

## General Notice

### ***Background***

The European Economic Area (EEA) Authorities and non-EEA Authorities, all members of the International Organization of Securities Commissions (IOSCO), entered into an [administrative arrangement \(AA\)](#) for the sharing of personal data under the European Union's General Data Protection Regulation (the "Regulation"), which came into force on May 25, 2018. The AA applies to any transfer of personal data between signatories in connection with surveillance or enforcement activities.

The AA is primarily intended to set out the parameters within which IOSCO members will be able to continue to transfer personal data in connection with international requests for assistance while complying with the new obligations under the Regulation. However, it does not create any legally binding obligations or supersede the domestic law of each participating Authority. The AA is intended to complement the other bilateral and multilateral arrangements binding the parties, particularly the Multilateral Memorandum of Understanding Concerning Consultation and Co-operation and the Exchange of Information and the 2016 Enhanced Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information.

Under the AA, the Autorité des marchés financiers (the "AMF") is called upon to be a Receiving Authority for EU personal data and, consequently, it does not engage in data collection within the meaning of the Regulation. Instead, it receives data in the context of a disclosure by a foreign regulator.

This aspect and the context described above are taken into account in the following text, which is intended to inform EU citizens of their rights and remedies in respect of the AMF's personal data retention and disclosure obligations.

### ***How and why does the AMF processes your personal data?***

As a general principle, the AMF only processes personal data for the performance of statutory tasks assigned to it on the basis of the [Act respecting access to documents held by public bodies and the protection of personal information](#), CQLR, c. A-2.1, the [Act respecting the regulation of the financial sector](#), CQLR, c. E-6.1, the [Securities Act](#), CQLR, c. V-1.1, the [Derivatives Act](#), CQLR, c. I-14.01, and the [Act respecting the distribution of financial products and services](#), CQLR, c. D-9.2.

As regards the processing of personal data received in the usual course of business or practice through international transfers, the AMF is committed to have in place the safeguards set out in the AA

In particular, when the AMF processes personal data transferred under the administrative arrangement, it guarantees the following:

- The AMF will only process personal data that are relevant, adequate and limited to what is necessary for the purposes for which they were transferred;

- The AMF will have in place appropriate technical and organisational measures to protect personal data that are transferred to it against accidental or unlawful access, destruction, loss, alteration, or unauthorised disclosure;
- The AMF will retain personal data for no longer than is necessary and appropriate for the purpose for which the data are processed;
- No decision will be taken by the AMF concerning a natural person based solely on automated processing of personal data, including profiling, without human involvement;
- The AMF will not divulge your personal data for other purposes, such as for marketing or commercial purposes.

### **What are your safeguards under the Administrative Arrangement?**

As regards the personal data shared under the administrative arrangement, you can make a request to the Authority to receive information about the processing of your personal data, to access the personal data and to correct any inaccurate or incomplete personal data, as well as to make request about the erasure, restriction of processing or to object to the processing of your personal data on written request to be addressed to the [Access Officer](#).

Given the often sensitive nature of our work, and the risk of prejudice to the discharge of our public functions, in some cases your safeguards might be restricted in accordance with the Act respecting access to documents held by public bodies and the Protection of personal information, CQLR, c. A-2.1, the Act respecting the regulation of the financial sector, CQLR, c. E-6.1, the Securities Act, CQLR, c. V-1.1, the Derivatives Act, CQLR, c. I-14.01, and the Act respecting the distribution of financial products and services, CQLR, c. D-9.2 and other relevant legal provisions, such as the AMF's obligation not to disclose confidential information pursuant to professional secrecy or other legal obligations, or to prevent prejudice or harm to its supervisory or enforcement functions or to the supervisory or enforcement functions of a receiving Authority under the AA acting in the exercise of the official authority vested in it. This may include functions relating to the monitoring or assessment of compliance with applicable laws, prevention or investigation of suspected infringement; for important objectives of general public interest, or for the supervision of regulated individuals and entities. In each case, the AMF will assess whether the restriction is appropriate. The restriction should be necessary and provided by law, and will continue only for as long as the reason for the restriction continues to exist.

### **What redress is available to you?**

If you believe that your personal data have not been handled consistent with these safeguards, you can lodge a complaint or claim at the transferring Authority, the receiving Authority or both Authorities: for doing so, you can contact the [Access Officer](#) . In such event, the Authority or the Authorities will use best efforts to settle the dispute or claim amicably in a timely fashion.

In the event where the matter is not resolved, other methods can be used, by which the dispute could be resolved unless the request is manifestly unfounded or excessive. Such methods include participation in non-binding mediation or other non-binding dispute resolution proceedings initiated by the natural person or by the Authority concerned.

If the matter is not resolved through cooperation by the Authorities, nor through non-binding mediation or other non-binding dispute resolution proceedings, in situations where you raise a concern and a transferring Authority is of the view that a receiving Authority has not acted consistent with the safeguards set out in the administrative arrangement, the transferring

Authority will suspend the transfer of personal data under this Arrangement to the receiving Authority until the transferring Authority is of the view that the issue is satisfactorily addressed by the receiving Authority, and will inform you thereof.

**Contact details**

If you have questions or concerns, please contact the [Access Officer](#).