

ESMA's Sanctions Register

Record of ESMA activities processing personal data, based on Article 31 of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Nr.	Item	Record Information
ESMA's Sanctions Register		
1	Last update of the record	24/04/2025
2	Reference number	ESMA40-1159621584-1931
3	Name and contact details of controller	Controller: ESMA Executive Director Address of the Controller: European Securities and Markets Authority (ESMA) 201-203 Rue de Bercy 75012 Paris France

		DP.ED@esma.europa.eu
4	ESMA area entrusted with processing	<ul style="list-style-type: none"> • The Enforcement Unit is the responsible ESMA area entrusted with the processing of this application. • ESMA's Enforcement Unit provides training to NCAs regarding the best practices. • The sanction data records are sent by NCAs to ESMA via dedicated ESMA IT applications. • ESMA's Enforcement Unit does not modify, add or delete the content of the sanction data received from NCAs.
5	Processors (if any)	N/A
6	Name and contact details of DPO	dpo@esma.europa.eu
7	Name and contact details of processor (where applicable)	N/A
8	Purpose of the processing	<p>The Sanctions Register allows for supervisory convergence across the EU and may also facilitate easier comparison of the severity of sanctions between different Member States for similar infringements.</p> <p>The legal bases for ESMA's processing of personal data in this context is the performance of a task carried out in the public interest, as provided for in Article 5(1)(a) and the compliance with a legal obligation to which the controller is subject, as provided in Article 5(1)(b) of Regulation (EU) 2018/1725.</p> <p>More specifically, ESMA has the obligation to maintain a central database of sanctions for the purposes of exchanging information between competent authorities. That database shall be</p>

	<p>accessible to competent authorities only and it shall be updated on the basis of the information provided by the competent authorities. Moreover, ESMA has the obligation to publish that information in an annual report.</p> <p>In addition to the above obligations, the NCAs are required to report sanctions and measures to the Sanctions Register to support ESMA in accomplishing its attributed tasks regarding supervisory convergence in enforcement matters and the preparation of annual reports, in line with additional applicable legislative frameworks which have been listed below:</p> <p><u>Regulation (EU) No 648/2012 (EMIR)</u></p> <p><u>Directive 2009/65/EC (UCITS Directive)</u></p> <p><u>Regulation (EU) No 596/2014 (MAR)</u></p> <p><u>Directive 2014/65/EU (MiFID II)</u></p> <p><u>Regulation (EU) 600/2014 (MiFIR)</u></p> <p><u>Regulation (EU) No 909/2014 (CSDR)</u></p> <p><u>Regulation (EU) 2015/2365 (SFTR)</u></p> <p><u>Regulation (EU) 2017/1129 (Prospectus Regulation)</u></p> <p><u>Regulation (EU) 2017/2402 (Securitisation Regulation)</u></p>
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9	Description of categories of persons whose data ESMA processes and list of data categories	<p>Categories of persons:</p> <ul style="list-style-type: none"> • Individuals sanctioned by NCAs <p>As a general principle, the data which is shared and processed by ESMA mainly consists of the name, address and Legal Entity Identifier (LEI) of the sanctioned legal entities. This sanction data does not contain names of individual persons and/or other personal information.</p> <p>In certain cases, where individuals could be sanctioned by NCAs, there might be a requirement to submit the relevant information to ESMA. As a result, ESMA might receive and store the relevant sanction data internally or publish externally for a limited period of time which is defined by the specific EU legal frameworks of the sanction.</p> <p>Please find the list of the categories of personal data which might be received by ESMA below:</p> <ul style="list-style-type: none"> • Name of sanctioned individual • Address • Personal data relating to criminal convictions and offences • Professional experience • Name, position and any other identifying information on the professional experience and economic background of the sanctioned individuals

10	Time limit for keeping the data	<p>As a general rule, sanction data are stored internally at ESMA for as long as the corresponding database is available in ESMA's IT environment.</p> <p>ESMA will remove (i) from publication, sanctions regarding natural persons 5 years after notification to ESMA; and (ii) from its internal systems, sanction data in relation to natural persons 15 years after notification to ESMA.</p> <p>In case a sanction has an expiration date set by the NCA, ESMA will remove the sanction from publication the day after the expiration date.</p>
11	Recipients of the data	<ul style="list-style-type: none"> • ESMA's dedicated IT Team receives and stores all sanction data which are submitted by the NCAs. • The data are accessible only to registered and authorised ESMA business and IT users, registered and authorised NCA business and IT users and registered and authorised European Banking Authority users (ECSPR legal framework only). • A subset of the data is made accessible to the public via ESMA's website.
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	N/A

13	General description of security measures, where possible.	<ul style="list-style-type: none"> • The information is protected with proportionate, and industry accepted security controls and it is accessed according to a valid and approved business need (including but not limited to enforcing ESMA's own encryption controls to isolate the information from third parties). • Data are transferred, stored, processed, and published while applying the current ESMA IT Security rules. • Sanction data, except a subset required by EU legal frameworks, are not published and are not accessible by the public. • Internal access to sanction data (ESMA, NCAs) requires registration and authorisation of each specific user.
14	Information on how to exercise your rights to access, rectification, object and data portability (where applicable), including recourse right.	<p>To exercise your Data Privacy Rights, you can address your requests to the Controller at DP.ED@esma.europa.eu</p> <p>a) You are entitled to access your information relating to your personal data processed by ESMA, verify its accuracy and, if necessary, correct it in case the data is inaccurate or incomplete.</p> <p>b) You have the right to request the erasure of your personal data, if your personal data is no longer needed for the purposes of the processing or if the processing operation is unlawful.</p> <p>c) You can ask the Data Controller to restrict the personal data processing, under certain circumstances, such as if you contest the accuracy of the processed personal data or if you are not sure if your personal data is lawfully processed.</p> <p>d) You may also object, on compelling legitimate grounds, to the processing of your personal data.</p>

	<p>e) Additionally, you may have the right to data portability which allows you to make a request to obtain the personal data that the Data Controller holds on you and to transfer it from one Data Controller to another, where technically possible.</p> <p>Please note that restrictions to your data subject's right may apply under Article 25 of Regulation (EU) 2018/1725 and Decision of the Management Board of the European Securities and Markets Authority of 1 October 2019 adopting internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of ESMA.</p> <p>You have the right to lodge a complaint with the European Data Protection Supervisor (supervision@edps.europa.eu), if you consider that your rights under the Regulation (EU) 2018/1725 have been infringed because of the processing of your personal data by ESMA.</p> <p>Further information regarding your Data Privacy Rights can be found at: https://www.esma.europa.eu/about-esma/data-protection.</p> <p>If you have additional questions or concerns, you can also contact: dpo@esma.europa.eu</p>
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