

Anu Talus

Chair of the European Data Protection Board

European Payments Council AISBL
Cours Saint-Michel 30
B-1040 Brussels
Belgium

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by e-mail only

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Dear Sir or Madam,

I would like to thank you for your letter dated 28 February 2023, in which you sought advice from the EDPB regarding the sharing of personal data within a platform dedicated to threat intelligence and fraud-related information pertaining to payments.

In this respect, allow me first to reiterate that the EDPB has the general responsibility of ensuring the consistent application of the GDPR under Article 70(1) GDPR. In pursuit of this objective, the EDPB has previously issued Guidelines on the interplay between the GDPR and the revised Payment Services Directive (PSD2)¹.

The EDPB has, in these Guidelines, provided its perspective that processing activities for the purpose of fraud prevention should be evaluated on a case-by-case basis by the data controller, in accordance with the principle of accountability². In this regard, the EDPB would like to underscore that while the processing of personal data necessary for fraud prevention may be considered a legitimate interest of the payment service provider, the sharing of such personal data pertaining to fraud must be strictly limited and be provided by a clear and specific legal framework.

In this context, however, national data protection authorities (DPAs), in line with their responsibilities to promote awareness among controllers and processors of their obligations under the GDPR as stated in Article 57(1)(d) GDPR, are best placed to provide payment service providers with additional information and clarifications on the practical implementation of the aforementioned Guidelines. Hence, we encourage you to reach out to your competent national DPA should you require further guidance.

¹ EDPB Guidelines 06/2020 on the interplay of the Second Payment Services Directive and the GDPR, 15 December 2020, available at: https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-062020-interplay-second-payment-services_en

² Ibid, paragraph 20.

Finally, I would like to assure you that the EDPB remains committed to ensuring continued efforts for a consistent interpretation of the GDPR including in the context of its interplay with PSD2, and is dedicated to extending these efforts to the new legislative proposal on PSD3.

Yours sincerely,

Anu Talus