

Deliberation 2020-078 of July 23, 2020National Commission for Computing and LibertiesNature of the deliberation: Internal regulationsLegal status: In force Date of publication on Légifrance: Wednesday August 05, 2020NOR:

CNIL2020468XDeliberation No. 2020-078 of July 23, 2020 amending the rules of procedure of the National Commission for Computing and LibertiesThe National Commission for Computing and Liberties,

Considering the law n° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms, in particular its article 12;

Having regard to Ordinance No. 2014-1329 of November 6, 2014 relating to remote deliberations by administrative bodies of a collegial nature;

Having regard to decree n° 2019-536 of May 29, 2019 taken for the application of law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms, in particular sections 1 and 3 of chapter I of its title I;

Having regard to deliberation no. 2013-175 of July 4, 2013 adopting the internal regulations of the National Commission for Data Processing and Liberties, in particular chapters II and IX of its appendix;

Having regard to deliberation no. 2020-037 of April 2, 2020 relating to the organization of the deliberations of the National Commission for Computing and Freedoms during the state of health emergency linked to covid-19;

On the proposal of Mrs Marie-Laure DENIS, President, and after having heard the observations of Mrs Nacima BELKACEM, Government Commissioner, Decides: deliberation no. 2013-175 of July 4, 2013 referred to above, are inserted articles 19-1 to 19-4 as follows:

Section 19-1

Remote deliberationsThe committee may use, for the sessions of its plenary formation and its bureau, the forms of remote collegial deliberation provided for by Ordinance No. 2014-1329 of November 6, 2014 relating to remote deliberations of administrative bodies of a college. It provides its members with the hardware and software devices needed to participate in these forms of deliberation.

Election deliberations cannot take place remotely.

The rules relating to the meetings of the plenary formation and the bureau are not affected by the use of these forms of remote deliberation, subject to the provisions provided for in articles 19-2 to 19-5. The Government commissioner to the commission or his deputy is able to attend the deliberations organized remotely.

Section 19-2

Telephone or audiovisual conferences The chairman of the committee may decide that the deliberations of the plenary session and of the committee bureau are organised, for all the participants or those who so wish, by means of a telephone or audiovisual conference, under the conditions provided for by the ordinance of November 6, 2014 mentioned above.

To this end, the commission implements a technical system ensuring the identification of the participants in the deliberations and enabling them to participate effectively. This system guarantees the security and confidentiality with regard to third parties of the exchanges, debates and votes, which are not subject to any recording or conservation, subject to what is necessary for the establishment of the minutes of the committee meetings. Third parties may be heard by the plenary session or the bureau of the committee, under the same conditions.

The convocation of the plenary formation or the bureau informs the members of the committee concerned of the use of a telephone or audiovisual conference and of the communication tool used. Information relating to the technical methods of using the communication tool is made available to them.

Section 19-3

Use of instant messaging during telephone or audiovisual conferences The chairman of the committee may decide, for the purpose of facilitating the conduct of the deliberations of the plenary formation and of the committee bureau, organized by means of a telephone or audiovisual conference under the conditions provided for in article 19-2, to make available to the members of these formations an instant messaging system or any other device ensuring the exchange of writings transmitted by electronic means and allowing an online dialogue. This system can be used, in addition to the telephone or audiovisual conference tool, in the context of exchanges and debates relating to the deliberations listed on the agenda and for the purposes of casting votes.

The provisions provided for in the second and third paragraphs of Article 19-2 are applicable to the mechanism implemented for this purpose, which also guarantees that the observations made by each of the members of the committee concerned are immediately communicated or made accessible to the all other participating members.

Section 19-4

Rules applicable to remote deliberations Debates relating to remote deliberations of the plenary session and the bureau are opened and closed by a message from the chairman of the committee.

In the case where the deliberation must be the subject of a vote, the chairman of the commission indicates the opening of the voting operations and specifies the duration during which the participating members of the commission can vote. At the end of the period fixed for the expression of the votes, he sends the results to all the members of the formation concerned of the commission.

If a vote by secret ballot is requested during a deliberation which takes place remotely, this deliberation is suspended and the voting operations are organized within the framework of a subsequent physical meeting of the members of the committee.

In the event of a technical incident, discussions, debates and votes may be resumed or continued under the same conditions as those preceding the incident. Article 2 After article 70 of the appendix to deliberation no. 2013-175 of 4 July 2013 referred to above, article 70-1 is inserted as follows: Article 70-1

Remote deliberations The committee may use, for the sessions of its restricted formation, the forms of remote collegiate deliberation provided for by the ordinance of 6 November 2014 mentioned above.

The chairman of the restricted formation of the Commission may decide that the deliberations of this formation are organized by means of a telephone or audiovisual conference. In this case, the provisions mentioned and provided for in articles 19-1, 19-2 and 19-4 of these rules of procedure apply. The defendants, their representative or counsel have the same information as the members of the Commission concerned with regard to the use of a telephone or audiovisual conference, the communication tool used and its technical methods of use. Section 3

Deliberation n° 2020-037 of April 2, 2020 relating to the organization of the deliberations of the National Commission for Computing and Liberties during the state of health emergency linked to Covid-19 is repealed. Article 4

The President, the President of the Restricted Committee and the Secretary General of the National Commission for Computing and Liberties are responsible, each as far as he is concerned, for the execution of this decision, which will be published in the Official Journal of the French Republic.

The president,

M. L. Denis