

Deliberation 2021-112 of September 23, 2021 Commission Nationale de l'Informatique et des Libertés Legal status: In force

Date of publication on Légifrance: Wednesday October 27, 2021 Deliberation n° 2021-112 of September 23, 2021 on the approval of the National Metrology and Testing Laboratory (LNE) as a control body for the European code of conduct supported by CISPE (Cloud Infrastructure Service Providers Europe) The National Commission for Data Processing and Liberties, Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council 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 (in particular its articles 40, 41 and 57); Having regard to deliberation no. 2020-050 of April 30, 2020 adopting a reference system relating to the approval of bodies responsible for monitoring compliance with codes of conduct; Having regard to deliberation no. 2021-065 approving the code of conduct and European network carried by Cloud Infrastructure Service Providers Europe (CISPE); On the proposal of Ms. Anne DEBET, commissioner, and after having heard the observations of Mr. Benjamin TOUZANNE, government commissioner, Makes the following observations: Article 41 of the general regulations relating to data protection (GDPR) provides that the body responsible for monitoring compliance with a code of conduct by data controllers or subcontractors must be approved by the competent supervisory authority under the article 57.1 (q) of the GDPR. The European code of conduct carried by Cloud Infrastructure Service Providers Europe (CISPE) was approved by the Commission on June 3, 2021. It identifies the CNIL as the competent supervisory authority in accordance with the provisions of article 40.5 GDPR. Consequently, the CNIL is competent for the instruction and the delivery of the approval to the control bodies designated by the code of conduct carried by CISPE. This code of conduct has designated as control body the National Metrology Laboratory and Testing (LNE). On July 27, 2021, the Commission received a request from LNE for approval as a code of conduct control body led by CISPE, in accordance with deliberation No. 2020- 050 of April 30, 2020 adopting a reference system relating to the approval of bodies responsible for monitoring compliance with codes of conduct. The application for approval was assessed by the CNIL services. Commission acknowledges that the application for approval submitted complies with the approval reference system adopted on April 30, 2020. Decides: To issue approval to the National Metrology and Testing Laboratory (LNE) as an inspection body of the European code of conduct supported by Cloud Infrastructure Service Providers Europe (CISPE). This approval is issued for a period of five years from the date of this deliberation. If the requirements relating to the approval are not or no longer met, the approval may be revoked in accordance with the provisions of Article 41.5 of the GDPR and Article 23 of Law No. 78-17 of January 6, 1978 as amended. President

