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Answer given by Mr McGrath
on behalf of the European Commission
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General Data Protection Regulation (GDPR) (EU) 2016/679[1] governs the processing of personal data, including by banks, in a technology-neutral manner. Payment data of natural persons can qualify as personal data within the meaning of the GDPR.

The GDPR does not require explicit consent for all processing operations, as other legal bases may apply[2]. For example, the processing of certain payment-related information for credit-worthiness assessment can be justified where it is necessary for the performance of a contract or for compliance with EU or national law, e.g., in the fields of consumer or mortgage credit, subject to the principles of necessity, proportionality and transparency. In addition, the European Data Protection Board (EDPB) has clarified that the obligation to obtain explicit consent pursuant to the Payment Service Directive[3] does not mean that consent is necessarily the legal basis for processing under the GDPR[4].

Furthermore, the purpose-limitation principle[5] does not prevent personal data from being processed for several explicit and legitimate purposes, provided that all other conditions of the GDPR are met.

Finally, where personal data are aggregated in such a way that individuals are not, or no longer, identifiable – that is, where the data are effectively anonymised – the GDPR no longer applies.

The supervision and enforcement of the GDPR fall within the competence of the national supervisory authorities and courts.

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[1] 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 GDPR,OJ L 119, 4.5.2016, pp. 1–88.
[2] Article 6(1) GDPR.
[3] See Article 94(2) of the Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L 337, 23.12.2015, pp. 35–127.
[4] EDPB guidelines 06/2020 on the interplay of the Second Payment Services Directive and the GDPR Version 2.0 Adopted on 15 December 2020.
[5] Article 5(1)(b) GDPR.