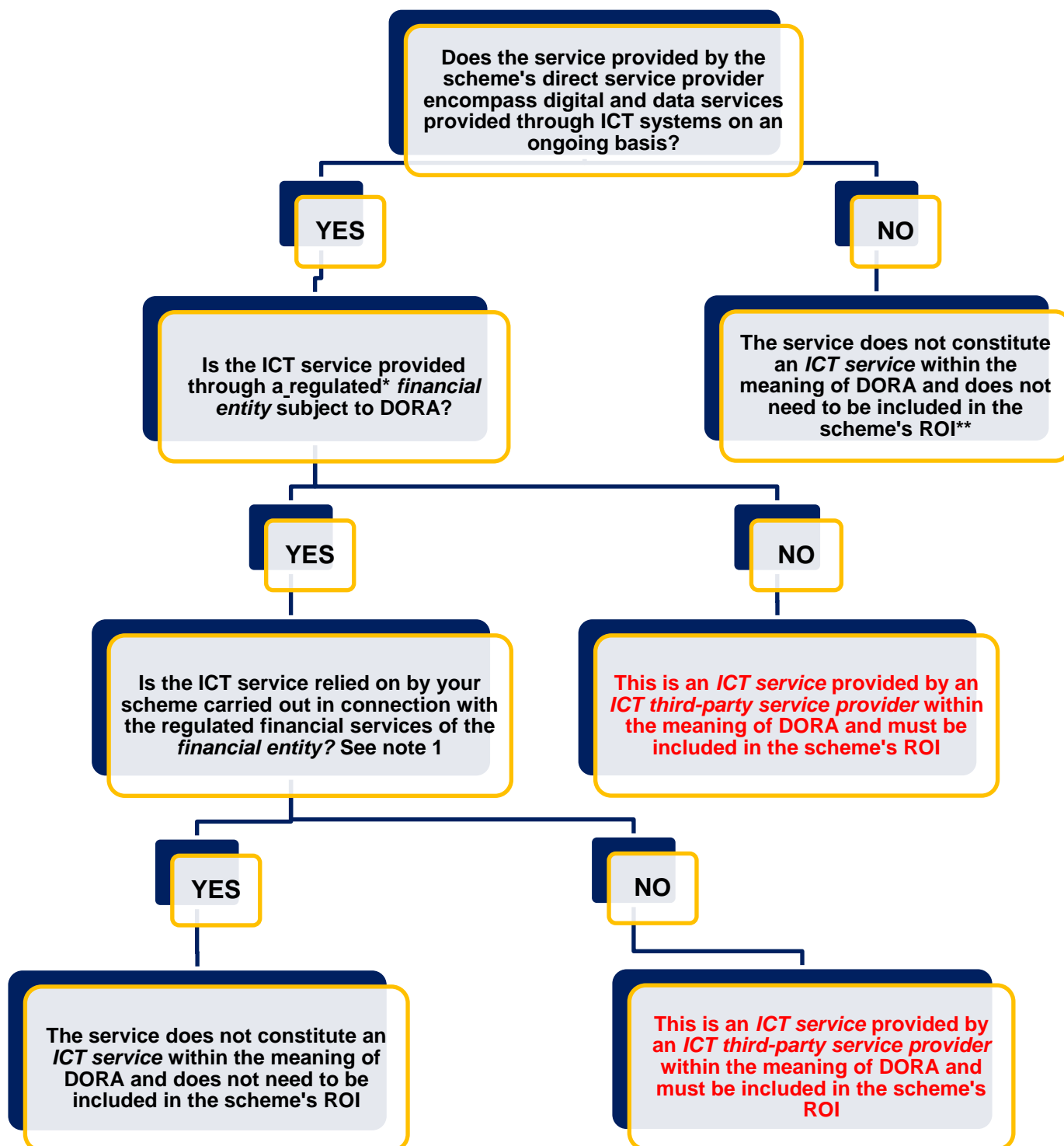




Identifying ICT services in scope of DORA following the Commission's clarification regarding *ICT* services



*'Regulated' means regulated under Union law or any national legislation of a Member State or of a third country.

**ROI means the register of information required under article 28(3) of [DORA](#).

Please note the following:

1. The decision as to whether an ICT service relied on by a pension scheme is carried out in connection with the regulated services of a *financial entity* must be assessed by the trustees of the scheme to ensure that all elements of the test outlined in the Commission's [clarification of 22 January](#) are satisfied before a service is deemed to be out of scope of [DORA](#). Trustees must draw their own conclusions as to whether a service constitutes an *ICT service* within the meaning of DORA. It cannot be assumed that a *financial entity* only authorised to provide regulated financial services and ancillary services (ancillary services meaning services that are inseparable, indivisible, preparatory or necessary for the provisions of regulated financial services) falls outside the scope of the DORA register requirement. It is essential that this is assessed by trustees on a case-by-case basis. Trustees must be satisfied that all ICT services they are receiving are being provided either:
 - in connection with a regulated financial service, or
 - as an ancillary service tied to the provision of a regulated financial service.
2. Where the assets of a pension scheme are held under an insurance policy, it is likely that any administration services provided by the insurance company will not fall within the definition of *ICT services* where the insurance company is a regulated *financial entity*. The ICT component of those administration services is likely to be carried out in direct connection with a regulated financial service and therefore the carve-out provided for in the European Commission clarification can be applied.
3. Subject to the carve-outs provided for in the Commission's [clarification of 22 January](#), the Pensions Authority considers that the following service providers are likely to fall within scope of the register of information requirement:
 - Registered administrators,
 - Administrators, and
 - Pension payroll providers.

Trustees should carry out an assessment on a case-by-case basis giving due consideration to the specific circumstances of each service provider.