

## I. Order

1. Banco de Portugal asked the National Data Protection Commission (CNPD) to issue an opinion on the Draft Instruction for depositing and withdrawing euro banknotes and coins at Banco de Portugal.

2. The CNPD issues an opinion within the scope of its attributions and competences as an independent administrative authority with powers of authority to control the processing of personal data, conferred by subparagraph c) of paragraph 1 of article 57, in conjunction with subparagraph b) of paragraph 3 of article 58, and with paragraph 4 of article 36, all of Regulation (EU) 2016/679, of 27 April 2016 - General Regulation on Data Protection (hereinafter GDPR), in conjunction with the provisions of article 3, paragraph 2 of article 4, and paragraph a) of paragraph 1 of article 6, all of Law n° 58 /2019, of 8 August, which enforces the GDPR in the domestic legal order.

## II. Analysis

3. The Instruction Project defines the places, times, rules, conditions and application support through which deposits and withdrawals of euro banknotes and coins can be made at Banco de Portugal, applying to credit institutions authorized to carry out such operations and the cash transport companies that ensure, for the account and order of those institutions, that they are carried out.

4. Relevant, from the perspective of the protection of personal data, is the regime provided for in article 5 of the Project. It provides for the processing of data relating to individuals who, on behalf of those entities, carry out the operations of depositing and withdrawing euro banknotes and coins at Banco de Portugal, as well as those who, on behalf of the same entities, intervene in the accreditation and attribution of mandates for the execution of such operations.

5. The processing of personal data in question is based on legal obligations arising from the joint reading of Articles 6(1) of the Organic Law of Banco de Portugal, 10th of Decree-Law No. 195/2007, of May 15, 9 of Decree-Law No. 184/2007, of May 10, in accordance with European Union Law, finding a legal basis under the terms of subparagraph c) of paragraph 1 of article 6 of

the GDPR.

6. As for the categories of personal data being processed, which are listed in annexes A, B and C, the CNPD considers them appropriate and necessary for the purposes pursued, in compliance with the principle of data minimization enshrined in subparagraph c) of no. Article 5(1) of the GDPR.

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PAR/2021/34

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7. Just a short note regarding the fulfillment of the right to information regarding the processing of personal data, which is attached to the Instruction Project. Since the processing of personal data is based on legal obligations, not being based directly on the exercise of public interest functions by Banco de Portugal (cf. paragraph 1 of article 21 of the RGPA), nor on the consent of the holders of the data (cf. no. 3 of article 7 of the RGPD), the CNPD understands that the reference, in point 4.1., to the right to oppose the treatment and the right to revoke consent does not make sense.

8. Therefore, for the sake of clarity of the terms of data processing, the CNPD recommends reviewing point 4.1., as well as point 4.2. (this one, in the part where the right of opposition is mentioned).

### III. Conclusion

9. On the grounds set out above, the CNPD considers that the processing of personal data provided for in the Draft Instruction does not give rise to reservations from the point of view of the legal regime of data protection, recommending only the revision of point 4 of the annex regarding compliance with the right to information, as explained above, in points 7 and 8.

Lisbon, March 24, 2021

Filipa Calvão (President, who reported)