

Question ID

2024_7089

Legal act

Regulation (EU) No 2022/2554 (DORA Reg)

Topic

ICT third-party risk management

Article

28

Paragraph

3

COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations

Not applicable

Article/Paragraph

ITS Recital 7

Name of institution / submitter

AFME

Country of incorporation / residence

Belgium

Type of submitter

Industry association

Subject matter

Identification of ICT Service Providers

Question

Can the ESAs confirm there is no expectation to capture within the Register of Information the ICT subcontractors of non-ICT service providers?

Background on the question

Recital 7 of the ITS suggests financial entities should consider whether non-ICT service providers are relying on ICT services. If so, it is understood that for the purposes of the Register of Information such providers may be treated as an ICT provider. This would see their ICT subcontractors listed in the Register, provided they effectively underpinned services supporting critical or important functions.

Submission date

20/05/2024

Final publishing date

08/08/2025

Final answer

Where the direct third-party service provider of a financial entity does not provide an ICT service, the service falls outside of the scope of the DORA register of information. In case the said third-party service provider uses ICT services for the fulfilment of its contracted services through the use of ICT subcontractors, those remain outside the scope of the register of information (DORA Article 28.3). Therefore, such use of ICT services through ICT subcontractors does not need to be documented in the DORA register of information.

Financial entities are still required to comply with any relevant requirements under other applicable financial legislation, for instance, the EBA Guidelines.

It should be stressed that in case the financial entity considers, as part of its risk assessment, that the ICT service provided by the ICT subcontractor supports a critical or important function or material parts thereof to an extent that it could be requalified as equivalent to an ICT service provided directly to the financial entity, the DORA Chapter V requirements will apply.

Status

Final Q&A

Answer prepared by

Answer prepared by the Joint ESAs Q&A
