

Proposal for amendment of Guidelines 01/2022 on data subject rights - Right of access

Dear all,

It will be very useful if the Guidelines provide more examples regarding the financial/banking sector with regards to anti-money laundering and terrorist counterfeiting requirements applicable. To what extent would be the right to access applicable when the information concerns different cases related to processing for AML purposes. There is not enough on this subject in the Guidelines – only p.96 explains that the controller shall provide “Data inferred from other data, rather than directly provided by the data subject (e.g. to assign a credit score or **comply with anti-money laundering rules**, algorithmic results, results of a health assessment or a personalization or recommendation process)”.

This is very broad and leaves room for interpretation.

For example, if there is a match of the subject’s data with a person in a sanction list, shall this information be revealed to the subject or not or it depends if the match is confirmed positive (the person is sanctioned) or the match is a false positive (the person is not the sanctioned one).

If a bank has received letter from the police to provide information about a client in connection with some investigation and subsequently an answer is provided, shall the bank include this information to the subject in case of a SAR as the police is a recipient to whom the personal data have been disclosed?

Regarding “black lists” nothing is provided in the Guidelines as example and those are not even mentioned. Black lists are a real-life scenario, in fact not only for the financial institutions out there, but also retailers, telecoms, etc.

Kind regards,

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