



EDPS  
EUROPEAN DATA PROTECTION SUPERVISOR

# EDPS SUPERVISORY OPINION ON THE AMENDMENT OF INTERNAL RULES OF THE EUROPEAN CENTRAL BANK CONCERNING RESTRICTIONS OF DATA SUBJECT RIGHTS (Case 2023-1336)

## 1. INTRODUCTION

1. This Supervisory Opinion relates to the amendment of internal rules of the European Central Bank concerning restrictions of data subject rights in connection with the European Central Bank's internal functioning, as well as in connection with the European Central Bank's tasks relating to the prudential supervision of credit institutions.
2. The EDPS issues this Supervisory Opinion in accordance with Article 41(2) of Regulation (EU) 2018/1725<sup>1</sup>, ('the Regulation').

## 2. FACTS

3. On 6 December 2023, the European Central Bank consulted the EDPS on its draft decision amending Decision (EU) 2021/1486<sup>2</sup> adopting internal rules concerning restrictions of rights of data subjects in connection with the European Central Bank's tasks relating to the prudential supervision of credit institutions, as well as on its draft decision amending Decision (EU) 2022/2359<sup>3</sup> adopting internal rules concerning restrictions of rights of data subjects in connection with the European Central Bank's internal functioning.
4. The draft decisions aim at clarifying in which circumstances a decision to restrict data subject rights can be taken at the level of Deputy Head of the relevant business area

---

<sup>1</sup> Regulation (EU) 2018/1725 of the European Parliament and 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, pp. 39-98.

<sup>2</sup> OJ L 328, 16.9.2021, p. 15-22

<sup>3</sup> OJ L 311, 2.12.2022, p. 176-198

in which the processing operation of personal data is carried out or when the relevant business area does not have a Deputy Head. Equally, the draft decisions clarify who is to decide on the restriction on data subject rights when the processing operation is carried out by functions that are not allocated to a business area.

### **3. LEGAL ASSESSMENT**

5. The EDPS welcomes the fact that the draft decisions clarify who adopts restriction decisions at the European Central Bank by exhaustively addressing situations where a deputy head can decide on restriction of data subject rights, as well as situations where business areas do not have a deputy head, and situations where functions are not allocated to a business area.
6. The EDPS' assessment is that such amendments do not affect data subject rights.

### **4. CONCLUSION**

In light of the above, the EDPS concludes that the European Central Bank has demonstrated compliance with Article of 25 of the Regulation and that the draft internal rules do not seem to involve a breach of any provisions of the Regulation.

Done at Brussels on 22 January 2024

*[e-signed]*

Wojciech Rafał WIEWIÓROWSKI