

ACT
No 123/2022

of 17 March 2022

on the central register of accounts
(and amending certain laws)

The National Council of the Slovak Republic has adopted this Act:

ARTICLE I

Section 1

This Act establishes the central register of accounts and regulates the rights and obligations arising in connection with the establishment and operation of the central register of accounts.

Section 2

For the purposes of this Act, the following definitions apply:

- (a) ‘financial institution’ means any of the following institutions: a bank,¹ a branch of a foreign bank,² a payment institution,³ a branch of a foreign payment institution,⁴ an electronic money institution,⁵ a branch of a foreign electronic money institution,⁴ an investment firm,⁶ and a branch of a foreign investment firm;
- (b) ‘account’ means any of the following accounts: a payment account,⁷ a deposit account,⁸ a home saver’s account,⁹ and a book-entry security owner’s account;¹⁰
- (c) ‘client’ means:
 - 1. an account holder or a person authorised to handle the funds or securities in an account;
 - 2. the lessee of a safe-deposit box or a person authorised to handle the contents of a safe-deposit box;
 - 3. a person acting on behalf of a person referred to in point 1 or point 2.

Section 3

(1) There shall be established the central register of accounts (hereinafter the ‘central register’). The central register shall be a public administration information system that is maintained in order to facilitate access by the authorities referred to in Section 5(1) (hereinafter referred to individually as an ‘authorised authority’) to data concerning accounts and safe-deposit boxes held or leased in the territory of the Slovak Republic, in the scope defined in Section 4(1).

(2) The administrator¹¹ and operator¹² of the central register shall be the Ministry of Finance of the Slovak Republic (hereinafter the ‘Ministry of Finance’).

Section 4

(1) The following data and changes thereto shall be reported to the central register:

- (a) the name, registered office address and identification number of the financial institution that maintains the account or leases out the safe-deposit box;
- (b) the date on which the account was opened;
- (c) the date on which the lease on the safe-deposit box began;
- (d) the account number and international bank account number (IBAN), if assigned;
- (e) the specific designation of the safe-deposit box;
- (f) the identification details of the client, as follows:
 - 1. for natural persons: their forename, surname, personal identification number or date of birth (if a personal identification number has not been assigned), and permanent address or other residence address;
 - 2. for natural person-entrepreneurs: their data under point 1, business name, place of business address, and personal identification number;
 - 3. for legal persons: their name, registered office address, and identification number;
- (g) the beneficial owner's forename, surname, personal identification number or date of birth (if a personal identification number has not been assigned), and permanent address or other residence address;
- (h) the date on which the client's authorisation to handle the funds in the account was established and the date on which it was terminated;
- (i) the date on which the account was cancelled;
- (j) the date on which the lease on the safe-deposit box terminated.

(2) Financial institutions shall transmit to the central register, electronically, data on the creation, change or deletion of data under paragraph 1 by the end of the day following that on which the creation, change or deletion of the data takes place.

(3) Národná banka Slovenska and central securities depositories shall transmit data on the accounts they maintain to the central register pursuant to paragraph 2; this obligation does not apply to accounts opened by Národná banka Slovenska under other legislation¹³ or on the basis of a contractual relationship with international institutions.

(4) Financial institutions, Národná banka Slovenska and central securities depositories are responsible for the correctness and completeness of the data they provide to the central register. For the purpose of the first sentence, data are considered to be correct and complete when they are the same as the data that the financial institution, Národná banka Slovenska or central securities depository maintain in its information system. The Ministry of Finance will not check the correctness and completeness of the data provided to the register by a financial institution, Národná banka Slovenska or a central securities depository, nor will it be responsible for the correctness and completeness of the data so received.

(5) Data referred to in paragraph 1 shall be retained in the central register for five years starting from 1 January of the year following that in which the account is cancelled or the lease on the safe-deposit box terminates; after the expiry of that period, the data shall be deleted from the central register.

Section 5

(1) Data from the central register will be made available to the following authorised authorities:

- (a) a specific unit of the Police Force's financial police service, for the purpose of carrying out tasks under other legislation;¹⁴
- (b) a law enforcement agency or a court, for the purposes of criminal proceedings;¹⁵
- (c) the Financial Directorate of the Slovak Republic, the customs authority and the tax authority, for the purposes of tax administration and customs supervision;
- (d) the Financial Directorate of the Slovak Republic, for the purpose of detecting and documenting criminal activities;¹⁶
- (e) the Police Force's criminal police, financial police service and inspection service, for the purpose of exercising their criminal investigation powers;¹⁷
- (f) the Police Force's financial police service, for the purpose of performing tasks under other legislation on proving the origin of property;¹⁸
- (g) the National Security Authority, the Slovak Information Service, Military Intelligence and the Police Force, for the purpose of carrying out security checks within their jurisdiction under other legislation;¹⁹
- (h) the Slovak Information Service, for the purpose of the fight against organised crime and terrorism pursuant to other legislation;²⁰
- (i) Military Intelligence, for the purpose of fulfilling its tasks under other legislation;²¹
- (j) the Criminal Office of the Financial Administration, for the following purposes:
 - 1. to detect crimes and to identify and search for their perpetrators;²²
 - 2. to share them with the European Anti-Fraud Office;²³
- (k) the Ministry of Finance, in connection with the application of international sanctions under other legislation.²⁴

(2) Data from the central register shall be made available electronically in a direct, continuous and remote manner. Each natural person requesting data from the central register on behalf of an authorised authority (hereinafter a 'user') shall be assigned a unique identifier. The user may request information from the central register only after indicating the purpose of the search and specifying the proceedings for which the data from the central register are to be used.

(3) Data from the central register shall be provided in the manner referred to in paragraph 2 on the basis of the submission of the following data:

- (a) the international bank account number (IBAN);
- (b) the account number or safe-deposit box designation, and the identifier of the financial institution that maintains the account or leases out the safe-deposit box;
- (c) for natural persons: their personal identification number or forename, surname and date of birth;
- (d) for natural person-entrepreneurs: their identification number or business name and date of birth; or
- (e) for legal persons: their identification number or their name and identification number assigned in a foreign country, or their registered office address.

(4) Data from the central register may also be provided pursuant to paragraph 2 where the data referred to in paragraph 3 is incomplete. The submission of incomplete data is

permissible only if the complete data is not available, even after checking for the data in other accessible registers.

Section 6

(1) In operating the central register, the Ministry of Finance shall take appropriate organisational, personnel-related, control-related and technical measures to ensure adequate security of the data stored in the central register, including protecting the data against unauthorised processing, misuse, loss, deletion or damage.

(2) In processing data obtained from the central register, the authorised authorities shall apply measures similar to those referred to in paragraph 1, and in particular they shall ensure compliance with this Act and other legislation²⁵ when providing data from the central register and shall verify the legitimacy of requests for data from the central register. The authorised authorities shall inform the Ministry of Finance of any deficiencies they identify and on how these are to be eliminated.

(3) Financial institutions, Národná banka Slovenska and central securities depositories shall, when transmitting data to the central register, take appropriate organisational, personnel-related, control-related and technical measures to ensure adequate security of the data transmitted to the central register, including protecting the data against unauthorised processing, misuse, loss, deletion or damage.

(4) The Ministry of Finance may request the authorised authorities, financial institutions, Národná banka Slovenska and central securities depositories to present proof of compliance with the measures referred to in paragraphs 2 and 3. For this purpose, the authorised authorities, financial institutions, Národná banka Slovenska and central securities depositories shall provide the Ministry of Finance with appropriate cooperation.

(5) The processing of personal data in the central register is subject to other legislation.²⁶

(6) Pursuant to other legislation,²⁷ natural persons have a right to information and a right to access their personal data stored in the central register; this does not apply to information concerning which authorised authority was provided with their personal data stored in the central register and when those data were provided, and this exemption applies for a period of five years from when these data were provided to the authorised authority. Legal persons have the right to check once a year, free of charge, the data about them stored in the central register, to the same extent as do natural persons pursuant to first sentence.

(7) Requests for information or personal data made by natural or legal persons pursuant to paragraph 6 shall be submitted to the Ministry of Finance in either paper or electronic form; the handling of such requests is subject mutatis mutandis to other legislation.²⁸ The Ministry of Finance shall keep records of such requests for five years after the records are created.

(8) Data provided to or from the central register are regarded as subject to banking secrecy or as protected data under other legislation.²⁹

Section 7

(1) In operating the central register, the Ministry of Finance shall create and maintain logs. The logs shall include the following:

- (a) specification of the proceedings for which data from the central registry were provided;
- (b) the date and time of the search;
- (c) the unique identifier of the results;
- (d) the identifier of the authorised authority;
- (e) the unique identifier of the user;
- (f) the type of submitted data pursuant to Section 5(3).

(2) Logs may be used by the Ministry of Finance only in accordance with other legislation²⁶ –for the purpose of monitoring the protection of personal data, including checking the admissibility of requests and verifying the lawfulness of personal data processing, and for the purpose of ensuring the integrity and security of personal data.

(3) Logs shall be retained for ten years after their creation. Logs may be kept for longer if necessary for the purpose referred to in paragraph 2.

(4) Logs shall be periodically inspected by persons designated by the Ministry of Finance.

(5) For the purpose mentioned in paragraph 2, the Ministry of Finance shall, upon request, make logs available to the following:

- (a) the Office for Personal Data Protection of the Slovak Republic;
- (b) the Bureau of the Inspection Service, where the logs result from the activities of a user who falls within the jurisdiction of the Police Force;
- (c) the Prosecutor-General's Office of the Slovak Republic, where the logs result from the activities of a user who falls within the jurisdiction of the prosecution service;
- (d) the Financial Administration of the Slovak Republic, where the logs result from the activities of a user who falls within the jurisdiction of the Financial Administration;
- (e) the Ministry of Justice of the Slovak Republic, where the logs result from the activities of a user who falls within the jurisdiction of the judicial system;
- (f) the Slovak Information Service, where the logs result from the activities of a user who falls within the jurisdiction of the Slovak Information Service;
- (g) Military Intelligence, where the logs result from the activities of a user who falls within the jurisdiction of Military Intelligence;
- (h) the National Security Authority, where the logs result from the activities of a user who falls within the jurisdiction of the National Security Authority.

Section 8

(1) Supervision of the compliance of financial institutions and central securities depositories with their obligations in regard to transmitting data to the central register pursuant to this Act shall be exercised by Národná banka Slovenska.³⁰

(2) For the purpose of supervision, Národná banka Slovenska shall have access to data in the central register. The provision of data from the central register for the purpose of supervision by Národná banka Slovenska is subject mutatis mutandis to Section 5.

Section 9

(1) Národná banka Slovenska may impose fines of up to €500,000 on financial institutions or central securities depositories that:

- (a) provide the central register with incorrect and or incomplete data referred to Section 4(1);
- (b) fail to provide the data referred to in Section 4(1) to the central register in the manner or within the time limit specified in Section 4(2); or
- (c) fail to provide data to the central register in accordance with Section 11(2).

(2) Národná banka Slovenska may impose fines of between €10,000 and €1,000,000 on financial institutions or central securities depositories which repeatedly commit a breach referred to in paragraph 1 within two years after the effective date of the decision under which they were previously fined pursuant to paragraph 1.

(3) When imposing a fine, Národná banka Slovenska shall take into account the gravity, extent, duration, nature and consequences of the identified deficiency.

(4) The fines referred to in paragraph 1 and paragraph 2 may be imposed within three years from the date on which Národná banka Slovenska identified the breach in question, but no later than ten years from the date on which the breach occurred.

Section 10

(1) The Ministry of Finance shall prepare a summary report on the operation of the central register for each calendar year, including a breakdown of the number of searches by authorised authority, a description of measures taken pursuant to Section 6(1) to (3) and information on the financial costs incurred in connection with the operation of the central register.

(2) By 31 March of each year, the Ministry of Finance shall submit the report referred to in paragraph 1 to the Finance and Budget Committee of the National Council of the Slovak Republic.

Section 11

(1) The Ministry of Finance shall put the central register into operation on 1 January 2023.

(2) Within six months after the effective date of the implementing legislation referred to in Section 12, financial institutions, Národná banka Slovenska and central securities depositories shall transmit to the central register correct and complete data specified Section 4(1) on accounts and safe-deposit boxes existing at the time of data transmission, as well as any data under Section 4(1), recorded in their systems, which have been created, changed or deleted since 1 January 2018.

Section 12

By 1 July 2022, the Ministry of Finance shall issue legislation of general application which lays down:

- (a) detailed provisions on the transmission of data to the central register pursuant to Section 4(1) to (3);
- (b) conditions for the assignment and use of a unique user identifier pursuant to Section 5(2);
- (c) detailed provisions on the measures referred to in Section 6(1) to (4),
- (d) detailed provisions on the transmission of data to the central register pursuant to Section 11(2).

Section 13

This Act enacts in Slovak law the legal binding acts of the European Union listed in the Annex.

ARTICLE VI

This Act takes effect on 1 May 2022.

Zuzana Čaputová [signed]
Gábor Grendel [signed]
Eduard Heger [signed]

**SCHEDULE OF LEGALLY BINDING ACTS OF THE EUROPEAN UNION
ENACTED IN SLOVAK LAW BY THIS ACT**

1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015), as amended by Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 (OJ L 156, 19.6.2018).
2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019).
3. Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation (OJ L 104, 25.3.2021).

Endnotes

- ¹ Section 2(1) of Act No 483/2001 on banks (and amending certain laws), as amended by Act No 213/2014.
- ² Section 2(8) of Act No 483/2001, as amended.
- ³ Section 63 of Act No 492/2009 on payment services (and amending certain laws), as amended.
- ⁴ Section 2(22) of Act No 492/2009, as amended.
- ⁵ Section 81(1) of Act No 492/2009, as amended by Act No 394/2011
- ⁶ Section 54 of Act No 566/2001 on securities and investment services (and amending certain laws) (the Securities Act), as amended.
- ⁷ Section 2(9) of Act No 492/2009
- ⁸ Section 716 of the Commercial Code.
- ⁹ Section 10b(2) of Act No 310/1992 on home savings, as amended.
- ¹⁰ Section 105 of the Securities Act, as amended.
- ¹¹ Section 2(5) of Act No 95/2019 on information technologies in public administration (and amending certain laws).
- ¹² Article 4(7) 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) (OJ L 119, 4.5.2016), as amended.
Section 5(o) of Act No 18/2018 on personal data protection (and amending certain laws).
- ¹³ For example: Section 25 of Act No 566/1992 on Národná banka Slovenska, as amended; Sections 45(3)(a) and 47(3) of Act No 492/2009.
- ¹⁴ Act No 297/2008 on the prevention of money laundering and terrorist financing (and amending certain laws), as amended.
- ¹⁵ Section 3(5) of the Code of Criminal Procedure.
- ¹⁶ Section 4(3)(y) of Act No 35/2019 on financial administration (and amending certain laws), as amended by Act No 431/2021.
- ¹⁷ Sections 2(1)(b), (c) and (l), 29a and 76 of Act No 171/1993 on the Police Force, as amended.
- ¹⁸ Act No 101/2010 on proving the origin of property, as amended by Act No 125/2016.
- ¹⁹ Act No 215/2004 on the protection of confidential information (and amending certain laws), as amended.
- ²⁰ Section 2(1)(d) and (2) of Act No 46/1993 on the Slovak Intelligence Service, as amended.
- ²¹ Section 2(1) of Act No 198/1994 on Military Intelligence, as amended.
- ²² Section 11(2) of Act No 199/2004 – the Customs Act (and amending certain laws), as amended by Act No 672/2006.
Section 9(2)(h), (i) and (l) of Act No 35/2019, as amended by Act No 431/2021.
- ²³ Article 7(3a) of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013), as amended.
- ²⁴ Act No 289/2016 on the implementation of international sanctions (and amending Act No 566/2001 on securities and investment services (and amending certain laws) (the Securities Act), as amended), as amended.
- ²⁵ For example: the Code of Criminal Procedure; Act No 46/1993 on the Slovak Intelligence Service, as amended; Act No 171/1993 on the Police Force, as amended; Act No 198/1994, as amended.
- ²⁶ Regulation (EU) 2016/679.
Act No 18/2018, on the protection of personal data, as amended.
- ²⁷ Articles 13 to 15 of Regulation (EU) 2016/679.
Sections 19 to 21 of Act No 18/2018.
- ²⁸ Articles 12 and 23 of Regulation (EU) 2016/679, as amended.
Sections 29 and 30 of Act No 18/2018.
- ²⁹ Section 109 of the Securities Act, as amended.
- ³⁰ Section 24(1) of Act No 202/1995 – the Foreign Exchange Act (amending Act No 372/1990 on offences), as amended.
Section 1(3)(a) of Act No 747/2004 on financial market supervision (and amending certain laws), as amended.