list below any enclosures which you are sending with this form. Please identify each enclosure precisely, stating the number of pages of which each of them is made up. Each enclosure must bear a specific sequential number.

**Declaration made by the person in question**

“I, the undersigned ……………………………………….....………………..................................................... (surname and first name(s) of the person in question), hereby declare that I have replied to this questionnaire accurately and in good faith.

I hereby undertake to inform the institution in question immediately of any change in relation to the information I have provided.

I also note that the deliberate providing of inaccurate and/or incomplete information will have a negative impact upon the appraisal of the qualities required of me for the purposes of holding the position in question.

I hereby declare that I shall be holding the position in question in my own name”.

Date and signature of person in question

**Declaration made by the institution in question**

“Acting in my capacity:

 as chairman of the management body

 as chairman of the management committee

 as a non-executive director

 as a senior manager of the foreign institution to which the senior manager of the branch in Belgium directly reports

of ………………………………………………...............……………….. (name of the institution in question), I, the undersigned, ……………………………………....………….............................…….. (surname and first name(s)) hereby declare, after having made the usual verifications, that the information provided by ………………………………………………....................……………………. (applicant's surname and first name(s)) to the National Bank of Belgium for the purposes of this form is accurate to the best of my knowledge.

……………………………………………….............................……….. (name of the institution in question)

hereby undertakes to immediately inform the National Bank of Belgium of any and all changes to the details contained in this form of which it may become aware and which would be likely to have an impact upon the appraisal of the applicant’s suitability by the National Bank of Belgium.”

Date, title and signature

1. Within the meaning of point (7) of Article 4 of the GDPR. [↑](#footnote-ref-2)