



BOARD OF THE BANK OF LITHUANIA

RESOLUTION ON THE APPROVAL OF THE DESCRIPTION OF THE PROCEDURE FOR IMPLEMENTING THE RIGHTS OF DATA SUBJECTS AT THE BANK OF LITHUANIA

24 May 2018 No 03-86
Vilnius

Acting pursuant to Article 11(1)(7) of the Republic of Lithuania Law on the Bank of Lithuania and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the Board of the Bank of Lithuania **r e s o l v e s**:

1. To approve the Description of the Procedure for Implementing the Rights of Data Subjects at the Bank of Lithuania (hereinafter – the Description) (appended).
2. To establish that the provisions of the Description also apply in the cases when the Bank of Lithuania collected data subjects' data prior to the entry into force of the Description.

Deputy Chairman of the Board
Deputising for the Chairman of the Board

Raimondas Kuodis

APPROVED
by Resolution No 03-86
of the Board of the Bank of
Lithuania
of 24 May 2018

DESCRIPTION OF THE PROCEDURE FOR IMPLEMENTING THE RIGHTS OF DATA SUBJECTS AT THE BANK OF LITHUANIA

CHAPTER I GENERAL PROVISIONS

1. The Description of the Procedure for Implementing the Rights of Data Subjects at the Bank of Lithuania (hereinafter – the Description) shall regulate the procedure for implementing at the Bank of Lithuania the rights of data subjects stipulated in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter – the Regulation).

2. The terms used in the Description shall be interpreted within the meaning of the Regulation and other legal acts of the Republic of Lithuania.

3. The Description has been drawn up in accordance with the Regulation.

4. This Description provides for the exercise of the rights of data subjects where the Bank of Lithuania acts as the data controller or where the Bank of Lithuania acts as the data processor in compliance with the obligations laid down in an agreement between the Bank of Lithuania and the data controller.

5. Requests of data subjects to provide their personal data processed in the Loan Risk Database shall be examined in accordance with the Rules for managing the Loan Risk Database approved by Resolution No 125 of the Board of the Bank of Lithuania of 21 December 1995 on the Approval of the Rules for managing the Loan Risk Database (from 1 October 2018 – the Rules for managing the Loan Risk Database approved by Resolution No 03-65 of the Board of the Bank of Lithuania of 18 April 2018 on the Approval of the Rules for managing the Loan Risk Database).

6. The provisions regulating the procedure for making and examining requests and preparing replies, as specified in the Rules for the Examination of Requests and Complaints and the Provision of Services to Individuals at the Bank of Lithuania approved by Resolution No 03-76 of the Board of the Bank of Lithuania of 8 May 2014 on the Approval of the Rules for the Examination of Requests and Complaints and the Provision of Services to Individuals at the Bank of Lithuania (hereinafter – the Rules for the Examination of Requests and Complaints and the Provision of Services to Individuals at the Bank of Lithuania), shall apply to the examination of requests of data subjects for the implementation of their rights to the extent that it is not regulated by this Description.

CHAPTER II RIGHTS OF DATA SUBJECTS AND THE PROCEDURE FOR MAKING REQUESTS FOR THE IMPLEMENTATION OF THESE RIGHTS

7. Data subjects shall have the following rights stipulated in the Regulation:

7.1. the right to know (to be informed) about the processing of their personal data at the Bank of Lithuania;

7.2. the right of access to personal data processed at the Bank of Lithuania;

7.3. the right to rectification of data;

7.4. the right to erasure of data ('right to be forgotten');

7.5. the right to restriction of the processing of personal data;

7.6. the right to object to the processing of personal data;

7.7. the right to the portability of personal data.

8. In order to implement the rights referred to in point 7 of the Description (except for

the right referred to in point 7.1 of the Description), the data subject must submit a written request in person, by post, courier or by electronic means in accordance with the procedure laid down in the Description (hereinafter – a Request).

9. A Request must be made:

9.1. in writing:

9.1.1. upon direct arrival at the Bank of Lithuania – Requests shall be accepted by internal telephone numbers of the Bank of Lithuania: 029, 030 or by asking for a responsible officer of the General Services Division of the Services Administration Department of the Organization Service of the Bank of Lithuania, Monday to Friday, during business hours of the Bank of Lithuania, including lunch breaks, and on Tuesdays also from 17:00 to 19:00;

9.1.2. by placing it in mailboxes of the Bank of Lithuania at the address: Totorių g. 4 or Žirmūnų g. 151, Vilnius, on business days from 7:00 to 18:00;

9.1.3. by sending it by post to the address: Totorių g. 4, LT-01121 Vilnius;

9.2. by sending it by email to info@lb.lt.

10. An electronic Request shall be made in such a way as to enable:

10.1. recognition of the format and content of the electronic document;

10.2. its opening and processing using an electronic document management system or other information technology tools used by the Bank of Lithuania.

11. The Request must be made in the state language, be legible, signed by the data subject and must contain the data subject's full name, personal number, contact information, information about which right, as specified in point 7 of the Description, and to what extent he/she wishes to implement, as well as information on the manner in which the data subject wishes to receive a reply. A Request made in a foreign language shall be examined in compliance with the Rules for the Examination of Requests and Complaints and the Provision of Services to Individuals at the Bank of Lithuania. The Request template shall be set out in Annex 1 to this Description.

12. When making a Request, the data subject must prove his/her identity:

12.1. if the Request is made directly to an officer, the data subject must provide the officer with an identification document. The Bank of Lithuania shall retain a copy of the identification document;

12.2. if the Request is made by post or courier, the Request must be accompanied by a copy of the identification document attested by a notary or being equivalent to notarial attestation;

12.3. if the Request is made by electronic means, the Request must be made in such a way as to enable the identification of the electronic signature and the person making the Request.

13. The data subject shall have the right to implement the rights specified in point 7 of the Description either himself/herself or through a representative authorised in accordance with the procedure laid down by laws. The representative submitting a Request to the Bank of Lithuania or the representative applying to the Bank of Lithuania on behalf of the person represented and submitting the Request to the Bank of Lithuania that meets the requirements set out in the Description, must also submit a document confirming representation executed in accordance with the procedure laid down by legal acts of the Republic of Lithuania (the Bank of Lithuania shall retain a copy of the document confirming representation).

14. The Bank of Lithuania must examine the data subject's Request and provide the data subject with a reply in the manner indicated in the Request not later than within one month after receiving the Request. If, during the examination of the Request, the applicant adjusts (supplements) it or makes a substantially new Request, the time limit for the examination thereof shall be calculated from the receipt of the adjusted (supplemented) request.

15. The period referred to in point 14 of the Description may be extended by further two months, taking account of the complexity of the Request and the number of Requests under examination. Before extending the period of examination of the Request, the Bank of Lithuania shall inform the data subject about the extension of the period of examination of the Request and provide reasons for the extension of the time limit.

16. If the data subject's Request is manifestly unfounded or excessive, in particular because of its repetitive character, the Bank of Lithuania shall have the right to refuse to act on the Request. When refusing to act on the Request, the Bank of Lithuania must indicate in writing the reasons for the refusal and inform the data subject about the data subject's right to

lodge a complaint with the State Data Protection Inspectorate.

17.If the Bank of Lithuania has reasonable doubts as to the identity of a natural person who has made the Request, the Bank of Lithuania, when examining the Request, shall have the right to request additional information or documents required to prove the identity of the data subject. In such a case, the time limit for the examination of the Request shall be extended by the period within which the data subject provides additional information or documents.

18.The Bank of Lithuania shall have the right to refuse to examine the Request if the Request is not made in compliance with the provisions of points 9 to 12 of the Description. When refusing to act on the Request, the Bank of Lithuania must indicate in writing the reasons for the refusal and inform the data subject about the data subject's right to lodge a complaint with the State Data Protection Inspectorate.

SECTION ONE IMPLEMENTATION OF THE RIGHT TO KNOW (TO BE INFORMED) ABOUT THE PROCESSING OF HIS/HER PERSONAL DATA AT THE BANK OF LITHUANIA

19.The data subject's right under point 7.1 of the Description shall be implemented by providing the data subject with information about the processing of his/her personal data:

19.1. on the website of the Bank of Lithuania <http://www.lb.lt/en>;

19.2. by installing information plaques about video surveillance in the territories/premises of the Bank of Lithuania;

19.3. during communication with the data subject in the manner in which the data subject applies to the Bank of Lithuania or the Bank of Lithuania addresses the data subject:

19.3.1. if the data subject applies to the Bank of Lithuania orally, the Bank of Lithuania shall inform about the processing of data and provide the data subject with information about the processing of his/her personal data as far as possible orally or, if necessary, indicate to the data subject the legal acts on the basis of which personal data are processed at the Bank of Lithuania, direct the data subject to the website of the Bank of Lithuania referred to in point 19.1 of the Description and communicate the contacts of the Data Protection Officer of the Bank of Lithuania;

19.3.2. if the data subject applies to the Bank of Lithuania in writing when providing his/her personal data, the Bank of Lithuania shall provide information about data processing in writing, indicating the legal acts on the basis of which personal data are processed at the Bank of Lithuania, direct the data subject to the website of the Bank of Lithuania referred to in point 19.1 of the Description and communicate the contacts of the Data Protection Officer of the Bank of Lithuania.

20.Where the data are collected from the data subject, the Bank of Lithuania shall have the right to refuse to implement the data subject's right provided for in point 7.1 of the Description or to provide incomplete information requested by the data subject if the data subject already has this information.

21.Where the Bank of Lithuania intends to further process the personal data for a purpose other than that for which the personal data were obtained, the Bank of Lithuania shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in Article 14(2) of the Regulation.

22.Where the data are not obtained from the data subject, information on the processing of such data and references to the legislation regulating the processing of such data shall be made available on the website referred to in point 19.1 of the Description. The Bank of Lithuania shall have the right to refuse to implement the data subject's right referred to in point 7.1 or to provide incomplete information requested by the data subject where the data are not obtained from the data subject, if:

22.1. the data subject already has this information;

22.2. the provision of the information requested by the data subject proves impossible, would involve a disproportionate effort or is likely to seriously impair the achievement of the objectives of that processing;

22.3. receipt or disclosure of personal data is explicitly provided for in legal acts of the European Union or legal acts of the Republic of Lithuania setting out appropriate safeguards for the protection of legitimate interests of data subjects;

22.4. personal data must remain confidential subject to the obligation of professional

secrecy under the European Union or Republic of Lithuania law, including the information comprising a state, official and bank secret as indicated in the Republic of Lithuania Law on the Bank of Lithuania.

SECTION TWO IMPLEMENTATION OF THE RIGHT OF ACCESS TO PERSONAL DATA AT THE BANK OF LITHUANIA

23. In implementing the right of access to his/her personal data processed at the Bank of Lithuania, the data subject shall have the right to obtain information about:

- 23.1. the purposes of the processing of the personal data;
- 23.2. the categories of personal data concerned;
- 23.3. data recipients or categories thereof;
- 23.4. where possible, the envisaged period for which the personal data will be stored or the criteria used to determine the period of storage of the personal data;
- 23.5. sources of the personal data.

24. The Bank of Lithuania shall provide the data subject a reply within one month after receiving the Request. In addition to the information specified in point 23 of the Description, the reply to the data subject must contain information about the data subject's right to lodge a complaint with the State Data Protection Inspectorate, also the data subject's right to request rectification or erasure of personal data, restriction of processing of his/her personal data or to object to the processing of personal data (where these rights apply).

25. At the request of the data subject, the Bank of Lithuania shall provide copies of the data undergoing processing. Where the data subject makes a Request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form. The right to obtain a copy of the personal data undergoing processing shall not be implemented where this may adversely affect the rights of others.

26. If in the course of collecting the information necessary for the preparation of the reply, it is established that:

- 26.1. the Bank of Lithuania processes a large quantity of information related to the data subject and it is impossible to provide the data subject with all information, the Bank of Lithuania shall have the right to request that the data subject specify the Request made;
- 26.2. certain information about the data subject is also related to other persons, the information must be provided to the data subject to the extent that the rights of other persons are not infringed.

SECTION THREE IMPLEMENTATION OF THE RIGHT TO REQUEST RECTIFICATION OF PERSONAL DATA AT THE BANK OF LITHUANIA

27. If the data subject establishes that inaccurate or incomplete personal data are processed at the Bank of Lithuania, the data subject shall have the right to make a Request with the Bank of Lithuania for rectification of the inaccurate personal data undergoing processing or for supplementation of the incomplete personal data.

28. In the event that the data subject applies to the Bank of Lithuania with a view to rectifying or supplementing his/her data which are undergoing processing at the Bank of Lithuania and which have not been obtained directly from the data subject, the Bank of Lithuania shall transmit without delay the information about the data which may be inaccurate or incomplete to the data controller processing such data.

29. Upon receipt of a Request of the data subject referred to in point 27 of the Description, the Bank of Lithuania must without delay, but not later than within one month after receiving the Request, carry out an analysis of the personal data processed by the data subject in order to determine whether the Request made by the data subject is justified and notify the data subject thereof.

30. If it is determined that a Request made by the data subject is justified, the Bank of

Lithuania must:

30.1. rectify the incomplete or inaccurate personal data without delay, but not later than within 5 working days after determining that the Request is justified;

30.2. where it is impossible to rectify the incomplete or inaccurate personal data without delay, suspend the processing of the data subject's personal data and store such personal data until rectification is effected;

30.3. not later than within 5 working days after rectifying incomplete or inaccurate personal data, inform:

30.3.1. the data subject of the rectification of the incomplete or inaccurate personal data;

30.3.2. data recipients about the incomplete or inaccurate personal data rectified at the data subject's request, where the data subject's data have been provided to the data recipients.

SECTION FOUR IMPLEMENTATION OF THE RIGHT TO ERASURE OF PERSONAL DATA (RIGHT TO BE FORGOTTEN) AT THE BANK OF LITHUANIA

31. The data subject shall have the right to make a Request for erasure of personal data related to him/her where one of the following grounds applies:

31.1. the personal data are no longer necessary in relation to the purposes which were defined before the collection of the personal data;

31.2. the data subject withdraws consent on which the processing of the data subject's personal data was based, and there is no other legal ground for the processing of the data subject's personal data;

31.3. the data subject objects to the processing of his/her personal data pursuant to Article 21(1) of the Regulation (Section Six of the Description) and there are no overriding legitimate grounds for the processing of the personal data;

31.4. the personal data have been unlawfully processed;

31.5. the personal data have to be erased for compliance with a legal obligation laid down in legal acts of the European Union or legal acts of the Republic of Lithuania.

32. The Request of the data subject must state in detail the reasons for which the erasure of his/her personal data is requested and the Request must indicate on what ground indicated in point 31 of the Description the erasure of the personal data is requested.

33. The right to erasure of personal data (right to be forgotten) at the Bank of Lithuania shall not be implemented where the processing of personal data is based on:

33.1. compliance with the requirements laid down in legal acts of the European Union and the Republic of Lithuania;

33.2. for archiving purposes, scientific research purposes or statistical purposes in accordance with the safeguards for data processing laid down in Article 89(1) of the Regulation in so far as the right referred to in point 31 of the Description is likely to render impossible or seriously impair the achievement of the purposes of that processing;

33.3. for the establishment, exercise or defence of legal claims.

34. Upon receipt of a Request of the data subject referred to in point 31 of the Description, the Bank of Lithuania must without delay, but not later than within one month after receiving the Request, carry out an analysis of the personal data processed by the data subject in order to determine whether the Request made by the data subject is justified and notify the data subject thereof.

35. If it is determined that a Request made by the data subject is justified, the Bank of Lithuania shall:

35.1. erase the data related to the data subject without delay, but not later than within 5 working days from determining that the Request is justified;

35.2. if it is impossible to erase the data subject's personal data without delay, suspend the processing of the data subject's personal data;

35.3. not later than within 5 working days from erasure of the personal data, inform:

35.3.1. the data subject about the erased personal data;

35.3.2. data recipients about the personal data erased at the data subject's request if the data subject's data have been provided to the data recipients, and taking account of available technology and the cost of implementation, shall take reasonable steps, including

technical measures, to inform data controllers which are processing the data that the data subject has requested the erasure by such data controllers of any links to, or copy or replication of, those personal data.

SECTION FIVE IMPLEMENTATION OF THE RIGHT TO RESTRICTION OF THE PROCESSING OF PERSONAL DATA AT THE BANK OF LITHUANIA

36. The data subject shall have the right to apply to the Bank of Lithuania with a Request for restriction of the processing of his/her personal data where one of the following grounds applies:

36.1. the data subject contests the accuracy of his/her personal data processed by the Bank of Lithuania. In such a case, the processing of the data subject's personal data may be restricted for a period enabling the Bank of Lithuania to verify the accuracy of the personal data;

36.2. it has been established that the processing of the data subject's personal data has been unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their processing instead;

36.3. if the purpose of personal data processing has been attained and the Bank of Lithuania, as the data controller, no longer needs the data subject's personal data collected for this purpose, but they are required by the data subject for the establishment, exercise or defence of legal claims;

36.4. the data subject has submitted a Request to the Bank of Lithuania expressing objection to the processing of his/her data by the Bank of Lithuania. In such a case, the processing of the data subject's personal data may be restricted for a period enabling the Bank of Lithuania to verify whether this Request of the data subject is justified;

36.5. the data subject makes a Request for erasure of his/her personal data undergoing processing at the Bank of Lithuania, it is determined that the Request is justified, however, there are no technical possibilities for the immediate erasure of the data subject's data. In such a case, the processing of the data subject's personal data may be restricted until the data subject's personal data are erased.

37. Upon receipt of the Request of the data subject referred to in point 36 of the Description, the Bank of Lithuania must without delay, but not later than within one month after receiving the Request, carry out an assessment in order to determine whether the Request made by the data subject is justified and notify the data subject thereof.

38. If it is determined that a Request made by the data subject is justified, the Bank of Lithuania must:

38.1. restrict the processing of the data subject's personal data;

38.2. without delay, but not later than within 5 working days after taking a decision on restriction of the processing of personal data, inform the data subject about restriction of the processing of his/her personal data. Where possible, specify a preliminary period during which the processing of the data subject's personal data will be restricted;

38.3. not later than within 5 working days after taking a decision on restriction of the processing of personal data, inform data recipients about the decision if the data subject's data have been provided to the data recipients.

39. Where a decision is taken to lift the restriction of the processing of the data subject's data, the Bank of Lithuania must notify the data subject thereof in writing before lifting such restriction.

SECTION SIX
IMPLEMENTATION OF THE RIGHT TO OBJECT TO THE PROCESSING OF PERSONAL DATA AT THE BANK OF LITHUANIA

40. The data subject shall have the right, on grounds relating to his/her particular situation, to apply to the Bank of Lithuania at any time in order to object to the processing of personal data concerning him/her if the data subject's personal data are processed by the Bank of Lithuania for the purpose of performing the public authority functions assigned to it, implementing the legitimate interests of the Bank of Lithuania or a third party, conducting scientific or statistical research.

41. Upon receipt of the Request of the data subject referred to in point 40 of the Description, the Bank of Lithuania must without delay, but not later than within one month after receiving the Request, carry out an assessment in order to determine whether the Request made by the data subject is justified and notify the data subject thereof.

42. If it is determined that the Request made by the data subject is justified, the Bank of Lithuania shall, within the time limits specified in point 14 of the Description, inform the data subject that his/her Request will be complied with.

43. Where it is determined that the data subject's Request is unfounded, the data are processed for legitimate reasons which override the data subject's interests or for the establishment, exercise or defence of legal claims, the Bank of Lithuania must provide reasoned proof in its reply that the data subject's data are processed for justified and legitimate reasons which override the data subject's interests.

SECTION SEVEN
IMPLEMENTATION OF THE RIGHT TO THE PORTABILITY OF PERSONAL DATA AT THE BANK OF LITHUANIA

44. The data subject shall have the right to apply to the Bank of Lithuania with a Request to transfer the data subject's personal data undergoing processing at the Bank of Lithuania to another data controller or to provide them to the data subject himself/herself, provided that the following conditions are fulfilled:

44.1. the processing of the data subject's personal data is based on:

44.1.1. the consent of the data subject;

44.1.2. an agreement between the Bank of Lithuania and the data subject;

44.2. the data are processed by automated means;

44.3. the data subject has provided the Bank of Lithuania with the personal data which he/she intends to transfer to another data controller on his/her own or through a representative;

44.4. the right of data portability does not adversely affect the rights and freedoms of other persons;

44.5. the data subject has provided the data in a structured, commonly used and machine-readable format.

45. In order to comply with the data subject's Request, all the conditions specified in points 44.1 to 44.5 of the Description must be fulfilled and the identity of the requesting person must be proven and, where necessary, the Bank of Lithuania shall have the right to request additional information from the data subject.

46. Upon receipt of the Request of the data subject referred to in point 44 of the Description, the Bank of Lithuania must without delay, but not later than within one month after receiving the Request, carry out an assessment in order to determine whether the Request made by the data subject is justified and notify the data subject thereof.

47. If it is determined that the data subject's Request is justified and the data recipient is able to receive data in the format proposed by the Bank of Lithuania, after having agreed in writing with the data subject on the measures ensuring security of the data transfer, the data requested to be transferred shall be provided within the time limits specified in point 14 of the Description.

48. Information may be provided to:

48.1. the data subject;

48.2. another data controller if:

48.2.1. the data subject indicates in his/her Request that the Bank of Lithuania should

forward the data to another data controller;

48.2.2. there is a technical possibility to provide the data directly to another controller.

49. Where the data subject's Request regarding the portability of personal data is implemented by transferring the data subject's personal data to another data controller, the Bank of Lithuania shall not assess whether the data controller to whom the data subject's personal data will be transferred has a legal basis for receiving the data subject's personal data and whether this data controller will ensure adequate personal data security measures. The Bank of Lithuania shall not assume responsibility for further processing of the transmitted personal data by another data controller.

CHAPTER III FINAL PROVISIONS

50. If the data subject objects to a reply of the Bank of Lithuania to his/her Request or in the event that the reply has not been sent to the data subject within the time limit set for the examination of the Request, the data subject shall have the right to lodge a complaint to the State Data Protection Inspectorate. The data subject shall also have the right to lodge a complaint in accordance with the procedure laid down in the Rules for the Examination of Requests and Complaints and the Provision of Services to Individuals at the Bank of Lithuania.

51. Decisions regarding implementation of the rights of data subjects or refusal to implement them at the Bank of Lithuania shall be taken by the head of a structural division of the Bank of Lithuania processing the personal data of the data subject making a Request, unless the head of the structural division considers that, based on the importance of the reply, it should be signed by the Chairman of the Board of the Bank of Lithuania or an authorised member of the Board.

52. At the Bank of Lithuania, the rights of data subjects shall be implemented free of charge.

Annex 1
to the Description of the Procedure for
Implementing
the Rights of Data Subjects at the Bank of
Lithuania

TEMPLATE OF THE REQUEST FOR IMPLEMENTATION OF A DATA SUBJECT'S RIGHTS
AT THE BANK OF LITHUANIA

(full name)

(personal No)

(contact address)

(phone)

(email)

To the Bank of Lithuania
Totorių g. 4
LT-01121 Vilnius

**REQUEST
FOR IMPLEMENTATION OF A DATA SUBJECT'S RIGHTS AT THE BANK OF LITHUANIA**

(date)

Pursuant to the procedure laid down in the Description of the Procedure for Implementing the Rights of Data Subjects at the Bank of Lithuania, I request that you implement my right of:

- access to my personal data processed at the Bank of Lithuania;
- rectification of my personal data;
- erasure of my personal data;
- restriction of the processing of my personal data;
- objection to the processing of my personal data;
- portability of my personal data;

Subject matter of the application (specify the circumstances of implementation of the requested data subject's right, the desirable scope of implementation of your right and other information related to your request):

I wish to receive a reply (mark one of the choices below):

- by registered mail;
- upon arrival to the Bank of Lithuania (Totorių g. 4, Vilnius);
- by email (only upon signing the application with a certified digital signature).

(signature)