



Final

Financial Matters Expert Subgroup meeting

14 January 2019, Brussels, Rue Montoyer 30 01x56

Items

Approval of the Agenda

The draft agenda was revised by adding information on Access to Document requests as item after ESMA. The item on Credit Cards was moved forward after the PSD2 Workshop item. An AOB item was added. The modified agenda was adopted.

Outcomes of the EDPB Plenary and SAESG meeting

The coordinator informed the participants of the FMES that the mandate to produce an Opinion on the PSD2 and to organize a workshop on the PSD2 has been granted. The coordinator participated in the SAESG meeting to have an overview of the work done by the different expert subgroups and the work program of the EDPB and informed participants of the potential collaboration with other expert subgroups.

Reorganization of expert subgroups + FMES Working Plan for 2019

The work program was presented and discussed. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PSD2 Opinion (Rapporteur: [REDACTED])

The rapporteur presented the outline of the draft document. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The participants of the meeting were requested to provide comments and examples by 24 January 2019.

14/01/2019

PSD2 Workshop

██████████ of the Secretariat provided an overview on how the Secretariat can provide logistical support on the organization of the workshop. The EDPB has been approached by stakeholders that wish to provide input before the public consultation. On the topic of PSD2 an issue may be that not for all stakeholders groups or representatives exist. The workshops are linked specifically to the item on which guidance will be created. The workshop will aim at gathering information. Once a format has been agreed the Coordinator will together with the Secretariat provide further information to the expert subgroup.

Credit Cards for Distant payments and post transaction retention (Rapporteur: ██████████)

This item was moved forward in the Agenda.

FATCA (Rapporteur: [REDACTED])

The statement drafted by the rapporteur was presented which incorporated the comments received. It was clarified that the guidelines referenced are produced by the International Transfers expert subgroup.

The statement was slightly modified to provide a clearer wording and also reference the latest letter sent by the EDPB and agreed upon. The participants are invited to provide further comments until 21 January 2019. The rapporteur will request the revised statement to be adopted via written procedure.

ESMA AA (Rapporteur drafting team: ██████████)

The letter sent by ESMA and IOSCO was presented. A draft for an Art 64.2 GDPR opinion on the administrative arrangement will be prepared by the drafting team. The draft opinion will clarify that the implementation and application of the administrative arrangement will be monitored. [REDACTED]

Participants are requested to provide comments as soon as possible. The first draft EDPB Opinion will be circulated by the drafting team by 21 January 2019. The final deadline for comments is the 28 January 2019.

Access Requests

This item was added in the Agenda.

The Secretariat gave a presentation on the Access Request rules applicable to the EDPB as a legal body under EU legislation relating to the access requests. The rapporteurs of the items offered to assist the Secretariat on the assessment of these items.

The Secretariat also informed the participants of the expert subgroup that an infonote on this topic will be presented at the next Plenary.

Cryptocurrencies and Blockchain

The coordinator introduced ██████████, who gave a presentation on the FinTech action plan with a focus on Blockchain and related initiatives such as the establishing of the European Blockchain Observatory. A report on Blockchain and the GDPR has been created for the European Commission

and [REDACTED] offered to present potential questions of the Expert Subgroup to the authors of the report.

e-invoice and creation of centralised database by Ministries of Finance (Rapporteur: [REDACTED])

The rapporteur informed the participants of the expert subgroup about an Opinion issued by her SA. The issue relates to the obligation of the centralised collection of electronic invoices. This may lead to massive and detailed processing of personal data.

The coordinator of the Compliance ESG reported that this issue was also raised in the Compliance ESG. Also in other Member States similar database are created. As a legal basis the transposition of a directive was given in some member states.

Participants were invited to consult their authority on whether there is interest to request a mandate to work on the issue. This work would be done in collaboration with the Compliance ESG.

National updates on data protection in the financial sector

Participants provided updates from their national authorities.

AOB

The Financial Stability Board approached a Supervisory Authority, presenting their ethical commission, which may have common items with the FMES. Participants agreed that any external entity will need to formally contact the EDPB to request participation in an expert subgroup meeting.

To-do/Next steps

Please insert the TO DO + date of the next meeting if known

- PSD2 Opinion: comments and examples by 24 January 2019 to the rapporteur
- PSD2 Workshop: Coordinator to liaise with Secretariat
- Credit Cards: participants to inform the Coordinator by the 24 January 2019
- FATCA statement: participants are invited to provide comments by the 21 January 2019. A revised statement will be provided by the rapporteur
- FATCA questionnaire: comments and additional questions to be provided by the 21 January 2019. After revision of the questionnaire it will be circulated with a two months period for responses.
- ESMA AA: drafting team to provide draft opinion by the 21 January 2019. Comments on the draft can be provided until the 28 January 2019
- e-invoice: participants to consult their authority on this item and report back at the next FMES meeting

Annex: Attendance List

DPA's: BG, DE (Federal, Hesse), EDPS, ES, FI, FR, HR, IE, IT, LU, LV, NL, RO, UK

- European Commission

- Observers: Name the -ad hoc & permanent- observers separately;

- EDPB Secretariat