

PROCEDURE

Personal Data Complaint Review

October 2023

Personal Data Complaint Review Procedure

Section I: Purpose

This Procedure sets out the process to be followed for complaints by Data Subjects who consider that the Bank has failed to Process Personal Data in accordance with the Personal Data Protection Policy and the Implementing Acts.

Section II: Definitions

Capitalised terms used in this Procedure shall have the same meaning as defined in the Personal Data Protection Policy and the Personal Data Protection Directive.

Section III: Legal Basis

Section IV, paragraph 13 Personal Data Protection Directive.

Section IV: Scope

1. Applicability

This Procedure applies to complaints made by a Data Subject in accordance with the Personal Data Protection Directive.

2. Submission of complaints

2.1 A Data Subject (or their legal representative), who considers that the Bank has failed to Process Personal Data in accordance with the Personal Data Protection Policy and the Implementing Acts, may submit a complaint within 90 days of becoming aware of such Bank's failure to the Personal Data Review Panel.

2.2 A complaint must be in writing, preferably in English or in any other working language of the Bank (Russian, German or French) or, alternatively, in an official national language of the Bank's recipient country, in each case prepared by completing the complaint form available on the [Bank's website](#) and submitted by one of the methods indicated in paragraph 2.3 below. When preparing the complaint, Data Subjects shall follow the format and content of the complaint form and provide information on, including but not limited to: (i) the reasons why the Data Subject considers that the Bank has failed to Process Personal Data in accordance with the Personal Data Protection Policy and the Implementing Acts, (ii) the date on which the Data Subject was informed or became aware of the Bank's failure, and (iii) the remedy being sought.

2.3 A complaint shall be submitted:

(a) by delivery or post to the following address:

European Bank for Reconstruction and Development
For the attention of the Personal Data Review Panel
5 Bank St
London E14 4BG

United Kingdom.

or

(b) by email to the following email address: PDReviewPanel@ebrd.com

2.4 The Data Subject shall supplement the complaint with (i) a copy of any relevant response provided by the Bank and (ii) all relevant evidence.

2.5 The complaint shall be submitted by the Data Subject (or their legal representative). Where the complaint is submitted by a Data Subject's legal representative, they will provide supporting evidence as the Data Subject's legal representative.

2.6 No complaint shall be made by telephone.

2.7 The Bank shall not accept or respond to anonymous complaints.

2.7 Failure to submit the complaint in accordance with paragraphs 2.1 to 2.6 above may result in the complaint being rejected by the Personal Data Review Panel.

3. The Bank's response to complaints

3.1 The Personal Data Review Panel shall acknowledge receipt of the complaint.

3.2 In its response, the Personal Data Review Panel may:

- (a) request the Data Subject (or their legal representative) to provide supporting documents to verify their identity, correspondence address and the authorisation form; and
- (b) where a complaint is insufficiently clear or precise, request the Data Subject (or their legal representative) to provide clarifications.

4. Personal Data Review Panel

4.1 The Personal Data Review Panel receives and considers Data Subjects' complaints.

A. *Composition*

4.2 The Personal Data Review Panel shall be composed of three (3) members: Associate Director or higher level member of each of (i) the Office of the General Counsel, (ii) the Office of the Chief Compliance Officer and (iii) the Data Management team. The members shall be appointed by the head of each respective department and shall not delegate their responsibilities as members of the Personal Data Review Panel.

4.3 The Personal Data Review Panel shall be chaired by the representative of the Office of the General Counsel.

4.4 The Vice President responsible for each relevant department shall designate a member of each of the human resources department, the IT department and the procurement department to

serve as a contact point for the Personal Data Review Panel for information, which it may request pursuant to paragraph 4.8 below.

B. Inability to sit

4.4 Any member of the Personal Data Review Panel shall refrain from considering a complaint which may compromise the impartial and objective exercise of their duties under this Procedure.

4.5 If a member of the Personal Data Review Panel is prevented from sitting, they shall inform, in writing, the other two members and the head of the relevant member's department of the reasons relating to such panel member's inability to consider a complaint.

4.6 Upon receipt of the reasons advanced by a member of the Personal Data Review Panel in accordance with paragraph 4.5 above, the head of the relevant department shall appoint a person replacing the member who is unable to sit in the Personal Data Review Panel.

C. Proceedings and deliberations

4.7 The proceedings before the Personal Data Review Panel shall be in writing.

4.8 The Personal Data Review Panel shall request from the Personal Data Management Officer and, as applicable, the human resources department, the IT department and the procurement department, all information and documents that they may have in relation to the Data Subject's complaint.

4.9 The Personal Data Review Panel may request additional information or documents from Staff Members, Board Officials, Data Subjects, or any other individual who can provide relevant information, all of whom shall have a duty to cooperate fully in the conduct of the proceedings.

4.10 The Personal Data Review Panel shall deliberate in private. Its deliberations shall remain confidential.

D. Translations

4.11 If a complaint is received in a working language of the Bank, the complaint shall be processed by the Personal Data Review Panel with the involvement, to the extent necessary, of the Bank's language unit. Alternatively, if the complaint is received in an official national language of the Bank's recipient country, such complaint shall, in the first instance, be referred to the relevant Bank Resident Office or Representative Office for the purpose of translation into English.

E. Decisions

4.12 The Personal Data Review Panel shall decide Data Subjects' complaints by a majority of all members. Abstentions shall not be allowed.

4.13 The decision of the Personal Data Review Panel shall: (i) state whether a breach of the Personal Data Protection Policy or the Implementing Acts has occurred; and (ii) in the event that

such a breach has occurred, specify what measures should be taken by the Bank to rectify the breach and within what timeframe.

4.14 The Personal Data Review Panel shall use its best efforts to issue a reasoned decision within 90 days of receiving the latter of (i) a duly completed complaint form accompanied by all supporting documents in accordance with paragraphs 2.2 through 2.6 above, (ii) the Data Subject's response in accordance with paragraph 3.2 above, or (iii) in case the complaint form, supporting documents or a Data Subject's response is received in a language that is not a working language of the Bank (English, Russian, German or French), the translation into English of such complaint form, supporting documents and Data Subject's response.

4.15 The decision of the Personal Data Review Panel shall be final, and no appeal shall lie against it.

4.16 All decisions shall be given in English and shall be promptly notified to the concerned Data Subject (or their legal representative).

5. Computation of time

Unless stated otherwise, references to "days" in this Procedure means calendar days, including weekends and holidays.

Section V: Waivers, Exceptions and Disclosure

Waivers

Not Applicable.

Exceptions

Not Applicable.

Disclosure

This Procedure will be disclosed on the Bank's website.

Section VI: Transitional Provisions

Not Applicable.

Section VII: Effective Date

This Procedure is effective on the date of its approval.

Section VIII: Decision Making Framework

The Vice-President, Risk and Compliance is accountable for this Procedure.

The Managing Director, Risk Management is responsible for this Procedure.

Section IX: Review and Reporting

Review

This Procedure will be reviewed annually.

Reporting

Not Applicable.

Section X: Related Documents

1. The Personal Data Protection Policy.
2. The Personal Data Protection Directive.
3. The Data Subject Requests Procedure
4. The Personal Data Breach Management Procedure