

Disclosure of information on sanction imposed on legal person and responsible person

Misdemeanour decision against legal person and responsible person

Information on perpetrator	
Business name and registered office of legal person	Nova Ljubljanska banka d.d., Trg republike 2, 1000 Ljubljana
Name of natural person	Dejan Pust
Information on breach	
Description of circumstances and conduct constituting breach of ZBan-3	Breaches in the area of the obligation to safeguard confidential information referred to in Article 146 of the ZBan-3, owing to which Banka Slovenije issued a misdemeanour decision imposing an official reprimand on the bank and on the responsible person on the grounds of a misdemeanour under point 18 of the first paragraph of Article 396 of the ZBan-3
Nature of identified breaches	Failure to perform obligation to safeguard confidential information of bank customers
Operative part of the decision by which the relevant proceedings are completed	
<p>As the misdemeanours authority pursuant to Article 403 of the Banking Act,¹ pursuant to Article 46 of the Minor Offences Act² and the second paragraph of Article 51 of the ZP-1, via the authorised official Jurij Žitko, acting <i>ex officio</i> in misdemeanours proceedings against the legal person Nova Ljubljanska banka d.d., Ljubljana, and against the responsible person Dejan Pust, for reason of a misdemeanour under point 18 of the first paragraph in connection with the second paragraph of Article 396 of the ZBan-3, and point 18 of the first paragraph in connection with the seventh paragraph of Article 396 of the ZBan-3, Banka Slovenije hereby:</p> <p style="text-align: center;">rules that:</p> <p>1. the legal person Nova Ljubljanska banka d.d., Ljubljana, of Trg republike 2, 1000 Ljubljana, Slovenia, registration number 5860571000 (hereinafter: the bank):</p> <p style="text-align: center;">bears liability for the following:</p> <p>its responsible person Dejan Pust, who as [REDACTED] in Ljubljana on 26 July 2023, when the update of the dedicated NLB PSD2 API was moved into the production environment, acting on behalf of, for the benefit of and for the account of the bank, using its resources, and who was responsible for ensuring the confidentiality of data on the bank's information system, of which the dedicated interface for providing account information to third-party service providers (NLB PSD2 API) constitutes part, breached the obligation to safeguard confidential information at the bank, in that they failed to ensure the confidentiality of the data of the following 57 IBAN accounts of customers of the bank:</p> <p style="text-align: center;">S15602 [REDACTED]</p>	

¹ Banking Act (Official Gazette of the Republic of Slovenia, Nos 92/21, 123/21 [ZBNIP], 2/25 [constitutional court decision] and 17/25; hereinafter: the ZBan-3)

² Minor Offences Act (Official Gazette of the Republic of Slovenia, Nos 29/11 [official consolidated version], 21/13, 111/13, 74/14 [constitutional court decision], 92/14 [constitutional court decision], 32/16, 15/17 [constitutional court decision], 73/19 [constitutional court decision], 175/20 [ZIUOPDVE], 5/21 [constitutional court decision] and 38/24; hereinafter: the ZP-1)

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in that for reason of an update to the dedicated NLB PSD2 API prior to production,³ confidential data from these IBAN accounts (such as the current and available balance, the IBAN, information on transactions, basic information (IBAN, BIC code, name of account or package, currency)), in the form of 126 cases of improper sending of data to customers for the purposes of providing consolidated information on payment accounts, which comprised 99 cases of unauthorised sending of information on the balance in the account and 27 cases of unauthorised sending of information on transactions in the account, was made available via the bank's dedicated interface (NLB PSD2 API) to customers of the third-party service providers [REDACTED] (working with [REDACTED], holder of an authorisation from the regulator to provide account information services), [REDACTED], which in the particular case was working with its data aggregation partner [REDACTED], and in one case at least the confidential data was actually disclosed to a customer of [REDACTED], namely the user N.B., who is simultaneously a customer of the bank and informed [REDACTED] of the error, [REDACTED] then informed the bank, because the user in question accessed the data on two accounts with transactions that were not his in the [REDACTED] application,

by virtue of which the bank breached the obligation to safeguard confidential information referred to in Article 146 of the ZBan-3.

The bank thereby committed a misdemeanour under point 18 of the first paragraph in connection with the second paragraph of Article 396 of the ZBan-3.

2. the responsible person DEJAN PUST, residing at [REDACTED], [REDACTED], [REDACTED], personal identification number (EMŠO): [REDACTED], a [REDACTED] national employed in the position of [REDACTED] at the bank at the time that the misdemeanour was committed (hereinafter: Dejan Pust or the responsible person):

bears liability for the following:

as the bank's responsible person, as [REDACTED] in Ljubljana on 26 July 2023, when the update of the dedicated NLB PSD2 API was moved into the production environment, acting on behalf of, for the benefit of and for the account of the bank, using its resources, who was responsible

³ The update triggered the improper functioning of the dedicated interface (NLB PSD2 API) in cases when a third-party service provider made several interface calls over a short time period (less than 3 seconds), which resulted in the sending of information on the wrong account to a user of the third-party service provider's application, i.e. instead of sending the information from the account corresponding to the approval in the response, the application returned data on the account associated with the previous approval from a different user of the service provider's application (which was stored in the token at the time of the call).

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in that for reason of an update to the dedicated NLB PSD2 API prior to production,⁴ confidential data from these IBAN accounts (such as the current and available balance, the IBAN, information on transactions, basic information (IBAN, BIC code, name of account or package, currency)), in the form of 126 cases of improper sending of data to customers for the purposes of providing consolidated information on payment accounts, which comprised 99 cases of unauthorised sending of information on the balance in the account and 27 cases of unauthorised sending of information on transactions in the account, was made available via the bank's dedicated interface (NLB PSD2 API) to customers of the third-party service providers [REDACTED] (working with [REDACTED], holder of an authorisation from the regulator to provide account information services), [REDACTED] [REDACTED] which in the particular case was working with its data aggregation partner [REDACTED] [REDACTED] and in one case at least the confidential data was actually disclosed to a customer of [REDACTED], namely the user N.B., who is simultaneously a customer of the bank and informed [REDACTED] of the error, [REDACTED] then informed the bank, because the user in question accessed the data on two accounts with transactions that were not his in the [REDACTED] application,

by virtue of which the responsible person breached the obligation to safeguard confidential information referred to in Article 146 of the ZBan-3.

Dejan Pust thereby committed a misdemeanour under point 18 of the first paragraph in connection with the seventh paragraph of Article 396 of the ZBan-3.

3. Pursuant to the second and seventh paragraphs of Article 396 of the ZBan-3 in connection

⁴ The update triggered the improper functioning of the dedicated interface (NLB PSD2 API) in cases when a third-party service provider made several interface calls over a short time period (less than 3 seconds), which resulted in the sending of information on the wrong account to a user of the third-party service provider's application, i.e. instead of sending the information from the account corresponding to the approval in the response, the application returned data on the account associated with the previous approval from a different user of the service provider's application (which was stored in the token at the time of the call).

with point 18 of the first paragraph of Article 396 of the ZBan-3 and in connection with Articles 21 and 26 of the ZP-1, the following sanctions **are being imposed**:

- **an official reprimand on the bank Nova Ljubljanska banka d.d., Ljubljana for the misdemeanour referred to in point 1 of the operative part of this decision,**
- **an official reprimand on the responsible person Dejan Pust for the misdemeanour referred to in point 2 of the operative part of this decision.**

The bank shall pay a court fee of EUR 30.00 within 15 days of the decision becoming final.

The responsible person shall pay a court fee of EUR 30.00 within 15 days of the decision becoming final.

The bank and the responsible person shall themselves bear any costs of their advocates' remuneration and expenses, and shall also pay other procedural costs referred to in the first paragraph of Article 143 of the ZP-1, should they be levied after the decision is issued.

Should a responsible person who would be entitled to ordinary free legal aid according to the material criterion under the law governing free legal aid be unable to pay the procedural costs in the amount of at least EUR 300.00 on the grounds of their financial status or their capacity to pay, they may propose by no later than the deadline for payment that the payment of the procedural costs be replaced with community service (Article 19a of the ZP-1).

After the deadline for paying the procedural costs, the bank and the responsible person may request the payment of the procedural costs in instalments at the authority responsible for forcible recovery (Financial Administration of the Republic of Slovenia).

Any outstanding procedural costs shall be collected forcibly.

The court fee shall be paid into Banka Slovenije account number SI56 0100 0000 0100 090, reference SI05 311200010.

4. In accordance with Article 310 of the ZBan-3, after issuance of the decision Banka Slovenije shall publish the **following information** on its website:

- information about the perpetrator:
- the name and registered office of the legal person, or
- the name of the natural person;
- information about the breach:
- a description of the circumstances and conduct that constitute a breach of the aforementioned law or the CRR,
- the nature of the identified breaches;
 - the operative part of the decision by which the relevant proceedings are completed, **with the exception of:**
- the personal data of the responsible person (job title, personal identification number, address);
 - information as to whether judicial review proceedings have been initiated against the decision.

Information on initiation of judicial review and any rectification of breaches

As at the day of publication the breach had been rectified.
