Legitimate Interest vs. Privacy

Views from a data protection perspective

31st May - EBRA Conference 2023 - Paris
Lawfulness of granting access to BO-data based on legitimate interest

**Art.6 GDPR**
- Lawfulness of Processing
  - Art.6 (1) c) - Legal obligation of controller
  - Art.6 (1) e) - Task of public interest

**AMLD**
- Draft EP Art.12, 6th AMLD - Access based on legitimate interest

**Art.6 (3) GDPR**
- Compliance of AMLD with GDPR?
Art. 12 (2) • Access should be granted to journalists and civil society organisations, that intend to carry out reporting or other activities on AML-activities

Art. 12 (2) a • Member States shall ensure timely access. If no decision on access has been communicated within 10 days of the submission, access shall be considered to have been granted and shall be given automatically

Art. 12 (2) b • Access shall be valid for a period of at least 2,5 years and shall be recognised in all Member States

Art. 12 (2) c • Possibility for the Member States to automatically renew the access granted

Art. 12 (2) f • Common request form and template for the declaration of honour
Compliance of Art.12 AMLD with GDPR?

Key principles of GDPR

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<th>Lawfulness, fairness and transparency</th>
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<td>Purpose limitation</td>
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<td>Data minimisation</td>
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<td>Accuracy</td>
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<td>Storage limitation</td>
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<td>Integrity and confidentiality (security)</td>
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<td>Accountability</td>
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</table>
Compliance Assessment of Art.12 AMLD – Access based on legitimate interest

- Charter of Fundamental Rights
- GDPR
- ECJ Ruling

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Thank you for your attention.

Gesine Freund
Bundesanzeiger Verlag GmbH
gesine.freund@bundesanzeiger.de
Cologne
Germany