**Good practice for account information services in the Netherlands**

**Introduction**

At its meeting of 26 May 2020, the National Forum on the Payment System (NFPS) endorsed the good practice document for account information service provision in the Netherlands. The NFPS previously observed that consumers and firms both need transparency about account information services provided under PSD2. To help account information service providers provide such transparency, the NFPS has drawn up a good practice list consisting of seven questions. Service providers can answer these questions concisely and clearly before asking the account holder's consent to access his or her account. We have discussed competition and privacy aspects of the good practices with the Authority for Consumers & Markets (Autoriteit Consument & Markt – ACM) and the Dutch Data Protection Authority (Autoriteit Persoonsgegevens – Dutch DPA).

**Background**

An account information service provider is responsible for informing potential users about the use of the information in the account information service before they give their consent to access their payment account. This allows the users to take an informed decision about whether to use the account information service and grant the service provider access to their payment account. The NFPS wishes to stress that it is important that the information provided by the account information services provider matches the needs of the users, preferably in a uniform manner.

The Dutch Payments Association (Betaalvereniging) has examined these needs in more detail by consulting the consumer representatives in the NFPS, i.e. the Consumer’s Association (Consumentenbond), the senior citizens’ organisations and organisations representing people with disabilities. These representatives indicated that their members would like to see account information service providers answer the following seven questions – in electronic form if they so wished – concisely, transparently and in plain Dutch prior to asking for the user’s consent to access their payment account:

1. Who is asking for access to my account information? Which rules apply to the service?
2. What service does <*name of service provider*> provide for which it needs my information?
3. What account data will <*name of service provider*> be using?
4. What else will <*name of service provider*> be using the data for?
5. What data will be shared with other firms, and why?
6. How can I withdraw my consent once I have given it?
7. Where can I find more information?

In its meeting of May 2019, the NFPS endorsed these seven questions as a solid basis for drawing up good practices. They will help consumers and firms compare the transparency practised by account information service providers. As the questions also affect the areas of activity of the Authority for Consumers and Markets (ACM) and the Dutch Data Protection Authority (Dutch DPA), the NFPS considered that it would be desirable for DNB to involve them as well. The NFPS has requested its Working Group on Accessibility and Availability (WTB) to further elaborate the good practice document containing the seven questions. which led to this memorandum.

**Consultations with the ACM and the Dutch DPA**

Before elaborating the good practices, the NFPS secretariat contacted the ACM and the Dutch DPA. When asked, both supervisors said they would not be opposed to account information service providers offering clearer and more transparent information about their services. The ACM indicated that the good practice document ought to apply to all parties offering account information services in the Netherlands, including banks. The Dutch DPA noted that General Data Protection Regulation (GDPR) – more specifically Articles 12 to 14 – also contains requirements concerning transparency and information provision about the processing of personal data. It stated that these GDPR requirements may well be more comprehensive than the answers which providers of account information services could provide in answering the first six questions of the good practice document[[1]](#footnote-1).

**Proposed good practice**

The NFPS secretariat proposes that the members of the NFPS can ask licensed account information service providers in the Netherlands[[2]](#footnote-2) to refer users (i.e. consumers or small firms) to their answers to the seven questions before requesting their consent for access to a payment account in order to provide the account information service offered.

Account information service providers will be asked to formulate their answers concisely and in plain Dutch (language proficiency level B1), providing examples and illustrative details, while not exceeding two A4 pages. In addition, the questions have been made even more specific.

The questions must be answered separately for each specific service, as service providers may well offer separate services with specific characteristics.  
  
Annex I to this memorandum provides explanatory details about the amended questions and suggests how service providers may answer them.

**Subsequent steps**

1. The NFPS secretariat will send the good practice to the ACM and the Dutch DPA to inform them.
2. The members of the NFPS for which this subject is relevant will publish the good practice and the explanatory notes[[3]](#footnote-3) on their websites and communicate it to their own members through newsletters and the like. The NFPS secretariat will prepare a template text.
3. The NFPS secretariat will publish the good practice on the NFPS section of DNB's website, including explanatory notes.
4. NFPS members can then contact licensed account information service providers in the Netherlands, asking them to incorporate the good practice into the request and consent process. They can also ask these service providers to let them know whether they embrace the good practice or ask any questions they may have. NFPS members can then pass on any questions to the NFPS secretariat.
5. In the final quarter of 2021, the NFPS will analyse trends in the supply of account information services in the Netherlands, to what extent these services are being used in the Netherlands, and whether the service providers active in the Netherlands apply the good practice in their request and consent procedures. The WTB will report its findings in the NFPS's 2022 spring meeting. Based on these findings, NFPS members may decide whether or not to contact any service providers newly licensed after the date of this memorandum to inform them of the good practice.

**Annexes**

* Annex I — The seven questions (and answers) explained

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1. **Who is asking for access to my account information? Which rules apply to the service?**

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| *What is your firm's statutory name and trade name, if different? In which country is your firm based? From which national supervisory authority did your firm obtain a licence to operate as an account information service provider?* |

1. **What service does <*name of service provider*> provide for which it needs my information?**

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| --- |
| *Please explain the service you offer for which you will use account information. Why do you need your customers to give you access to their payment account or payment account information?* |

1. **What account data will *<name of service provider>* be using?**

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| --- |
| *Please specify the account information of your customers that you use in offering your service(s). Also indicate how much historical information you will be using and how often you will be processing new data in the future under the same consent.* |

1. **What else will *<name of service provider>* be using the data for?**

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| --- |
| *Please specify any other purpose for which a customer's account information will be used besides providing the account information service. You may need to request the customer's explicit consent.* |

1. **What data will be shared with other firms, and why?**

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| *Please specify any payment account information that you pass on to other parties, explaining why. You should do so briefly and to the point. If there are too many parties, you could state their number and refer to details available elsewhere.* |

1. **Where and how can I withdraw my consent once I have given it?**

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| --- |
| *Please describe how the customer can withdraw his or her consent. Also describe how the customer can request you to have any payment account information deleted which you retrieved earlier.* |

1. **Where can I find more information?**

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| --- |
| *Please refer to specific website pages on which the customer can find more information about your firm, the service(s) it offers, the terms and conditions that apply, etc.* |

1. For more information, see the GDPR guidelines on transparency and consent: <https://autoriteitpersoonsgegevens.nl/nl/zelf-doen/avg-guidelines> [↑](#footnote-ref-1)
2. They can be licensed payment institutions, electronic money institutions, banks and registered account information service providers. [↑](#footnote-ref-2)
3. The letter will clearly state that the NFPS, given its mandate, cannot oblige account information service providers to comply with the good practice. In addition, it will stress that answering the seven questions does not necessarily mean that the service provider complies with its obligations regarding transparency and information provision on the processing of personal data under the GDPR (see also the Dutch DPA's response cited above). [↑](#footnote-ref-3)