

Additional opinion of the National Commission for the Protection of

data relating to bill no. 7348 relating to inactive accounts,

dormant safes and dormant insurance contracts and

amending: 1. the amended law of 23 December 1998 creating a

Financial Sector Supervisory Commission ; and 2. the amended law of

December 7, 2015 on the insurance sector.

Deliberation n°27/AV22/2021 of August 6, 2021

In accordance with Article 57, paragraph 1, letter (c) of Regulation (EU) n°2016/679 of 27

April 2016 on the protection of individuals with regard to data processing

personal data and on the free movement of such data, and repealing Directive

95/46/EC (General Data Protection Regulation) (hereinafter “GDPR”), to which

refers to article 7 of the law of 1 August 2018 on the organization of the National Commission

for data protection and the general data protection regime, the

National Commission for Data Protection (hereinafter referred to as the "Commission

national” or the “CNPD”) “advises, in accordance with the law of the Member State, the

national, government and other institutions and bodies about measures

legislative and administrative measures relating to the protection of the rights and freedoms of individuals

with regard to the treatment”.

On February 1, 2019, the CNPD notified draft law no. 7348 relating to financial

inactive, inactive safes and dormant insurance contracts and amending: 1.

the amended law of December 23, 1998 creating a supervisory commission for the

financial sector ; and 2. the amended law of 7 December 2015 on the insurance sector (the

“bill”)<sup>1</sup>).

On July 2, 2021, the Director of the Treasury, on behalf of the Minister of

Finance, forwarded government amendments to the bill to the CNPD to

notice.

The CNPD welcomes the changes made by amendments 16 and 18, to articles 28 and 32 of the bill, which now specify that the necessary data can be collected by the Caisse de Consignation, which it had advised in the aforementioned opinion. Amendment 16 further aims to specify the procedures for transmitting the request for consignment at the Consignment Fund. Following the amendment, Articles 28 and 32 provide that the transmission of the consignment request as well as the information and documents additional information must be made "by way of electronic filing on a state platform secure". The National Commission recalls that in any case, measures of appropriate technical and organizational security must be put in place on this platform, in accordance with Article 32 of the GDPR.

The CNPD again welcomes amendment 18, which aims to specify the content of the register and which adds a paragraph 6 to article 32 stipulating that the consignment fund is consider to be the controller within the meaning of Article 4. 7) of the GDPR of the processing implemented on the basis of the article in question, as it had suggested in his opinion.

1 Parliamentary document 7348/02.

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Complementary opinion of the National Commission on draft law no. 7348 relating to inactive accounts, inactive safe deposit boxes and insurance contracts in disarray.

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However, it regrets that the authors of the amendments did not consider it appropriate to give following the other points raised by the CNPD, in particular concerning the processing of personal data carried out by establishments and companies insurance companies, the retention period of the data processed by the persons in charge of data processing and transmissions to and between public bodies. She reiterates

therefore the recommendations made in its opinion of February 1, 2019.

Thus decided in Belvaux on August 6, 2021.

The National Data Protection Commission

Tine A. Larsen

President

Thierry Lallemand

Commissioner

Marc Lemmer

Commissioner

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relating to inactive accounts, inactive safe deposit boxes and insurance contracts

in disarray.

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