

Decision of the European Ombudsman in the case 215/2020/DDJ concerning the manner in which the European Central Bank and European Data Protection Board dealt with an alleged breach of the GDPR by financial institutions in the EU

Decision

Case 215/2020/DDJ - Opened on 21/02/2020 - Decision on 21/02/2020 - Institution concerned European Central Bank (No maladministration found) |

Dear Mr X,

On behalf of your client, you have submitted a complaint to the European Ombudsman against the European Central Bank (ECB) and European Data Protection Board (EDPB) for not acting on alleged systemic breaches of the General Data Protection Regulation (GDPR) by credit institutions in the EU when implementing Anti-Money Laundering (AML), Know Your Customer (KYC), and Counter-Terrorism Financing (CTF) procedures. The Ombudsman has asked me to deal with your complaint on her behalf.

Based on the information provided to us, the Ombudsman finds no maladministration by the ECB and the EDPB. [1]

You have approached the ECB and the EDPB, requesting them to take action on the matter of your concern.

The ECB replied that it is not competent to enforce data protection rules. The ECB referred to the relevant provisions in the GDPR (articles 51 and 55-58) and advised you to turn to the competent national authorities. The ECB provided you with the contact details of the competent national authorities.

As I understand from your letter to the ECB, you received similar advice from the EDPB when you brought the issue of your concern to its attention.

The information that the ECB and the EDPB provided is correct. It is not the role of the ECB and the EDPB to monitor and enforce the application of the GDPR. It is for each EU Member State to provide for one or more independent public authorities to be responsible for monitoring the application of the GDPR (article 51). The ECB and the EDPB thus advised you correctly.



The Ombudsman closes the case.

As per our previous letter, should you wish to obtain a translation of this decision into Latvian, please let us know by contacting the responsible case handler.

Yours sincerely,

Tina Nilsson Head of Inquiries - Unit 4

Strasbourg, 21/02/2020

[1] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link]