

Single Rulebook Q&A

Question ID	2019_4631
Status	Final Q&A
Legal act	Directive 2015/2366/EU (PSD2)
Topic	Strong customer authentication and common and secure communication (incl. access)
Article	98
Paragraph	-
Subparagraph	-
COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations	Regulation (EU) 2018/389 - RTS on strong customer authentication and secure communication
Article/Paragraph	36/5 (b)
Date of submission	27/03/2019
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Disclose name of institution / entity	No
Type of submitter	Consultancy firm
Subject matter	TPP access only with PSU involvement
Question	Can a Payment Service User (PSU) allow a Third party provider (TPP) the access to his account only if he is involved?
Background on the question	Article 36(5)(b) of Regulation (EU) 2018/389 - RTS on strong customer authentication and secure communication states that the TPP may access account information of the PSU a maximum of four times within 24 hours. This applies with the explicit consent of the user. Does this article also state that a PSU can prohibit the TPP from accessing the account independently meaning without the "presence" of the PSU? This means that the TPP has permission to access the account information of the PSU but this only applies if the PSU actively requests this information at TPPs application.
Final answer	Article 36(5)(a) and (b) of the Commission Delegated Regulation (EU) 2018/389 provides that account information service providers (AISPs) shall be able to access information from designated payment accounts and associated payment transactions held by account servicing payment service providers (ASPSPs) for the purposes of performing the account information service in either of the following circumstances:

	<p>(a) whenever the Payment Service User (PSU) is actively requesting such information;</p> <p>(b) where the PSU does not actively request such information, no more than four times in a 24-hour period, unless a higher frequency is agreed between the AISP and the ASPSP, with the PSU's consent.</p> <p>This is, however, without prejudice to the obligation set out in Article 67(2)(a) of Directive 2015/2366/EU (PSD2) according to which AISPs shall provide services only where based on the PSU's explicit consent. The PSD2 does not restrict the PSU from setting the conditions in which the AISP can access the account information, including the possibility for the PSU to restrict the AISP to access information only whenever the PSU is actively requesting such information.</p>
Link	https://www.eba.europa.eu/single-rule-book-qa/-/qna/view/publicId/2019_4631

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