

Deliberation 2018-318 of September 20, 2018 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Friday October 12, 2018 Deliberation n° 2018-318 of September 20, 2018 adopting the criteria of the skills certification reference Data Protection Officer (DPO)The National Commission for Data Processing and Liberties, Having regard to Convention No. 108 of the Council of Europe 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 the Council of 27 April 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; Having regard to law n° 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms, in particular its article 11-I-2° f bis); Having regard to decree n° 2005 -1309 of 20 October 2005 modified 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 6-8; Considering the deliberation n ° 2018-317 of September 20 2018 adopting the criteria of the accreditation reference system for certification bodies for the certification of the skills of the data protection officer (DPO); After having heard Mr. Maurice RONAI, commissioner, in his report, and Mrs. Nacima BELKACEM, Government Commissioner, in his observations, Makes the following observations: In accordance with Article 11-I-2° f bis) of Law No. 78-17 as amended, the National Commission for Computing and Liberties (here- afterwards, the CNIL or the Commission) is competent to develop or approve the criteria of a reference system for the certification of people's skills. This deliberation sets the criteria for the certification reference system for the data protection delegate category, as referred to in section 4 of chapter IV of Regulation (EU) 2016/679. certification, by bodies approved by the Commission, of the competences of the data protection officer, are approved. The operation of this system will be subject, at the latest within two years from its entry into force, of an assessment with a view to adapting, if necessary, the requirements of this reference system. This deliberation will be published in the Official Journal of the French Republic. The President.

FALQUE-PIERROT

CERTIFICATION GUIDELINES FOR THE SKILLS OF THE DATA PROTECTION OFFICER (DPO)

Category 1. Prerequisites to be met by the certification candidate

Requirement 1.1 To be able to access the assessment phase, the candidate meets one of the prerequisites following: justify a professional experience of at least 2 years in projects, activities or tasks related to the missions of the DPO with regard to the protection of personal data; or justify a professional experience of at least 2 years as well as training of at least 35 hours in the protection of personal data received by a training organization.

Category 2. Skills and know-how

Requirement 2.1 The candidate knows and understands the principles of lawfulness of processing, purpose limitation, data

minimization, data accuracy, limited data retention, integrity, confidentiality and accountability. Requirement 2.2 The candidate can identify the legal basis of processing. Requirement 2.3 The candidate knows how to determine the appropriate measures and the content of the information to be provided to data subjects. Requirement 2.4 The candidate knows how to establish procedures to receive and manage requests to exercise the rights of data subjects. Requirement 2.5 The candidate knows the legal framework relating to outsourcing in the processing of personal data. Requirement 2.6 The candidate knows identify the existence of data transfers outside the European Union and knows how to determine the legal instruments of transfer likely to be used. Requirement 2.7 The candidate knows how to develop and implement a policy or internal rules in terms of data protection. Requirement 2.8 The candidate knows how to organize and participate in data protection audits. Requirement 2.9 The candidate knows the contents of the register of processing activities, the register of categories of processing activities and the documentation of data breaches as well as documentation necessary to demonstrate compliance with data protection regulations. Requirement 2.10 The candidate is able to identify data protection measures by design and by default adapted to the risks and the nature of the processing operations. Requirement 2.11 The candidate knows how to participate in the identification of security measures adapted to the risks and the nature of the processing operations. Requirement 2.12 The candidate is able to identify personal data breaches requiring notification to the supervisory authority and those requiring communication to data subjects. Requirement 2.13 The candidate knows how to determine whether or not to carry out a data protection impact assessment (DPIA) and knows how to verify its execution. Requirement 2.14 The candidate knows how to provide advice on impact analysis relating to data protection (in particular on the methodology, possible subcontracting, technical and organizational measures to be adopted). Requirement 2.15 The candidate knows how to manage relations with the supervisory authorities, by responding to their requests and by facilitating their action (investigation of complaints and inspections in particular). data. Requirement 2.17 The candidate knows how to ensure the traceability of his activities, in particular using monitoring tools or annual reports.