

ACT No. 300/2016 Coll.

Of August 24, 2016

on the Central Register of Accounts

as amended by: Act No. 183/2017 Coll.
Act No. 111/2019 Coll.
Act No. 527/2020 Coll.
Act No. 353/2021 Coll.

The Parliament has adopted the following Act of the Czech Republic:

Section 1

Subject and Purpose of Law

This Act incorporates the respective acts of the European Union¹ and regulates rights and obligations related to the establishment, usage and operation of the central register of accounts and safe deposit boxes (hereinafter the “Central Register of Accounts”) which shall be used as an instrument for detection of criminal activity and prosecution of the perpetrators of criminal offences, securing of significant economic and financial interests and security of the Czech Republic or the European Union.

Section 2

Establishment of the Central Register of Accounts

- 1) The Central Register of Accounts is established as a central evidence of
 - a) accounts maintained by credit institutions in the territory of the Czech Republic for their clients;
 - b) accounts designated in accordance with the international rules for standardization (IBAN) maintained by institutions in the territory of the Czech Republic for their clients;
 - c) safe deposit boxes rented by credit institutions in the territory of the Czech Republic.
- 2) The administrator of the Central Register of Accounts is the Czech National Bank.

Section 3

Definitions

For the purpose of this Act:

¹ Articles 32a and 58 of EU Directive 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; and 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

- a) a credit institution means any bank, foreign bank operating in the territory of the Czech Republic via its branch, and cooperative savings or credit union,
- b) an institution means
 - i) credit institution and
 - ii) electronic money institution, foreign electronic money institution, small scale electronic money issuer, payment institution, foreign payment institution and small scale provider of payment services to which a payment relations code has been issued by the Czech National Bank
- c) an account means any account opened in the Czech Republic under an agreement to establish an account under Section 2662 of the Civil Code or under an agreement to make a one-off deposit under Section 2680 of the Civil Code and other types of accounts and accounts established under previous law or under foreign law,
- d) a client means
 - i) an account holder of an account maintained by an institution or a person authorised to dispose with assets on the account,
 - ii) a trust or any other structurally or functionally similar arrangement governed by foreign law for which assets on the account are held,
 - iii) a rentee of a safe deposit box that is rented by a credit institution,
 - iv) a trust or any other structurally or functionally similar legal arrangement governed by foreign law for which a safe deposit box in letter iii) is rented, and
 - v) a person that proves he/she acts in the name of a client under letters i) to iv) or on the client's behalf,
- e) a beneficial owner means a beneficial owner in accordance with the Act on the Register of Beneficial Owners.

Section 4

Data in the Central Register of Accounts

Following data, their changes or updates shall be provided to the Central Register of Accounts:

- a) identification data of the institution maintaining the account or renting the safe deposit box,
- b) the opening day of the account or the date when the safe deposit box was rented,
- c) the account number and IBAN account number (if issued) or identification number of the safe deposit box,
- d) identification data of the client maintained by the institution in following scope:
 1. a natural person's identification data shall mean all names and surnames used in connection with the account maintained by the institution or in connection with the safe deposit box rented by the credit institution, the date of birth, birth identification number (if issued), permanent residence and, where appropriate, an address for service of documents,
 2. identification data of a natural person who is an entrepreneur or of a legal person shall mean the name, including its appendices or other identification features, business identification number of the person, standardised Legal Entity Identifier or similar business identification number given under foreign law (where appropriate), and the person's registered office,
 3. in case of an account established for the purpose of holding assets for a trust or any other structurally or functionally similar legal arrangement governed by foreign law or in case of a safe deposit box rented to such arrangement appropriate identification of this arrangement and identification data of its trustee, administrator or any person in a similar position in the scope required under 1 or 2,
- e) identification data of the client's beneficial owner in the scope per letter d) point 1 if these data are held by the institution maintaining the account or the safe deposit box,

- f) the date of establishment and the date of termination of an authorization of persons authorized to dispose of assets on the account,
- g) the date of cancellation of the account or of termination of the rent of the safe deposit box.

Section 5

Data registration to the Central Register of Accounts

- 1) An institution shall provide information about any change of the data that emerged, changed or were corrected on the previous working day or holiday into the Central Register of Accounts to the Czech National Bank in electronic form via remote access no longer than until noon of the following working day. In the same timelines, the institution shall also provide information that no data have changed. A decree of the Czech National Bank shall stipulate detailed requirements, structure and form of information to be recorded into the Central Register of Accounts as well as further details of ways of its transfer.
- 2) The data about accounts of clients of the Czech National Bank and about safe deposit boxes rented by the Czech National Bank to its clients shall be recorded into the Central Register of Accounts in the same way as any other data provided by credit institutions.

Providing data from the Central Register of Accounts

Section 6

- 1) The data from the Central Register of Accounts shall be requested only by:
 - a) a law enforcement authority,
 - b) the Financial Analytical Office (the financial intelligence unit of the Czech Republic),
 - c) a body of the Financial Administration of the Czech Republic,
 - d) a body of the Customs Administration of the Czech Republic,
 - e) an intelligence service of the Czech Republic (hereinafter "intelligence service"), or
 - f) the body acting as asset recovery office in the field of tracing and identification of proceeds from, or other property related to, crime² (hereinafter the "Asset Recovery Office")
- 2) The data from the Central Register of Accounts that are subject to bank secrecy or to the obligation to keep them confidential in accordance with the Act on Credit Unions shall be requested by a body stipulated under paragraph 1 (hereinafter "applicant") only when conditions for their requesting stipulated in other legislation that regulates authorization of the applicant to receive such information are met.
- 3) An applicant shall maintain a record of requests for providing data from the Central Register of Accounts. This record shall contain the date of request, identification data of the natural person who asked on behalf of the applicant for the data from the Central Register of Accounts and the text of the request.
- 4) The data in the evidence under paragraph 3 shall be kept by the applicant for the period of 10 years after the day of submitting the request.
- 5) If the applicant is the Asset Recovery Office, the Asset Recovery Office shall request information from the Central Register of Accounts when this is necessary for fulfilling concrete tasks concerning crime activities according to Annex 1 of the directly applicable

² Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime

legal act of the European Union regulating Europol³ or for answering a reasoned request by Europol; in this case paragraph 2 does not apply.

- 6) The Asset Recovery Office maintains a record of requests for providing data from the Central Register of Accounts in accordance with paragraph 3. The record contains also unique identification of the natural person that ordered the request and identification of the receiver of the requested data.

Section 7

- 1) A request for providing data from the Central Register of Accounts shall include indication of relevant proceeding within which the authorized body submits the request, and a file number of the proceeding. An intelligence service shall state in the request the file number of the Court Decision allowing it to request for providing information under the act adjusting the activity of intelligence services; a statement from the Court Decision or other documents declaring fulfilment of the conditions to file a request under different legislation shall not be submitted. The Asset Recovery Office includes in the request unique identification of the natural person who asked on its behalf for the data from the Central Register of Accounts and it may also include identification of the individual that ordered the request and identification of the receiver of the requested data. The purpose of the request shall not be stated.
- 2) The request under paragraph 1 shall be submitted by an applicant strictly via Data Box determined for this purpose into the Data Box opened by the Czech National Bank for the Central Register of Accounts.
- 3) Identifiers of the Data Boxes used by the applicant for submitting a request and their changes shall be reported to the Czech National Bank by:
 - a) the Ministry of Justice for all courts of all instances ,
 - b) the Supreme Public Prosecutor's Office for all public prosecutors of all instances,
 - c) the Ministry of Finance for the body stipulated in Section 6 para. 1 letter b),
 - d) the Ministry of Interior for the Security Information Service and for the Office for Foreign Relations and Information,
 - e) the Ministry of Defence for the Military Intelligence,
 - f) the General Financial Directorate for the bodies of the Financial Administration of the Czech Republic,
 - g) the General Directorate of Customs for the bodies of the Customs Administration of the Czech Republic,
 - h) the Police Presidium for the Asset Recovery Office.
- 4) A decree of the Czech National Bank shall stipulate the formal requirements, structure and form of the report under paragraph 3 and the way of its delivery.

Section 8

(1) The Czech National Bank shall provide the data from the Central Register of the Accounts only if:

- a) the request was submitted in the way stipulated under Section 7 para. 2,
- b) the identifier of the sending Data Box is identical with identifier reported under Section 7 para. 3, and
- c) in addition to the data under Section 7 para. 1, the request shall consist at least of:
 1. an account number or an identification number of the safe deposit box and identification clearly identifying the institution maintaining the account or renting the safe deposit box,

³ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA

2. a birth identification number, or a name and surname together with a date of birth,
3. a business identification number, standardized international Legal Entity Identifier, or name together with an identification number issued abroad, in case of a natural person who is an entrepreneur or a legal person or
4. the identification data stipulated under point 2 or 3 of a trustee, trust administrator or person in a similar position, or their appropriate identification, in case of a trust or any other structurally or functionally similar legal arrangement governed by foreign law.

(2) The Czech National Bank shall provide to the applicant the data about all accounts and safe deposit boxes belonging to the particular client or the client's beneficial owner in all institutions that are recorded in the Central Register of Accounts in the extent under Section 4.

(3) The Czech National bank shall send the data referred to in paragraph 2 to the Data Box of the applicant, from which the request was sent, no later than 24 hours from the reception of the request. By the same way and by the same time the Czech National Bank shall inform the applicant that concerning the respective request there was found no match in the Central Register of Accounts.

(4) If the request does not comply with conditions under paragraph 1 the Czech National Bank shall send within the period of 24 hours after delivery the applicant a non-acceptance message.

(5) A decree of the Czech National Bank shall stipulate the formal requirements, structure and form of the request under paragraph 1.

Section 9 **Data Protection**

(1) When operating the Central Register of Accounts the Czech National Bank shall apply organizational, personnel and other measures to keep information acquired in the implementation of this Act out of contact with an unauthorized person. Applicants shall apply similar measures when dealing with data obtained from the Central Register of Accounts.

(2) Access to the data processed in the Central Register of Accounts shall be granted only to designated employees of the Czech National Bank, who directly ensure the operation of this information system. Other designated employees of the Czech National Bank can get acquainted with the kept data to the necessary extent while performing supervision of the processing of the Central Register of Bank Accounts and supervision on fulfilment of institutions' obligations under Section 12 and during the proceeding for offence under Section 13.

Section 10 **Data retention in the Central Register of Accounts**

(1) The Czech National Bank shall collect and store the data in the Central Register of Accounts under Sections 4 and 5 and data about operations under Sections 7 and 8 in electronic form.

(2) The Czech National Bank shall store:

- a) data under the Section 4 for the period of 10 years from the first day of the year following the year in which the account was cancelled or the rent of a safe deposit box terminated,
- b) information about the Data Box of the applicant notified under the Section 7 para. 3 for the period of 10 years from the date following the reception of change notification,
- c) a record of the application content under Section 7 para. 1, indicating the applicant, the response content and the date and time of the request reception and the response sending for the period of 10 years from the day following the response sending.

Section 11 **Supervision of providing data from the Central Register of Accounts**

(1) The Chamber of Deputies shall establish a supervisory body for the supervision of providing data from the Central Register of Accounts. The supervisory body shall consist of deputies stipulated by the Chamber of Deputies.

(2) The Czech National Bank shall submit to the supervisory body under paragraph 1 a report on providing data from the Central Register of Accounts at least twice a year. The report shall consist of following information: identification of the applicant, date and time of the request reception and response sending and data under Section 7 para. 1.

(3) The supervision under paragraph 1 shall be performed by the supervisory body in relevant bodies under Section 6 para. 1. The rights of the supervisory body to ask for information from other persons and their potential participation in the meetings of the supervisory body shall not be affected.

(4) The Act on Supervision shall not be applied to the procedure under this Section.

Section 12 Supervision

(1) The Czech National Bank shall supervise the fulfilment of obligations of credit institutions under this Act.

(2) During supervision of

- a) banks and foreign banks performing their activity in the territory of the Czech Republic via their branch, provisions on activity of the Czech National Bank concerning bank supervision under the Act on Banks shall be applied similarly,
- b) saving cooperatives and credit unions, provisions on activity of the Czech National Bank concerning supervision of activities of saving cooperatives and credit unions under the Act on Credit Unions shall be applied similarly,
- c) institutions not covered under letter a) or b), provisions on activity of the Czech National Bank concerning supervision of their activities in accordance with the act regulating payment relations shall be applied similarly.

Offences

Section 13

(1) An institution commits an offence by failing to fulfil the obligation to provide the Czech National Bank with the data to be recorded in the Central Register of Accounts in the required manner or time stipulated under Section 5 para.1.

(2) For the offence under paragraph 1 a fine of up to CZK 10 000 000 can be imposed.

Section 14

(Deleted)

Section 15

Offences under this Act shall be dealt with by the Czech National Bank.

Section 16

Establishment and financing of the operation of the Central Register of Accounts

(1) In accordance with the Treaty on the Functioning of the European Union and its implementing directly applicable legislation of the European Union, the Czech Republic shall

pay to the Czech National Bank the full costs associated with the establishment and operation of the Central Register of Accounts.

(2) Detailed rules on the establishment and operation of the Central Register of Accounts and the payment of associated costs shall be contractually adjusted by the Czech Republic acting through the Ministry of Finance and the Czech National Bank.

Section 17

Report on the operation and use of the Central Register of Accounts

(1) The Czech National Bank shall publish on its website at least annually a summary report on the operation and usage of the Central Register of Accounts.

(2) The report referred to in paragraph 1 shall contain also the number of applications by groups of applicants referred to in the Section 7 para. 3, and a summary of information on supervision of the operation the Central Register of Accounts.

Section 18

Common provision

(1) Procedures under this Act and the procedures on its basis shall be always non-public.

(2) The Administrator of the Central Register of Accounts shall not supervise the adequacy and accuracy of data when they are provided by the institution for the Central Register of Accounts and is not responsible for the adequacy and accuracy of such data.

(3) The Administrator of the Central Register of Accounts shall not supervise the fulfilment of conditions for submitting a request for providing data from the Central Register of Accounts under Section 6 para. 2 and is not responsible for fulfilment of such conditions.

Section 18a

Personal data protection

(1) Personal data are processed under this Act to the extent necessary to reach the purpose of the Central Register of Accounts.

(2) During processing of data under paragraph 1, the following shall not be applied

- a) Articles 15, 16, 18 para. 1 letter a), Article 34 para. 4 and in similar scope Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council when concerning processing of data by the Czech National Bank under this Act,
- b) Article 18 and in similar scope Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council when concerning transfer of data to the Central Register of Accounts by a credit institution.

Section 19

(Deleted)

Section 20

Effectiveness

This Act shall enter into effect on fifteenth day after the date of its publication with exception of provisions under Section 6, Section 7 para. 1 and 2, Section 8 para. 1 to 4, Section 10 para. 2 letter c), Sections 13 to 15, with respect to Section 19 para. 3 and Section 17, which shall enter into effect on the first day of sixteenth month following the publication.