

Administrative arrangement relating to transfers of personal data between ASIC and certain European authorities

ASIC has entered into an administrative arrangement (the **Administrative Arrangement**) for the transfer of personal data between ASIC and European Economic Area (**EEA**) authorities that are signatories to the arrangement. "Personal data" for this purpose means any information relating to an:

- identified natural person; or
- an identifiable natural person, being a person "who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

The Administrative Arrangement provides a mechanism consistent with the [European Union General Data Protection Regulation](#) under which EEA authorities can share personal data with non-EEA authorities in their respective capacities as public authorities, regulators and/or supervisors of securities and/or derivatives markets.

The European Data Protection Board (**EDPB**), has issued its [opinion](#) that the Administrative Arrangement ensures appropriate safeguards when personal data are transferred on the basis of the Administrative Arrangement to public bodies (such as ASIC) in non-EEA countries.

While signatories to the Administrative Arrangement commit to act consistently with the Administrative Arrangement, the Administrative Arrangement does not create any legally binding obligations, confer any legally binding rights, or supersede domestic law and does not prevent signatories from relying on other arrangements for the transfer of personal data that provide for appropriate safeguards.

A copy of the Administrative Arrangement is available [here](#).

The below notice is provided pursuant to section III. 3 of the Administrative Arrangement.

1. How and why does ASIC process and transfer your personal data?

ASIC processes and transfers personal data for the purposes of the performance and exercise of its functions and powers under the legislation it administers, including the *Corporations Act 2001* and the *Australian Securities and Investments Commission Act 2001*.

In performing its functions and exercising its powers, ASIC must strive to, among other things, promote the confident and informed participation of investors and consumers in the financial system and take whatever action it can take, and is necessary, in order to enforce and give effect to the laws of the Commonwealth that confer functions and powers on it.

2. The type of entities to which such data may be transferred

Generally, ASIC may transfer personal data to a foreign regulator or law enforcement agency to assist that regulator to perform its functions and exercise its powers under foreign laws. Likewise, ASIC may receive a transfer of personal data from a regulator in another jurisdiction for the purposes of ASIC's supervisory and enforcement activities.

ASIC may share personal data with regulators in other jurisdictions pursuant to information-sharing arrangements such as the [IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information](#) and the [Enhanced Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information](#), or bilateral agreements.

For details of these agreements, see [International activities](#).

3. Rights of a data subject

ASIC handles personal data in accordance with the legislation it administers and also in accordance with the [Privacy Act 1988](#). We are bound by the Australian Privacy Principles (**APPs**) which regulate how Australian Government agencies may collect, store, use and disclose personal information, and how individuals may access and correct personal information held about them.

Information about your rights under the *Privacy Act 1988* can be found in ASIC's [Privacy Policy](#).