

Commission Delegated Regulation (EU) No 153/2013 of 19 December  
2012 supplementing Regulation (EU) No 648/2012 of the European  
Parliament and of the Council with regard to regulatory technical standards  
on requirements for central counterparties (Text with EEA relevance)

CHAPTER IV

**RECORD KEEPING**

**(Article 29 of Regulation (EU) No 648/2012)**

*Article 12*

**General requirements**

1 A CCP shall keep records in a durable medium that allows information to be provided to the competent authorities, ESMA and relevant European System of Central Banks (ESCB) members, and in such a form and manner that the following conditions are met:

- a each key stage of the processing by the CCP may be reconstituted;
- b the original content of a record before any corrections or other amendments may be recorded, traced and retrieved;
- c measures to prevent unauthorised alteration of records are in place;
- d security and confidentiality of the data recorded are ensured through appropriate measures;
- e a mechanism for identifying and correcting errors is incorporated in the record keeping system;
- f the timely recovery of the records in the case of a system failure is ensured within the record keeping system.

2 Where records or information are less than six months old, they shall be provided to the authorities listed in paragraph 1 as soon as possible and at the latest by the end of the following business day following a request from the relevant authority.

3 Where records or information are older than six months, shall be provided to the authorities listed in paragraph 1 as soon as possible and within five business days following a request from the relevant authority.

4 Where the records processed by the CCP contain personal data CCPs shall have regard to their obligations under Directive 95/46/EC of the European Parliament and of the Council<sup>(1)</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>(2)</sup>.

5 Where a CCP maintains records outside the Union, it shall ensure that the competent authority, ESMA and the relevant members of the ESCB are able to access the records to the same extent and within the same periods as if they were maintained within the Union.

6 Each CCP shall name the relevant persons who can, within the delay established in paragraphs 2 and 3 for the provision of the relevant records, explain the content of its records to the competent authorities.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 153/2013, Article 12. (See end of Document for details) EUR 2013 No. 153 may be subject to amendment by EU Exit Instruments made by the Bank of England under powers set out in The Financial Regulators' Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1115), regs. 2, 3, Sch. Pt. 3. These amendments are not currently available on [legislation.gov.uk](http://legislation.gov.uk). Details of relevant amending instruments can be found on their website/s. (See end of Document for details)

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7 All records required to be kept by a CCP under this Regulation shall be open to inspection by the competent authority. A CCP shall provide the competent authority with a direct data feed to the records required under Articles 13 and 14, when requested.

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- (1) OJ L 281, 23.11.1995, p. 31.
- (2) OJ L 8, 12.1.2001, p. 1.

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