

Decision (EU) 2020/655 of the European Central Bank of 5 May 2020 adopting implementing rules concerning data protection at the European Central Bank and repealing Decision ECB/2007/1 (ECB/2020/28)

DECISION (EU) 2020/655 OF THE EUROPEAN CENTRAL BANK
of 5 May 2020

adopting implementing rules concerning data protection at the European Central Bank and repealing Decision ECB/2007/1 (ECB/2020/28)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 11.6 thereof,

Having regard to 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⁽¹⁾, and in particular Article 45(3) thereof,

Whereas:

- (1) Regulation (EU) 2016/679 of the European Parliament and of the Council⁽²⁾ sets out general rules to protect natural persons with regard to the processing of personal data and to ensure the free movement of personal data within the Union.
- (2) Regulation (EU) 2018/1725 repeals Regulation (EC) No 45/2001 of the European Parliament and of the Council⁽³⁾ and sets out the data protection principles and rules applicable to all Union institutions, bodies, offices and agencies.
- (3) In order to ensure a consistent approach to personal data protection throughout the Union and free movement of personal data within the Union, it is necessary to align as far as possible the data protection rules applicable to Union institutions and bodies with the data protection rules adopted for the public sector in the Member States. Whenever the provisions of Regulation (EU) 2018/1725 follow the same principles as the provisions of Regulation (EU) 2016/679, those two sets of provisions should be interpreted homogeneously, in particular because the scheme of Regulation (EU) 2018/1725 should be understood as equivalent to Regulation (EU) 2016/679.
- (4) Article 43 of Regulation (EU) 2018/1725 requires each Union institution or body to designate a data protection officer. Pursuant to Article 45(3) of Regulation (EU) 2018/1725, each Union institution or body must adopt further implementing rules concerning the data protection officer. The implementing rules must in particular concern the tasks, duties and powers of the data protection officer.

Changes to legislation: There are currently no known outstanding effects for the Decision (EU) 2020/655 of the European Central Bank, Introductory Text. (See end of Document for details)

- (5) For reasons of efficiency and in line with past practice, the data protection officer of the European Central Bank (ECB) may be authorised to also cover data protection issues in relation to the European Systemic Risk Board (ESRB) if the ESRB's General Board decides to appoint the ECB's data protection officer as the ESRB's data protection officer.
- (6) The implementing rules should also set out how data subjects may exercise their rights and how persons responsible for the processing of personal data should fulfil their duties within Union institutions and bodies.
- (7) Whilst the ECB is the legal entity responsible for the protection of natural persons with regard to the processing of personal data under both Regulation (EU) 2018/1725 and this Decision, the processing operations may in practice be carried out by different organisational units within the ECB.
- (8) Regulation (EU) 2018/1725 prescribes what remedies are available to a data subject for complaints concerning data protection against a Union institution, including the right to lodge a complaint with the European Data Protection Supervisor as laid down in Articles 63 and 68 of that regulation. Accordingly ECB staff members should rely on these remedies for complaints made by them as data subjects concerning data protection after the date of application of this Decision rather than remedies contemplated in the Conditions of Employment for Staff of the European Central Bank.
- (9) The ECB intends to separately provide for restrictions concerning specific principles, rights and obligations concerning data protection in certain well defined circumstances as contemplated by Article 25 of Regulation (EU) 2018/1725 and therefore the date of application of this Decision should be 1 November 2020 to enable those restrictions to be separately provided for.
- (10) Given the repeal of Regulation (EC) No 45/2001 by Regulation (EU) 2018/1725, Decision ECB/2007/1⁽⁴⁾ should be repealed and replaced by this Decision,

HAS ADOPTED THIS DECISION:

Changes to legislation: There are currently no known outstanding effects for the Decision (EU) 2020/655 of the European Central Bank, Introductory Text. (See end of Document for details)

- (1) [OJ L 295, 21.11.2018, p. 39.](#)
- (2) 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) ([OJ L 119, 4.5.2016, p. 1.](#))
- (3) Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 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 ([OJ L 8, 12.1.2001, p. 1.](#))
- (4) Decision ECB/2007/1 of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank ([OJ L 116, 4.5.2007, p. 64.](#))

Changes to legislation:

There are currently no known outstanding effects for the Decision (EU) 2020/655 of the European Central Bank, Introductory Text.