

To be filled out in the EDPS' office

REGISTER NUMBER: 853

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 03/04/2012

Case number: 2012-0326

Institution: EIB

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller
EUROPEAN INVESTMENT BANK (EIB)

2/ Organisational parts of the institution or body entrusted with the processing of personal data
OCCO - Office of the Chief Compliance Officer (contact person: Group Chief Compliance Officer)

3/ Name of the processing
AML-CFT Data Processing

4/ Purpose or purposes of the processing

<p>The European Investment Bank Group (EIB Group), consisting of the European Investment Bank (EIB) and the European Investment Fund (EIF), places great emphasis on integrity and good governance. As mentioned in its statutes, the EIB must apply best banking practices in all its activities and is therefore committed to the highest standards of anti money laundering (AML) and combating the financing of terrorism (CFT – together: AML-CFT) compliance. The EIB Audit Committee has approved the principle whereby best practices for AML-CFT at EIB are based on the principles laid down in the relevant EU Directives (basically Directive 2005/60 and 2006/70). The EIB Group requires management and employees to adhere to these standards to prevent use of the EIB Group products and services for money laundering or financing of terrorism purposes. The EIB Group is also committed to prevent it to enter into or maintain relationships with counterparties which could indicate an integrity or related reputation risk for the EIB Group and cause e.g. reputational damage or financial loss.</p>
<p>On this basis OCCO has drafted a Policy (see Annex A), together with an Explanatory Note (see Annex B) and an Integrity Questionnaire (see Annex C), still subject to discussion and final approval by the EIB Management Committee</p>
<p>5/ Description of the category or categories of data subjects</p> <p>Persons who directly or indirectly own legal entities with which EIB enters into business relationships in the context of the financing of its investment projects; persons who are entrusted with managerial roles in those legal entities, including Politically Exposed Persons (PEPs) as defined in the relevant EU legislation (AML-CFT Directive 2005/60, Article 3 (8); and Directive 2006/70, Article 2.</p>
<p>6/ Description of the data or categories of data(<i>including, if applicable, special categories of data (article 10) and/or origin of data</i>)</p> <p>Identification data ; data related to offences, public criminal records, investigation and prosecution; business relationships. These data are directly or indirectly collected from publicly available sources (mostly Internet websites, specialised databases available on the market) or external service providers.</p>
<p>7/ Information to be given to data subjects</p> <p>Reference to the fact that personal data processing is run by EIB according to the provisions of Reg 45/2001 is included in the revised EIB Master Finance Contract. The text of the EIB Group Policy on AML/CFT (Annex A) will be available to the public and will contain the following statement: "6. <i>Data Protection Notice</i> <i>Personal data submitted to the Bank in the context of the Integrity and AML-CFT Policy will be processed in accordance with (EC) Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Community Institutions and Bodies and on the free movement of such data. They will be processed under the supervision of the EIB Group Chief Compliance Officer (GCCO) and used only for the EIB's AML-CFT purpose, in accordance with the provisions applicable to this Policy. Data subjects are entitled to access, rectify and block these data, and may exercise their rights by contacting the GCCO and/or the European Data Protection Supervisor at any time.</i></p> <p>.</p>
<p>8/ Procedures to grant rights of data subjects(<i>rights of access, to rectify, to block, to erase, to object</i>)</p>

Rights conferred by Reg 45/2001 can be exercised by sending requests to OCCO. Requests will be processed in accordance with the principles and rules laid down in Reg. 45/2001 and the EIB Code of Administrative behaviour for staff (see Annex D), as amended and supplemented. As already acknowledged by EIB and EDPS in the course of previous exchanges (see section 17 below), rights conferred by the Regulation and in particular access and information rights can be restricted or limited on a case-by-case basis in accordance with Article 20 and Article 20.1.a, b, and c, of the Regulation. Furthermore, considering that in most cases EIB has no direct or contractual relationships with individuals concerned, the exception provided for in Article 12.2 could also be applied.

9/ Automated / Manual processing operation

Data are collected by the operational services and by the Compliance officers through electronic means from Internet websites and specialised databases tools available on the market (generally used by the banking industry). Relevant findings are presented in a Compliance opinion which is annexed to the documentation regarding financing projects sent to the Bank's governing bodies in view of the final financing decision.

10/ Storage media of data

Data are collected and stored in electronic form in a restricted area of the Bank's servers. They are also kept in paper files in dedicated OCCO cupboards and then transferred to the EIB Central Archives.

11/ Legal basis and lawfulness of the processing operation

TFUE, Articles 67.3, 75, 215 and 325; Protocol n° 5 (EIB Statute), in particular Articles 16 and 18.1; AML- CFT Directives 2005/60 and 2006/70; Council Decisions and Regulations on restrictions under the EU Common Foreign Security Policy.

12/ The recipients or categories of recipient to whom the data might be disclosed

Members of the EIB governing bodies; EIB internal services on a need-to-know basis; EU institutions and bodies established by the EU Treaties or on the basis thereof (in particular, OLAF); national Financial Intelligence Units (administrative or judicial bodies competent for AML-CFT issues under Directive 2005/60).

13/ retention policy of (categories of) personal data

Article 30 of Directive 2005/60 stipulates a conservation period of at least five years following the end of the relevant business relationship. To minimise risk of possible requests for access from EU and national courts or administrative bodies in the context of investigations and criminal or civil actions, it is prudent to establish a conservation period of ten years from the end of the business relationship.

13 a/ time limits for blocking and erasure of the different categories of data

(on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

Data subjects may request blocking and erasure of data anytime. Data controller will execute within 30 working days from the request.

14/ Historical, statistical or scientific purposes

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,

OCCO will not store data beyond the retention period indicated above.

15/ Proposed transfers of data to third countries or international organisations

Apart from recipients indicated in section 12 above, it is not envisaged to transfer data to third countries or international organisations.

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

All sections in Article 27 may justify a prior checking, with particular reference to Article 27.2 (a) - suspected offences, criminal convictions and security measures; and (b) - evaluation of personal aspects.

AS FORESEEN IN:

☐ Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

☐ Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

☐ Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

☐ Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

☐ Other (general concept in Article 27.1)

17/ Comments

the EDPS is notified as a prior checking. Some of the aspects were already discussed between OCCO and EDPS back in 2008 (ref. notification form dated 31st August 2007; EIB letter of 29.07.2008; EDPS reply of 15.09.2008).

PLACE AND DATE: Luxembourg, 03.04.2012

DATA PROTECTION OFFICER: Jean-Philippe MINNAERT

INSTITUTION OR BODY: EIB - European Investment Bank

To be filled out in the EDPS' office