

DIRECTORATE GENERAL SECRETARIAT

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Request for public access to ECB documents on the composition and rotations of joint supervisory teams

Dear Mr Kohl,

Further to our reply dated 20 October 2023 and based on the fair solution¹ reached with you on 25 August 2023, we are now coming back to you as regards your second request, namely *“for the period between 1 January 2016 till today, an overview of the composition (and any changes thereof) of Joint Supervisory Teams for each supervised entity (including, but not limited to, any rotations of JST coordinators and members and an indication whether that coordinator/member is from the ECB, the “home” NCA or another NCA). If such an overview document does not exist, any correspondence (including, but not limited to, emails, letters, and/or telephone call notes), indicating/announcing any rotations by JST coordinators and members.”*

Background information

As a preliminary remark, it is useful to note that prior to the reorganisation of the banking supervisory directorates of the ECB in October 2020, direct supervision had been conducted by two Directorates General (Directorate Microprudential Supervision 1 (DG/MS1) and Directorate Microprudential Supervision 2 (DG/MS2)). From 1 October 2020 direct supervision is being performed by three dedicated Directorates General, namely the Directorates General of Systemic and International Banks (DG/SIB), Universal and Diversified Institutions (DG/UDI) and Specialised Institutions and Less Significant Institutions (DG/SPL).

A rotation principle is being applied to ECB JST members which, among others, prevents the development of close relationships with supervised entities². As a general rule and from the establishment of ECB’s supervision over the significant credit institutions in the euro area, JST

¹ Your confirmation email dated 25 August 2023.

² See [letter of Ms Nouy on “State of play regarding the nationality of Joint Supervisory Team coordinators and rotation”](#)

coordinators and members are expected to rotate on a regular basis every three to five years, with some flexibility (see also the ECB's 2014 "Guide to banking supervision"³, p.15).

To this extent the ECB has held and continues to hold records of JST coordinators and staff in our internal Information Management System (IMAS) database⁴. This system launched in November 2014 simultaneously with the inception of the SSM and it constitutes the main tool for the JSTs, providing the technical basis for harmonised processes and consistency in the supervision of credit institutions. In particular, IMAS allows European banking supervision to capture information about the appointed JST coordinators and staff. Information is updated on an ongoing basis which reflects changes due to rotation, recruitment or mobility.

Last but not least the ECB also publishes general information on the composition and internal organisation of the JSTs on the ECB Banking Supervision website⁵.

Identification of documents

The ECB, after having carefully examined your request in accordance with Decision ECB/2004/3, has identified one ECB document of relevance to your application, namely an overview table on the composition of JST teams in the three Directorate Generals (DG/SIB, DG/UDI and DG/SPL) extracted from the internal IMAS database. This document includes information on the staff overview (names and surnames) as well as the allocation of the respective roles, thus providing an overview of the composition of all the JSTs.

To this extent we would also like to note that in regard to the respective managers, a list of all current ECB managers⁶, which in the majority of the JSTs also serve as the JST coordinators, is already proactively published by the ECB. A list⁷ of all ECB managers of the previous years is also available on the ECB's public register. As regards this part of the scope of your request we are happy to refer you to this public disclosure.

As regards the other non-managerial ECB members of JSTs, we regret to inform you that access cannot be granted, neither in full nor in part, to the relevant parts of the identified document as disclosure would undermine the interests protected under (i) Article 4(1)(b) of Decision ECB/2004/3 the privacy and the integrity of the individual in particular in accordance with Community legislation regarding the protection of personal data and (ii) the eighth indent of Article 4(1)(a) ("the Union's or a Member State's policy relating to the prudential supervision of credit institutions and other financial institutions". The explanations provided below clarify the

³ ECB's Guide to banking supervision
<https://www.bankingsupervision.europa.eu/ecb/pub/pdf/ssmguidebankingsupervision201409en.pdf>

⁴ See [SSM Annual Report 2014 \(page 42\)](#)

⁵ Joint Supervisory Teams information page
<https://www.bankingsupervision.europa.eu/banking/approach/jst/html/index.en.html>

⁶ List of ECB Managers (as of 15 October 2023)
https://www.ecb.europa.eu/ecb/pdf/orga/ecb.ECB_managers.mt.pdf

⁷ List of ECB Managers in the ECB's Public Register
https://www.ecb.europa.eu/ecb/access_to_documents/document/pa_document/employment_matters/html/index.en.html

ECB's decision not to disclose – even partially - the respective parts of the document in question.

Protection of personal data - Article 4(1)(b)

In the identified document, all non-publicly available parts containing personal data of non-managerial staff members of the ECB are to be redacted, together with any information that would make the data subjects identifiable. Personal data are protected by Article 4(1)(b) of Decision ECB/2004/3 in conjunction with Article 9 of Regulation (EU) 2018/1725⁸ which stipulates that, for the transfer of personal data, the recipient must establish a necessity to have personal data transmitted.

As described, the identified document constitutes an overview table serving the purpose of a point of reference for the composition of the JSTs and the contact information of all involved in bank-specific supervision. As a result, the non-publicly available parts of the document cannot be disclosed since it could render the respective non managerial data subjects identifiable. In the case at hand, the parts of the identified documents that contain ECB staff members' details are confidential as they relate to *"the privacy and integrity of the individual"*. The ECB considers that disclosing these parts of the document in question would enable third parties to identify non managerial ECB staff members directly or indirectly, which would constitute a breach of relevant EU legislation on data protection. The ECB's transparency policy around the topic of staff organisation is fully in line with data protection rules under Regulation (EU) 2018/1725 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. The publications listed above, relating to ECB managers, reflect an appropriate balance between the ECB's commitment to transparency and the need to fulfil data protection requirements, especially in regard to protection of ECB members of staff.

Since you have not established a necessity to have such personal data transmitted to you, access to personal data in the document must be refused on the basis of Article 4(1)(b) of Decision ECB/2004/3.

Prudential supervision policy - eighth indent of Article 4(1)(a)

Pursuant to the eighth indent of Article 4(1)(a) of Decision ECB/2004/3, the ECB must refuse access to documents where disclosure would undermine the public interest as regards "the Union's or a Member State's policy relating to the prudential supervision of credit institutions and other financial institutions".

It is worth noting that such IMAS overview tables are technical documents including references to technical categories of data relating to the composition of the JSTs.

⁸ 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 (OJ L 295, 21.11.2018, p. 39).

By disclosing any further information on the specific roles allocated to the members, as included in the identified document, the ECB would indirectly reveal information on the size and developments in the composition of individual JSTs and the SSM's underlying supervisory methodology and processes, thus potentially reducing their effectiveness. More specifically, the size, overall composition and organisation of the JSTs, can vary depending on the nature, complexity, scale, business model and risk profile of the credit institution⁹ and could indirectly be inferred by the allocation of roles. Detailed information on the respective allocation may also lead to speculation, among market participants, credit institutions and other parties, about the ECB's supervisory methodology and processes as well as indicate the priorities given on specific institutions based on the composition, organisation and/or size of the respective JST. Moreover, taken out of context or seen in isolation, (developments in) the composition of the JST allocated to a certain supervised entity or the relevant rotations could potentially create the wrong impression or lead to a wrong interpretation about developments regarding such entity.

Against this background, the ECB holds the view that disclosure of the non publicly available data could compromise the effective conduct of its banking supervision activities, which would on a broader context subsequently interfere with the ECB's responsibility to ensure the safety and soundness of the European banking system and to contribute to the integration and stability of the financial system within the Union.

For these reasons, the ECB considers that disclosure of the remaining parts of the identified document would specifically and effectively undermine the protection of the public interest as regards the Union's or a Member State's policy relating to the prudential supervision of credit institutions and other financial institutions, pursuant to the eighth indent of Article 4(1)(a) of Decision ECB/2004/3.

Final Remarks

With regard to the non publicly available data of the identified overview table in relation to non managerial ECB staff members, for the sake of good order, we would like to draw your attention to Article 7(2) of Decision ECB/2004/3, which provides that "in the event of total or partial refusal, the applicant may, within 20 working days of receiving the ECB's reply, make a confirmatory application asking the ECB's Executive Board to reconsider its position".

Yours sincerely,

[signed]

Petra Senkovic

Director General Secretariat

[signed]

Marguerite Louisa Karydi

Head of the Compliance and Governance
Division

⁹ ECB's Guide to banking supervision p. 15
<https://www.bankingsupervision.europa.eu/ecb/pub/pdf/ssmguidebankingsupervision201409en.pdf>