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25 November 2024  
Rīga

Regulation No 342

## **Regulation on the Documents to be Submitted for the Assessment of the Suitability of Credit Institution and Investment Firm Officials**

Issued pursuant to Paragraph two of Section 50  
and Paragraph 1.<sup>1</sup> of Section 57 of the Credit  
Institution Law and Paragraph eight of  
Section 8 and Paragraph six of Section 45 of  
the Law on Investment Firms

### **I. General Provisions**

1. The Regulation establishes:

- 1.1. the documents to be submitted by credit institutions and investment firms registered in the Republic of Latvia and branches of foreign credit institutions and investment firms (hereinafter jointly referred to as the "institution") to Latvijas Banka for the purpose of assessing the suitability of candidates for the positions (hereinafter referred to as the "official") specified in Paragraph 1.<sup>1</sup> of Section 57 of the Credit Institution Law and Paragraph eight of Section 8 of the Law on Investment Firms;
- 1.2. the procedure whereby Latvijas Banka examines the submitted documents.

### **II. Documents to be Submitted for the Assessment of the Suitability of Officials**

2. In order for Latvijas Banka to verify the compliance of the officials of the institution with the requirements of the Credit Institution Law or the Law on Investment Firms, the institution shall submit the following documents to Latvijas Banka before the candidate official commences his/her duties:

- 2.1. an application, listing all the documents attached to it;
- 2.2. a copy of the minutes of the meeting (session) of the competent management body of the institution, or a draft thereof, containing the decision or confirming the intention to nominate the official for the position in question;
- 2.3. a suitability assessment questionnaire for:
  - 2.3.1. a candidate official of a less significant supervised credit institution and investment firm – in accordance with Appendix 1 to this Regulation;
  - 2.3.2. a candidate official of a significant supervised credit institution – by completing the questionnaire available on the European Central Bank's Information Exchange Portal;
- 2.4. a detailed professional biography covering at least the last 10 years;
- 2.5. copies of educational documents and honours (awards) and references from other employers, if possible, for the last three years;
- 2.6. the institution's assessment of the suitability of the candidate official;

2.7. a document issued by a competent state body certifying that the candidate official – a non-resident – meets the requirements of Paragraph one of Section 25 of the Credit Institution Law or Paragraph three of Section 8 of the Law on Investment Firms;

2.8. the distribution of the functions of the members of the supervisory board or executive board of the institution after the election of the candidate official, including the organisational structure of the institution, clearly indicating the departments under the authority of the supervisory board and executive board;

2.9. an acknowledgement by the candidate official that he/she is aware of the procedures for processing personal data in the context of the process for the assessment of suitability:

2.9.1. for a candidate official of a less significant supervised credit institution – in accordance with Appendix 2 to this Regulation;

2.9.2. for a candidate official of a significant supervised credit institution – in accordance with Appendix 3 to this Regulation;

2.9.3. for a candidate official of an investment firm – in accordance with Appendix 4 to this Regulation.

3. Upon re-election of an official to the same position, the institution shall inform Latvijas Banka in writing within 10 working days after such re-election and submit to Latvijas Banka the documents specified in Paragraphs 2.6 and 2.8 of this Regulation.

4. The requirements set out in Paragraph 3 of this Regulation shall not apply to an institution if the information previously provided to Latvijas Banka about the re-elected official has changed and such change may affect the assessment of the suitability of that official. In such case, the institution shall submit to Latvijas Banka all the documents specified in Paragraph 2 of this Regulation, subject to Paragraph 13 of this Regulation.

5. Where changes in the composition of the officials of the institution are planned as part of the process of acquisition or increase of a qualifying holding, the person shall attach to the notification of acquisition or increase of a qualifying holding the documents specified in Paragraphs 2.3, 2.4, 2.5, 2.7, 2.8, and 2.9 of this Regulation.

6. If the members of the supervisory board or executive board of an institution are removed from office in accordance with the procedure set out in Clause 4 of Paragraph one of Section 33 or Clause 3 of Paragraph one of Section 41 of the Law on Recovery of Activities and Resolution of Credit Institutions and Investment Firms and new members of the supervisory board or executive board of the institution are appointed, the institution shall immediately submit to Latvijas Banka the documents on the new officials.

7. If an official is not elected to office or ceases to perform the duties of office, the institution shall immediately inform Latvijas Banka thereof in writing, stating the reason for such non-election or cessation of the performance of the duties of office.

8. If the assessment of the suitability of an official changes as a result of a significant event or circumstance, the institution shall inform Latvijas Banka thereof in writing.

### **III. Examination of Documents to be Submitted**

9. Documents and copies thereof drawn up and approved in the Republic of Latvia shall be prepared in accordance with the requirements of the regulation on drawing up and preparing documents approved by the Cabinet of Ministers.

10. Documents in foreign languages must be translated into Latvian or a language used in the field of international finance.

11. If amendments are made to the documents referred to in these Regulations during the examination of applications or other documents, the institution shall promptly submit the updated documents to Latvijas Banka.

12. An institution shall not be required to submit to Latvijas Banka documents that can be obtained from the public registers of the Republic of Latvia.

13. If an institution has previously submitted the documents to be submitted to Latvijas Banka and the information contained therein has remained unchanged, the institution shall not resubmit them and shall indicate in its submission to Latvijas Banka that the relevant documents have been submitted to Latvijas Banka and the information contained therein has remained unchanged since the date of submission to Latvijas Banka. The institution shall indicate in the submission the administrative procedure in the context of which, and the period of time during which, the documents were submitted.

14. In the case referred to in Paragraph 5 of this Regulation, the documents submitted shall be examined within the time limits for the examination of a notification of acquisition or increase of a qualifying holding.

15. In the case referred to in Paragraph 6 of this Regulation, the documents submitted shall be examined within 30 days after receipt of all the necessary documents prepared in accordance with the requirements of the laws and regulations.

#### **IV. Final Provision**

16. The Financial and Capital Market Commission's Regulation No 201 "Procedure for Submission of Information and Documents for the Assessment of the Suitability of Credit Institution and Investment Firm Officials" of 27 October 2020 (*Latvijas Vēstnesis*, 2020, No 214) shall be deemed invalid.

#### **Reference to the European Union legislation**

The Regulation incorporates the legal provisions resulting from the European Banking Authority and European Securities and Markets Authority Guidelines EBA/PN/2021/06; ESMA35-36-2319 "Guidelines on the assessment of the suitability of members of the management body and key function holders" of 2 July 2021.

Governor of Latvijas Banka

Mārtiņš Kazāks

## **SUITABILITY ASSESSMENT QUESTIONNAIRE**

### **Purpose of completing the questionnaire**

The information contained in the questionnaire enables an assessment of the suitability of the person to be confirmed in office to be carried out in the context of the supervision of the institution.

### **How to fill in the questionnaire**

All questions in the questionnaire must be answered accurately and completely. If the information provided is inaccurate or incomplete, the processing of the questionnaire may be delayed. Latvijas Banka shall be entitled to impose sanctions in accordance with the laws and regulations for providing false, incomplete, or misleading information knowingly or negligently, which may cast doubt on the suitability of the person to be confirmed in office.

### **Who should fill in and sign the questionnaire**

The person to be confirmed in office and the institution are jointly responsible for providing complete and accurate information to Latvijas Banka in connection with the appointment. The questionnaire shall be signed by the person to be confirmed in office and by the person authorised to represent the institution in connection with the assessment of the suitability of officials.

### **Submitting the questionnaire**

The questionnaire shall be submitted together with the documents referred to in Paragraph 2 of Latvijas Banka's "Regulation on the Documents to be Submitted for the Assessment of the Suitability of Credit Institution and Investment Firm Officials".

### **Questionnaire processing**

Latvijas Banka will process the questionnaire of a less significant supervised credit institution and investment firm and communicate the result of the assessment of suitability to it.

In accordance with Paragraph 1.<sup>3</sup> of Section 57 of the Credit Institution Law, Latvijas Banka shall commence the assessment of the suitability of the person to be confirmed in office upon receipt of all necessary documents. In addition to the information specified in the documents to be submitted, both the person to be confirmed in office and the institution must submit to Latvijas Banka any other information that may affect the assessment of the person's suitability.

### **Who to contact in case of uncertainties**

In case of uncertainties, please contact Latvijas Banka (tel. +371 67022300; e-mail: info@bank.lv).

**Acknowledgement by the person to be confirmed in office**

The person hereby:

☐ acknowledges that the information provided in the questionnaire is accurate and complete to the best of his/her knowledge;

☐ declares that he/she will immediately notify the institution and Latvijas Banka of any material changes\* to the information provided;

☐ allows Latvijas Banka to request information and to obtain additional information which, in its opinion, is appropriate to clarify and confirm the information it considers relevant for the purpose of carrying out the assessment of suitability;

☐ acknowledges that he/she is aware of the obligations laid down in European and national legislation and international standards, including regulations, codes of ethics, instructions, guidelines, and laws and regulations issued by Latvijas Banka, the European Central Bank, and the European Banking Authority, which are relevant to the position in respect of which a positive assessment is expected, and confirms his/her commitment to ensure continued compliance with them.

First name, surname:

Signature (e-signature):

Date (date of e-signature):

*\* A material change is a change that may affect the suitability of the person to be confirmed in office.*

### Acknowledgement by the institution

The person hereby:

☐ acknowledges that the information provided in the questionnaire is accurate and complete to the best of the institution's knowledge;

☐ declares that the institution will immediately notify Latvijas Banka of any material changes\* to the information provided;

☐ acknowledges that the institution has requested all the information necessary to assess the suitability of the person to be confirmed in office and that it has carefully considered that information in reaching its decision on the suitability of the person to be confirmed in office;

☐ acknowledges that the description of the duties for which a positive assessment of suitability is expected accurately reflects the areas of the institution's activities for which the institution wishes to entrust responsibility to the person to be confirmed in office;

☐ acknowledges that the institution, on the basis of a due and thorough examination and having assessed the fulfilment of the suitability criteria laid down in the laws and regulations, believes that the person to be confirmed in office is suitable for the performance of the tasks of the relevant field of activity of the institution in accordance with the duties of the position;

☐ acknowledges that the institution has informed the person to be confirmed in office of the obligations laid down in the laws and regulations relating to the performance of the institution's tasks in the area of its activity;

☐ acknowledges that he/she is authorised to prepare this acknowledgement and to make this acknowledgement and sign the questionnaire on behalf of the institution.

Name of the institution:

First name, surname:

Position:

Signature (e-signature):

Date (date of e-signature):

*\* A material change is a change that may affect the suitability of the person to be confirmed in office.*

## 1. Details of the institution and the person to be confirmed in office

<b>A.</b>	<b>Details of the institution</b>	
	Details of the institution submitting the questionnaire (name; national registration number; LEI code)	
	Contact person of the institution (first name, surname; e-mail; telephone number)	
<b>B.</b>	<b>Personal data</b>	
	<b>First name and surname</b>	
	First name	
	Surname	
	Scientific, professional title	
	Name variants	
	<b>Previous first name and surname</b>	
	First name	
	Surname	
	Date and reason for change of first name or surname	
	<b>Current place of residence where the person can be reached</b>	
	Address	
	City	
	Country	
	Since when have you been living at this address (date)	
	Until when will you live at this address (date)	
	<b>Permanent place of residence (if different from current place of residence)</b>	
	Address	
	City	
	Country	
	Since when have you been living at this address (date)	
	Until when will you live at this address (date)	
	<b>Other information</b>	
	Date of birth	
	Place of birth	
	Citizenship	
	Identity card or passport number	
	Country of issue of the identity card or passport	
	Validity of identity card or passport	
	Contact telephone number (including country code)	
	E-mail	





## 2. Position for which the questionnaire is being submitted

<b>A.</b>	<b>Please indicate the position to be occupied in the institution by the person to be confirmed in office (according to the information available at the time of submission of the questionnaire)</b>	
	Please indicate the title of the position according to the institution's organisational structure	
	Please tick the appropriate position(s) to be occupied in the institution by the person to be confirmed in office: <input type="checkbox"/> Chairperson of the Executive Board (CEO) <input type="checkbox"/> Member of the Executive Board <input type="checkbox"/> Member of the Executive Board (CRO) <input type="checkbox"/> Member of the Executive Board (CCO) <input type="checkbox"/> Member of the Executive Board (CFO) <input type="checkbox"/> Chairperson of the Supervisory Board <input type="checkbox"/> Member of the Supervisory Board <input type="checkbox"/> Head of the Internal Audit Service <input type="checkbox"/> Risk Manager <input type="checkbox"/> Person responsible for conformity control of the operation <input type="checkbox"/> Person responsible for fulfilment of the requirements for the prevention of money laundering and terrorism and proliferation financing <input type="checkbox"/> Head of a branch of a foreign credit institution <input type="checkbox"/> Head of a branch of a credit institution in another Member State <input type="checkbox"/> Head of a branch of a foreign investment firm <input type="checkbox"/> Head of a branch of an investment firm in another Member State <input type="checkbox"/> Other position (please specify): click here to enter text	
<b>B.</b>	<b>Please indicate the areas (functions) assigned to the position(s), including the main duties, subordinated departments, and number of staff</b>	
	Please also indicate which management committees (if any) the person will be part of	
<b>C.</b>	<b>Please provide additional information in relation to the start date and duration of the intended term of office</b>	
	Date of the planned start of the term of office	
	Planned term of office	
	Will the person to be confirmed in office replace another person?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please indicate the first name and surname of the person concerned and the reason why he/she ceased to perform his/her duties at the institution	
	Is the questionnaire submitted within the deadlines set out in the laws and regulations?	<input type="checkbox"/> YES <input type="checkbox"/> NO

	If NO, please give the reason
<b>D.</b>	<b>Relationship of the person to be confirmed in office to the institution</b>
	<input type="checkbox"/> Service contract <input type="checkbox"/> Partner or shareholder <input type="checkbox"/> Employee <input type="checkbox"/> Other (please specify)

### 3. Reputation

<b>A.</b>	<b>Have you<sup>1</sup> previously been convicted in a criminal case or in a substantial (i.e. one affecting reputation or significantly affecting financial stability) civil or administrative case (including a conviction under appeal)?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide details, in particular the nature of the charge, how long it has been since the offence that gave rise to the charge, the expected sentence in the event of a conviction, the stage of the proceedings, and any other mitigating or aggravating factors	
<b>B.</b>	<b>Have you been the subject of a criminal or substantial (i.e. one affecting reputation or significantly affecting financial stability) civil or administrative case (i.e. a formal notice of investigation or referral to court)?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide details, in particular the nature of the charge, how long it has been since the offence that gave rise to the charge, the expected sentence in the event of a conviction, the stage of the proceedings, and any other mitigating or aggravating factors	
<b>C.</b>	<b>Have you ever been called to disciplinary action (including being found unfit to be a director or manager of a commercial company, removed from a position of responsibility, etc.)?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify	
<b>D.</b>	<b>Have you been a director of a company which has become insolvent, or have you been or are you currently subject to insolvency or similar proceedings?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide details (including whether the insolvency was voluntary, the company, registered office, registration number and country, and the date on which the proceedings were confirmed)	
<b>E.</b>	<b>Have any of the proceedings referred to in Section 3 been settled out of court or through an alternative dispute resolution procedure?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify	
<b>F.</b>	<b>Are you on any debtors' list (e.g. tax debtors' register) or is there negative information about you on the Credit Register, or have you been subject to debt recovery proceedings?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify	
<b>G.</b>	<b>Has your registration, authorisation, membership, or licence been refused, cancelled, or suspended in any professional or business field?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify	

<sup>1</sup> "You" throughout Section 3 means "you personally" but should also include any company, partnership, or unincorporated entity with which you are or have been associated as a director, controller, manager, or shareholder having a qualifying holding.

<b>H.</b>	<b>Have you been sanctioned by public authorities or professional organisations or been the subject of an investigation or enforcement procedure?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify	
<b>I.</b>	<b>Has the institution reviewed a particular aspect of your reputation?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify the nature and outcome of the review	

## 4. Experience

A.	Education (academic or scientific degree, certificate)			Field of study		Study period		Educational institution (university, study centre)	
B.	Practical experience in the fields of credit institutions, investment firms, or finance								
	Position	Key responsibilities	Organisation, company, etc.	Size <sup>2</sup>	Number of subordinated staff	Areas of activity	From	To	Reason for leaving
C.	Other relevant experience at senior management <sup>3</sup> level outside the financial sector								
	Position	Key responsibilities	Organisation, company, etc.	Size <sup>4</sup>	Number of subordinated staff	Areas of activity	From	To	Reason for leaving
D.	Other experience outside the financial sector (e.g. in academia, legal services, information technology, engineering, human resources, politics, or other non-commercial fields)								
	Position	Key responsibilities	Organisation, company, etc.	Size <sup>5</sup>	Number of subordinated staff	Areas of activity	From	To	Reason for leaving
E.	In answering the previous questions, please note that the following criteria are relevant to the level of experience (to be indicated where appropriate): type of management position and level of hierarchy; type of business; competence, decision-making powers and responsibilities; number of subordinated staff. Additional information may be provided if necessary								

<sup>2</sup> For example, the total value of assets at the end of the year.

<sup>3</sup> In the executive board or supervisory board, or 1–2 levels below.

<sup>4</sup> See footnote 2.

<sup>5</sup> See footnote 2 (if it is not possible to estimate the size, do not fill in this box).

<b>F.</b>	<b>If the person to be confirmed in office does not have relevant experience, please indicate below the factors which might compensate for this (e.g. size of the institution, other equivalent experience; scientific or academic degree or academic experience; special skills and knowledge; general suitability; a position with limited functions due to the specific nature of the position; other specific cases)</b>	
<b>G.</b>	<b>General knowledge in the field of institutions<sup>6</sup>:</b>	<b>Assessment (high, medium high, medium low, low)</b>
	a) Financial markets	
	b) Legal framework and requirements	
	c) Strategic planning and an understanding of the institution's business strategy or business case (business plan) and its execution	
	d) Risk management (identification, assessment, monitoring, control, and mitigation of the main types of risks of the institution, including experience directly related to the person's job responsibilities)	
	e) Accounting and auditing	
	f) Assessing the effectiveness of the institution's performance, effective management, supervision and control	
	g) Analysing the institution's financial information, identifying key issues based on that information, and implementing appropriate controls and measures	
	h) Requirements for the prevention of money laundering and terrorism and proliferation financing	
	i) Environmental, social, and governance risks and risk factors	
<b>H.</b>	<b>Other specific experience</b>	

<sup>6</sup> According to Latvijas Banka's Regulation on the Assessment of the Suitability of Credit Institution and Investment Firm Officials, which implements the European Banking Authority's Guidelines on the assessment of the suitability of members of the management body and key function holders.

<b>I.</b>	<b>Will the person to be confirmed in office attend any refresher courses before or during the first year after appointment?</b>			<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify			
	<b>Course content</b>	<b>Course provider (internally organised or externally organised, indicating the name of the external organisation)</b>	<b>From</b>	<b>To</b>

## 5. Conflict of interest

<b>A.</b>	<b>Do you<sup>7</sup> have any personal relationship<sup>8</sup> with:</b> - other members of the supervisory board or executive board or key function holders in the institution, the parent undertaking, or a subsidiary thereof; - a person who has a qualifying holding in the institution, the parent undertaking, or a subsidiary thereof?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify	
<b>B.</b>	<b>Do you have transactional (business) relationship (privately or through a company) with the institution, its parent company, or its subsidiary?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide the following information: - a description of the nature and content of the business relationship; - the obligations of both parties; - the name of the company, if the cooperation is or was carried out through a company; - the cooperation period.	
<b>C.</b>	<b>Are you directly or indirectly involved in pending legal proceedings with the institution, its parent undertaking, or its subsidiary?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please specify the institution involved and the content and status of the proceedings	
<b>D.</b>	<b>In the last two years, have you had any professional<sup>9</sup> or commercial relationships with:</b> - the institution, its parent undertaking, or its subsidiary; - competitors of the institution, its parent undertaking, or its subsidiary?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide more details (if there is a commercial relationship, please indicate the (financial) value of the relationship to the person's business or to the business of persons related to that person personally or through a business relationship)	

<sup>7</sup> "You" throughout Section 5 means "you personally", but should also include close relatives (spouse, registered partner, unregistered partner, children, parents, or any other relative with whom you live) and any legal entity whose supervisory board or executive board you are or have been a member of.

<sup>8</sup> A personal relationship means a marriage, a relationship with a registered partner, a relationship between children and parents, or any other relationship between persons living together.

<sup>9</sup> For example, you have held a middle or senior management position(s).



<b>E.</b>	<b>Do you have, personally or through an undertaking with which you have a close relationship, a material<sup>10</sup> financial interest (e.g. participating interest or investment) in the institution, its parent undertaking, or its subsidiaries, or in the undertakings of competitors or customers of the institution, its parent undertaking, or its subsidiaries?</b> <b>If YES, please provide the following information:</b>					<input type="checkbox"/> YES <input type="checkbox"/> NO
	<b>Name of institution</b>	<b>Fields of main activity of the institution</b>	<b>Relations between the institutions</b>	<b>Cooperation period</b>	<b>Amount of financial participation (percentage of capital and voting rights or value of shares or investment)</b>	
<b>F.</b>	<b>Do you represent any shareholder or member of the institution, its parent company, or its subsidiary?</b>					<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide the following information: 1) the first name and surname of the shareholder or member; 2) the size of the holding (as a percentage of the share capital and the number of voting shares); 3) the extent of the representation.					
<b>G.</b>	<b>Do you have any material<sup>11</sup> financial obligations (e.g. loans, guarantees) with the institution, its parent undertaking, or its subsidiaries?</b>					<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide the following information: 1) the type of the obligations; 2) the value of the obligations; 3) the relevant period of the obligations.					
<b>H.</b>	<b>In the last two years, have you or anyone in a personal relationship<sup>12</sup> with you held an influential political position<sup>13</sup> at national or local government level?</b>					<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide the following information: 1) the type of the position; 2) a list of the powers and responsibilities of the position; 3) the relationship of the position (or of the institution in which the position is held) to the institution, its parent undertaking, or its subsidiaries.					

<sup>10</sup> Materiality depends on the value (in financial terms) of the interest or liability in relation to the financial resources of the person to be confirmed in office. Any non-performing secured non-preferential retail loans (e.g. retail mortgage loan agreements), any other non-preferential loans **up to 200 000 euro** (secured or unsecured, performing or non-performing), current holdings of shares **≤ 1% of the institution's capital or shares**, or other investments of the same value may be considered **immaterial**.

<sup>11</sup> See footnote 10.

<sup>12</sup> See footnote 8.

<sup>13</sup> A position that gives a person significant political influence. Significant influence can occur at any level: it can be exercised by a local politician (e.g. a mayor), a regional or national politician (e.g. a minister), a public official (e.g. a person in the public service) or a government representative. The materiality of a conflict of interest depends on whether the political role in question involves specific powers or responsibilities that could prevent the person to be confirmed in office from acting in the interests of the institution.

<b>I.</b>	<b>Do you have any other commitments, positions, or memberships, other than those listed in the questions above, which could adversely affect the interests of the institution?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES, please provide all necessary information (e.g. nature, content, period of the commitments and, where relevant, relationship with the institution, its parent undertaking, and its subsidiaries)	

***To be completed by the institution***

<b>J.</b>	<p><b>If any of the statements in Section 5 apply to the person to be confirmed in office, please indicate how the institution intends to address his/her potential conflict of interest (whether or not it is considered material)</b></p> <p><b>Please attach relevant documents (e.g. the institution's policy on conflicts of interest), if applicable, and indicate the relevant paragraphs governing these matters</b></p>

## 6. Time required to carry out duties (workload distribution)

<b>A.</b>	<b>Please indicate the time required to carry out the duties of the position</b>	
<b>B.</b>	<b>Have you obtained the supervisory authority's authorisation to perform additional duties of a member of the supervisory board pursuant to Paragraph five of Section 26.<sup>1</sup> of the Credit Institution Law or Paragraph five of Section 9 of the Law on Investment Firms?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>C.</b>	<b>List of members of the supervisory board and executive board and other positions</b> <b>Please indicate first the position in the institution for which you are completing this questionnaire, and then any other positions you will continue to hold after your new appointment in the institution</b>  If the credit institution where the person is to be confirmed in office is not a systemically important institution (O-SII) or the investment firm where the person is to be confirmed in office is not a significant investment firm in terms of its size, internal organisation, and the nature, scope, and complexity of its activities, row "f" may be omitted	
a.	Company (mark companies listed on a regulated market with "*")	
b.	Country	
c.	Type of business	
d.	Company size <sup>14</sup>	
e.	Position (executive or supervisory)	
f.	To be counted on a preferential basis <sup>15</sup> (group, qualifying holding or protection scheme), or the position is not counted <sup>16</sup>	
g.	Additional duties, e.g. committee membership, chairperson duties, etc.	
h.	Time required per week (hours) and per year (days) (including for additional duties) <sup>17</sup>	
i.	Term of mandate (from – to)	
j.	Additional comments	
k.	Meetings per year	
l.	Additional information	
	If the credit institution where the person is to be confirmed in office is not a systemically important institution (O-SII) or the investment firm where the person is to be confirmed in office is not a significant investment firm in terms of its size, internal organisation, and the nature, scope, and complexity of its activities, points D, E, and F may be omitted	

<sup>14</sup> See footnote 2.

<sup>15</sup> In accordance with Paragraph three of Section 26.<sup>1</sup> of the Credit Institution Law or Paragraph three of Section 9 of the Law on Investment Firms.

<sup>16</sup> In accordance with Paragraph four of Section 26.<sup>1</sup> of the Credit Institution Law or Paragraph four of Section 9 of the Law on Investment Firms. Mainly non-commercial or representing the state (e.g. charities, churches, chambers of commerce, professional associations, etc.).

<sup>17</sup> It is recommended to use an average number of hours and days, i.e. a maximum of 60 hours per week and 280 working days per year. If the number of hours and days exceeds the figures given, the workload must be justified.

<b>D.</b>	<b>Total number of senior positions with <u>an executive function (executive board, director, etc.)</u> held if preferential counting or exceptions apply (position not counted)</b>	
<b>E.</b>	<b>Total number of <u>non-executive senior positions (supervisory board, advisor, etc.)</u> held if preferential counting or exceptions apply (position not counted)<sup>18</sup></b>	
<b>F.</b>	<b>If preferential counting is applied, please provide details of any synergies between companies, i.e. whether there is a justifiable overlap in the time needed to fulfil obligations between companies</b>	
<b>G.</b>	<b>Time required per week (hours) for all duties in addition to the duties of the position for which this questionnaire is being completed</b>	
<b>H.</b>	<b>Time required per year (days) for all duties in addition to the duties of the position for which this questionnaire is being completed</b>	

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<sup>18</sup> See footnotes 15 and 16.

## 7. Collective compliance

### *To be completed by the institution*

<b>A.</b>	<b>How will the person to be confirmed in office fit into the collective compliance of the institution's supervisory board and executive board? Explain why the (proposed) appointment adds to the collective compliance of the supervisory board and executive board of the institution and indicate the outcome of the institution's assessment of the person's suitability</b>
<b>B.</b>	<b>Describe in general terms the potential improvements or shortcomings identified in the collective compliance of the supervisory board and executive board</b>
<b>C.</b>	<b>How will the person to be confirmed in office help to remedy some or all of the shortcomings identified in your answer to the previous question?</b>

## 8. Additional information and appendices

	<b>If the person to be confirmed in office or the institution believes that there is other information that is relevant for the assessment of suitability, please indicate it here</b>

## **PROCESSING OF PERSONAL DATA**

### **ASSESSMENT OF THE SUITABILITY OF OFFICIALS** *(officials of a less significant supervised credit institution)*

#### **PURPOSE AND LEGAL FRAMEWORK FOR PERSONAL DATA PROCESSING**

All personal data to be submitted to Latvijas Banka are necessary for Latvijas Banka, within the framework of its supervisory function, to assess the compliance of persons with the requirements of the Credit Institution Law, Latvijas Banka's Regulation on the Assessment of the Suitability of Credit Institution and Investment Firm Officials, and Latvijas Banka's Regulation on the Management System, which require credit institutions to implement strict management measures, including **requirements on the compliance of all persons who manage a credit institution**. Consequently, personal data shall be collected and processed in order to assess whether the persons who manage a credit institution meet the suitability criteria. This process shall assess the person's: 1) reputation; 2) knowledge, skills, and experience; 3) ability to act in accordance with the credit institution's corporate values and standards of professional conduct and ethics, including the ability to act independently; 4) ability to devote sufficient time to the performance of his/her duties; 5) collective compliance.

#### **TRANSFER OF PERSONAL DATA**

All the personal data requested are necessary to assess the suitability of the nominated member of the supervisory board or executive board of the credit institution or the key function holder. If no data are provided, the application shall be rejected on the basis of incomplete information.

#### **RECIPIENTS AND DISCLOSURE OF PERSONAL DATA**

Personal data provided in the process of assessing the suitability of officials of a credit institution shall be disclosed to the employees and management of Latvijas Banka for the performance of their duties. Latvijas Banka shall have the right to disclose the submitted personal data in the cases specified in Section 110.<sup>1</sup> of the Credit Institution Law and Paragraph one of Section 7 of the Law on Latvijas Banka, as well as to law enforcement authorities in accordance with their right to request such information from Latvijas Banka as specified in the laws and regulations governing their activities.

#### **APPLICABLE DATA RETENTION PERIOD**

Latvijas Banka shall retain the personal data provided under the process of the assessment of suitability for 10 years after the loss of the personal status. In the event of administrative proceedings or legal proceedings, the retention period shall be extended and shall expire one year after the entry into force of the decision imposing sanctions, which shall have the force of a final decision.

#### **APPLICABLE DATA PROTECTION**

Latvijas Banka shall be considered a data controller within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of

personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as "Regulation (EU) 2016/679") and shall be responsible for the processing of personal data carried out in accordance with the procedure laid down in Regulation (EU) 2016/679.

### **DATA SUBJECT'S RIGHTS**

A data subject whose personal data are processed by Latvijas Banka for prudential supervision purposes shall have the right to access and rectify the data relating to him/her. The data subject shall also have the right (subject to limitations) to erase his/her personal data and to object to the processing of his/her personal data, subject to the requirements of Regulation (EU) 2016/679.

### **CONTACTS**

In case of queries or complaints about the data processing process, you can contact Latvijas Banka (tel. +371 67022300; e-mail: [datuaizsardziba@bank.lv](mailto:datuaizsardziba@bank.lv)). In addition, you have the right to seek assistance at any time from the Data State Inspectorate (contact details: <https://www.dvi.gov.lv/en>).

### **ACKNOWLEDGEMENT**

I hereby acknowledge that I have been informed about the processing of my, as a natural person, data, including sensitive personal data, submitted to Latvijas Banka to ensure the process of the assessment of the suitability of the officials of a credit institution. I am aware that my personal data may be disclosed in the circumstances set out in this acknowledgement.

First name, surname:

Signature:

Place, date:

Governor of Latvijas Banka

Mārtiņš Kazāks

## PROCESSING OF PERSONAL DATA

### ASSESSMENT OF THE SUITABILITY OF OFFICIALS *(officials of a significant supervised credit institution)*

#### **PURPOSE AND LEGAL FRAMEWORK FOR PERSONAL DATA PROCESSING**

The safety and soundness of a credit institution depends on the internal organisation structure and corporate governance arrangements in place. Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (hereinafter referred to as the "SSM Regulation"), based on Article 127(6) of the Treaty on the Functioning of the European Union, confers on the European Central Bank (hereinafter referred to as the "ECB") specific tasks concerning the prudential supervision of credit institutions, as defined therein. For prudential supervision purposes, the ECB is entrusted with the tasks relating to the credit institutions established in the participating Member States, as referred to in Article 4 of the SSM Regulation in the context of Article 6 of the SSM Regulation.

Under point (e) of Article 4(1) of the SSM Regulation, the ECB is required to ensure compliance with the relevant European Union legislation imposing the requirements on credit institutions to have in place robust governance arrangements, including **requirements on the suitability of all persons who manage the credit institution**. In order to carry out the duties assigned to it under point (m) of Article 16(2) of the SSM Regulation, the ECB is empowered to remove at any time members from supervisory boards and executive boards of credit institutions who do not fulfil the requirements set out in that European Union legislation. Article 91(1) of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (hereinafter referred to as "CRD IV") requires that members of the supervisory board and executive board be at all times of sufficiently good repute and possess sufficient knowledge, skills, and experience to perform their duties. In the context of the supervision of significant supervised credit institutions, Articles 93 and 94 of Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (hereinafter referred to as the "SSM Framework Regulation") lay down rules for the ECB's assessment of the suitability of managers of credit institutions. In order to ensure that the suitability requirements are met at all times, in accordance with Article 94(2) of the SSM Framework Regulation, the ECB may initiate a new assessment if it becomes aware of any new facts that may have an impact on the initial assessment of the suitability of the relevant manager.

Consequently, personal data shall be collected and processed in order to assess whether the persons who manage a significant supervised credit institution meet the suitability requirements. The assessment criteria shall be: 1) reputation; 2) knowledge, skills, and experience; 3) ability to act in accordance with the credit institution's corporate values and standards of professional conduct and ethics, including the ability to act independently; 4) ability to devote sufficient time to the performance of his/her duties; 5) collective



compliance. In addition, personal data may be processed and analysed for the purposes of quantitative research and analysis and statistical analysis. If used for this purpose, the personal data will be anonymised so that the person cannot be identified.

### **TRANSFER OF PERSONAL DATA**

All the personal data requested are necessary to assess the suitability of the nominated member of the supervisory board or executive board of the credit institution or the key function holder. If no data are provided, the application shall be rejected on the basis of incomplete information.

### **RECIPIENTS OR GROUPS OF RECIPIENTS OF PERSONAL DATA**

In the course of assessing the suitability of officials, personal data may be disclosed to persons on a need-to-know basis, employees of Latvijas Banka, members of the joint supervisory teams, employees of the ECB's Directorate General Microprudential Supervision, the Secretariat and members of the Supervisory Board of the ECB, and members of the Governing Council of the ECB.

### **APPLICABLE RETENTION PERIOD**

The ECB shall retain personal data provided in the course of the process of the assessment of the suitability of officials for 15 years from the date of submission of the application if it is withdrawn before a formal decision has been taken, from the date of the negative decision, or from the date on which the data subject ceases to be an official of the credit institution or a person with a qualifying holding in the credit institution in the case of a positive ECB decision, and from the date of the last ECB decision if the official is reassessed on the basis of new facts. Latvijas Banka shall retain the said personal data for 10 years after the loss of the personal status. In the event of administrative proceedings or legal proceedings, the retention period shall be extended and shall expire one year after the entry into force of the decision imposing sanctions, which shall have the force of a final decision.

### **APPLICABLE DATA PROTECTION**

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 (hereinafter referred to as "Regulation (EU) 2018/1725") applies to the processing of personal data by the ECB. However, the ECB and Latvijas Banka are joint controllers for the prudential supervision tasks conferred on them by the SSM Regulation and the SSM Framework Regulation whenever they jointly determine the purpose and means of data processing activities.

### **DATA SUBJECT'S RIGHTS**

A data subject whose personal data are processed by the ECB and Latvijas Banka for the purposes of prudential supervision specified above shall have the right to access and rectify the data relating to him/her in accordance with Decision (EU) 2020/655 of the European Central Bank of 5 May 2020 adopting implementing rules concerning data protection at the European Central Bank and repealing Decision ECB/2007/1.

### **CONTACTS**

In case of queries or complaints about the data processing process, you can contact the ECB (e-mail: [authorisation@ecb.europa.eu](mailto:authorisation@ecb.europa.eu)) or Latvijas Banka (e-mail: [datuaizsardziba@bank.lv](mailto:datuaizsardziba@bank.lv)).

In addition, you have the right to seek assistance at any time from the European Data Protection Supervisor ([https://edps.europa.eu/data-protection/our-role-supervisor/personal-data-breach\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/personal-data-breach_en)) or the Data State Inspectorate (contact: [www.dvi.gov.lv](http://www.dvi.gov.lv)).

**ACKNOWLEDGEMENT**

I hereby acknowledge that I have been informed about the processing of my, as a natural person, data, including sensitive personal data, submitted to Latvijas Banka to ensure the process of the assessment of the suitability of the officials of a credit institution, including the transfer of such data to the ECB and processing by the ECB for the fulfilment of its functions.

First name, surname:

Signature:

Place, date:

Governor of Latvijas Banka

Mārtiņš Kazāks

## **PROCESSING OF PERSONAL DATA**

### **ASSESSMENT OF THE SUITABILITY OF OFFICIALS** *(officials of investment firms)*

#### **PURPOSE AND LEGAL FRAMEWORK FOR PERSONAL DATA PROCESSING**

All personal data to be submitted to Latvijas Banka are necessary for Latvijas Banka, within the framework of its supervisory function, to assess the compliance of persons with the requirements of the Law on Investment Firms, Latvijas Banka's Regulation on the Assessment of the Suitability of Credit Institution and Investment Firm Officials, and Latvijas Banka's Regulation on the Management System, which require investment firms to implement strict management measures, including **requirements on the compliance of all persons who manage an investment firm**. Consequently, personal data shall be collected and processed in order to assess whether the persons who manage an investment firm meet the suitability criteria. This process shall assess the person's: 1) reputation; 2) knowledge, skills, and experience; 3) ability to act in accordance with the investment firm's corporate values and standards of professional conduct and ethics, including the ability to act independently; 4) ability to devote sufficient time to the performance of his/her duties; 5) collective compliance.

#### **TRANSFER OF PERSONAL DATA**

All the personal data requested are necessary to be able to assess the suitability of the nominated member of the supervisory board or executive board of the investment firm or the key function holder. If no data are provided, the application shall be rejected on the basis of incomplete information.

#### **RECIPIENTS AND DISCLOSURE OF PERSONAL DATA**

Personal data provided in the process of assessing the suitability of officials of an investment firm are disclosed to the employees and management of Latvijas Banka for the performance of their duties. Latvijas Banka shall have the right to disclose the submitted personal data in the cases specified in Paragraph four of Section 83 of the Law on Investment Firms and Paragraph one of Section 7 of the Law on Latvijas Banka, as well as to law enforcement authorities in accordance with their right to request such information from Latvijas Banka as specified in the laws and regulations governing their activities.

#### **APPLICABLE DATA RETENTION PERIOD**

Latvijas Banka shall retain the personal data provided under the process of the assessment of suitability for 10 years after the loss of the personal status. In the event of administrative proceedings or legal proceedings, the retention period shall be extended and shall expire one year after the entry into force of the decision imposing sanctions, which shall have the force of a final decision.

#### **APPLICABLE DATA PROTECTION**

Latvijas Banka shall be considered a data controller within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of

personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as "Regulation (EU) 2016/679") and shall be responsible for the processing of personal data carried out in accordance with the procedure laid down in Regulation (EU) 2016/679.

### **DATA SUBJECT'S RIGHTS**

A data subject whose personal data are processed by Latvijas Banka for prudential supervision purposes shall have the right to access and rectify the data relating to him/her. The data subject shall also have the right (subject to limitations) to erase his/her personal data and to object to the processing of his/her personal data, subject to the requirements of Regulation (EU) 2016/679.

### **CONTACTS**

In case of queries or complaints about the data processing process, you can contact Latvijas Banka (tel. +371 67022300; e-mail: [datuaizsardziba@bank.lv](mailto:datuaizsardziba@bank.lv)). In addition, you have the right to seek assistance at any time from the Data State Inspectorate (contact details: <https://www.dvi.gov.lv/en>).

### **ACKNOWLEDGEMENT**

I hereby acknowledge that I have been informed about the processing of my, as a natural person, data, including sensitive personal data, submitted to Latvijas Banka to ensure the process of the assessment of the suitability of the officials of an investment firm. I am aware that my personal data may be disclosed in the circumstances set out in this acknowledgement.

First name, surname:

Signature:

Place, date:

Governor of Latvijas Banka

Mārtiņš Kazāks