

Consolidated text of Circular 03/2018. Partially amended by Circular 01/2025.

Application of general data protection regulation to compliance with provisions on storage of data relating to settlement of transactions by Sociedad de Gestión de los Sistemas de Registro, Compensación y Liquidación de valores

Iberclear

February 2025

Regulation 1.- Communication of personal data

Pursuant to the regulatory provisions referred to in the recitals of this Circular, Iberclear receives from settlement participants, trading venues, central counterparties and other central depositories ~~and their respective members and participants~~ information on the trading, settlement instructions, ~~settlement restriction orders~~, securities accounts it holds, and information necessary for the provision of ancillary services.

~~The information received by Iberclear includes the identification of the clients of the members and participants. Such client identification is information owned by such members and participants, and they are the owners of the files in which such identification must be contained, where it is personal data.~~

~~In the event that such information contains personal data, the communication of these data to Iberclear and their processing of these data by Iberclear is carried out in its capacity as central securities depository and in compliance with the aforementioned provisions.~~

~~Participants, trading venues, central depositories and central counterparties shall refrain from transmitting personal data which are not strictly necessary for the provision of the relevant services.~~

Regulation 2.- Purpose of the information

Iberclear shall process the personal data ~~that may be contained in the information it receives from~~ its participants ~~supplied by its members~~, by trading venues, central counterparties ~~and~~, other central depositories ~~and the members and participants in the same~~ in relation to their securities settlement and registration activities and ~~management of the information system~~ for the ~~sole~~ purpose of furnishing the data to the competent authorities for the supervision of central securities depositories and their activities ~~and the provision by Iberclear of basic essential and ancillary services such as shareholder identification, among many others as provided for in the Iberclear Regulations.~~

Regulation 3.- Transfer of information

In order to comply with its obligations of settlement and registration of securities ~~and, as the case may be, clearing of transactions~~, Iberclear will report the information on such transactions to infrastructures responsible for clearing, settlement and registration, and to their respective members and participants, and to the issuers of securities.

~~Iberclear may, for legitimate interest, transfer data between the companies of the Group to which it belongs, for internal administrative purposes in order to be able to provide the services correctly.~~

Iberclear, as part of the SIX Group of companies, may transfer personal data to SIX Group AG and other affiliated companies of the group established in Switzerland, a country which is covered by the European Commission Adequacy Decision 2000/518/EC of 26 July 2000, which establishes that this country guarantees an adequate level of protection.

Regulation 4.- Storage of the information

Pursuant to the regulatory provisions referred to in the recitals of this Circular, Iberclear must record all records relating to services rendered and activities performed ~~register the information it receives from its settlement participants, trading venues, central counterparties, other central depositories and their members and participants~~, in the format and detail stipulated in such provisions, and keep this at the disposal of the competent authorities for at least ten years for the purposes of supervision of activities of securities settlement and registration.

Iberclear implements appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage to personal data.

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