



Proposal for a regulation on a framework for financial data access (FIDA)

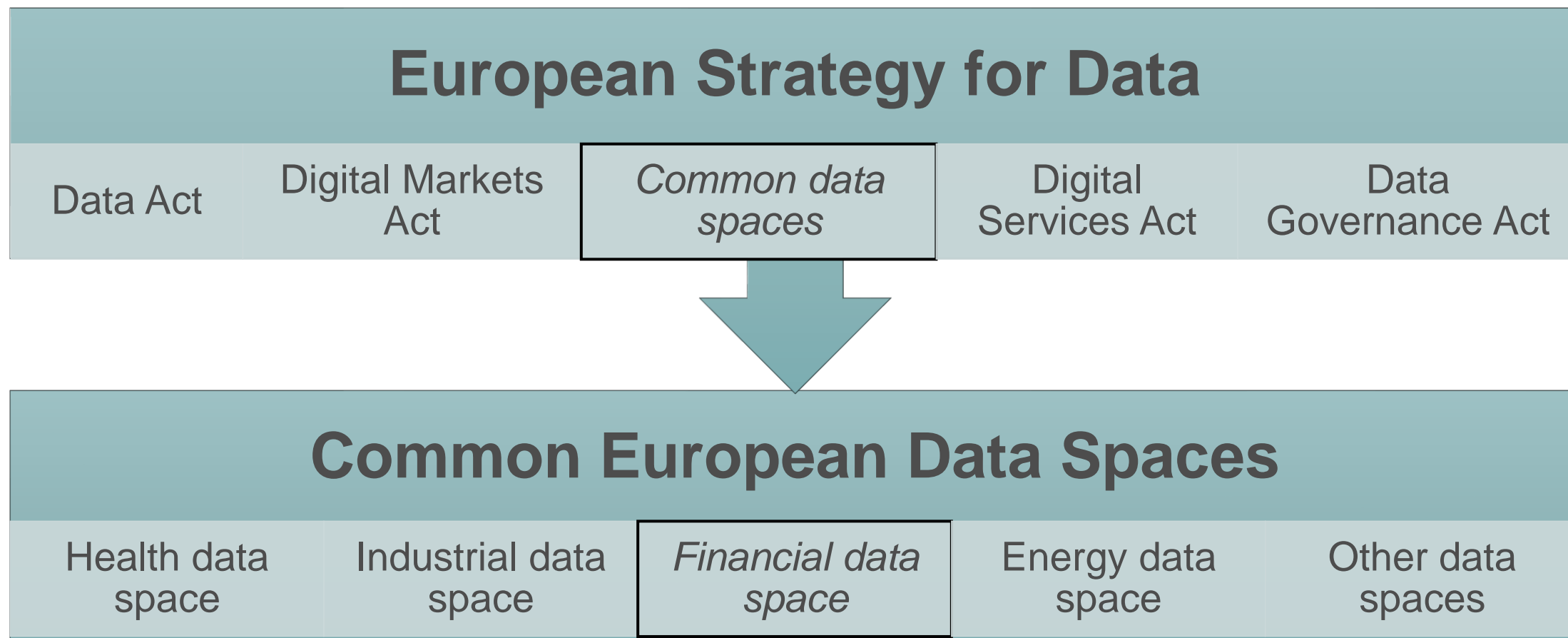
Public webinar

5 September 2023

DG FISMA

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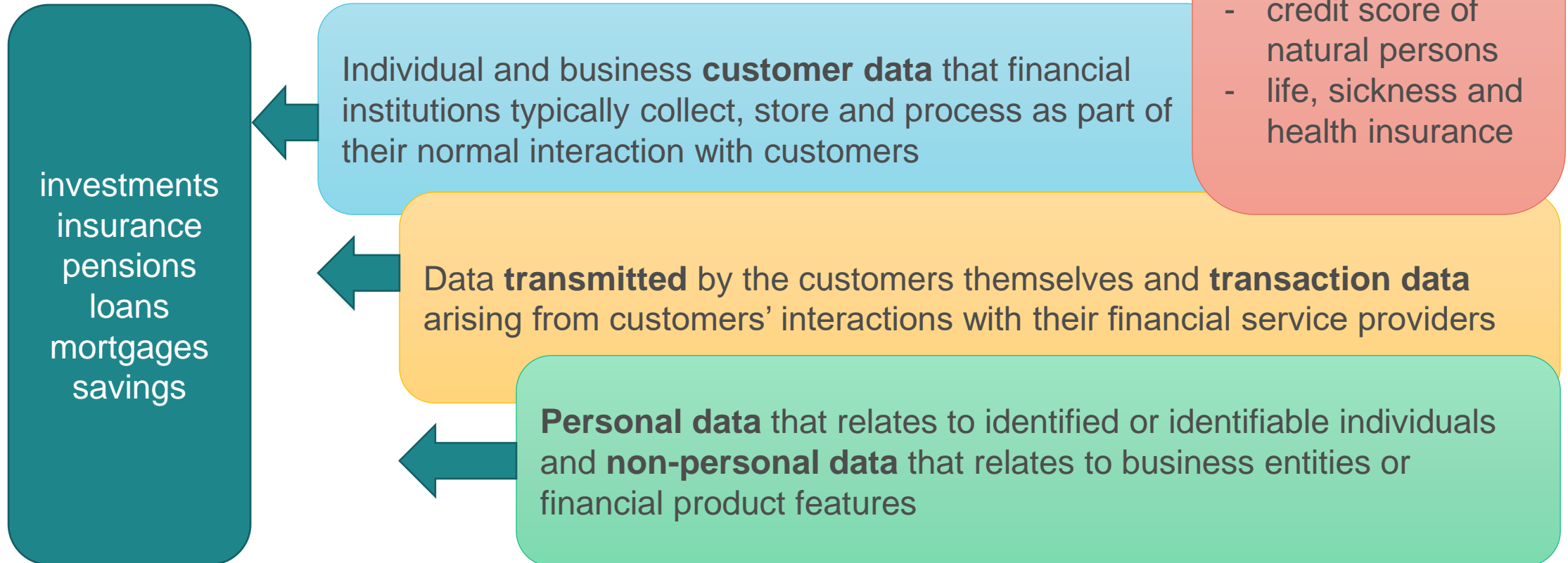
1. Objectives - EU policy context



1. Objectives

- **Customer control over their data**
 - Oblige data holders to share customer data **upon request** – only if customers wish to
 - Introduce **permission dashboards & data use perimeters** to ensure customer control and safeguard against exclusion risks
- **Responsible access for data users where customers want to benefit from innovative products**
 - Promote **standardisation** of customer data and technical interfaces
 - Encourage implementation of **high-quality interfaces**
 - Based on a contractual framework of **financial data sharing schemes**

2. Scope: Article 2(1)



2. Scope: Eligible entities – Article 2(2)

Article 2(2) – financial institutions

- Credit institutions
- E-money institutions
- Payment institutions
- Investment firms
- CASPs
- Issuers of ARTs
- Management companies / AIFMs
- Insurance companies/ intermediaries
- IORPs
- CRAs
- PEPP providers

Title V – Financial Information Service Providers

Authorised to access customer data

- Licensed in the EU but no requirement to be established in the EU
- Professional indemnity or other comparable guarantee
- Organizational requirements
- Covered by DORA
(similar requirements as the AISPs under the PSD regime)

3. Data Access: who can access customer data?

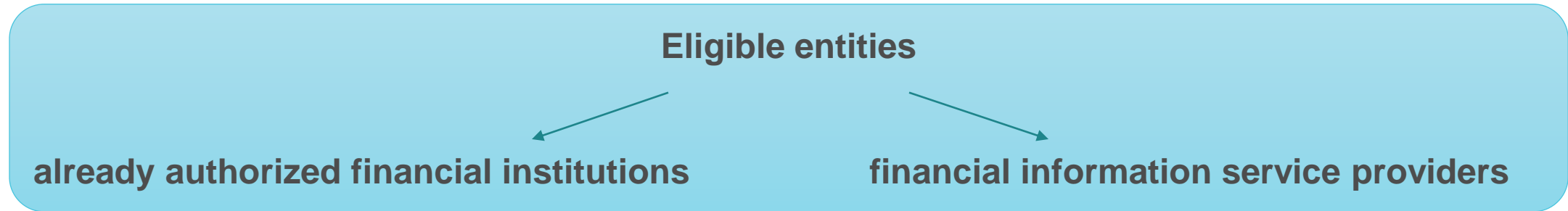
- **Customer** – can request access to their data held by a financial institution ('data holder') (Article 4)
- **Data user** – (i) only **licensed financial institutions** and “**financial information service providers**” ('FISPs')
- Access for **purposes** agreed with a customer for specific product or service:
(i) **purpose limitation** - personal data shall be limited to what is necessary for which they are processed (Article 7.1)

3. Obligations of data holders – Article 5

- Make data available to data users when requested by a customer
- Make data available in a standardised way and of the same quality to the data holder
- Communicate the data securely
- Provide the customer with a permission dashboard
- Respect confidentiality, trade secrets and intellectual property rights

COMPENSATION: Only when data is shared under a financial data sharing scheme or if no scheme is available, the Commission delegated act (Article 5.2)

3. Obligations of data users – Article 6



- Only access customer data for the purpose they have been granted permission
- Respect confidentiality, trade secrets and intellectual property rights
- Prevent the transfer of non personal data when unlawful
- Ensure security of customer data & storage limitation - delete customer data when it is no longer necessary
- For groups of companies, data to be accessed only by the entity of the group that acts as the data user
- Authorisation and organizational requirements for FISPs (Article 12-16)

4. Safeguards to ensure customer control

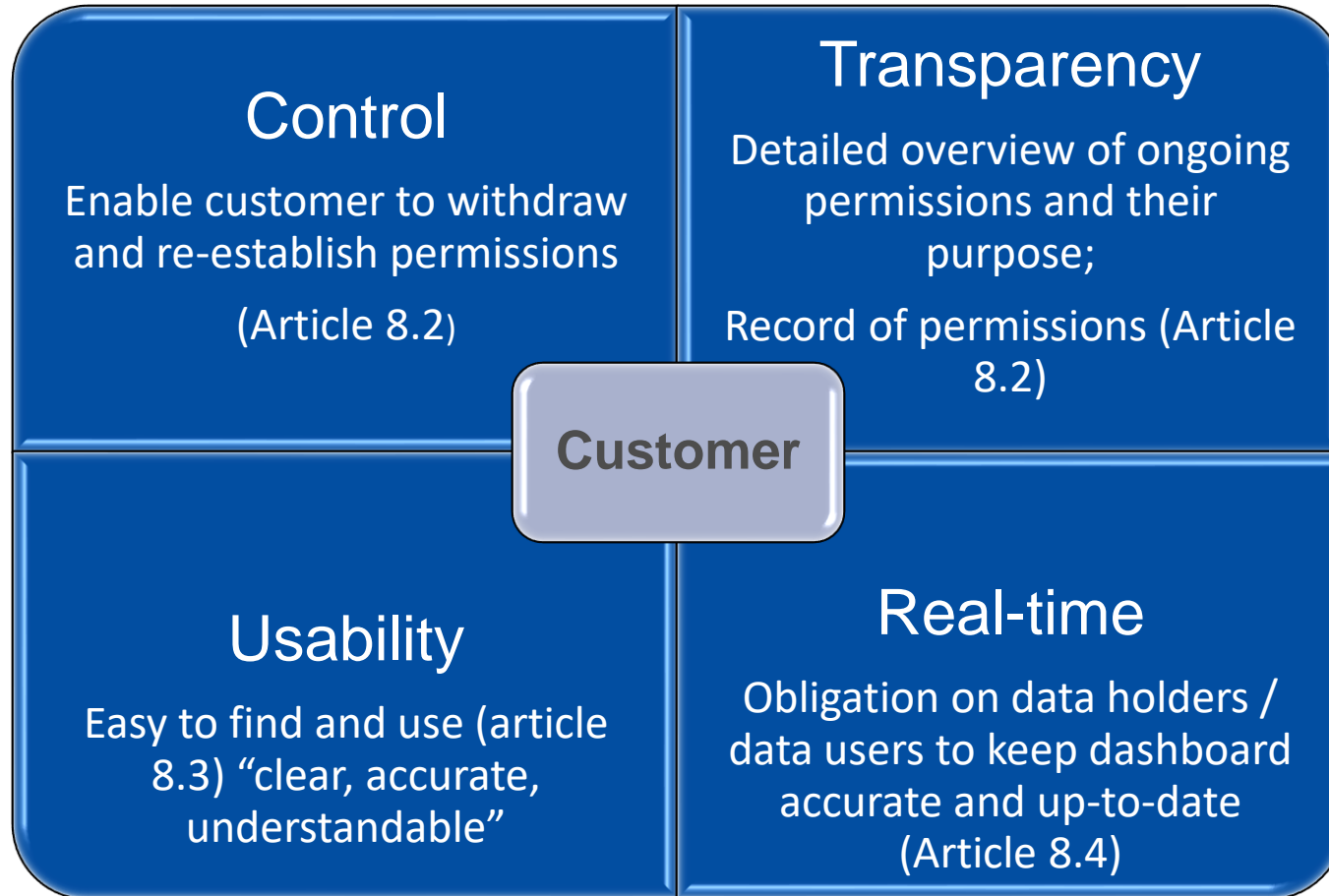
- **Customer decides** who has data access (personal/non personal data)
- Obligation on data holders - must provide “**permission dashboards**” to enable customer control over how their data is used (Article 7)
- Obligation on data users - data users must respect **data use perimeter** to ensure strong consumer protection guardrails for activities that present higher exclusion risk (Article 8)
- Ensure responsible handling of data: Only **financial institutions and newly authorised “financial information service providers”** (‘FISP’) can access customer data – all are subject to DORA

4. Data use perimeter – Article 7



Introducing EBA and EIOPA guidelines to safeguard against potential risks for consumers resulting from increased sharing of personal data in **key financial activities**: credit scoring of natural persons; and the provision of life, sickness and health insurance

4. Permission Dashboards - Article 8



Full control by customers over who access their data and for what purpose

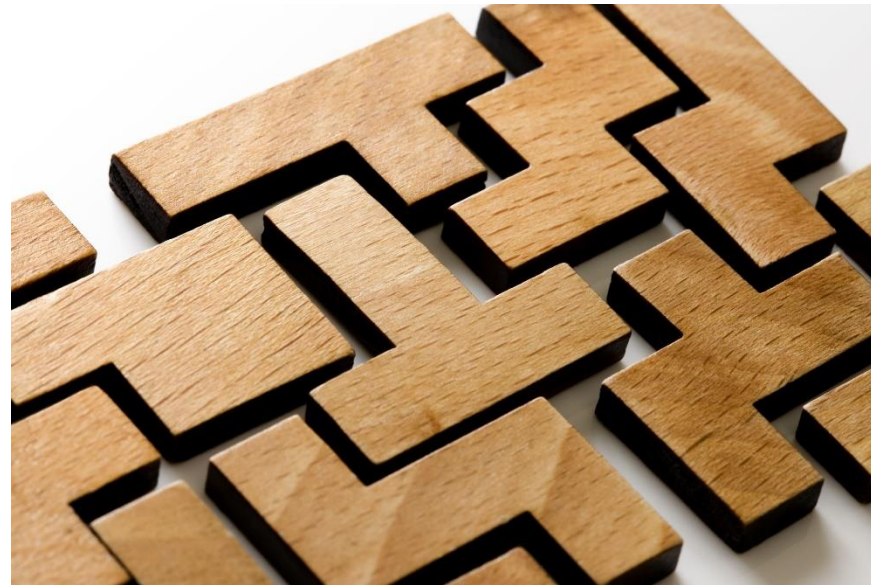
Easy to access user interface, clear, accurate and understandable.

5. Financial Data Sharing Schemes – Title IV

Market driven arrangement between data holders and data users

Common standards for the data and technical interfaces

Open to participation, fair, transparent rules



Provide model to determine compensation

Dispute resolution system

Contractual liability

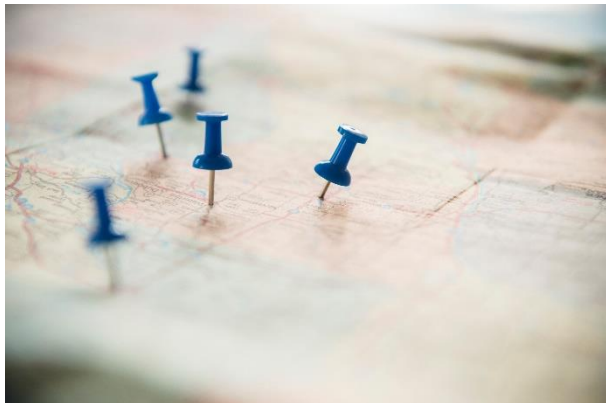
If financial data sharing schemes are not developed for one or more categories of customer data, a Commission Delegated Act will specify the modalities for making data available (Article 11)

5. Supervision – Articles 17-27

- National competent authority supervision
- Usual supervisory powers (collect information, conduct investigations) plus new ones (restrict online interface, settlement agreements and expedited enforcement procedures)
- Usual administrative penalties and other administrative measures
- Cooperation between competent authorities for the exchange of information
- EBA to settle disagreements between competent authorities

5. Cross border access to data – Article 28

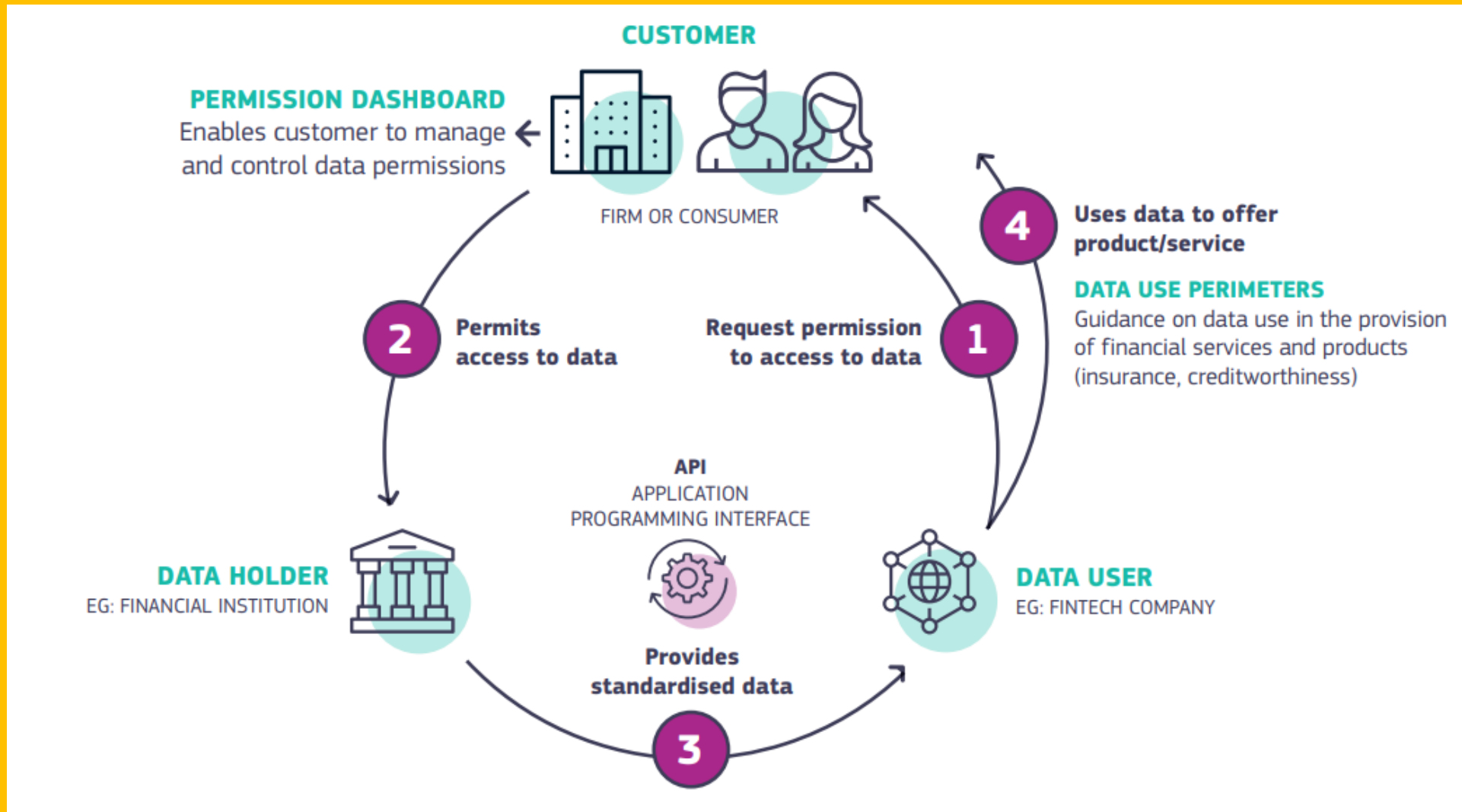
- FISPs can access data in other Member States with a simple notification procedure.
- Notification is for transparency purposes, not a new license.
- The EBA register (Article 15) will include information on FISPs that have notified their intention to access data to other Member States.



5. Final Provisions – Title VIII

- **Review clause:** Evaluation after 4 years on categories of data, operation of financial information sharing schemes, eligible entities to access data, compensation policy
- **Amendments to the ESAs** founding regulations to bring FIDA into their scope.
- **Amendment to DORA** Regulation to bring FISPs into the DORA scope.
- **Deferred entry into application** to allow for financial data sharing schemes to be agreed and set up.

FIDA ecosystem



Thank you



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