

Deliberation 2021-088 of July 22, 2021 Commission Nationale de l'Informatique et des Libertés Nature of the deliberation:

Authorization Legal status: In force Date of publication on Légifrance: Friday September 10, 2021 Deliberation n° 2021-088 of July 22, 2021 approving the rules of binding enterprises (BCR) "subcontractor" of the CGI Inc. group. The National Commission for Computing and Liberties, Seizure by the company CGI France SAS in the name and on behalf of the CGI Inc. group, on April 20, 2017, a request for approval from its subcontractor BCRs; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation or GDPR), in particular Articles 47, 57 and 64; Having regard to Law No. 78-17 of 6 January 1978 amended relative to information technology, files and freedoms; Having regard to decree n° 2019-536 of May 29, 2019 as amended, taken for the application of law n° 78-17 of January 6, 1978 relating to information technology, files and freedoms, in particular its article 73; On the proposal of Mrs Anne DEBET, commissioner, and after having heard the observations of Mr Benjamin TOUZANNE, government commissioner, Makes the following observations: Article 47-1 of the GDPR provides that the CNIL approves Binding Corporate Rules (BCR) provided that these meet the requirements set out in this article. dealing with the CGI Inc. group was instructed by the services of the CNIL as the competent authority, then by the services of two other data protection authorities acting as co-instructors. These BCRs have also been reviewed by the data protection authorities of the member countries of the European Economic Area, pursuant to the approval procedure set up by the European Data Protection Board (EDPS). of the BCRs subcontracted by the CGI Inc. group leads to the conclusion that these comply with the requirements imposed by article 47-1 of the GDPR and the working document WP257.rev.01, in particular because the aforementioned BCRs: are made legally binding by intra-group contract and impose a clear obligation on each participating entity of the CGI group, including their employees, to comply with them; expressly confer rights on data subjects enabling them to rely on them as third-party beneficiaries via Article 7 (Rights of Third-Party Beneficiaries) and 9 (Procedure for processing requests and complaints from data subjects); meet the requirements imposed by Article 47-2 of the GDPR :

a) the structure and contact details of the group of companies and of each of its entities are detailed in the WP265 form which was provided as part of the examination of the file and in appendix A of the BCRs; b) the transfers or all data transfers, including the categories of personal data, the type of processing and its purposes, the type of data subjects affected and the name of the third country or countries in question are specified in Articles 2 and 5 of the BCRs and in Annex B of the BCRs

entitled Activities covered by the BCR-Ps; c) the legally binding nature, both internal and external, of the subcontractor BCRs is recognized in Articles 3.1 and 3.2 of the BCRs as well as in the Article 2 of the draft intra-group contract provided by the group; d) the application of general principles relating to data protection, in particular limitation of purpose, minimization of data, limitation of data retention periods, the quality of the data, data protection by design and data protection by default, legal basis for processing, processing of special categories of personal data, measures to ensure data security, as well as requirements for onward transfers to organizations that are not bound by the Binding Corporate Rules are referred to in Articles 3.4, 4, 5, 6 and 10 of the Processor BCRs; e) the right to lodge a complaint with the competent supervisory authority and before the competent courts of the Member States in accordance with Article 79 of the GDPR and to obtain redress and, where appropriate, compensation for breach of the binding corporate rules, are clearly provided for in the BCRs, in the articles 7 Rights of Third-Party Beneficiaries, and 8 Liability of CGI in the event of violation of the BCR-P; f) the acceptance, by the subcontractor established on the territory of a Member State, of the commitment of its liability for any violation of the Binding Corporate Rules by any relevant entity not established in the Union are specified in Article 8 Liability of CGI in the event of a violation of the BCR-Ps as well as the principle according to which the exemption, in all or part of this liability may arise only if the interested party proves that the event giving rise to the damage is not attributable to the entity in question; g) the way in which the information on the binding corporate rules, in particular with regard to the elements mentioned in points d), e) and f) of Article 47.2 of the GDPR are provided to data subjects, in addition to the information referred to in Articles 13 and 14 of the GDPR is specified in Articles 12.1 and 12.2 of the BCR processor; group of companies, or of the group of companies engaged in a joint economic activity, as well as the monitoring of the formation and the handling of complaints, are detailed in article 15 Team responsible for the protection of privacy and in the Annex F of the BCRs; (i) the complaint procedures, including the obligation of CGI as a processor to inform the controller of the complaint or request, are described in article 9 Procedure for handling requests and complaints from Data Subjects and in appendix D of the BCRs; in appendix C of the BCRs. These mechanisms include data protection audits and methods to ensure that corrective action will be taken to protect the rights of the data subject. The results of these checks are communicated to the person or entity referred to in point h) above and to the board of directors of the company which exercises control over the group of companies (in this case at the registered office of CGI Inc. as well as to the team responsible for privacy protection), and are made available to the competent supervisory authority upon request; k) the mechanisms put in place to communicate and log changes made to the rules and to

communicate these changes to the supervisory authority are specified in Article 17 of the BCRs Update of the BCR-Ps; l) the mechanism for cooperation with the supervisory authority put in place to ensure compliance rules by all entities of the corporate group is described in Article 12.4 of the BCRs. The obligation to make available to the supervisory authority the results of the controls of the measures referred to in point j) above is specified in Article 14 of the BCRs; m) the mechanisms for communicating to the supervisory authority jurisdiction all legal obligations to which a company group entity is subject in a third country which are likely to have a material adverse effect on the safeguards provided by the binding corporate rules are described in Article 12.5 of the BCRs; n) Finally, Article 13 and Annex E of the BCR provide for appropriate training in data protection for staff with permanent or regular access to personal data. The EDPS issued Opinion No. 22 /2021 dated July 1, 2021, in accordance with Article 64-1-f of the GDPR. The Commission has taken this opinion into account. Resolves: The Binding Corporate Rules Processor presented by the CGI Group Inc., in that they provide appropriate safeguards for the transfer of personal data in accordance with Articles 46- 1, 46-2-b, 47-1 and 47-2 of the GDPR, are approved. However, before implementing these BCRs, it is the responsibility of the data exporter located in a Member State, if necessary in collaboration with the data importer, to assess whether the level of protection required by EEA law is respected in the third country of destination, including in situations of onward transfers. This assessment must be carried out in order to determine whether the safeguards established by the BCRs can be respected in practice, taking into account the circumstances of the transfer and the conflicts that may exist between the requirements of the law of the third country and fundamental rights. If this is not the case, the data exporter located in a Member State, if necessary in collaboration with the data importer, must assess whether it can provide for additional measures to ensure a substantially equivalent level of protection. to that guaranteed within the EEA. In the event that the data exporter established in a Member State is unable to take sufficient additional measures to ensure a level of protection substantially equivalent to that guaranteed in the Union, there can be no transfer of personal data to the third country under the BCRs. Therefore, the data exporter is obliged to waive, suspend or terminate the transfer of personal data. The implementation of the approved BCRs does not require specific additional authorization from the European data protection authorities. of the data concerned. In accordance with Article 58-2-j of the GDPR, each data protection authority concerned has the power to order the suspension of data flows addressed to a recipient located in a third country or to an international organization in the event that the appropriate guarantees provided for by the subcontractor BCRs of the CGI Inc. group are not respected. The President Marie-Laure DENISANNEX TO THE DRAFT DECISIONThe subcontractor BCRs of the CGI group

which are approved by this decision cover the scope of application:

A. Scope. These BCRs apply when CGI acts as a processor on behalf of and on the instructions of a data controller established in the European Union who is not a CGI entity and who is not part of the CGI group. Inc. (Section 2 of the BCRs).

B. Member States of the European Economic Union from which transfers are made: Germany, Belgium, Bulgaria, Denmark, Spain, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Norway, Netherlands, Poland, Portugal, Czech Republic, Romania, Slovakia and Sweden.

C. D. Third countries to which transfers are made: the majority of transfers of personal data are made to entities of the CGI Inc. group in Canada, Morocco, India, the Philippines and the United States, but also to Australia, Brazil, Malaysia, Singapore, South Africa and the United Kingdom. The purposes of the transfers: The purposes are detailed in appendix B Activities covered by the BCR-P. They depend on the services provided to the controller and correspond to the following activities:

commercial engineering and operations:

- management of the governance, delivery and closure of projects and client services, including recruitment operations, training, management of suppliers and subcontractors, invoicing, reporting and audit activities; and
 - managing client projects and services for industries such as banking, utilities, manufacturing, insurance, government, retail and consumer services, healthcare and life sciences life, transportation and logistics, oil and gas or communication, including entering, correcting and consolidating personal data, storing, maintaining and safeguarding records, managing and data analysis, individual request management, application and infrastructure management, development and testing, correspondence, delegated/consolidated/or outsourced administration of IT systems, hosting and management, including Access Control and Audit, Asset Management, Expense Processing, Marketing and Research Analytics.
- Categories of Data Subjects: The categories of data subjects are listed in Appendix B des BCR Activities covered by the BCR-P . They depend on the services provided to the controller, and include:

customers, prospects and potential customers; employees / candidates for hiring customers; customers of customers; suppliers and subcontractors; third parties.

Categories of personal data transferred: The categories are listed in Annex B of the BCR Activities covered by the BCR-Ps.