[FYA] Questions on the BE SA decision on FATCA

Dear colleagues,

In view of a possible presentation of its decision on FATCA by the BE SA at the next FMESG meeting on 6 June 2023, we would like to invite you, in advance of this meeting, to publish in this forum page any questions you may have for the BE SA on this decision by Monday 5/06 (noon).

For your information, the decision is available here. (only in French). For your convenience, you will also find below an (unofficial) automated translation in English: DecisionFATCA_AutomatedTranslation_EN.docx

Thank you in advance for your cooperation.

Best regards,

2 Comments

Author: Redacted

Dear all, Many thanks for providing a machine-translated version of the BE SA’s decision. The crucial point in our view is the applicability of Art. 96 GDPR. From the decision, the reasoning of BE SA is quite clear. In connection with the decision, IMY has (as most if not all SA’s have) received a letter from AAA that refers to BE SA’s decision and that is framed as a complaint. Unfortunately, we will miss tomorrow’s FMESG/ITS meeting, but we are discussing internally how to handle this letter and our preliminary view is that we will not handle the letter as a complaint. The reasons for this are: The letter is not authored by a complainant nor is AAA representing any complainant in Sweden. The letter does not specify which personal data processing operation(s) are subject to the complaint, and, The letter does not address or specify any controller or processor responsible for the data processing operation(s) at hand. Therefore, our preliminary intention is to handle the letter as a tip rather than a complaint. However, we would be interested in hearing the views of other SA’s on how to handle the letter: Do any of you intend to handle AAA’s letter as a complaint? Do any of you intend to initiate an own-volition inquiry following AAA’s letter? Do any of you believe that there should be co-ordinated enforcement action following AAA’s letter? With best regards (IMY/SE)

05 Jun, 2023

Author: Redacted

Dear colleagues, The Dutch SA has received a letter from AAA following the BE ruling, but this letter will be included in the already pending complaint file of the AAA, on the basis of which investigations already are taking place. We do not regard this letter as a separate complaint. Best regards

06 Jun, 2023