

Deliberation 2019-133 of November 12, 2019 National Commission for Computing and Liberties Nature of the deliberation:

Opinion Legal status: In force Date of publication on Légifrance: Tuesday August 04, 2020 Deliberation n° 2019-133 of November 12, 2019 providing an opinion on a draft decree relating to the recentralization of the active solidarity income in Reunion and the solidarity income in Reunion and Guyana

(request for opinion no. 19018396)

The National Commission for Computing and Liberties, Seizure by the Minister for Solidarity and Health of a request for an opinion concerning a draft decree relating to the recentralisation of the active solidarity income in Reunion and the solidarity income in Réunion and Guyana; Having regard to Council of Europe Convention No. 108 for the protection of individuals with regard to automatic processing of personal data; Having regard to Regulation (EU) 2016/679 of the European Parliament and of April 27, 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation ); Having regard to the Code of Social Action and Families, in particular its articles L. 522-1 and following; Having regard to Law No. 78-17 of 6 January 1978 as amended relating to data processing, files and freedoms, in particular its article 8-I-4°-a); Considering the decree no. 2019-536 of May 29, 2019 taken for the application of law no. 78-17 of January 6, 1978 relating to data processing, files and freedoms; Having regard to deliberation no. 2019-015 of February 21, 2019 issuing an opinion on a draft decree relating to the terms and conditions for exchanges of flows for the implementation of the active solidarity income in Guyana and Mayotte; On the proposal of Mrs Sophie LAMBREMON, commissioner, and after having heard the observations of Mrs Nacima BELKACEM, Government Commissioner, Issues the following opinion: Article 25 of the finance bill for 2020 provides for the recentralisation of the active solidarity income (RSA) in Réunion and of the solidarity income (RSO) in Réunion and in Guyana. It provides that the management, allocation, control of the RSA and the RSO as well as the orientation of the beneficiaries of the RSA now fall within the competence of the State and are delegated to the family allowance funds of Réunion and Guyana. The National Commission for Informatics and Liberties is seized by the Minister of Solidarity and Health for an opinion on a draft decree in the Council of State relating to the recentralisation of the RSA in Reunion and the RSO in Reunion and Guyana, on the basis of Article 8-I-4°-a) of the law of January 6, 1978 as amended. but also the terms of management, allocation and control of the RSO. overseas, aged fifty-five to sixty-four, who have been receiving the RSA for at least two years without having exercised a professional activity, and who undertake to leave the labor market definitively. The Commission specifies that 'it is

not aware of the terms of management, allocation, control of the RSA as well as the orientation of the beneficiaries of this benefit in Guyana insofar as these have already been adapted via the decree of 28 December 2018 relating to the recentralisation of the RSA in Guyana and Mayotte. The Commission notes that if it had not not been called upon for an opinion on this decree, it was nevertheless called upon with regard to decree no. 2019-371 of April 26, 2019 relating to the terms of flow exchanges for the implementation of the RSA in French Guiana and Mayotte. On the transfer of powers relating to the management, allocation and control of the RSA in Reunion and the RSO in Guyana and Reunion The Commission notes that this draft decree essentially provides for the replacement of the reference to president of the departmental council by that of director of the family allowance fund (CAF) or of the CAF itself. article 1 and article 2 of draft d he decree provides that the CAFs now have the power to guide applicants and no longer just to facilitate the orientation of applicants. These changes do not call for any comments from the Commission. - Deputy President Sophie LAMBREMON