

BRE-JBZ

From: Kaai, Geran
Sent: vrijdag 3 april 2015 16:06
To: Verweij, Ellen
Subject: FW: Meeting request for Thomson Reuters
Attachments: Thomson Reuters position on the draft data protection regulation.pdf

From: [redacted] [mailto:[redacted]]
Sent: dinsdag 2 oktober 2012 18:38
To: Kaai, Geran
Subject: Meeting request for Thomson Reuters

Dear Geran Kaai,

Further to my previous telephone conversation with your colleague, I am writing to you on behalf of World-Check, a Europe-based branch of Thomson Reuters, which specialises in risk intelligence across the European Union and beyond.

This email is to ask whether you would be available this month to meet [redacted]
Financial Crime and Reputational Risk of Thomson Reuters, to discuss the data protection proposals. Also, please find attached the Thomson Reuters position on the draft data protection regulation.

World-Check helps governments and businesses fight crime through gathering public domain information on heightened risk individuals. World-Check and similar information products are an important tool, embedded in the regulatory, legal and compliance and financial crime risk management processes of most of the world's large organisations. The use of these information products is not optional but a requirement in order to undertake responsible customer or counterparty screening.

Such types of highly specialised services are essential to support the EU's objectives in the fight against organised crime, corruption, bribery and money laundering. However, the debate on the data protection review has not so far taken into account the obligations companies have in this regard, and the role of tools like World-Check to comply with these obligations. Therefore, a meeting with Thomson Reuters would offer a different take on the challenges that were brought to your attention so far.

Would you be available for a meeting in Brussels on the 15th - 16th of October? Should you not be available on those days, please do let me know of another day and time that would suit you around these dates.

Thank you in advance for considering my request.

Kind regards,

[redacted]
On behalf of Thomson Reuters

About World-Check

Trusted by more than 5,400 institutions in over 150 countries, including 49 of the world's top 50 banks, World-Check, a Thomson Reuters business, offers a comprehensive solution for assessing, managing and remediating financial, regulatory and reputational risks. World-Check's global intelligence on heightened risk individuals and entities, including Politically Exposed Persons (PEPs) due diligence reporting, and geopolitical risk solutions provide the means to address the full spectrum of risk across all markets and industries, no matter what type and size

organisation. Represented across five continents, World-Check's international research team monitors emerging risks in more than 60 languages, covering over 240 countries and territories.

<http://accelus.thomsonreuters.com/solutions/screening/world-check>

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EMA Public Affairs Consultancy of the Year, 2012 :: The Holmes Report
Global Public Affairs Consultancy of the Year, 2012 :: The Holmes Report

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THE PROPOSED EU GENERAL DATA PROTECTION REGULATION MUST ENABLE THE GLOBAL FIGHT AGAINST FINANCIAL CRIME

The EU has demonstrated its commitment to continuing the fighting against financial crime with recent initiatives such as the review of the 3rd Anti-Money Laundering Directive, the anti-corruption package, the anti-fraud strategy, and the establishment of the European Parliament's special committee on organised crime, corruption and money laundering. Many commercial sector organisations screen their customers or business partners to ensure that they will not expose them to financial crime. This screening process includes checking, where necessary, **publicly available** criminal convictions data. These organisations rely on commercial information providers, such as World-Check, that aggregate publicly available data and make them available to those that have a **legal, compliance or risk management** need to undertake such screening. These services can involve the transfer of this data from EU information providers to clients based in third countries.

Financial crime is a global phenomenon that does not stop at the borders of the EU. Global coordination to deal with it effectively is in the interests of the EU, its business and citizens. The draft General Data Protection Regulation ("Regulation") must therefore give a clear legal basis for these global screening activities.

Processing public domain, criminal convictions data is critical to the global effort to fight financial crime

A wide range of commercial organisations such as banks, insurance companies, law and accounting firms and general corporates process public domain, criminal convictions data where necessary as part of their screening processes designed to combat financial crime.

Such screening activities are often a legal obligation under EU or Member State Law and Article 9(2)(j) of the Regulation appears to permit the processing of criminal convictions data for this purpose. However the Regulation must take into account that **the fight against financial crime is global and, to be effective**, both EU and third country organisations may also need to process public domain, criminal convictions data where necessary:

- to comply with the **financial crime legislation of third countries**
- for **prudent risk management** purposes even if not legally obliged to do so. (For example screening business partners to avoid the risk of implication in bribery or corruption may not be a legal obligation but it is sensible business practice that should not be discouraged).

Processing public domain, criminal convictions data by third party information providers

World-Check aggregates and provides its clients with access to **public domain data** on individuals named on international sanctions lists, Politically Exposed Persons (i.e. high level politicians as defined by EU directive 2006/70/EC) and individuals named on law enforcement or regulatory or reputable media websites as being guilty or suspected of financial crime:

- all information is found entirely online and is **already available to any member of the public in the EU or any third country**

- such information is not collected from consumers for one purpose and then provided to others for another
- World-Check employs rigorous **compliance processes** to ensure its data is as accurate and risk relevant as possible and provides individuals with the right to challenge and correct the data that it holds.

Services such as World Check are **already embedded** into the regulatory, legal, compliance and risk management processes of a huge number of **EU, third country and global** commercial sector organisations. World-Check and similar information providers provide this data because governments and the organisations themselves do not have the resources, experience or appetite necessary for the collection of such data. To undertake its work, World-Check employs 200 researchers who speak 60 languages.

Legal basis for processing public domain, criminal convictions data

Under the Regulation, consent is the default basis for enabling the lawful processing of criminal convictions data. When data are collected from public domain sources, it is **impossible to obtain consent** from the data subject as the sources do not provide contact details. In any event even if consent could be sought, it would not be forthcoming and so would defeat the purpose of collecting the data. World-Check and its clients must therefore look to the Regulation to provide other lawful bases to process public domain, criminal convictions data where necessary to fight financial crime.

It must be in the public interest of the EU and its citizens that the Regulation gives a clear legal basis for commercial sector organisations and their information providers to collect and process public domain criminal convictions data where necessary to support the fight against financial crime.

When reviewing the proposed Regulation, EU policy-makers should consider the following in order to enable the **global** fight against financial crime:

- processing of public domain, criminal convictions data by third country organisations will still occur; it must be in the interests of EU citizens to ensure such processing is facilitated by **regulated information providers within the EU**
- it is in the EU public interest to aid the global fight against financial crime. The lawful grounds for processing public domain, criminal convictions data must extend beyond compliance with just EU or Member State law; they should include **third country legal obligations and prudent risk management practices designed to fight financial crime**
- the Regulation should recognise that personal data that is in the public domain and so already **widely available in third countries** has a different risk profile to data collected directly from consumers for consumer purposes
- EU providers of screening products designed to support the fight against financial crime must be able to rely on the **lawful processing grounds of their clients** in order to carry out the processing required to provide their services

For more information, please contact:

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