

Nr.	Item	Selection of members for ESMA Groups
1	Name of the Controller	ESMA's Head of Governance and External Affairs Department - gea.dataprotection@esma.europa.eu
1,1	Address of the Controller	ESMA, 201-203 Rue de Bercy, 75012 Paris, France
1,2	ESMA Area Entrusted with Processing	This record refers to the data collected as part of the selection of members to compose the various ESMA groups (BoA, SMSG, CWG, SCs, MB, Panels* and any other ad hoc groups). Since selection is performed by different departments within the organisation, a few designated staff are entrusted with processing of personal data in each department, which is ultimately managed by the the Data Controller in Governance and External Affairs Department.
1,3	Processors (If any)	N/A
2	Name and contact details of DPO	ESMA DPO dpo@esma.europa.eu
3	Name and contact details of processor (where applicable)	N/A
4	Purpose of the processing	ESMA is an independent EU Authority whose functioning relies on the participation of different stakeholders to multiple groups (BoA, SMSG, CWG, SCs, MB, mediation, validation and enforcement Panels, and any other ad hoc groups) to achieve its goals. The establishment and composition of many of these groups is set out in ESMA Regulation (e.g. Article 37 set out the rules for the SMSG, Article 58 sets out the rules for the BoA,... ). As part of the selection process for ESMA Groups, ESMA processes personal data of individuals. Keeping and processing this data allows the organisation to select members to compose its groups and create reserve lists with names of candidates who could be selected should a member step down.
5	Description of categories of persons whose data ESMA processes and list of data categories	<p><u>Categories of persons:</u></p> <ul style="list-style-type: none"> <li>- Representatives of National Competent Authorities (NCAs) and other authorities at national level (e.g. representatives of Central Banks in certain jurisdictions may have to participate where the concerned topic is within their remit)</li> <li>- ESMA staff</li> <li>- Representatives of EU institutions/authorities (e.g. European Commission, other European Supervisory Authorities, etc)</li> <li>- Academics (e.g. ad hoc advisors, members of CWGs, members of SMSG, etc.)</li> <li>- Market participants representatives (e.g. representatives of industry associations or entities that are members of CWGs, SMSG, etc)</li> <li>- Investors' representatives (e.g. associations of retail investors, etc)</li> <li>- Small and medium enterprises (e.g. SMSG and BoA, etc)</li> <li>- Consumers representatives (e.g. SMSG and BoA, etc)</li> <li>- Users of financial services (e.g. SMSG and BoA, etc)</li> <li>- Employee representatives (e.g. SMSG and BoA, etc)</li> <li>- Legal practitioners (e.g. BoA, etc)</li> </ul> <p><u>Categories of data:</u> the personal data processed may differ depending on the ESMA Group concerned.</p> <p>For all ESMA Groups, the following personal data are collected: name and contact details (emails and telephone numbers). This is the case for example for members of ESMA Standing Committees or Working Groups who are designated by each NCA further to a simple call for participants. Additional personal data are collected for Groups which are set up after an open competition through a formal selection procedure (such as the BoA or the SMSG).</p> <p><u>More specifically:</u></p> <p>ESMA's groups with selection process based on an open competition among National Competent Authorities (MB, Panels, Assessment groups for Peer Reviews):</p> <ul style="list-style-type: none"> <li>•MB: CVs (containing any relevant data provided by candidates, such as name, NCA they represent, professional and academic background, short biography), cover letters and declaration of interest.</li> <li>•Panels: CVs (containing any relevant data provided by candidates, such as name, NCA they represent, professional and academic background, short biography);</li> <li>•Assessment groups for Peer Reviews: name, NCAs they represent, short biography, confidentiality undertakings.</li> </ul> <p>ESMA's groups with selection process based on an open public competition:</p> <ul style="list-style-type: none"> <li>•SMSG: CVs (containing any relevant data provided by candidates, such as name, nationality, organisation, telephone number, e-mail address, birth date, professional and academic background), cover letters, and declaration of interest.</li> <li>•BoA: CVs (containing any relevant data provided by candidates, such as name, nationality, telephone number, e-mail address, birth date, professional and academic background), biographies and declaration of interest;</li> <li>•CWGs: CVs (containing any relevant data provided by candidates, such as name, nationality, organisation, telephone number, e-mail address, birth date, professional and academic background) and cover letters</li> </ul> <p>ESMA's groups with a selection process which relies on designation by NCAs or other EU bodies (e.g. SCs, working groups, task forces or networks):</p>

6	Time limit for keeping the data	<p>ESMA Groups with selection process based on an open public competition or open competition among NCAs (e.g. BoA, SMSG, CWGs, MB, Panels, AG): ESMA will keep the personal data collected through the selection process until 5 years after the data subjects have ceased to be members of the concerned groups. For non selected candidates, ESMA will keep the personal data for five years after the selection process is completed. In case of legal challenge, personal data will be stored until the period of res judicata</p> <p>ESMA Groups with a selection process which relies on designation by NCAs or other EU bodies (e.g. SCs, working groups, task forces or networks), ESMA will keep the contact details only for as long as the data subject is member of the concerned group.</p>	
7	Recipients of the data	<p>BoA: data is received by both ESMA Chair and Executive Director, and a restricted number of ESMA staff involved in the process of selecting BoA members. Part of the data provided by the selected BoA members is published on ESMA website. This includes name, photo, academic and professional experience and declaration of interest (<a href="https://www.esma.europa.eu/about-esma/governance/board-appeal">https://www.esma.europa.eu/about-esma/governance/board-appeal</a> and <a href="https://www.esma.europa.eu/members-board-appeal">https://www.esma.europa.eu/members-board-appeal</a>).</p> <p>SMSG: data is received by both ESMA Chair, ESMA Executive Director, and a restricted number of ESMA staff involved in the process of selecting SMSG members. Part of the data provided by the selected SMSG members is published on ESMA website. This includes name, photo, professional and academic background, name and category/industry they represent (<a href="https://www.esma.europa.eu/about-esma/governance/smsg">https://www.esma.europa.eu/about-esma/governance/smsg</a>).</p> <p>SCs : data is received only by a restricted number of ESMA staff . ESMA publishes on its website the names and the NCAs of those representatives who chair each standing committee (<a href="https://www.esma.europa.eu/about-esma/working-methods/standing-committees">https://www.esma.europa.eu/about-esma/working-methods/standing-committees</a>).</p> <p>CWGs: data is received only by a restricted number of ESMA staff involved in the process of selecting members for CWGs. Part of the data provided by the selected members of the CWGs is published on ESMA website, which includes names, organisations and function within their organisations (<a href="https://www.esma.europa.eu/about-esma/working-methods/standing-committees">https://www.esma.europa.eu/about-esma/working-methods/standing-committees</a>).</p> <p>MB: the Management Board is composed of six members selected from the Board of Supervisors by its members, who have access to personal data. The selection process relies on the data provided by the candidates as part of their participation in the Board of Supervisors and is available on ESMA website (<a href="https://www.esma.europa.eu/about-esma/governance/management-board">https://www.esma.europa.eu/about-esma/governance/management-board</a>, <a href="https://www.esma.europa.eu/about-esma/governance/board-supervisors-and-ncas">https://www.esma.europa.eu/about-esma/governance/board-supervisors-and-ncas</a>, and <a href="https://www.esma.europa.eu/about-esma/governance/ethics-and-conflict-interests">https://www.esma.europa.eu/about-esma/governance/ethics-and-conflict-interests</a>). Part of the data provided by the selected members of the MB is published on ESMA website, which includes names, organisations and function within their organisations. Data related to the selection process of former MB members can be accessed by designated staff internally and is removed from the ESMA website once they are replaced by new members.</p> <p>Panels: Panels are composed by members of the Board of Supervisors, who have access to the concerned personal data. The selection process relies on the data provided by the candidates as part of their participation in the Board of Supervisors and is available on ESMA website (<a href="https://www.esma.europa.eu/about-esma/governance/board-supervisors-and-ncas">https://www.esma.europa.eu/about-esma/governance/board-supervisors-and-ncas</a> and <a href="https://www.esma.europa.eu/about-esma/governance/ethics-and-conflict-interests">https://www.esma.europa.eu/about-esma/governance/ethics-and-conflict-interests</a>).</p> <p>AGs: data is received only by a restricted number of ESMA staff. The list of the selected Assessment group members is published together with the Peer Review reports.</p>	
8	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	No	
9	General description of security measures, where possible.	<p>BoA: the applications are received by encrypted e-mail. Once received, the applications are saved in SharePoint and can only be accessed by designated ESMA staff. Part of the data is published on the ESMA's website (see box 7 above for further details).</p> <p>SMSG: applications containing data are sent by the candidates themselves to ESMA by e-mail. Once received, they are saved in SharePoint and can only be accessed by designated ESMA staff (see above). Part of the data is made available on ESMA website (see above).</p> <p>SCs and CWGs: applications containing data are sent by the candidates themselves to ESMA by e-mail or uploaded by candidates using the EUsurvey tool, depending on the provisions in the relevant call for candidates. Once received, they are saved in SharePoint or kept in a functional e-mail box that can only be accessed by designated ESMA staff. Part of the data is published on ESMA website (see above).</p> <p>AGs: data is stored in Sharepoint that can be only accessed by designated ESMA staff. The list of Assesmnet group members is published together with the Peer Review reports.</p> <p>MB: data is stored in SharePoint and can only be accessed by designated ESMA staff. Part of the data are published on the ESMA website (see above).</p> <p>Panels: data is stored in SharePoint and can only be accessed by designated ESMA staff. Part of the data are published on the ESMA website (see above).</p> <p>ESMA's IT infrastructure is protected by physical and logical security measures: the servers are installed on a high-security data centre with restricted physical access to the machines. Network firewalls protect the logic perimeter of the ESMA IT infrastructure; and the main computer systems holding the data are security hardened. Administrative measures include the obligation for ESMA staff and service providers maintaining the equipment and systems to have signed non-disclosure and confidentiality agreements.</p>	

10	Information on how to exercise your rights to access, rectification, object and data portability (where applicable), including recourse right	<p>You may exercise your rights by contacting the Data Controller at: <a href="mailto:gea.dataprotection@esma.europa.eu">gea.dataprotection@esma.europa.eu</a></p> <p>a) You are entitled to access your information relating to your personal data processed by ESMA, verify its accuracy and, if necessary, correct it in case the data is inaccurate or incomplete.</p> <p>b) You have the right to request the erasure of your personal data, if your personal data is no longer needed for the purpose of the processing, if you withdraw your consent or if the processing operation is unlawful.</p> <p>c) You can ask the Data Controller to restrict the personal data processing, under certain circumstances, such as if you contest the accuracy of the processed personal data or if you are not sure if your personal data is lawfully processed.</p> <p>d) You may also object, on compelling legitimate grounds, to the processing of your personal data.</p> <p>e) Additionally, you may have the right to data portability which allows you to make a request to obtain the personal data that the Data Controller holds on you and to transfer it from one Data Controller to another, where technically possible.</p> <p>In some cases your rights might be restricted in accordance with Article 25 of the Regulation (EU) 2018/1725. In each case, ESMA will assess whether the restriction is appropriate. The restriction should be necessary and provided by law, and will continue only for as long as the reason for the restriction continues to exist. For further information, please see <a href="http://www.esma.europa.eu/data-protection">www.esma.europa.eu/data-protection</a></p> <p>If you have additional questions or concerns you can also contact: <a href="mailto:DPO@esma.europa.eu">DPO@esma.europa.eu</a></p> <p>You have the right to lodge a complaint with the European Data Protection Supervisor (<a href="mailto:edps@edps.europa.eu">edps@edps.europa.eu</a>) if you consider that your rights under the Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by ESMA.</p>
----	---	--

- \* CWG - Consultative Working Groups
- \* SC - Sanding Committees
- \* MB - Management Board
- \* BoA - Board of Appeals
- \* AG - Assessment groups for Peer Reviews