



# RegTech for CNPD Collaboration LIST / CNPD

— Novembre 2016



LUXEMBOURG  
INSTITUTE  
OF SCIENCE  
AND TECHNOLOGY



# RegTech for CNPD

## Objectifs

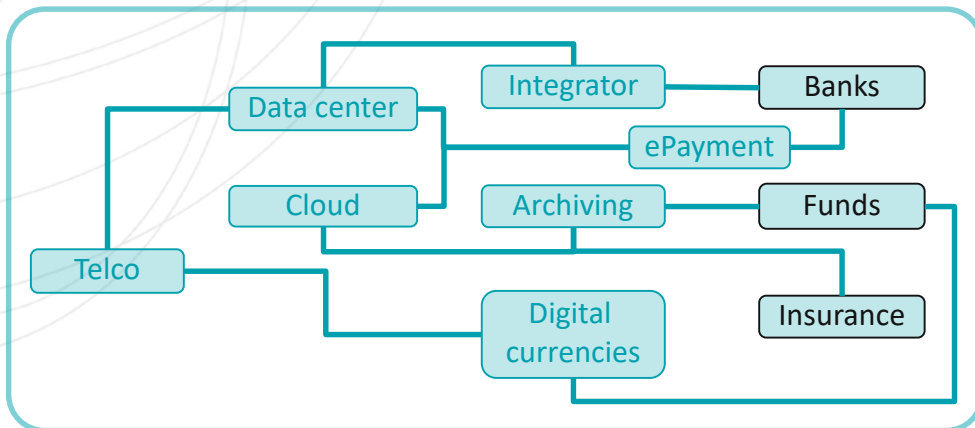
- **Sensibiliser** les entreprises aux règles de la Data Protection
- **Faciliter** la mise en **conformité** et la gestion des **risques**
- **Faciliter la supervision** par le régulateur
- **Anticiper** l'application de la GDPR
- **Contribuer** à la gouvernance nationale entre les régulateurs

# RegTech for CNPD

## Contexte du projet



### Un écosystème complexe



### Un ensemble de régulateurs



## Un écosystème de confiance

Equilibre entre **régulation et innovation**, entre **régulation et cout de mise en conformité**,  
**Adaptation dynamique** de l'écosystème aux nouveaux risques, lois et exigences réglementaires.

# RegTech for CNPD

## Rappel d'exigences de la GDPR



- The GDPR has a **risk-based approach**:
  - What has to be assessed is the risk represented by the processing to the rights and freedoms of the affected data subjects (DS)
- **Accountability**: responsible for and be able to demonstrate compliance
- Measures of both organizational and technical nature have to be put in place to mitigate this risk
  - Non-exhaustive list of potential measures:
    1. Establishment of an **internal data protection policy** supported by C-level management
    2. Setting up **written and binding data protection policies** to be considered and applied to new data processing operations (e.g. compliance with data quality, notice, security principles, access etc.) which should be available to the DS
    3. **Mapping of procedures** to ensure proper identification of all data processing operations and maintenance of an inventory of data processing operations
    4. Establishment of **internal procedure** prior to the creation of new data processing operations (internal review, assessment etc.)

# RegTech for CNPD

## Rappel d'exigences de la GDPR



- Non-exhaustive list of potential measures:
  5. Appointment of a **data protection officer** (DPO) and other individuals with responsibility for data protection
  6. Offering adequate **data protection training and education** to staff members and the allocation of **sufficient resources** for data protection management - i.e. Human resources directors, IT managers, developers, director of business units
  7. Setting up of **procedures to manage access, correction and deletion requests** which should be transparent to DS
  8. Establishment of an internal **complaints handling mechanism**
  9. Setting up internal procedures for the effective management and reporting of security **breaches** setting up “incident management” in order to notify an incident, the DC/DP first needs to be able to (technically) identify it
  10. Performance of **data protection impact assessments** in specific circumstances (even if it is not mandatory)
  11. Internal/external **audits**
  12. **Sub-contracting** management (with DP)

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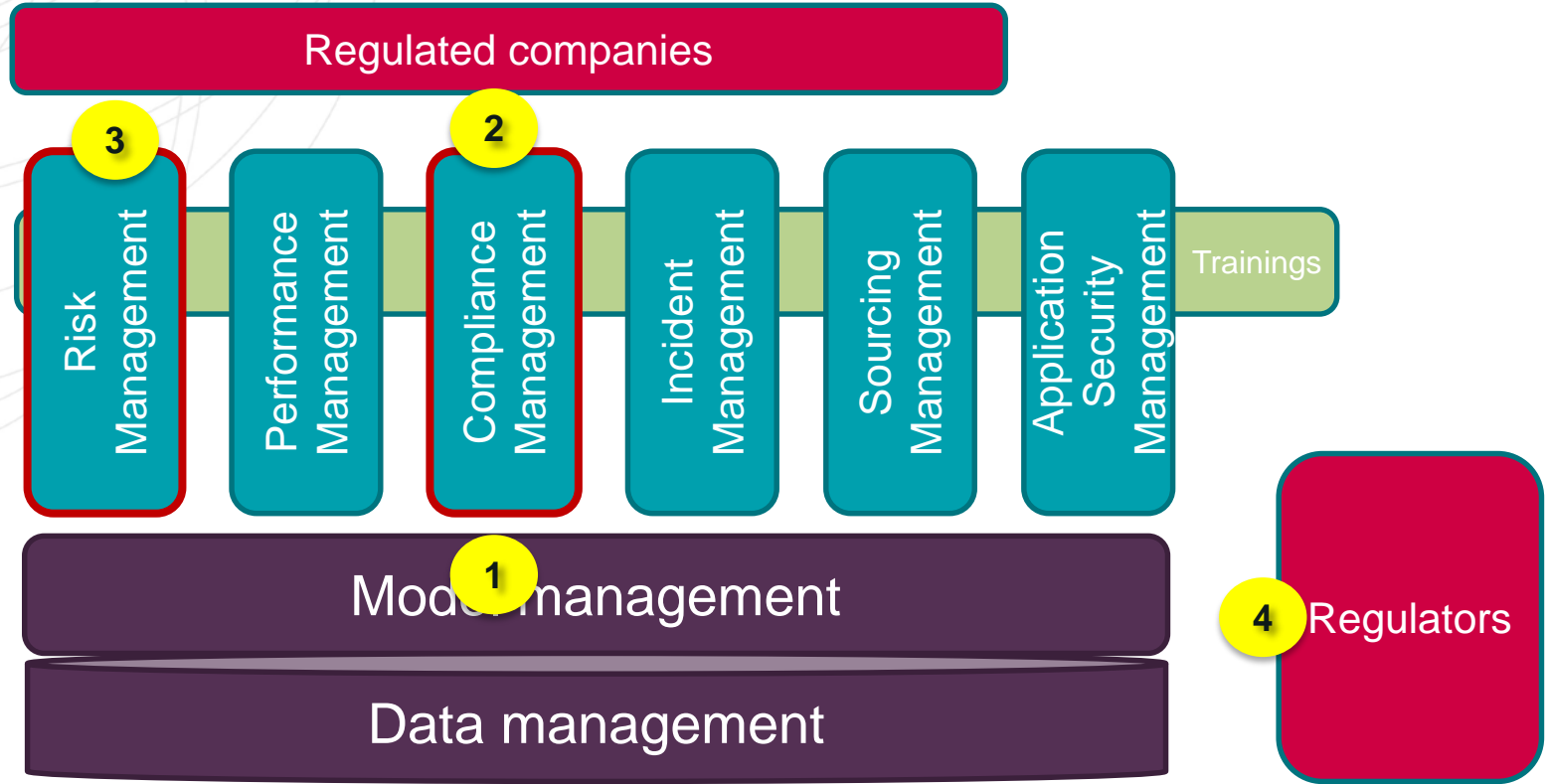
## Rappel d'exigences de la GDPR



- Need to be able to show “**evidence of compliance**”: i.e. policies, procedures, records, results of audits, DPIA
- **Transparency** vis-à-vis the DS, DPAs, and the public in general (Art. 5.1a, Art. 12) i.e. through the publication of annual reports
- Mapping data processing activities and keeping **detailed records** thereof
  - ✓ Record keeping is an obligation incumbent to both DC and DP (Art. 30)
  - ✓ The GDPR provides for a list of information to be contained in such records
  - ✓ All records shall be written, including in electronic form

# RegTech for CNPD

## Une plate-forme RegTech intégrée



# RegTech for CNPD

## Résultats attendus

1

2

3

4

- 1. Regard de l'investisseur externe...
- 2. Information de la loi...
- 3. Responsabilité de la gestion de la loi...
- 4. Information de la gestion de la loi...
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Generic control objective	Does the institution define and monitor the identity of a new client (in the fully established business pending any business relations) before admitting the account opening?	Control Assessment	N	2	4	6	8	10
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GDPR

Control objective	Control objective	Control objective	Control objective	Control objective	Control objective	Control objective	Control objective	Control objective	Control objective
1.01	1.02	1.03	1.04	1.05	1.06	1.07	1.08	1.09	1.10
1.11	1.12	1.13	1.14	1.15	1.16	1.17	1.18	1.19	1.20
1.21	1.22	1.23	1.24	1.25	1.26	1.27	1.28	1.29	1.30
1.31	1.32	1.33	1.34	1.35	1.36	1.37	1.38	1.39	1.40
1.41	1.42	1.43	1.44	1.45	1.46	1.47	1.48	1.49	1.50





# RegTech for CNPD

## 3 projets pour une première liste de services



- Outil de gestion des risques
- Outil de gestion de la conformité
- Outil d'analyse des données
- Formation

European Directive & 2011/02/27 Law

Telcos

### RegTech National Platform



- Outil de gestion des risques
- Interface de gestion de la conformité
- Formation
- Outil d'analyse des données

CSDR & RAR Circular

CSD & PSFs



- Outil de gestion des risques
- Outil de gestion de la conformité
- Outil de préparation des audits

GDPR

Critical sectors

# RegTech program

## Engagement national

- Budget estimé : 5 – 10 M€ pour 5 ans
- Support des ministères et agences nationales :
  - **Ministère de l'Economie**
  - **Ministère des Finances**
  - **Service Media et Communication**
  - **Ministère de l'Enseignement Supérieur et de la Recherche**
  - **Fond National pour la Recherche**
  - **Luxinnovation**
- Large contribution des régulateurs :
  - **CSSF**
  - **CNPD**
  - **ILR**



# RegTech program

## Premier outil



John Doe  
CSD Luu S.A.  
CSD Validator

support  
disclaimer  
sign out

CSDR-CMT Application Mgr.

**Part 1 - CSD Requirements**

**Part 2 - CSD Banking Type Ancillary Services - Capital Requirements**

**Part 3 - CSD Interoperable Link Requirements**

# RegTech program

## Premier outil



### Part 1 • CSD Requirements

Part 1 - CSD Requirements

Draft

### Part 2 • CSD Banking Type Ancillary Services - Capital Requirements

Part 2 - CSD Banking Type Ancillary S ...

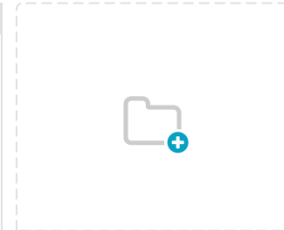
Credit Institution : **Credit Institution 1**

Sent

Part 2 - CSD Banking Type Ancillary S ...

Credit Institution : **Credit Institution 2**

Draft



### Part 3 • CSD Interoperable Link Requirements

Part 3 - CSD Interoperable Link Require...

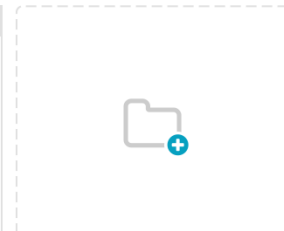
CSD IOP Linked : **CSD 1**

Draft

Part 3 - CSD Interoperable Link Require...

CSD IOP Linked : **CSD 2**

Draft



# RegTech program

## Premier ou



### 11 • Requirements for CSD links

CSDR Title III Central Securities Depositories | Chapter II - Requirements for CSDs | Section 5 - Requirements for CSD links |

Art.48 of the CSDR

11.1 • Monitoring and management of additional risks resulting from the use of the indirect links or intermediaries to operate CSD links

ESMA RTS Chapter XI CSD Links | (Art.48(5) of the CSDR)

#### ESMA RTS Art.85.1

The applicant CSD has procedures to ensure that where it, as requesting CSD, uses an indirect link, it ensures that:

#### → ① CR761 / ESMA RTS Art.85.1a

the intermediary is one of the two following:

F ⋮



#### → ① ② CR762 / ESMA RTS Art.85.1a(i)

a credit institution as defined in Art.4.1.1 of EU Regulation 575/2013 that complies with the following requirements

F ⋮



#### → ① ② ③ CR763 / ESMA RTS Art.85.1a(i)(a)

it complies with the Art.38.5 of CSDR [CR282 to CR284]

F ⋮



#### ① ② ③ CR764 / ESMA RTS Art.85.1a(i)(a)

it complies with the Art.38.6 of CSDR [CR285, CR286]

F ⋮



# RegTech program

## Premier outil



### ESMA RTS Art.85.1

The applicant CSD has procedures to ensure that where it, as requesting CSD, uses an indirect link, it ensures that:

#### → ① CR761 / ESMA RTS Art.85.1a

the intermediary is one of the two following:

F

- (empty)

None

Partially

Largely

Fully

Not Applicable

#### → ① ② CR762 / ESMA RTS Art.85.1a(i)

a credit institution as defined in Art.4.1.1 of EU Regulation 575/2013 that complies with the following requirements

F

×

#### → ① ② ③ CR763 / ESMA RTS Art 85.1a(i)(a)

# RegTech program

## Premier outil



① ② ③ CR766 / *ESMA RTS Art.85.1a(i)(c)*

it has low credit risk

① ② ③ CR767 / *ESMA RTS Art.85.1a(i)(c)*

this low credit risk assessment is established by an internal assessment performed by the reporting CCP

→ ① ② ③ ④ CR768 / *ESMA*

To perform the internal

① ② ③ ④ CR769 / *ESMA*

To perform the internal

**Linked Document(s)**

Document(s) List

- Ref. 001 File\_financial\_...

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Ref.001 File\_financial\_reporting.xls

Ref.002 File\_financial\_001.xls

Ref.003 File\_financial\_002.xls

Ref.004 File\_financial\_003.xls

Ref.005 File\_financial\_004.xls

Ref.006 File\_financial\_005.xls

Ref.007 File\_financial\_006.xls

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# RegTech program

## Premier outi



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(drop a file in this area to add document in your library)  
only xls, pdf, doc, jpeg, png are allowed,  
no macro allowed

 Ref.001 / [File\\_financial\\_reporting.xls](#)

Related to : CR01, CR02



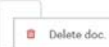
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No related requirement(s)



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Related to : CR01, CR02



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Related to : CR01, CR02



 Ref.006 / [File\\_financial\\_005.xls](#)

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