

13<sup>th</sup> August 2019

*Via e-mail only*

Mr Joseph Cuschieri  
Chief Executive Officer  
Malta Financial Services Authority  
Notabile Road  
Attard BKR 3000

Dear Mr Cuschieri,

**RE: Request for authorisation in order to use the proposed Administrative Arrangement for transfers of personal data to non-EEA market regulators**

I refer to your letter dated 29<sup>th</sup> May wherein you request this Office's authorisation in order to use the proposed Administrative Arrangement (AA) as an appropriate safeguard within the meaning of Article 46(3)(b) of the General Data Protection Regulation (GDPR), in order to carry out transfers of personal data to non-EU market regulators.

Reference is also made to the proposed AA which has been developed following two years of discussions between the representatives of the European Securities and Markets Authority (ESMA) and of the International Organisation for Security Markets (IOSCO), with the participation and guidance of the Article 29 Working Party and subsequently the European Data Protection Board (EDPB), in which I am actively involved.

Having considered the proposed AA and mindful of the involvement by the EDPB both during the plenary and in dedicated subgroup meetings; and

Having regard to Opinion 4/2019 issued by the EDPB in which it considers that: *"the AA ensures appropriate safeguards when personal data will be transferred on the basis of this AA to public bodies in third countries not covered by a European Commission adequacy decision;"*

In terms of Article 46(3) of the GDPR, I hereby authorise the Malta Financial Services Authority (MFSA) to rely on the proposed AA for the transfer of personal data to non-EU market regulators.

In view of this authorisation, MFSA shall assess other bilateral or multilateral agreements currently in force in relation to non-EU market regulators. Where such agreements provide for the exchange of personal data, these shall be aligned with, or further supplemented by the new AA, in order to ensure that all transfers are subject to the level of data protection afforded by the AA.

The EDPB will also be notified about this authorisation in line with Article 64 of the GDPR.

Yours sincerely,



Saviour Cachia  
Commissioner

cc. Dr Kristina Pavia – Data Protection Officer