

### 3. Data protection requirements

**NOTIFICATION  
PURSUANT TO SECTION 7 (1)(d)  
OF THE MULTILATERAL COMPETENT AUTHORITY AGREEMENT ON  
AUTOMATIC EXCHANGE OF FINANCIAL ACCOUNT INFORMATION**

31 January 2016

The Competent Authority of BELGIUM hereby notifies the Co-ordinating Body Secretariat that, in accordance with the data protection legislation of BELGIUM, it has to supply the information set forth in Section 2 of the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information only if the following safeguards are in place in the receiving Jurisdiction with respect to the personal data received from the Competent Authority of BELGIUM under the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information:

Where the Competent Authority of BELGIUM has an Agreement in effect with a Competent Authority of a Jurisdiction other than a Jurisdiction whose data protection regime has been assessed as adequate by BELGIUM or the European Commission, the Competent Authority of BELGIUM shall consider itself obliged to supply the information set forth in Section 2 of the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information only if the following safeguards are in place in the receiving Jurisdiction with respect to the Personal Data received from the Competent Authority of BELGIUM under such Agreement in effect:

#### **Rights of access, rectification and erasure of data**

Individuals, providing evidence of their identity, shall have the right of access to their Personal Data processed by the receiving Competent Authority except for:

- requests which are manifestly abusive, based on unreasonable intervals, their number, or their repetitive or systematic nature; or
- requests which would be likely to jeopardise the assessment, audit, collection, or recovery of taxes, or the enforcement or prosecution in respect of taxes, or the data processing, by the receiving Competent Authority.

Individuals, providing evidence of their identity, shall also have the right to correction, amendment or erasure of their Personal Data where such Personal Data is shown to be inaccurate. If there are compelling grounds to doubt the legitimacy of the request, the receiving Competent Authority may require further justifications before taking action.

If the Competent Authority of BELGIUM informs the receiving Competent Authority that it has supplied inaccurate Personal Data, the receiving Competent Authority shall correct, amend or delete that Personal Data, as appropriate.

#### **Right to seek redress**

Individuals must have the right to seek appropriate redress if they suffer damage due to the erroneous use by the receiving Competent Authority of the Personal Data supplied by the Competent Authority of BELGIUM.

## Data retention

The receiving Competent Authority shall ensure that Personal Data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the Personal Data was collected or for which it is further processed.

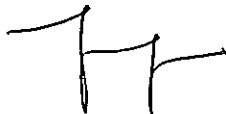
## Definitions

For purposes of this Declaration:

- a) The term "Personal Data" includes any information relating to an identified or identifiable individual; an identifiable person is one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;
- b) The terms "Jurisdiction" and "Competent Authority" shall have the meaning defined in the Convention on Mutual Administrative Assistance in Tax Matters, as amended;
- c) The term "Agreement in effect" shall have the meaning defined in the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information; and
- d) The Jurisdictions whose data protection regime has been assessed as adequate by BELGIUM or the European Commission can be found at [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

This notification shall remain valid until the Co-ordinating Body Secretariat is notified of any modifications to the present notification.

[SIGNATURE]



For the Competent Authority of BELGIUM  
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