

## General Data Protection Regulation Article 15 Subject Access Request

Dated Sunday, July 4<sup>th</sup>, 2021

To:

Internal Revenue Service  
Central Processing Unit  
Stop 93A  
Post Office Box 621506  
Atlanta, GA 30362

Fax: +1 877 891 6035

From:

[REDACTED]  
[REDACTED]  
[REDACTED]  
Netherlands

Fax [REDACTED]

To Whom It May Concern:

I am hereby requesting access according to Article 15 GDPR, applicable to myself as a European Union resident and to the IRS as an entity processing my data and reinforced by recent data protection rulings in the European Union that clarify that all foreign data transfers and processing are fully subject to the requirements of the General Data Protection Regulation.

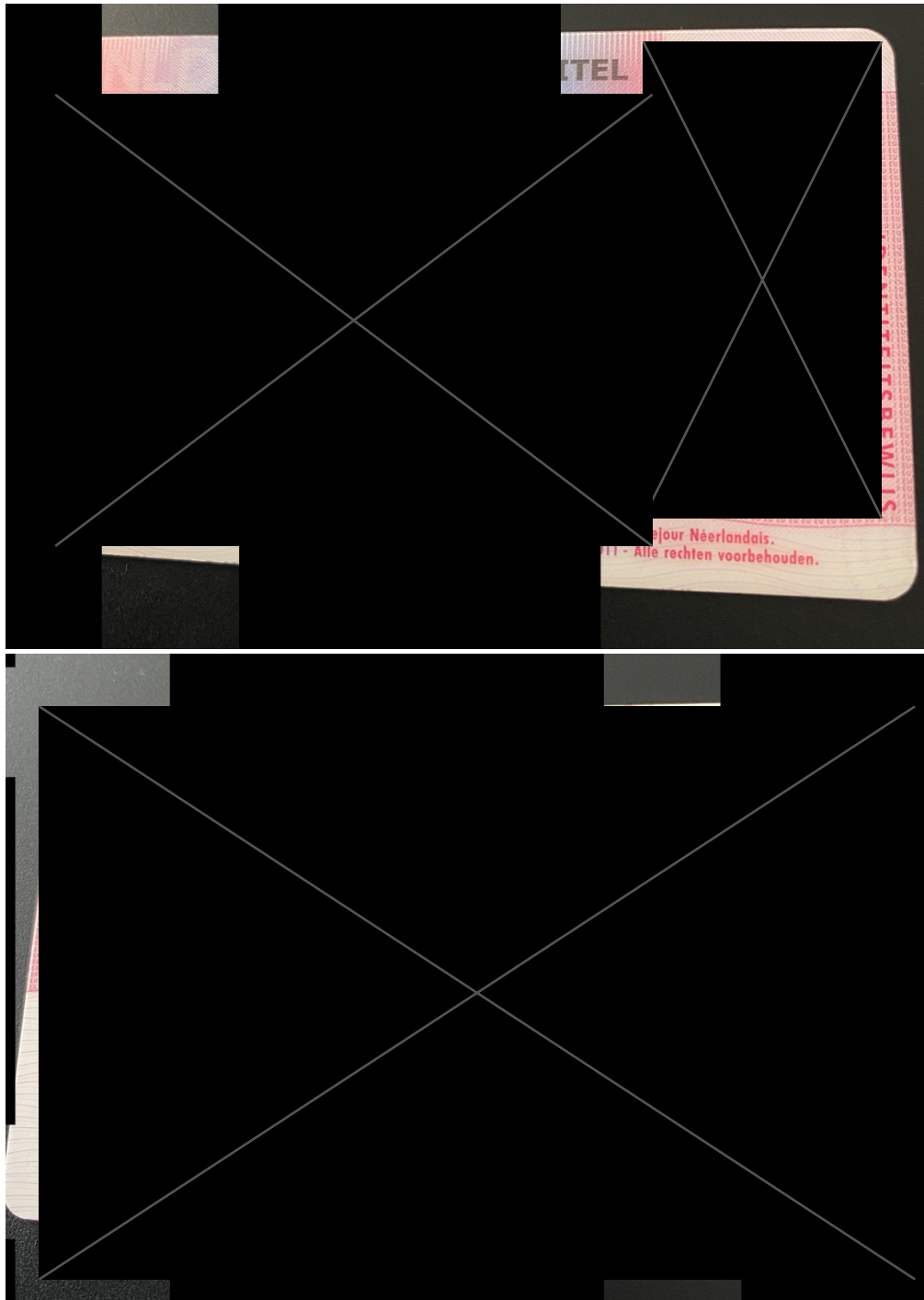
With a reasonable presumption that my data is processed and stored by the IRS as defined by Article 4, I am hereby requesting access to the following information pursuant to Article 15 GDPR:

1. all personal data concerning me that you have stored, including any potential pseudonymised data on me as per Article 4(5) GDPR; this should include, but not be limited to
  - a. Information provided by foreign governments under the respective Inter-Governmental-Agreements
  - b. Copies of all tax returns filed by me or on my behalf with a foreign address on file
  - c. Information provided by any private companies such as financial institutions & analytics providers
2. the purposes & basis of the processing;
3. the categories of personal data concerned;
4. the recipients or categories of recipient to whom the personal data have been or will be disclosed;
5. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
6. where the personal data are not collected from the data subject, any available information as to their source;

Email: [REDACTED] Tel: [REDACTED] | Fax: [REDACTED]

General Data Protection Regulation Article 15 Subject Access Request  
Dated Sunday, July 4<sup>th</sup>, 2021

SSN: [REDACTED]



Email: [REDACTED] Tel: [REDACTED] Fax: [REDACTED]

Follow-Up: GDPR Subject Access Request  
Dated Sunday, August 15<sup>th</sup>, 2021

To:

Internal Revenue Service  
Central Processing Unit  
Stop 93A  
Post Office Box 621506  
Atlanta, GA 30362

Fax: +1 877 891 6035

From:

[REDACTED]  
[REDACTED]  
[REDACTED]  
Netherlands

Fax

[REDACTED]

To Whom It May Concern:

On July 4<sup>th</sup>, I submitted a GDPR Subject Access Request under Article 15, in the process informing the Internal Revenue Service of its obligation to provide this information without cost and within one month of the request having been received.

As the recipient of data provided regarding a European Union resident by a European Union government, the Internal Revenue Service is obliged to comply with the General Data Protection Regulation and to respect the rights enshrined by it.

The confirmation I received from the IRS Central Processing Unit fax machine confirms that the request was received by the IRS on this date.

Despite that, I have received no confirmation by email, fax, post, or telephone since the request was filed.

I urge you to provide an immediate written confirmation of your receipt of this letter & the original letter, and to provide a clear and accurate response to my request in the next 7 days.

Should the IRS be non-responsive to this request, I will be obliged to inform the appropriate bodies in Europe of the situation.

To aide in the processing of this letter, I will reattach my original correspondence.

Thank you,

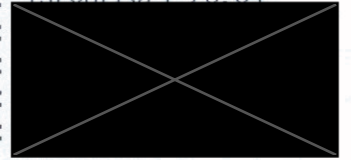
[REDACTED]

Email: [REDACTED] Tel: [REDACTED] Fax: [REDACTED]

## TRANSMISSION VERIFICATION REPORT

Attachment 3

TIME : 15/08/2021 23:34  
NAME :  
FAX :  
TEL :  
SER.# :



|              |             |
|--------------|-------------|
| DATE, TIME   | 15/08 23:29 |
| FAX NO./NAME | 18778916035 |
| DURATION     | 00:04:53    |
| PAGE(S)      | 04          |
| RESULT       | OK          |
| MODE         | FINE PC-FAX |

GDPR IRS Followup

## TRANSMISSION VERIFICATION REPORT

TIME : 04/07/2021 14:49  
NAME :  
FAX :  
TEL :  
SER.# :



|              |             |
|--------------|-------------|
| DATE, TIME   | 04/07 14:44 |
| FAX NO./NAME | 18778916035 |
| DURATION     | 00:04:47    |
| PAGE(S)      | 04          |
| RESULT       | OK          |
| MODE         | FINE PC-FAX |

GDPR - IRS / TREASURY



**Department of the Treasury  
Internal Revenue Service  
Privacy, Governmental Liaison and Disclosure  
Centralized Processing Unit**

Stop 93A  
PO Box 621506  
Atlanta, GA 30362



Netherlands

Date:

September 1, 2021

Employee name:



Employee ID number:



Telephone number:



Fax number:



Case number:



2021-  
Re: Art. 15 GDPR

Dear



I'm responding to your request dated July 4, 2021 received on July 4, 2021 and request dated August 15, 2021 received on August 15, 2021.

You asked for copies of the following information.

1. All personal data concerning me that you have stored, including any potential pseudonymized data on me as per Article 4(5) GDPR; this should include, but not be limited to
  - a. Information provided by foreign governments under the respective Inter-Governmental-Agreements
  - b. Copies of all tax returns filed by me or on my behalf with a foreign address on file
  - c. Information provided by any private companies such as financial institutions & analytics providers
2. The purposes & basis of the processing.
3. The categories of personal data concerned.
4. The recipients or categories of recipient to whom the personal data have been or will be disclosed.
5. Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period.
6. Where the personal data are not collected from the data subject, any available information as to their source.
7. The existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for me.

You also asked to be informed if we are processing anonymized data concerning you, transferring your personal data to a third country, and transferring your personal data to any external companies or other government agencies.

In response to item 1a, 1b and 1c we have a routine agency procedure used to obtain copies of tax returns and/or return transcripts.

### **Procedures for Requesting Transcripts**

Use the following procedures to request the transcripts you need:

#### **Descriptions of Transcripts**

There are generally five types of transcripts available to Individual taxpayers.

**Tax Return Transcripts** show most line items from the tax return (Form 1040, 1040A, or 1040EZ) as it was originally filed, including any accompanying forms and schedules. This transcript does not reflect any changes you, your representative, or the IRS made after you filed your return. In many cases, this transcript will meet the requirements for student loans and of lending institutions offering mortgages.

**Tax Account Transcripts** provide any adjustments either you or the IRS made after you filed your return. This transcript shows basic data, including payment and refund history, adjusted gross income, and taxable income.

**Record of Account Transcripts** combine the information from tax return and tax account transcripts.

**Wage and Income Transcripts** show data from information returns, such as W-2s, 1099s, and 1098s, reported to the IRS.

**Verification of Non-Filing Letters** show that IRS does not have a record of a return processed for the requested period.

Individuals should request transcripts using one of the following methods:

- Go to **Get Transcript** to immediately view and download all transcripts and/or request a tax return and/or tax account transcript be mailed to your address of record.  
<http://www.irs.gov/Individuals/Get-Transcript>.
- Call 1-800-908-9946 to request tax return and/or tax account transcripts be mailed to your address of record.
- Complete and mail Form 4506-T, *Request for Transcript of Tax Return* to the IRS.  
<http://www.irs.gov/pub/irs-pdf/f4506t.pdf>

#### **To request Non-Master File (NMF) transcripts, use the following procedures:**

For NMF transcripts for individuals, direct your written request to:


Philadelphia Campus, PAMC

2970 Market Street, Mail Stop BLN-3-J23.134, Team 407

Philadelphia, PA 19104

For NMF transcripts for business entities, direct your written request to:

Cincinnati Campus, CAMC  
201 W. Rivercenter Blvd. Stop 6111G, Team C103  
Covington, KY 41011

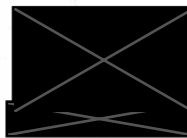
In response to item 2 through 7 please see prior response to case number 2020- sent on September 25, 2020.

In response to your request to be informed of the information listed above, the Disclosure Office responds to request for documents maintained by the IRS. We are unable to inform you of tax, collection, or processing issues or transfers of your information. If you need assistance with tax-related issues, you can call the IRS at 800-829-1040 or 267-941-1000 for International Taxpayer Customer Service.

We apologize for the delayed response.

If you have questions, you can contact me at the telephone number shown at the top of this letter.

Sincerely,



Disclosure Specialist  
Disclosure Office 09

Dear Ms. [REDACTED]

I am writing to you in reference to the response provided on September 1, 2021 concerning Privacy Case #2021-[REDACTED] a request concerning individual data received under various FATCA Inter-Governmental Agreements (FATCA IGAs) and subject to the European Union's General Data Protection Regulation.

Unfortunately, the reference to the routine agency procedure used to obtain copies of tax returns & transcripts is wholly non-responsive to the GDPR Subject Access Request; the actual information requested must be provided.

For item 1a, instructions for requesting a tax transcript are not responsive, as the request is for a copy of information that is provided by foreign (EU) governments under the respective IGAs. The tax transcripts do not contain extracts from the IGA reports received by the IRS/Treasury concerning individual taxpayers, nor do they attribute information to a source.

For item 1b, instructions for requesting a copy of a tax return are not sufficient; Form 4506 charges a \$43 fee per tax return copy requested, at odds with obligations applicable to taxpayers resident in the European Union. Subject Access Requests must be processed free of charge; a \$43 per year access charge does not fulfil that obligation.

For item 1c, instructions for requesting a copy of a transcript are not responsive, as information received from third parties (financial institutions and analytics providers) may not be included in the transcripts in its entirety.

It has recently been clarified in the EU that where data transfers to non-EU countries occur, those non-EU countries must provide data rights and safeguards that are fully equivalent to those mandated under the General Data Protection Regulation.

As points 1a, 1b, and 1c concern data that originates in EU countries, is transferred from EU countries, and concerns an EU-resident subject, I kindly reiterate the original data access request.

Thank you,

[REDACTED]  
September 10<sup>th</sup>, 2021

Fax: [REDACTED]

[REDACTED]  
[REDACTED]  
Netherlands

## TRANSMISSION VERIFICATION REPORT

TIME : 10/09/2021 16:15

NAME :

FAX :

TEL :

SER.# :

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

10/09 16:14  
18552059332  
00:00:59  
02  
OK  
FINE PC-FAX



Attachment 6

# Freedom of Information Act (FOIA) Guidelines

## For Faster Service

Submit FOIA requests to [FOIA.gov](https://www.foia.gov) or to the IRS by fax. You don't need to mail a separate request.



- For IRS policies and procedures not found in the [FOIA Library](#), fax requests to 877-807-9215.
- For personal or business taxpayer records, fax requests to 877-891-6035.

Personal taxpayer information is protected under the Privacy Act of 1974, 5 U.S.C. § 552a. Find details in the [IRS Privacy Policy](#).

- [+ The scope of the Freedom of Information Act \(FOIA\)](#)
- [+ The Electronic Freedom of Information Act Amendments of 1996 \(EFOIA\)](#)
- [+ Making a FOIA request](#)
- [+ How to write your Freedom of Information Act request](#)
- [+ Establishing proof of identity and right to access](#)
- [+ IRS FOIA fee schedule](#)
- [+ Fees and waivers](#)

[!\[\]\(35d7d3a9f4dbcf106c61c221e96de84a\_img.jpg\) \*\*Sample FOIA letter\*\*](#)

Attachment 6

[!\[\]\(0fb8ed4b6e0e629c2e50dcbaf461a59c\_img.jpg\) \*\*Sample CAF Client Listing Request\*\*](#)[!\[\]\(39c1625c80145b743bf85b12939a167f\_img.jpg\) \*\*Where to send your request\*\*](#)**All requests for IRS Policy and procedure agency documents that are not already publicly available in the FOIA Library**

Internal Revenue Service  
GLDS Support Services  
Stop 211  
PO Box 621506  
Atlanta, GA 30362-3006  
Fax: [877-807-9215](tel:877-807-9215)

**For personal/business taxpayer records**

Internal Revenue Service  
GLDS Support Services  
Stop 93A  
Post Office Box 621506  
Atlanta, GA 30362  
Fax: [877-891-6035](tel:877-891-6035)

[!\[\]\(f584cb62b59f93166fcdac56312b38cc\_img.jpg\) \*\*Requirements for IRS responses\*\*](#)[!\[\]\(9b4f556c96083e41d0e05de81f16ae92\_img.jpg\) \*\*Exemptions and exclusions: reasons access may be denied under the FOIA\*\*](#)[!\[\]\(de0feccde5ff03dda484ed4a85c6898d\_img.jpg\) \*\*Administrative appeal procedures\*\*](#)[!\[\]\(2c9874dc2a460db232be237779808b98\_img.jpg\) \*\*Filing a judicial appeal\*\*](#)*Page Last Reviewed or Updated: 26-Aug-2021*

**Subject:** RE: Subject Data Request: Data Exchange with Non-EU Jurisdictions

**Date:** Monday 5 July 2021 at 10:05:15 Central European Summer Time

**From:** FG@minfin.nl <FG@minfin.nl>

**To:**

Attachment 7

Dear

We hereby acknowledge receipt of your e-mail of July 4th that you have addressed to the Data Protection Officer.

The Data Protection Officer will not process your data access request himself. We have therefore forwarded your request to our contact at the Tax Authorities for further processing.

We trust to have informed you sufficiently.

Yours sincerely,

On behalf of the Data Protection Officer

Dhr. R. Meerts  
Beleidsondersteuner FG

.....  
SG-cluster | Bureau BVA  
Ministerie van Financiën

Korte Voorhout 7 | Den Haag | Kamer P3.08  
Postbus 20201 | 2500 EE | Den Haag  
.....

-----Oorspronkelijk bericht-----

Van:   
Verzonden: zondag 4 juli 2021 15:02  
Aan: [FG@minfin.nl](mailto:FG@minfin.nl)  
Onderwerp: Subject Data Request: Data Exchange with Non-EU Jurisdictions

To whom it may concern,

I am a US Citizen residing in the Netherlands. I am hereby requesting access to my personal data according to Article 15 of the General Data Protection Regulation, specifically concerning any and all information that has been transferred by the Ministerie van Financiën / Belastingdienst to any non-EU jurisdiction such as the United States.

I have a reasonable presumption that this data exchange is occurring under the United States Netherlands Inter-Governmental Agreement.

I additionally request access to any data concerning me that is to be transferred to the United States prior to any and all future transfers of data under the US-NL IGA in order to exercise my right to review the accuracy of the data and to correct any errors that could result in substantive personal harm; the Schrems II ruling noted that there is insufficient opportunity for redress of any errors in the United States when it invalidated the Privacy Shield.

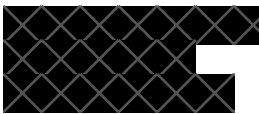
While the US Treasury & Internal Revenue Service refuse to respond to GDPR Subject Access Requests despite their obligation to do so when processing data of a European resident, the Belastingdienst / Ministerie van Financiën are within European Union jurisdiction and as such, are obligated to respond to this request. The non-responsiveness of the IRS / Treasury underscores the importance of the right to review and correct for errors in data being transferred outside of EU jurisdiction, as the United States may take action based on this information without regard for accuracy or due process with regards to European rights.

Having outlined the domain of the data access request, I am now defining its scope:

1. all personal data concerning me that you have stored or transferred, including any potential pseudonymised data on me as per Article 4(5) GDPR; 2. the purposes of the processing; 3. the categories of personal data concerned; 4. the recipients or categories of recipient to whom the personal data have been or will be disclosed; 5. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; 6. where the personal data are not collected from the data subject, any available information as to their source; 7. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for me. 8. information concerning the appropriate safeguards according to Article 46 GDPR concerning the transfer and applicable considerations in light of the recent Schrems II ruling.

As laid down in Article 12(3) GDPR, the requested information must be provided to me without undue delay and in any event within one month of receipt of the request.

I am providing the following information necessary to identify me:



BSN: 

Should this request not be responded to in a satisfactory manner within the stated period, I reserve the right to lodge complaints with the appropriate supervisory authority and to take other necessary action.

Thank you,



Dit bericht kan informatie bevatten die niet voor u is bestemd. Indien u niet de geadresseerde bent of dit bericht abusievelijk aan u is toegezonden, wordt u verzocht dat aan de afzender te melden en het bericht te verwijderen. De Staat aanvaardt geen aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

This message may contain information that is not intended for you. If you are not the addressee or if this message was sent to you by mistake, you are requested to inform the sender and delete the message. The State accepts no liability for damage of any kind resulting from the risks inherent in the electronic transmission of messages.



Betreft: Ontvangstbevestiging van uw brief

Geachte heer/mevrouw,

Op 5 juli 2021 ontving ik uw brief met vragen over de verwerking van uw persoonsgegevens door de Belastingdienst.

Ik heb die brief aangemerkt als een verzoek in het kader van de Algemene Verordening Gegevensbescherming (AVG). Ik streef ernaar om binnen 1 maand na ontvangst op uw verzoek te beslissen. Op dit moment worden veel inzageverzoeken gedaan. Ik heb de bevoegdheid om de behandeltermijn eenzijdig met 2 maanden te verlengen. Ik maak gezien de vele inzageverzoeken gebruik van deze bevoegdheid.

Hoogachtend,

De Minister van Financiën,  
namens deze,  
de AVG-behandelaar van de Belastingdienst

01529414\_000000014\_000000002

Z\*5CT

**Subject:** RE: RE: Subject Data Request: Data Exchange with Non-EU Jurisdictions  
**Date:** Tuesday 7 September 2021 at 16:49:42 Central European Summer Time  
**From:** FG@minfin.nl <FG@minfin.nl>  
**To:** [REDACTED]

Attachment 9

Dear [REDACTED]

We hereby acknowledge receipt of your e-mail of September 3rd that you have addressed to the Data Protection Officer.

As previously mentioned, the Data Protection Officer does not process your data access request himself. We have therefore forwarded your message to our contact at the Tax Authorities for further processing.

We trust to have informed you sufficiently.

Yours sincerely,

On behalf of the Data Protection Officer

**Dhr. R. Meerts**

Beleidsondersteuner FG

.....  
SG-cluster | Bureau BVA  
Ministerie van Financiën

Korte Voorhout 7 | Den Haag | Kamer P3.08  
Postbus 20201 | 2500 EE | Den Haag  
.....

-----Oorspronkelijk bericht-----

Van: [REDACTED]

Verzonden: vrijdag 3 september 2021 19:08

Aan: FG@minfin.nl

Onderwerp: 2021-093 RE: Subject Data Request: Data Exchange with Non-EU Jurisdictions

To whom it may concern,

Since the filing of this request, I have received a notice that due to the volume of inquiries submitted, the Belastingdienst would be making use of additional processing time, granting it until October 5th to provide a response to the request.

I have also been made aware that the Belastingdienst intends to transfer personal data on US Persons "by the end of September". (See "Kamerbrief cijverrapportage FATCA"

<https://www.rijksoverheid.nl/documenten/kamerstukken/2021/09/03/kamerbrief-cijverrapportage-fatca>)

As of September 3rd, I can confirm that the United States Internal Revenue Service / Treasury cannot be considered to be compliant with the General Data Protection Regulation in any capacity, failing to respond to a basic subject data request within a 30 day time period, and declining to respond to reminders sent past the 30 day processing deadline. Proof of delivery to the privacy inquiry fax line has been obtained, ruling out the possibility of delivery failures.

I will note that the Schrems II ruling obliges all EU Member states to ensure that data processing safeguards equivalent to GDPR are in place before transferring data to a non-EU jurisdiction, with the specific ruling that the United States fails to meet that standard. The non-responsiveness of the Internal Revenue Service further confirms this inadequacy, and therefore the illegality of data transfers unless the Belastingdienst assumes responsibility for those safeguards. The processing delays on this Right to Access and Right to Rectify request do not inspire confidence that those safeguards are being provided in the Netherlands.

I ask for this request to be processed with the highest urgency to ensure that I can obtain, review, and if necessary correct a copy of my personal information that is going to be exchanged with the United States \*prior\* to it being sent.

Given that the Belastingdienst has been provided ample notice prior to the planned data exchange, it is imperative that this request be fully responded to with haste, at latest by September 10th.

Failing that, I will regrettably have no alternative but to file a formal objection with the Belastingdienst demanding a stop to all data processing activity that results in an exchange with the United States that breaches the legal obligations imposed by the CJEU in the Schrems II ruling and under GDPR in general.

Best regards,



----- Original Message -----

On Monday, July 5th, 2021 at 10:05, [FG@minfin.nl](mailto:FG@minfin.nl) <[FG@minfin.nl](mailto:FG@minfin.nl)> wrote:

> Dear   
>

> We hereby acknowledge receipt of your e-mail of July 4th that you have addressed to the Data Protection Officer.  
>

> The Data Protection Officer will not process your data access request himself. We have therefore forwarded your request to our contact at the Tax Authorities for further processing.  
>

> We trust to have informed your sufficiently.  
>

> Yours sincerely,  
>

> On behalf of the Data Protection Officer  
>

> Dhr. R. Meerts  
>

> Beleidsondersteuner FG  
>




Belastingdienst

Belastingdienst, Postbus 14, 6400 AA Heerlen

**Centrale  
administratieve  
processen**  
Wettelijke takenPostbus 14  
6400 AA Heerlen  
belastingdienst.nl**Datum**  
9 september 2021**Onze referentie**

Betreft: Beslissing op uw inzageverzoek persoonsgegevens in de FSV

Geachte 

Op 5 juli 2021 ontving ik uw brief met vragen over de verwerking van uw persoonsgegevens door de Belastingdienst.

**Samenvatting van uw verzoek**

In uw brief vraagt u om inzage in uw persoonsgegevens die stonden in de Fraude Signalerings Voorziening (FSV). Ik beschouw uw brief als een inzageverzoek in de zin van de Algemene verordening gegevensbescherming (AVG). In het bijzonder als een verzoek om inzage in de persoonsgegevens die wij van u in de FSV hebben verwerkt.

**Eerdere correspondentie met u**

Op 13 juli 2021 heb ik u bevestigd dat wij uw brief hebben ontvangen en de beslistermijn hebben verlengd.

**Algemene informatie AVG-inzageverzoek**

In de AVG is bepaald dat u het recht hebt om te weten welke persoonsgegevens wij van u verwerken. Het recht op inzage betekent niet dat wij u (kopieën van) hele documenten mogen geven. Het recht op inzage volgens de AVG is daarbij niet hetzelfde als het recht op inzage in documenten volgens de Algemene wet bestuursrecht, als u bezwaar maakt tegen bijvoorbeeld een belastingaanslag.

**Beoordeling van uw inzageverzoek**

Er zijn *geen* persoonsgegevens van u verwerkt in de FSV.

**Beslissing**

Op basis van het voorgaande wijs ik uw AVG-verzoek toe. Uw persoonsgegevens komen niet voor in de FSV.

**Bent u het niet eens met deze beslissing?**

Dan kunt u binnen 6 weken na de datum van de beslissing schriftelijk bezwaar maken. Stuur uw brief ter attentie van de minister van Financiën naar:

Belastingdienst  
Postbus 14  
6400 AA Heerlen

Centrale administratieve  
processen  
Wettelijke taken

**Datum**  
9 september 2021

Zorg ervoor dat u het bezwaarschrift ondertekent en vermeld in ieder geval de volgende gegevens:

- uw naam en adres
- de datum waarop u het bezwaarschrift verstuurt
- een omschrijving van de beslissing waartegen u bezwaar maakt
- de reden van uw bezwaar
- uw burgerservicenummer (BSN)

Vermeld in uw brief ook het onderwerp: bezwaarschrift beslissing inzageverzoek FSV.

**Hebt u vragen?**

Op [belastingdienst.nl/fsv](https://belastingdienst.nl/fsv) vindt u meer informatie. Of bel Meldpunt FSV: 0800 – 235 83 56. U kunt bellen op maandag tot en met vrijdag van 8.00 tot 17.00 uur.

Hoogachtend,

De minister van Financiën,  
namens deze,

A.H. Cohlst, MBA

From:



To:

t.a.v. Minister van Financiën  
Belastingdienst  
Postbus 14  
6400AA Heerlen

**Onderwerp: Bezwaarschrift beslissing inzageverzoek FSV**

**Attachment 11**

I am writing in response to a reply from the Belastingdienst dated 9 September 2021 in response to a GDPR request sent on July 5 2021.

My original request sought the following:

- All personal information previously transferred by the Belastingdienst / Finance Ministry to any non-EU jurisdiction such as the United States
- Access to any personal information that is to be transferred to the United States prior to any and all future transfers that occur under the United States – Netherlands FATCA-IGA.
- The opportunity to rectify any erroneous information prior to transfer to the United States, noting that there is no adequate redress should the United States take incorrect action based on incorrect information; something clearly affirmed by the Schrems II CJEU ruling.

It was noted in the original letter that the United States Internal Revenue Service flatly rejects equivalent protections under the General Data Protection Regulation, having previously rejected subject access requests from European Union residents. Since then, the United States has more specifically stated that it is unable to respond to any Subject Access Requests seeking a copy of data received under FATCA IGAs.

**The September 9 response provided on behalf of the Finance Minister is wholly nonresponsive to the original request**, referencing a system (FSV) not referred to in any of my prior correspondence, that is not in use, and is not by any public account related to the implemented FATCA IGA and the imminent data transfer that your office has stated will occur by the end of September.<sup>1</sup> At no point did I inquire whether my information was in the FSV.

Given the wholly incorrect response to the request, the significant delays incurred by the Belastingdienst's request for additional processing time, and the imminent transfer of data that may be erroneous and which is likely non-minimised in compliance with GDPR<sup>2</sup>, **I request that the Belastingdienst process the original request with urgency and with a focus on the US-NL FATCA IGA, also providing the opportunity to rectify any errors prior to data transfer to the United States.**

Noting the probability that this request will not be processed early enough to amend any erroneous or non-minimised data prior to the intended data transfer to the United States, I must inform you that I have filed a formal objection to the processing & transfer of my personal data, providing additional detail demonstrating non-compliant behaviour at both the Belastingdienst and the Internal Revenue Service.

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<sup>1</sup> Further underscoring the nonresponsiveness of the GDPR request being processed as an FSV information request, a system discontinued in 2020 will not relate to a data transfer that has been stated to be occurring in the next three weeks.

<sup>2</sup> Evidenced by the recent letter to the Tweede Kamer:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/09/03/kamerbrief-cijferrapportage-fatca/kamerbrief-cijferrapportage-fatca.pdf>

I would like to believe that the Netherlands is a country where the rule of law exists, even when it is politically inconvenient. This belief is challenged though, by the outright refusal of the United States to meaningfully respond to a request for information sent from the Netherlands & the non-sequitur response from the Belastingdienst when identical information was requested.

To a member of the public, it appears that the Finance Ministry has taken the position that avoiding difficult conversations with a close trading partner supersedes European Union law, despite all EU Residents being entitled to equal protection.

Respectfully,



BSN: 

Attachment 11

13 September 2021

**Subject:** RE: Subject Data Request: Data Received under US-NL FATCA IGA

**Date:** Friday 16 July 2021 at 10:00:09 Central European Summer Time

**From:** FG@minfin.nl <FG@minfin.nl>

**To:**

Attachment 12

Dear

We hereby acknowledge receipt of your e-mail of July 15th that you have addressed to the Data Protection Officer.

The Data Protection Officer will not process your data access request himself. We have therefore forwarded your request to our contact at the Tax Authorities for further processing.

Please note the correct address for data access requests of the Tax Authorities below, as stated in the Privacy Statement:

Belastingdienst  
Postbus 2508  
6401 DA Heerlen

[https://www.belastingdienst.nl/wps/wcm/connect/bldcontenten/niet\\_in\\_enig\\_menu/individuals/privacy#12](https://www.belastingdienst.nl/wps/wcm/connect/bldcontenten/niet_in_enig_menu/individuals/privacy#12)

We trust to have informed you sufficiently.

Yours sincerely,

On behalf of the Data Protection Officer

Dhr. R. Meerts  
Beleidsondersteuner FG

.....  
SG-cluster | Bureau BVA  
Ministerie van Financiën

Korte Voorhout 7 | Den Haag | Kamer P3.08  
Postbus 20201 | 2500 EE | Den Haag

.....

-----Oorspronkelijk bericht-----

Van:

Verzonden: donderdag 15 juli 2021 17:29

Aan: [FG@minfin.nl](mailto:FG@minfin.nl)

Onderwerp: Subject Data Request: Data Received under US-NL FATCA IGA

NOTE: This is a separate and distinct subject data access request from my previous request dated July 4th, 2021. That request concerned data transfers from the Netherlands to the United States. This request concerns data received from the United States by the Netherlands under the IGA.

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To whom it may concern,

I am a US Citizen residing in the Netherlands. I am hereby requesting access to my personal data according to Article 15 of the General Data Protection Regulation, specifically concerning any and all information that has been transferred by the United States government (Internal Revenue Service, Department of the Treasury) to the Ministerie van Financiën and/or Belastingdienst.

I have a reasonable presumption that this data is received by the Dutch government under the United States - Netherlands Inter-Governmental Agreement (IGA), assuming that the United States is fulfilling the reciprocal terms of the IGA.

Having outlined the domain of the data access request, I am now defining its scope:

1. all personal data concerning me that you have stored or transferred, including any potential pseudonymised data on me as per Article 4(5) GDPR; 2. the purposes of the processing; 3. the categories of personal data concerned; 4. the recipients or categories of recipient to whom the personal data have been or will be disclosed; 5. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; 6. where the personal data are not collected from the data subject, any available information as to their source; 7. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for me.

As laid down in Article 12(3) GDPR, the requested information must be provided to me without undue delay and in any event within one month of receipt of the request.

I am providing the following information necessary to identify me:



BSN: 

Should this request not be responded to in a satisfactory manner within the stated period, I reserve the right to lodge complaints with the appropriate supervisory authority and to take other necessary action.

Thank you,



Dit bericht kan informatie bevatten die niet voor u is bestemd. Indien u niet de geadresseerde bent of dit bericht abusievelijk aan u is toegezonden, wordt u verzocht dat aan de afzender te melden en het bericht te verwijderen. De Staat aanvaardt geen aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

This message may contain information that is not intended for you. If you are not the addressee or if this message was sent to you by mistake, you are requested to inform the sender and delete the message. The State accepts no liability for damage of any kind resulting from the risks inherent in the electronic transmission of messages.



Belastingdienst, Postbus 90056, 5600 PJ Eindhoven



port betaald PostNL

Betreft: beslissing op uw verzoek

Geachte heer 

Op 15 juli 2021 heeft u een verzoek gedaan op grond van de Algemene verordening gegevensbescherming (hierna: AVG).

### Samenvatting van uw verzoek

U geeft aan dat u een Amerikaans staatsburger bent, die woonachtig is in Nederland. Onder verwijzing naar artikel 15 van de AVG verzoekt u om inzage in de (persoons)gegevens die zijn verstrekt door de Amerikaanse overheid (IRS), aan het Ministerie van Financiën en/of de Belastingdienst.

### Beoordeling van uw verzoek

#### Algemeen: reikwijdte AVG Verzoek

Een AVG verzoek geeft recht op inzage in de *persoonsgegevens* die van u verwerkt worden. Inzage op grond van de AVG gaat niet zo ver dat u alle gewenste gegevens kunt krijgen. Indien het verstrekken van andere gegevens dan persoonsgegevens aan de orde is zijn hiervoor andere waarborgen in het leven geroepen via bijvoorbeeld de Algemene wet bestuursrecht. U kunt hierbij denken aan de rechtsmiddelen van bezwaar, (hoger) beroep en cassatie. In die gevallen kunt u ook inzage krijgen in uw gegevens, voor zover het op de zaak betrekking hebbende stukken zijn. Daar kunnen ook gegevens van derden bij zitten.

Daarnaast zijn in artikel 23 AVG beperkingen op het inzagerecht en uitzonderingsgronden voor de verstrekking van persoonsgegevens opgenomen. Uitzonderingen bestaan bijvoorbeeld voor de persoonsgegevens van derden ter bescherming van hun privacy in het kader van de AVG en zaken die van belang zijn voor het toezicht, de opsporing en de veiligheid van de Nederlandse Staat en haar ingezetenen.

### Kantoor Eindhoven

Karel de Grotelaan 4  
5616 CA Eindhoven  
Postbus 90056  
5600 PJ Eindhoven  
[www.belastingdienst.nl](http://www.belastingdienst.nl)

**Telefoonnummer**  
(088) 154 08 47

**E-mailadres**  
[man.van.de.kerkhof@belastingdienst.nl](mailto:man.van.de.kerkhof@belastingdienst.nl)

**Team**  
Particulieren

**Datum**  
9 augustus 2021

**Onze referentie**  
 AVG



**Specifiek: zijn er persoonsgegevens ontvangen van de Amerikaanse overheid?**

Naar aanleiding van uw verzoek heb ik contact opgenomen met de Central Liaison Office van de Belastingdienst. Vanuit de Central Liaison Office is mij medegedeeld dat door de Amerikaanse overheid geen persoonsgegevens over u zijn aangeleverd aan het Ministerie van Financiën en/of de Belastingdienst.

Datum

9 augustus 2021

Onze referentie



AVG

**Rechtsbescherming**

Op grond van artikel 34 van de Uitvoeringswet Algemene verordening gegevensbescherming geldt deze beantwoording van uw verzoek als een besluit in de zin van de Algemene wet bestuursrecht.

**Rechtsmiddelenverwijzing**

Deze beslissing is een besluit in de zin van de Algemene wet bestuursrecht. Indien u het met de beslissing niet eens bent kunt u binnen zes weken een bezwaarschrift indienen bij de Minister van Financiën. U kunt uw bezwaar hiervoor richten aan de directeur van de Belastingdienst Particulieren, Kantoor Eindhoven, postbus 90056, 5600 PJ Eindhoven. U moet uw bezwaarschrift ondertekenen. In het bezwaarschrift moet in ieder geval worden vermeld: uw naam en adres, de dagtekening, een omschrijving van het besluit waartegen het bezwaar is gericht en de gronden van het bezwaar.

Hoogachtend,

De Minister van Financiën,  
Namens deze,

mr. drs. M.A.N. van de Kerkhof  
AVG-behandelaar

> Retouradres Postbus 20201 2500 EE Den Haag

Voorzitter van de Tweede Kamer der Staten-Generaal  
Postbus 20018  
2500 EA Den Haag

**Directie Financiële  
Markten**

Korte Voorhout 7  
2511 CW Den Haag  
Postbus 20201  
2500 EE Den Haag  
[www.rijksoverheid.nl](http://www.rijksoverheid.nl)

**Ons kenmerk**  
2021-0000174874

**Uw brief (kenmerk)**

Datum 3 september 2021  
Betreft Cijfers rapportage FATCA

Geachte voorzitter,

Hierbij zend ik u, mede namens de staatsecretaris van Financiën, ter voorbereiding van het Commissiedebat over FATCA<sup>1</sup>, feitelijke informatie toe ten aanzien van de missende TIN's (Amerikaans belastingnummer) van rekeninghouders van de vier grootbanken. Deze informatie is gebaseerd op de 2020 rapportage aan de Verenigde Staten onder de FATCA-IGA<sup>2</sup>. De rapportage van de gegevens aan de Verenigde Staten moet plaatsvinden voor eind september, maar de Belastingdienst heeft de gegevens al gereed. In aanloop naar het commissiedebat deel ik deze informatie graag met uw Kamer. Een overzicht van deze aantallen vindt u in tabel 1 hieronder.

Op grond van de Amerikaanse FATCA regelgeving dienen financiële instellingen rekeninggegevens van *US persons* te rapporteren aan de Amerikaanse belastingdienst (IRS). Op grond van de FATCA-IGA verzamelt de Nederlandse Belastingdienst deze gegevens en zendt deze door aan de IRS. Uit de gegevens die de Belastingdienst van de vier grootbanken heeft ontvangen blijkt dat het aantal klanten van die banken dat als *US person* geldt en géén TIN heeft aangeleverd, sinds 2018 is afgenomen van 4155 tot 1251. Deze groep is divers en bevat naast personen met de Nederlandse nationaliteit bijvoorbeeld ook inwoners van de Verenigde Staten met een bankrekening hier, expats uit de Verenigde Staten of burgers van andere landen met (ook) de Amerikaanse nationaliteit die in Nederland een bankrekening hebben.

Voorts verplicht FATCA financiële instellingen alleen rekeninghouders met een vermogen hoger dan 50.000 dollar te rapporteren, deze zijn in de tabel apart gespecificeerd. Uit praktische overwegingen, bijvoorbeeld omdat vermogens fluctueren, kiezen sommige instellingen ervoor ook rekeningen onder het

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<sup>1</sup> Amerikaanse regelgeving die financiële instellingen verplicht om TIN's van Amerikaanse staatsburgers aan de IRS te overhandigen. Deze regelgeving is rechtstreeks van toepassing op Nederlandse banken.

<sup>2</sup> Intergovernmental Agreement tussen Nederland en de VS om financiële instellingen in Nederland via de Belastingdienst aan hun FATCA verplichting te laten voldoen. Deze dient om de bescherming van persoonsgegevens te garanderen. Andere landen in de EU hebben dezelfde overeenkomsten gesloten.

voornoemde bedrag te rapporteren. Dit verklaart waarom het totale aantal rekeninghouders zonder TIN dat in beeld is, hoger is.

**Directie Financiële Markten**

Op ons verzoek heeft de Nederlandse Vereniging van Banken dit jaar uitvraag gedaan bij de vier Nederlandse grootbanken naar het aantal mogelijke toeval-Amerikanen, dat nog geen TIN heeft aangeleverd. Personen zonder Amerikaans paspoort of Amerikaanse verblijfplaats, maar wel met een geboorteplaats in de Verenigde Staten of met één of beide ouders met de Amerikaanse nationaliteit zijn in het verschaft overzicht als toeval-Amerikaan aangemerkt. Uit de rapportage van de vier grootbanken blijkt dat er op dit moment nog 95 personen zijn bij de vier grootbanken die onder deze definitie vallen en geen TIN hebben aangeleverd.

**Ons kenmerk**  
2021-0000174874

**Tabel 1. Aantal personen FATCA-IGA rapportage, gebaseerd op rapportages grootbanken**

|  | 31.12.2018       | 31.12.2019      | 31.12.2020 |
|--|------------------|-----------------|------------|
| Totaal aantal <i>US persons</i> bij 4 NL grootbanken   | 12297            | 12473           | 11549      |
| Schatting personen* zonder TIN bij 4 NL grootbanken  | 4155             | 2084            | 1251       |
| Waarvan vermogen > 50.000 dollar**   | 2758             | 1075            | 909        |
| Waarvan met minimale banden met de VS ***  | Niet beschikbaar | 200 (schatting) | 95         |
| * Beperkt tot unieke natuurlijke personen. Elke persoon heeft één of meer rekeningen.<br>** Valt hiermee onder de verplichting om te rapporteren onder FATCA-IGA. De grootbanken hebben ervoor gekozen om ook onder deze grens te rapporteren.<br>*** Personen zonder Amerikaans paspoort en zonder Amerikaanse verblijfplaats, maar wel met een geboorteplaats in de VS of één of beide ouders met de Amerikaanse nationaliteit |                  |                 |            |

Uit de bovenstaande cijfers maak ik op dat Nederlandse financiële instellingen aan hun verplichtingen op grond van de FATCA IGA voldoen en dat de inspanningen die de financiële instellingen de afgelopen jaren hebben verricht hun vruchten afwerpen.

Ik heb deze conclusies onlangs bij mijn ambtsgeenoot, de Secretary of the Treasury van de Verenigde Staten, mevrouw Yellen, per brief onder de aandacht gebracht. Ik heb bij haar aangegeven dat de Nederlandse financiële instellingen mijns inziens voldoen aan hun door de Amerikaanse FATCA regelgeving voorgeschreven inspanningsverplichting. Tevens heb ik er bij haar nogmaals op aangedrongen om meer duidelijkheid te verschaffen over de inspanningsverplichting die de FATCA regelgeving aan financiële instelling voorschrijft. Ik heb daarbij specifiek gewezen op de nadelige gevolgen voor individuele personen van wie de rekening wordt opgezegd vanwege het ontbreken van een TIN. Ook heb ik aangedrongen op verdere oplossingen voor de gecompliceerde aangifteverplichting en de procedure om afstand te doen van het Amerikaans staatsburgerschap en de hoge kosten die hiermee gemoeid zijn.

Deze brief is de meest recente actie in een reeks van de acties waarmee Nederland aandacht voor deze problematiek vraagt bij de Verenigde Staten. In juli heeft een gesprek plaatsgevonden tussen de ambassadeur van Nederland in Washington D.C. en Treasury, het EU-voorzitterschap heeft op initiatief van Nederland in navolging van het gesprek in maart bij de Verenigde Staten gerappelleerd en aangedrongen op een oplossing en is er op ambtelijk niveau meermalen bij de Verenigde Staten aangedrongen op oplossingen. Wij blijven ons hiervoor inspannen.

**Directie Financiële  
Markten**

**Ons kenmerk**  
2021-0000174874

In oktober staat een gesprek gepland met de Nederlandse Vereniging van Banken gepland over de gevolgen voor Nederlandse burgers van de Amerikaanse FATCA regelgeving. De cijfers uit de rapportage en de ondernomen acties op diplomatiek gebied zullen daarbij ook aan de orde komen.

Hoogachtend,

de minister van Financiën

W.B. Hoekstra

3. Once a Reporting Netherlands Financial Institution applies the enhanced review procedures described in paragraph D of this section to a High Value Account, the Reporting Netherlands Financial Institution is not required to re-apply such procedures, other than the relationship manager inquiry described in subparagraph D(4) of this section, to the same High Value Account in any subsequent year.

4. If there is a change of circumstances with respect to a High Value Account that results in one or more U.S. indicia described in subparagraph B(1) of this section being associated with the account, then the Reporting Netherlands Financial Institution must treat the account as a U.S. Reportable Account unless it elects to apply subparagraph B(4) of this section and one of the exceptions in such subparagraph applies with respect to that account.

5. A Reporting Netherlands Financial Institution must implement procedures to ensure that a relationship manager identifies any change in circumstances of an account. For example, if a relationship manager is notified that the Account Holder has a new mailing address in the United States, the Reporting Netherlands Financial Institution is required to treat the new address as a change in circumstances and, if it elects to apply subparagraph B(4) of this section, is required to obtain the appropriate documentation from the Account Holder.

**F. Preexisting Individual Accounts That Have Been Documented for Certain Other Purposes.** A Reporting Netherlands Financial Institution that has previously obtained documentation from an Account Holder to establish the Account Holder's status as neither a U.S. citizen nor a U.S. resident in order to meet its obligations under a qualified intermediary, withholding foreign partnership, or withholding foreign trust agreement with the IRS, or to fulfill its obligations under chapter 61 of Title 26 of the United States Code, is not required to perform the procedures described in subparagraph B(1) of this section with respect to Lower Value Accounts or subparagraphs D(1) through D(3) of this section with respect to High Value Accounts.

**III. New Individual Accounts.** The following rules and procedures apply for purposes of identifying U.S. Reportable Accounts among Financial Accounts held by individuals and opened on or after July 1, 2014 ("New Individual Accounts").

**A. Accounts Not Required to Be Reviewed, Identified, or Reported.** Unless the Reporting Netherlands Financial Institution elects otherwise, either with respect to all New Individual Accounts or, separately, with respect to any clearly identified group of such accounts, where the implementing rules in the Netherlands provide for such an election, the following New Individual Accounts are not required to be reviewed, identified, or reported as U.S. Reportable Accounts:

1. A Depository Account unless the account balance exceeds \$50,000 at the end of any calendar year or other appropriate reporting period.

2. A Cash Value Insurance Contract unless the Cash Value exceeds \$50,000 at the end of any calendar year or other appropriate reporting period.

**B. Other New Individual Accounts.** With respect to New Individual Accounts not described in paragraph A of this section, upon account opening (or within 90 days after the end of the calendar year in which the account ceases to be described in paragraph A of this section), the Reporting Netherlands Financial Institution must obtain a self-certification, which may be part of the account opening documentation, that allows the Reporting Netherlands Financial Institution to determine whether the Account Holder is resident in the United States for tax purposes (for this purpose, a U.S. citizen is considered to be resident in the United States for tax purposes, even if the Account Holder is also a tax resident of another jurisdiction) and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Netherlands Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures.

1. If the self-certification establishes that the Account Holder is resident in the United States for tax purposes, the Reporting Netherlands Financial Institution must treat the account as a U.S. Reportable Account and obtain a self-certification that includes the Account Holder's U.S. TIN (which may be an IRS Form W-9 or other similar agreed form).

2. If there is a change of circumstances with respect to a New Individual Account that causes the Reporting Netherlands Financial Institution to know, or have reason to know, that the original self-certification is incorrect or unreliable, the Reporting Netherlands Financial Institution cannot rely on the original self-certification and must obtain a valid self-certification that establishes whether the Account Holder is a U.S. citizen or resident for U.S. tax purposes. If the Reporting Netherlands Financial Institution is unable to obtain a valid self-certification, the Reporting Netherlands Financial Institution must treat the account as a U.S. Reportable Account.

**IV. Preexisting Entity Accounts.** The following rules and procedures apply for purposes of identifying U.S. Reportable Accounts and accounts held by Nonparticipating Financial Institutions among Preexisting Accounts held by Entities ("Preexisting Entity Accounts").

**A. Entity Accounts Not Required to Be Reviewed, Identified or Reported.** Unless the Reporting Netherlands Financial Institution elects otherwise, either with respect to all Preexisting Entity Accounts or, separately, with respect to any clearly identified group of such accounts, where the implementing rules in the Netherlands provide for such an election, a Preexisting Entity Account with an account balance or value that does not exceed \$250,000 as of June 30, 2014, is not required to be reviewed, identified, or reported as a U.S. Reportable Account until the account balance or value exceeds \$1,000,000.

**B. Entity Accounts Subject to Review.** A Preexisting Entity Account that has an

for, a customer based on a power of attorney or similar instrument (*e.g.*, an investment authority) issued by the holder of a Financial Account or based on investment powers in a directorship capacity for the purposes of investing, managing, or administering funds deposited in the name of the person or Entity granting the power or issuing the similar instrument with a Financial Institution other than a Nonparticipating Financial Institution.

#### B. Certain Collective Investment Vehicles

1. In the case of an Investment Entity that is a collective investment vehicle resident in the Netherlands if all of the interests in the collective investment vehicle (including debt interests in excess of \$50,000) are held by or through one or more exempt beneficial owners, Active NFFEs described in subparagraph B(4) of section VI of Annex I, U.S. Persons that are not Specified U.S. Persons, or Financial Institutions that are not Nonparticipating Financial Institutions, such collective investment vehicle will be treated as a deemed-compliant FFI for purposes of section 1471 of the U.S. Internal Revenue Code, and the reporting obligations of any Investment Entity (other than a Financial Institution through which interests in the collective investment vehicle are held) shall be deemed fulfilled with respect to interests in the collective investment vehicle.
2. With respect to interests in:
  - a. An Investment Entity that is regulated as a collective investment vehicle under the laws of a Partner Jurisdiction, all of the interest in which (including debt interests in excess of \$50,000) are held by or through one or more exempt beneficial owners, Active NFFEs described in subparagraph B(4) of section VI of Annex I, U.S. Persons that are not Specified U.S. Persons, or Financial Institutions that are not Nonparticipating Financial Institutions; or
  - b. An Investment Entity that is a qualified collective investment vehicle under relevant U.S. Treasury Regulations;
 the reporting obligations of any Investment Entity that is a Netherlands Financial Institution (other than a Financial Institution through which interests in the collective investment vehicle are held) shall be deemed fulfilled.
3. In the case of an Investment Entity that is a collective investment vehicle resident in the Netherlands not described in paragraph 1 or 2, consistent with paragraph 3 of Article 5 of the Agreement, if the information required to be reported by the collective investment vehicle pursuant to the Agreement with respect to interests in the collective investment vehicle is reported by the collective investment vehicle or another Investment Entity, the reporting obligations of all other Investment Entities required to report with respect to the interests in the collective investment vehicle will be deemed fulfilled with respect to such interests.

**III. Exempt Products.** The following categories of accounts and products established in the Netherlands and maintained by a Netherlands Financial Institution shall not be treated as Financial Accounts, and therefore shall not be U.S. Reportable Accounts or accounts held by a Nonparticipating Financial Institution, under the Agreement:

A. Certain Retirement Accounts or Products

1. Any account owned by an entity identified in paragraph I of this Annex II;
2. All products offering retirement benefits under the Wage Tax Act 1964 (*Wet op de loonbelasting 1964*) or the Wage Tax Act BES (*Wet loonbelasting BES*);
3. All products that are deductible in the contribution phase and taxable in the distribution phase that are covered by Articles 3.124, 3.125 and 3.126a of the Income Tax Act 2001 (*Wet inkomstenbelasting 2001*) or paragraphs 1(a) and 1(e) of Article 16 of the Income Tax Act BES (*Wet inkomstenbelasting BES*);
4. An account or product excluded from the definition of Financial Account under an agreement between the United States and another Partner Jurisdiction to facilitate the implementation of FATCA, provided that such account or product is subject to the same requirements and oversight under the laws of such other Partner Jurisdiction as if such account or product were established in that Partner Jurisdiction and maintained by a Partner Jurisdiction Financial Institution in that Partner Jurisdiction.

B. Certain Other Tax-Favored Accounts or Products

1. A *Kapitaalverzekering Eigen Woning* (endowment insurance connected with the mortgage on the owner-occupied home, as described in Article 3.116 Income Tax Act 2001), a *Spaarrecht Eigen Woning*, a *Beleggingsrecht Eigen Woning* (the bank and investment equivalent of the *Kapitaalverzekering Eigen Woning*, as described in Article 3.116a Income Tax Act 2001) and a *bouwdepot* (building account);
2. A *Stamrecht* (tax-favored annuity for severance benefits, as described in paragraph 1(g) of Article 11 and Article 11a of the Wage Tax Act 1964);
3. A Course of life account (including a *levenslooptrekening*, *levensloopverzekering* and a *levenslooprecht van deelneming*) concluded and maintained prior to January 1, 2012.

C. Other Exempt Products

1. An alimony annuity, as provided by Article 6.5 and Article 6.6 of the Income Tax Act 2001 (*Wet inkomstenbelasting 2001*);
2. Any funeral insurance policy with a premium of € 1,000 per year or less.