

2019

THE CNIL IN A NUTSHELL

Protect personal data
Accompany innovations
Preserve civil liberties

“The CNIL supports the development of new technologies on a daily basis and takes part in the construction of a digital ethic.”

The CNIL in 2018

ADVISING AND REGULATING

322

AUTHORIZATIONS TO TRANSFER DATA OUTSIDE OF THE EU

360

AUTHORIZATIONS FOR MEDICAL RESEARCH OR MEDICAL PRACTICE ASSESSMENTS

342

DELIBERATIONS OF WHICH :

120

OPINIONS ON DRAFT LAW

110

AUTHORIZATIONS

ACCOMPANYING COMPLIANCE

39 500

ORGANISATIONS APPOINTED A DATA PROTECTION OFFICER (DPO)

16 000

DATA PROTECTION OFFICERS (DPOS) APPOINTED

1 170

NOTIFICATIONS OF DATA BREACHES

PROTECTING DATA SUBJECTS

11 077

REQUIREMENTS

+ 32,5 %

4 264

REQUIREMENTS OF INDIRECT RIGHT OF ACCESS

6 609

VERIFICATIONS CARRIED OUT

RENDERING ORDERS AND ISSUING SANCTIONS

48

ORDERS RENDERED

11

SANCTIONS OF WHICH:

9

FINANCIAL PUBLIC SANCTIONS

1

SECRET WARNING

1

SANCTION DISMISSED

INVESTIGATING

310

INVESTIGATIONS OF WHICH:

204

INVESTIGATIONS ON SITE

51

INVESTIGATIONS ONLINE

51

INVESTIGATIONS ON PARTS

4

AUDITIONS

INFORMING

189 877

CALLS

16 877

ONLINE REQUESTS RECEIVED BY THE "NEED HELP" PLATFORM

8 millions

MILLION VISITS TO CNIL.FR

WHO COMPOSES THE COMMISSION?



The Commission is composed by

18 members

1 THE CHAIRMAN OF THE CADA (FREEDOM OF INFORMATION COMMISSION).

6 REPRESENTATIVES OF HIGH JURISDICTIONS

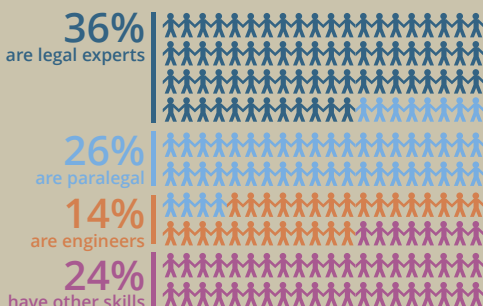
4 PARLIAMENTARIANS

5 QUALIFIED EXPERTS APPOINTED BY THE PRESIDENT OF THE NATIONAL ASSEMBLY

2 MEMBERS OF THE FRENCH ECONOMIC, SOCIAL AND ENVIRONMENTAL COUNCIL

WHO WORKS FOR THE CNIL?

199 agents



63% are women

YEARS OF SERVICE AVERAGE

8 YEARS

AVERAGE AGE

40 YEARS

ANNUAL BUDGET

17 MILLIONS €

STATUS & COMPOSITION

AN INDEPENDENT ADMINISTRATIVE AUTHORITY

Created in 1978, the CNIL is an independent administrative authority that exercises its functions in accordance with the French Data Protection Act dated 6 January 1978, amended by the Act of 20 June 2018. The eighteen members that form the commission are for the most part elected by the assemblies or jurisdictions to which they belong. Marie-Laure Denis, State council member, has been Chair of the CNIL since February 2019. The CNIL's services are made up of 199 contract agents.

WHAT IS PERSONAL DATA?

Personal data is any information relating to an identified or identifiable natural person, directly or indirectly, in particular by reference to an identification number (*e.g.: social security number*) or to one or more elements related to the concerned person (*e.g.: name and last name, anniversary date, biometrics, fingerprint, DNA...*).

FUNCTIONING

PLENARY SESSIONS

The members of the CNIL hold a plenary session once a week according to an agenda set by the Chair. A substantial part of these sessions is dedicated to the review of draft legislation and decrees submitted by the government for an official CNIL opinion. It analyses the consequences of new technologies on citizens' private lives.

RESTRICTED COMMITTEE

The CNIL's restricted committee includes 5 members and a Chairman separate from the Chair of the CNIL. It can impose various sanctions on data controllers who do not comply with law. With the GDPR (General Data Protection Regulation), the amount of financial sanctions can reach up to €20 million, or for companies up to 4% of their global yearly turnover. These financial sanctions can be made public.

> INFORMING, EDUCATING



The CNIL has the general mission of informing individuals of the rights afforded by the French Data Protection Act. The CNIL responds to requests made by individuals and companies alike. In 2018, it received 189 877 phone calls. The CNIL leads communication campaigns which target the general public by means of either the press, its website, its presence on social networks or by providing learning resources. As well as being directly consulted by many organisations, companies or institutions for the purposes of conducting awareness campaigns and training programmes on the GDPR (General Data Protection Regulation), the CNIL also takes part in conferences, trade shows, and workshops in order to inform and be informed. It brings together a collective of over 60 organisations which run campaigns in favour of educating the public about digital technologies.

> PROTECTING CITIZENS' RIGHTS

Any individual can contact the CNIL upon experiencing difficulties in exercising their data protection rights. The CNIL ensures that citizens can effectively access their data contained in any processing operation. In 2018, the CNIL received 11 088 complaints, representing 32,5% more than in 2017. These complaints related to: online reputation (requests for the removal of internet content); commerce (objections to receiving marketing emails); human resources (supervision mechanisms; video surveillance, geo-location of vehicles); banks and loans (contesting their registration within the files of the Banque de France).



Need help is available at cnil.fr

This service offers 500 useful questions and answers as well as the opportunity to submit an online request.

WHAT ARE YOUR RIGHTS?



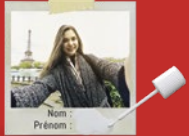
The right of access

You may ask the data controller directly if they possess information on you, and request that they disclose all of this data to you.



The right to data portability

You may retrieve a portion of your data in a format that is machine-readable. You are then free to store such portable data elsewhere, or to transfer them from one service to another.



The right to be de-listed

You may request that a search engine de-list a website associated with your first name and surname.



The right to request rectification

You may request the rectification of incorrect details about yourself. The right to request rectification complements the right of access.



The right to object

You may object to the filing of your data on legitimate grounds. You may also object to the distribution, transmission or storage of your data.

The right of access to police files, gendarmerie files, surveillance files, FICOBA, etc.

When it is not possible for you to request access to your data directly from the police, gendarmerie, surveillance services or the tax authorities, the right of access is exercised indirectly through the CNIL.

➤ ADVISING AND REGULATING

The CNIL's advising and regulating activity is diverse: opinions on the government's draft legislation concerning personal data protection or the creation of new files, advice, and participation in parliamentary hearings. As part of this activity, the CNIL oversees research into solutions enabling public and private organisations to pursue their legitimate objectives whilst strictly complying with the rights and freedoms of citizens. In 2018, the CNIL designed thematic sheets to support startups in their compliance with the GPDR and help them to manage and secure their data, in line with the guide for Microenterprises and SMEs.



➤ ACCOMPANYING COMPLIANCE

As a regulator, compliance is the CNIL's main priority. Under the influence of the GDPR, compliance is an indicator of good governance, tackling the issues of reputation and trust, and providing companies with a competitive advantage. To help private and public organisations to prepare for the entry into force of the GDPR, the CNIL offers a complete tool kit, adapted to all organisation sizes and needs.

- A practical guide to raise awareness on the GDPR for Microenterprises and SMEs (in collaboration with bpifrance);
- Pages dedicated to local authorities and the Health sector;
- A guide for data processors;
- A 6-step method to implementing the main necessary measures;
- A complete record template and a simplified version for Microenterprises/SMEs;
- Examples of privacy policies;
- A teleservice to appoint a data protection officer;
- A teleservice to report data protection offences;
- Software to carry out a Data Protection Impact Assessment (DPIA).

Online training on the GDPR open to all

A new online training course open to all (MOOC) called «GDPR workshop» offers professionals the opportunity to discover or better understand the GDPR. It thus makes it possible to initiate a compliance process for their organizations and to help raise awareness among operational staff.



› ANTICIPATING

As part of its innovative and foresight activities, the CNIL has set up an observatory to identify and analyze technologies or new uses which may have a significant impact on privacy. It has a laboratory enabling it to experiment with innovative products and applications. It contributes towards developing technological solutions that protect privacy by advising companies as early as possible, according to a privacy-by-design approach.



› INSPECTING AND SANCTIONING

Ex-post investigations are considered to be a favored method of intervention for personal data controllers. They allow the CNIL to ensure concrete implementation of the law. The investigations programme is established according to current events and core issues (current events, new technologies) which are brought before the CNIL.

Following investigations or complaints, if data controllers and data processors are in breach of legal provisions, the CNIL can:

- Issue a warning;
- Send the company formal notice;
- Temporarily or definitively restrict a processing operation;
- Suspend data flows;
- Order them to comply with data subjects' requests to exercise their rights;
- Order them to rectify, limit or erase data;
- Issue an administrative fine

Experimenting

Leading innovative, research and prototype projects (by developing tools, establishing partnerships, through internal methods, by design).

Exchanging

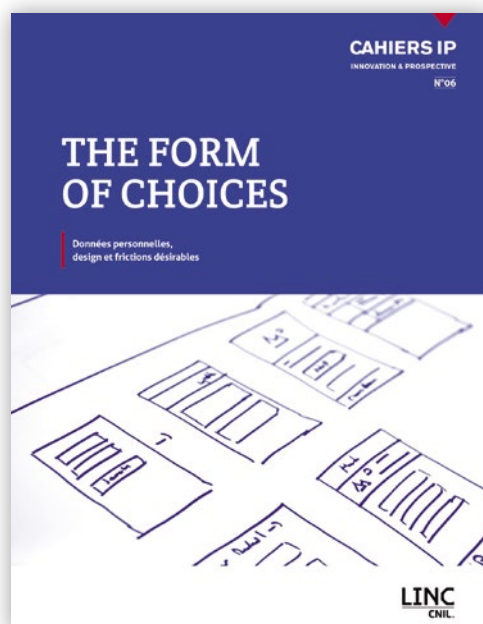
Being a contact point and a center for dialogue within digital innovation ecosystems (researchers, start-ups, labs).

Exploring

The CNIL is openly and transparently interested in weak signals and emerging issues, and therefore in contributing towards creating social debate on the ethical issues related to data.

The Foresight Committee

In order to strengthen its monitoring and foresight tasks, the CNIL directs a committee of non-CNIL experts, comprised of 18 members from various backgrounds and horizons: sociologists, economists, anthropologists, philosophers, entrepreneurs, researchers, authors, legal experts, journalists, etc.



► THE EUROPEAN REGULATION

The General Data Protection Regulation (GDPR) entered into force on 25 May 2018. It provides for Europe's adaptation to the new realities of digital technology. It reinforces European citizens' rights and gives them more control over their personal data. It also simplifies formalities for companies and provides them with a unified framework.

The reform of data protection rules has three objectives:

- Reinforce citizens' rights, particularly by creating a right to data portability and provisions specific to minors;
- Holding data protection officers accountable (data controllers and data processors);
- Lending credibility to regulation through reinforced cooperation between data protection authorities, who will, notably, be able to make joint decisions regarding transnational data processing and issue reinforced sanctions.

What will change for professionals

The end of declarations to the CNIL

The GDPR eliminates requirements to declare files to the CNIL. Only some prior formalities will remain in place (requests for opinions in the police/justice sector, authorisation requests for some data processing operations – particularly relating to health).

La responsabilisation des acteurs

Stakeholders' accountability in return for the disappearance of administrative steps to be taken before the CNIL, administrations, companies and associations processing personal data, as well as their service providers and data subcontractors, are now considered fully accountable for the protection of data that they process. They must ensure that their personal data

processing operations comply with the GDPR for their entire life span and that they are able to prove such compliance.

New tools for compliance

From an operational viewpoint, compliance with the European regulation rests on various tools:

- Processing records and internal documentation;
- Privacy Impact Assessments (PIA) for processing presenting a risk;
- The notification of data protection offences.

The DPO (Data Protection Officer)

Implementation of these tools implies, in advance, the appointment of an internal manager: the data protection officer, a true "conductor" of data protection within the organisation. Beyond this, the principle of accountability must translate into a change in internal culture and mobilise internal or external skills (CIOs, providers, legal services, trade services).

To help organisations to prepare, the CNIL offers organisations a dedicated section, a method and the tools necessary to take action: a guide for Microenterprises and SMEs, notice templates, register templates, teleservices, etc.

What will change for private individuals

The European regulation consolidates the central role of the individual and reinforces

the individual's control over his or her data. It shall apply as soon as a European resident is substantially affected by data processing. Global players will therefore be subject to European law if they offer a product or service to a European citizen, even remotely. This criterion, called "targeting", represents a significant evolution: henceforth, the territoriality of European law regarding data protection is built around the individual, and no longer solely around a company's place of establishment.

The Regulation and the new Act of 20 June 2018 recognize individuals' right to:

- Clearer and more accessible information;
- Reinforced protection of children by obtaining parents' consent for children under 15;
- A new right to data portability which allows individuals to retrieve their data in an easily reusable manner, and to then transfer that data to a third party;
- The right to compensation for material or moral damage, particularly as part of group actions.

FRANCOPHONE COUNTRIES

For ten years, the CNIL has engaged itself in a data protection promotional campaign within francophone countries.

These actions have given way to the creation of the Association Francophone des Autorités de Protection des Données Personnelles (Association for Francophone Data Protection Authorities) in 2007, in partnership with the International Organisation of La Francophonie (OIF), and has brought about the adoption of legislation regarding the right to privacy by francophone countries such as Burkina Faso, Tunisia, Morocco, Madagascar and Mali.

In 2019, 67 Francophone countries out of 88 have legislation on data protection and 52 have appointed a data protection authority.

LA CNIL AT THE EUROPEAN DATA PROTECTION BOARD (EDPB)

The GDPR has created the European Data Protection Board (EDPB), which replaces the WP29. Its mission is to guarantee a coherent enforcement of the GDPR by the European data protection authorities.

The EDPB is enabled to publish recommendations, guidelines and opinions aiming to clarify the interpretation of the GDPR's principles and to support companies, public bodies and data subjects in the implementation of the legal text. The EDPB can also adopt binding decisions to settle disputes between supervisory authorities submitted to it.

To contact the CNIL

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