

Deliberation 2019-153 of December 12, 2019 National Commission for Computing and Liberties Nature of the deliberation:

Opinion Legal status: In force Date of publication on Légifrance: Saturday August 01, 2020 Deliberation No. 2019-153 of December 12, 2019 providing an opinion on the draft decree transposing directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amended by directive (EU) 2018/843 of the European Parliament and of the Council of May 30, 2018 (request for opinion no. 19020584)

The National Commission for Computing and Liberties, Seizure by the Ministry of the Economy and Finance of a request for an opinion concerning a draft decree transposing Directive (EU) 2015/849 of the European Parliament and of the Council of May 20, 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amended by Directive (EU) 2018/843 of the European Parliament and of the Council of May 30, 2018; Having regard to the convention No. 108 of the Council of Europe for the protection of individuals with regard to the automatic processing of personal data; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 relating to the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC; Having regard to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 relating to the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties, and free movement of such data, and repealing Council Framework Decision 2008/977/JHA; Having regard to Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 relating prevention of the use of the financial system for the purposes of money laundering or terrorist financing as well as Directives 2009/138/EC and 2013/36/EU (Text with EEA relevance); the monetary and financial code, Considering the law n° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms in particular its article 8; Considering the decree n° 2019-536 of May 29, 2019 taken for the application of the law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms, in particular its article 9; Philippe-Pierre Cabourdin, commissioner in his report, and Ms. Nacima BELKACEM, government commissioner, in her observations. Issues the following opinion: The Commission has been seized pursuant to Article 9 of Decree No. May 29, 2019 taken for the application of law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms of a request for an opinion by the Ministry of the Economy and Finance relating to a draft

decree transposing Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amended by Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018. The Commission refers to deliberation no. 2019-154 of December 12, 2019 providing an opinion on the draft order transposing Directive (EU) 2015/849 of the European Parliament and of the Council of May 20, 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amended by Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018, and considers that this draft decree does not call for comment. The President Marie-Laure DENIS