



Data made available to Third Party Providers under the RTS on SCA and CSC

The Central Bank of Malta (CBM), which is the competent authority responsible for the CBM Directive No. 1 on the 'Provision and Use of Payment Services' (CBM Directive No. 1) and the Commission Delegated Regulation (EU) 2018/389, jointly with the Office of the Information and Data Protection Commissioner, as the competent authority responsible for the Regulation (EU) 2016/679 (GDPR), refer to the obligations of account servicing payment service providers (ASPSPs) to provide an access interface to third party providers (TPPs) in line with the provisions of Article 30 of the Commission Delegated Regulation (EU) 2018/389.

Both competent authorities would like to clarify that Paragraphs 42(3)(g) and 43(2)(f) of the CBM Directive No. 1 put an obligation on TPPs not to use, access, or store any data for purposes other than those for the provision of the payment initiation service and for performing the account information service, as explicitly requested by the payment service user. Notwithstanding this, when establishing an access interface/s in line with the provisions of Article 30 of the Commission Delegated Regulation (EU) 2018/389, the ASPSP must ensure that, in absence of any legitimate legal ground for transmitting the data to a TPP and pursuant to principles for processing under Article 5 of the GDPR, TPPs shall not be given access to any accounts which are not within the scope of the CBM Directive No. 1 and the Commission Delegated Regulation (EU) 2018/389.

Nevertheless, the above statement shall be superseded by any guidelines, opinions or clarifications that may be issued, from time to time, by the European Data Protection Board or the European Commission.