

Decision of the National Commission sitting in restricted formation on the outcome

of survey no.[...] conducted with Company A

Deliberation No. 12FR/2022 of June 22, 2022

The National Commission for Data Protection sitting in restricted formation

composed of Ms. Tine A. Larsen, President, and Messrs. Thierry Lallemand and Alain

Herrmann, commissioners;

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

personal character and on the free movement of such data, and repealing Directive

95/46/EC;

Considering the law of August 1, 2018 on the organization of the National Commission for the

data protection and the general data protection regime, in particular

its article 41;

Having regard to the internal regulations of the National Commission for the Protection of

data adopted by decision no. 3AD/2020 dated January 22, 2020, in particular its

article 10 point 2;

Having regard to the regulations of the National Commission for Data Protection relating to the

inquiry procedure adopted by decision No. 4AD/2020 dated January 22, 2020,

in particular its article 9;

Considering the following:

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I. Facts and procedure

1. During its deliberation session on February 14, 2020, the National Commission

for data protection sitting in plenary session (hereafter: “Formation Plenary”) had decided to open an investigation with Company A on the basis of Article 37 of the law of 1 August 2018 on the organization of the National Commission for the data protection and the general data protection regime (hereinafter: “Law of August 1, 2018”) and to appoint Mr. Christophe Buschmann as Chief of investigation.

2. According to the decision of the Plenary Formation, the investigation carried out by the National Commission for Data Protection (hereinafter: “CNPD”) was to purpose of monitoring the application of and compliance with Regulation (EU) 2016/679 of the Parliament 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 the free movement of such data, and repealing Directive 95/46/EC (hereinafter: “GDPR”) and the law of 1 August 2018, and more specifically the installation of surveillance cameras.

3. On January 29, 2020, CNPD agents carried out a visit to the Company premises A.1 The decision of the National Commission for the Protection of data sitting in restricted training on the outcome of the investigation (hereinafter: “Training Restricted”) will be limited to processing controlled by CNPD agents.

4. Company A is a [...] registered in the Trade and Companies Register of Luxembourg under number [...], with registered office at L-[...], [...] (hereinafter: the “control ”). The purpose of the audit "is to provide accounting services, as well as that all the operations whatsoever which relate directly or indirectly in whole or in part to its purpose. [...]”.²

5. During the said visit, the CNPD agents observed that the system of CCTV is made up of four “fixed” type cameras in working order. operation³ of which two cameras are working continuously and two cameras

1 See Minutes no. [...] relating to the on-site visit carried out on January 29, 2020 to

Company A (hereinafter: the “Minutes no. [...]”).

2 Cf. Coordinated Statutes of [...], Article [...].

3 See Minutes no. [...] point 8, findings 2 and 3.

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operate for fixed periods,

which are configurable

manually⁴.

The CNPD agents noted, in particular, that these cameras were "installed at the following locations: a camera installed in the entrance corridor leading to the premises of the data controller (Photos [...], [...] and [...]), a camera installed in [OFFICE 1] (Photo [...]), a camera installed in [OFFICE 2] (Photos [...] and [...]), as well as a camera installed in [OFFICE 3] and oriented towards the clock (Photo [...])”⁵.

6. The inspector also explained to the CNPD agents “that the companies Company B (installation of cameras and alarms) and Company C (system management computer) act as subcontractors with regard to the system of video surveillance”, but that they “do not have access to the images of the CCTV »⁶. By letter dated June 3, 2021, the controller informed the CNPD that the Company B has been replaced as processor by Company D.

7. The controller responded to the report drawn up by the CNPD agents as well as certain additional questions raised by the Investigations Department following the on-site visit by letter dated June 3, 2021 and June 18, 2021 and by email from July 12, 2021.

8. Following the departure of Mr. Christophe Buschmann, the Plenary Formation decided during its deliberation session of July 23, 2021 that Mr. Marc Lemmer will, from this day on, hold the position of head of investigation for the investigation in question.

9. At the end of his investigation, the head of investigation notified the person inspected on 10 August 2021 a Statement of Objections (hereinafter: "Statement of Objections") detailing the shortcomings that he considered constituted in this case, and more specifically a non-compliance with the requirements prescribed by Article 13 of the GDPR with regard to the persons concerned (right to information), i.e. employees and persons non-employees, namely customers, suppliers, service providers and visitors (hereafter

4 See Minutes no. [...] point 8, finding 6.

5 See Minutes no. [...] point 8, finding 2.

6 See Minutes no. [...] point 8, finding 10.

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after: "third parties") and non-compliance with the requirements of Article 5.1.c) of the GDPR (data minimization principle).

10. The Head of Investigation proposed to the Restricted Panel to adopt two measures different corrective measures and to impose on the person controlled an administrative fine of an amount of 4,000 (four thousand) euros.

11. By email of September 20, 2021, the auditee made his observations relating to the statement of objections.

12. The president of the Restricted Formation informed the controller by mail of the December 2, 2021 that his case would be registered for the session of the Restricted Panel of January 17, 2022. By letter dated December 7, 2021, the person inspected informed that he was not

will not present at this session.

13. During this session, the head of investigation presented his oral observations to the support of his written observations and answered the questions posed by the Panel Restraint.

II. Place

II. 1. As to the reasons for the decision

A. On the breach of the obligation to inform the persons concerned

1. On the principles

14. According to Article 12.1 of the GDPR, the “controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 as well as to carry out any communication under Articles 15 to 22 and Article 34 in which relates to the processing to the data subject in a concise, transparent, understandable easily accessible, in clear and simple terms [...]. The information is provided in writing or by other means including, when it is appropriate, electronically. When the data subject so requests, the information may be provided orally, provided that the identity of the person concerned is demonstrated by other means. »

15. Article 13 of the GDPR provides the following:

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“1. Where personal data relating to a data subject is collected from this person, the data controller provides him, at the time where the data in question is obtained, all of the following information:

a) the identity and contact details of the controller and, where applicable, of the

representative of the controller;

b) where applicable, the contact details of the data protection officer;

c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

d) where the processing is based on Article 6(1)(f), the legitimate interests sued by the controller or by a third party;

(e) the recipients or categories of recipients of the personal data, if they exist; and

(f) where applicable, the fact that the controller intends to carry out a

transfer of personal data to a third country or to an organization

international community, and the existence or absence of an adequacy decision issued by the

Commission or, in the case of transfers referred to in Article 46 or 47, or Article 49,

paragraph 1, second subparagraph, the reference to the appropriate or suitable safeguards and the means of obtaining a copy or where they have been made available;

2. In addition to the information referred to in paragraph 1, the controller shall provide

to the data subject, at the time the personal data is

obtained, the following additional information which is necessary to guarantee

fair and transparent treatment:

a) the retention period of the personal data or, where this is not possible, the criteria used to determine this duration;

b) the existence of the right to request from the controller access to the data to personal character, the rectification or erasure of these, or a limitation of the processing relating to the data subject, or the right to oppose the processing and right to data portability;

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c) where the processing is based on point (a) of Article 6(1) or on Article 9, paragraph 2(a), the existence of the right to withdraw consent at any time, without affecting the lawfulness of the processing based on the consent made before the withdrawal thereof;

d) the right to lodge a complaint with a supervisory authority;

(e) information on whether the requirement to provide data to personal nature has a regulatory or contractual nature or if it conditions the conclusion of a contract and whether the data subject is obliged to provide the data to personal character, as well as on the possible consequences of the non-provision of those data ;

f) the existence of automated decision-making, including profiling, referred to in Article 22, paragraphs 1 and 4, and, at least in such cases, useful information concerning the underlying logic, as well as the significance and intended consequences of such processing for the person concerned.

3. When he intends to carry out further processing of personal data personal data for a purpose other than that for which the personal data have been collected, the data controller provides the data subject beforehand concerned information about this other purpose and any other information relevant referred to in paragraph 2.

4. Paragraphs 1, 2 and 3 do not apply where and to the extent that the person concerned already has this information. »

16. The communication to data subjects of information relating to the processing of their data is an essential element in the context of compliance with general transparency obligations within the meaning of the GDPR.⁷ These obligations have been

explained by the Article 29 Working Party in its guidelines on the

transparency within the meaning of Regulation (EU) 2016/679, the revised version of which has been adopted

April 11, 2018 (hereinafter: "WP 260 rev.01").

7 See in particular Articles 5.1.a) and 12 of the GDPR, see also recital (39) of the GDPR.

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17. It should be noted that the European Data Protection Board (hereinafter:

"EDPS"), which has replaced the Article 29 Working Party since 25 May 2018, took over

and reapproved the documents adopted by the said Group between May 25, 2016 and May 25

2018, such as the aforementioned guidelines on transparency⁸.

2. In this case

18. Regarding the information of third parties as well as employees

as for the video surveillance system, the head of investigation noted in the communication

grievances that "during the on-site visit, it was noted that the presence of the

video surveillance is reported to the persons concerned (third parties and employees)

only by means of an old authorization sticker from the CNPD, affixed to

inside the premises as well as at the entrance door of the building housing the controlled premises.

The sticker affixed to the front door is accompanied by a second sticker

indicating the words "Protected by: Company B Alarm Video Fire", as well as the

telephone number and website of Company B"⁹.

19. According to the head of investigation "while some information is provided by the

controller to signal the presence of video surveillance, it is necessary to

find that in view of the requirements of the aforementioned article 13, this information is incomplete"¹⁰.

20. It noted in particular that neither the old CNPD vignettes nor the

vignette relating to Company B did not meet the conditions set out in Article 13 of the

GDPR.¹¹

21. He also noted that "in his letters of June 3 and 24, 2021^[12], the

checked specifies that it has affixed pictograms warning the persons concerned

the presence of a video surveillance system at the entrance door of the building housing

its premises as well as at the front door of its premises within this building. ", and

"In his email of July 12, 2021, the controller further provides a detail of the content of the

⁸ See EDPS Endorsement Decision 1/2018 of 25 May 2018, available at:

https://edpb.europa.eu/sites/edpb/files/files/news/endorsement_of_wp29_documents_en_0.pdf.

⁹ See Statement of Objections, page 4, Ad.B.1.), point 12.

¹⁰ See Statement of Objections, page 4, Ad.B.1.), point 13.

¹¹ See Statement of Objections, page 5, Ad.B.1.), point 14.

¹² This is the letter from the controller dated June 18, 2021 which was received by the CNPD on June 24, 2021.

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pictogram affixed to the entrance door of the building housing its premises, which includes

the words "LOCAL UNDER SURVEILLANCE 24 hours a day" and "Protected by: Company D",

as well as two mobile phone numbers of Company D »¹³.

22. It took into account the auditee's desire to comply by

the affixing of pictograms, but he nevertheless found that the non-compliance was

acquired on the day of the site visit.¹⁴

23. He also found that the non-compliance remained established even after the

date of the on-site visit "given that the pictograms affixed subsequently

by the auditee do not fulfill all the conditions of the aforementioned article 13 either"¹⁵.

24. With regard to third parties, the head of investigation clarified as to the

"personal data information notice" for customers

that the control had given to the CNPD agents during the site visit that "although

this document contains certain information provided for in the aforementioned article 13, it does not contain

no mention of specific CCTV processing. Therefore this document is not

not such as to fulfill the conditions of the aforementioned article 13 with regard to the

specific processing of video surveillance"¹⁶.

25. Thus, the head of investigation was of the opinion that the control had failed in its obligation

to inform data subjects arising from Article 13.1 and 2 of the GDPR, with regard to

concerns third parties.¹⁷

26. The controlled on his side explained in his letter of June 3, 2021 that he had

put stickers on the main entrance door and the front door to his office.

He attached to his letter photos showing the two doors.

27. By letter dated June 18, 2021, the controller explained that the sticker on the door

main entrance had been exchanged. He attached to his letter a photo showing this

¹³ See Statement of Objections, page 5, Ad.B.1.), point 15.

¹⁴ See Statement of Objections, page 5, Ad.B.1.), point 16.

¹⁵ See Statement of Objections, page 5, Ad.B.1.), point 17.

¹⁶ See Statement of Objections, page 5, Ad.B.1.), point 18.

¹⁷ See Statement of Objections, page 6, Ad.B.1.), point 21.

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gate. By email of July 12, 2021, the controlled provided a new photo of the door

entry showing the new sticker in more detail.

28. By email of September 20, 2021, the controller informed the head of investigation that he would have continued to comply with GDPR regulations. He has also expressed the opinion that "the information, in general, is subject to adequate publicity".

29. With regard to the employees, the head of the investigation specified that "the person inspected provided the document entitled "SITE UNDER VIDEO SURVEILLANCE" as an appendix to his letter of June 3, 2021, and specifies in this letter that it was signed by its employees. This document also refers to "internal regulations" provided by the auditee in appendix to his letter of June 24, 2021, which he specifies that it was communicated to his employees on March 2, 2020. Finally, the auditor also provided in the appendix to its letter dated March 24, 2021 a copy of an employment contract dated June 16, 2021, in specifying that this contract corresponds to a new model including new mentions with a view to informing all new employees at the time of signing their contract"¹⁸.

30. It took into account the desire of the auditee to comply by the communication of several briefing documents to his staff, but he nevertheless noted that the non-compliance was established on the day of the site visit.¹⁹

31. Thus, the head of investigation was of the opinion that the control had failed in its obligation to inform data subjects arising from Article 13.1 and 2 of the GDPR, with regard to concerns employees.²⁰

32. The controlled on his side, in addition to the explanations concerning the affixing of stickers set out in points 26 to 28 of this Decision, provided a copy of a information note intended for its employees with its letter of June 3, 2021 as well as the copy of its rules of procedure, which he indicated had been communicated to the employees and signed by them, and a copy of his new employment contract with his letter of June 18, 2021.

¹⁸ See Statement of Objections, pages 5 to 6, Ad.B.1.), point 19.

19 See Statement of Objections, page 6, Ad.B.1.), point 20.

20 See Statement of Objections, page 6, Ad.B.1.), point 21.

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33. The Restricted Committee would first like to point out that Article 13 of the GDPR refers to the obligation imposed on the data controller to “provide” all the information mentioned therein. The word "provide" is crucial here and it "means that the data controller must take concrete measures to provide the information in question to the person concerned or to actively direct the person concerned to the location of said information (for example by means of a link direct, a QR code, etc.)".²¹

34. She also believes that a multi-level approach to communicating transparency information to data subjects can be used in a offline or non-digital context, i.e. in a real environment like for example personal data collected by means of a system of video surveillance. The first level of information (warning sign, note information, etc.) should generally include the most important information essential, namely the details of the purpose of the processing, the identity of the person responsible for the processing and the existence of the rights of data subjects, the information having the greater impact on the treatment or any treatment likely to surprise the data subjects²², as well as a reference to the more detailed information of the second level (e.g. via QR code or website address) ²³. The second level of information, i.e. all the information required under of Article 13 of the GDPR, could be provided or made available by other means,

such as a copy of the privacy policy emailed to employees or a link on the website to an information notice with regard to the third parties.²⁴

2.1. Information from third parties

35. The Restricted Committee notes that at the time of the on-site visit the persons third parties were only informed of the presence of the video surveillance system by means of two old CNPD vignettes, indicating the reference of the old

²¹ See WP 260 rev.01, point 33.

²² See WP260 rev.01, point 38.

²³ EDPS Guidelines 3/2019 on the processing of personal data by third parties video devices, version 2.0, adopted on January 29, 2020 (hereinafter: “Guidelines 3/2019”), points 114 and 117.

²⁴ See WP260 rev.01, point 38.

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authorization from the CNPD²⁵, affixed to the entrance door of the building housing the premises of the controlled as well as at the entrance door to the premises of the controlled, and another sticker affixed to the entrance door of the building indicating the words “Protected by: Company B Fire Video Alarm” as well as the Company’s telephone number and website

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36. It also notes that the “information notice on the protection of personal data” intended for the customers of the controlled, and of which the latter had provided a copy to CNPD officials during the on-site visit, does not mention the video surveillance.

37. It also notes that after the on-site visit, the controller affixed a new sticker showing two camera pictograms and indicating the words "LOCAL SOUS SURVEILLANCE 24h/24" and "Protected by: Company D" as well as two numbers Company D mobile phone at the entrance door of the building housing the premises of the controlled as well as at the entrance door to the premises of the controlled²⁷. Restricted Training also notes that the controlled has exchanged the other sticker relating to Company B which was affixed to the entrance door of the building with a new sticker indicating the mention "Protected by: Company D" as well as a mobile phone number of Company D²⁸.

38. The Restricted Committee wishes first of all to point out that the former authorizations from the CNPD in terms of video surveillance, as are the vignettes related, have become obsolete, as they were issued by the CNPD under the former authorization regime of the amended law of 2 August 2002 on the protection of persons with regard to the processing of personal data which has been repealed by the law of August 1, 2018.

39. Next, she notes that neither the sticker in place during the site visit of the CNPD officials, nor the stickers affixed after the said visit contain the elements required by the first level of information. In particular, it lacks the details of 25 Deliberation No. [...] of [...] of the CNPD relating to the request for prior authorization submitted by CCTV monitoring.

26 See Minutes no. [...] point 8, finding 1; photos [...] (entrance door) and [...] (interior building) documented by CNPD officers during the on-site visit (summary of photos attached in Minutes no. [...]).

27 See photos attached to letters from the inspector dated June 3, 2021 and June 18, 2021 as well as the photo attached to the email of the control of July 12, 2021.

28 Cf. photo attached to the email from the auditee of July 12, 2021.

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the purpose of the processing, the identity of the controller and the existence of the rights of data subjects, as well as a reference to the more detailed information of the second level.

40. With regard to the second level of information, the Restricted Formation notes that such information intended for third parties did not exist at the time of the on-site visit by CNPD officials. She has no documentation showing that this has been changed in the meantime.

41. The assertion of the controlled in his email of September 20, 2021 that “the information, more generally, is subject to adequate publicity” without new supporting documents cannot undermine these findings.

42. In view of the foregoing, the Restricted Panel concurs with the opinion of Chief of investigation and concludes that at the time of the on-site visit by CNPD agents, the has breached its obligation to inform third parties arising from Article 13 of the GDPR.

2.2. Employee information

43. The Restricted Panel notes that at the time of the on-site visit the employees were only informed of the presence of the video surveillance system by means of the two old CNPD stickers, and another sticker of the subcontractor of the controlled at the time (see point 35 of this decision).

44. She also notes that after the site visit this sticker was exchanged against a sticker of the new subcontractor of the controlled, and that two stickers additional have been affixed (see point 37 of this decision).

45. With regard to the first level of information, the Restricted Panel has

already noted that the old CNPD vignettes had become obsolete (cf.

point 38 of this Decision) and that the stickers affixed successively by the

checked do not contain the required information (see point 39 of this

decision).

46. The Restricted Committee notes, however, that the information note intended

to employees entitled "SITE UNDER VIDEO SURVEILLANCE" that the controller has attached to

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his letter of June 3, 2021, contains all the elements required by the first level

of information. This refers in particular to the provisions of the rules of procedure of the

control regarding the management of personal data for more information.

47. The Restricted Panel further observes that this note is undated and bears

the mention "Read and approved by all employees" as well as the signature of [...]

people.

It should be emphasized in this context that the signing of an information note by the

employee can at most be considered as an acknowledgment of receipt allowing

the employer to document that he has indeed provided the information pursuant to Article 13 of the

GDPR, but can in no way be taken as valid consent of the employee to the processing of

given by his employer.²⁹ Indeed, an employee, in view of the imbalance in the

force existing within the framework of labor relations, cannot respond freely to a

request for consent from his employer "without fear or incurring

negative consequences following this refusal. »³⁰ Consent as a basis for the lawfulness of

data processing (article 6.1.a) of the GDPR) is therefore ineffective in this case due to

the nature of the employer/employee relationship.

48. The Restricted Committee then notes article [aa] relating to the protection of data and article [bb] relating to video surveillance appearing in the copy of the new employment contract that the controller attached to his letter of June 18, 2021.

Article [aa] relating to data protection does not mention video surveillance, and does not contain all the elements required by the first level of information. It's missing in particular the mention of the existence of the rights of the persons concerned, as well as a reference to the more detailed information of the second level.

The provisions of article [bb] relating to video surveillance are almost identical to those those of the aforementioned information note. Thus, this article contains all the elements required by the first level of information. It also refers to the provisions of

29 See the definition of consent provided for in Article 4(11) of the GDPR, as well as the conditions applicable to consent provided for in Article 7 of the GDPR.

30 Guidelines 5/2020 on consent within the meaning of Regulation (EU) 2016/679, Version 1.1, adopted on 4 May 2020, point 21, see also opinion 15/2011 on the definition of consent (WP 187), adopted July 13, 2011.

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internal rules of control concerning the management of personal data
for more information.

49. With regard to the second level of information, the Restricted Formation note the copy of the internal regulations that the controller attached to his letter of June 18, 2021 specifying that it had been communicated to the employees and signed by them. It emerges from this document that its effective date had been set for March 2, 2020.

The Restricted Committee notes, however, that neither the paragraph relating to the protection of

data, nor the paragraph relating to video surveillance contain all the information

information provided for in Article 13 of the GDPR.

The paragraph relating to data protection is almost identical to article [aa]

of the aforementioned new employment contract. It does not mention video surveillance and does not

does not even contain all the elements of the first level of information because a mention of

the existence of the rights of data subjects, as well as a reference to the information

second level details are lacking.

The paragraph relating to video surveillance does not mention the recipients or

categories of recipients of personal data (article 13.1.e) of the GDPR),

the retention period of personal data (article 13.2.a) of the GDPR),

the existence of the right to request from the controller the rectification or erasure of

personal data, or a limitation of processing relating to the person

data subject, or the right to object to processing and the right to data portability

(article 13.2.b) of the GDPR), as well as the right to lodge a complaint with a

supervisory authority (Article 13.2.d) of the GDPR).

50. The Restricted Committee also notes that none of the documents intended

to the information of employees provided by the control after the on-site visit does not contain all

the elements of the second level of information. She has no documentation.

showing that this has been modified in the meantime.

51. The assertion of the controlled in his email of September 20, 2021 that “the

information, more generally, is subject to adequate publicity” without

new supporting documents cannot undermine these findings.

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52. In view of the foregoing, the Restricted Panel agrees with the opinion of Chief of investigation and concludes that at the time of the on-site visit by CNPD agents, the has breached its obligation to inform employees arising from Article 13 of the GDPR.

B. On the breach related to the principle of data minimization

1. On the principles

53. In accordance with Article 5.1.c) of the GDPR, personal data must be “adequate, relevant and limited to what is necessary in view of the purposes for which they are processed (data minimization)”.

54. The principle of data minimization in video surveillance implies that only what appears strictly necessary to achieve the purpose(s) pursued and that the processing operations must not be disproportionate.³¹

55. Article 5.1.b) of the GDPR provides that personal data must be be “collected for specific, explicit and legitimate purposes, and not be further processed in a manner incompatible with those purposes; [...] (limitation of purposes)”.

56. Before installing a video surveillance system, the person in charge of the processing must precisely define the purpose(s) it wishes to achieve by using such a system, and will not then be able to use the personal data personal data collected for other purposes.³²

57. The necessity and proportionality of video surveillance is analyzed on a case-by-case basis. case and, in particular, with regard to criteria such as the nature of the place to be placed under video surveillance, its location, configuration or attendance.³³

31 See CNPD Guidelines, point 4., available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

32 See CNPD guidelines, point 2., available at: <https://cnpd.public.lu/fr/dossiers->

themes/videosurveillance/purpose.html

33 See CNPD Guidelines, point 4., available at: <https://cnpd.public.lu/fr/dossiers->

themes/videosurveillance/necessite-proportionnalite.html.

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2. In this case

58. During the on-site visit, “it was explained to the agents that the purposes of in place of video surveillance are the protection of property, the securing of access to private places as well as the organization of work according to a flexible schedule. It also clarified that the data controller suffered a burglary around the year 2015. Finally, it was clarified with regard to the purpose of organizing the work on a rolling schedule that video surveillance aims to prevent employees from swap their badges at the time clock”³⁴.

The Restricted Committee notes that in the documents produced by the control after the on-site visit by CNPD officials, it is however mentioned that the purpose of the CCTV would be “the safety of people and property”.³⁵

Furthermore, in his email of September 20, 2021 the controlled informed that the controlled “continued to comply with GDPR regulations, which makes it possible to confirm that the purpose of the processing is the surveillance of the premises outside opening [hours]” and that “the legitimate aim sought by the person responsible for treatment is the protection of the premises following a burglary”.

59. The Head of Investigation noted in the Statement of Objections that “during the visit on site it was found that many fields of vision of cameras (referred to as:

« OFFICE 1 », « OFFICE 2 » and « OFFICE 3 ») allow monitoring in

permanence of employees in their place of work”.

60. In this context, he underlined that “such permanent monitoring can create significant psychological pressure for employees who feel and know they are observed, especially since the monitoring measures persist over time. The fact that the employees concerned do not have a means of avoiding from time to time of this monitoring is also likely to aggravate this pressure. Such a permanent surveillance is considered disproportionate to the purpose sought

34 See Minutes no. [...] point 8, finding 9.

35 See information note appended to the inspection letter of June 3, 2021 as well as paragraph relating to video surveillance

appearing in the internal control regulations and article [bb] of the new employment contract of the controller, documents attached to his letter on June 18, 2021.

36 See Statement of Objections, page 6, Ad.B.2.), point 24.

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and constitutes an excessive invasion of the private sphere of the employees occupied in their positions of work. In this case, the fundamental rights and freedoms of employees must prevail on the interests pursued by the employer.

61. With regard to the field of view of the camera called "BUREAU 3", the head of investigation recalled in particular that it had been found that it allowed the permanent monitoring of the clock³⁸. He stated that "surveillance permanent employee time clock, is also to be considered as disproportionate to the purposes indicated by the company. Indeed, installing a The purpose of the clock is to manage and control working hours and working hours.

presence of employees in the workplace. The fact of including the pointer in the field of vision of a camera results in additional monitoring that is not necessary with regard to this purpose. Such processing is therefore to be considered excessive and disproportionate to the purposes invoked by the company. »³⁹

62. In addition, the head of investigation noted that “in his letter of June 3, 2021, the monitored provides an overview of a camera's configuration indicating an absence of operation of this camera from Monday to Friday for periods between 8:30 a.m. and 5:30 p.m., and specifies that this preview corresponds to “the camera which operates for specified periods » »⁴⁰.

In this respect, he considered that “even if the fact of individually configuring a camera in such a way as to exclude its operation for a determined period which may correspond to the working hours of employees makes it possible to demonstrate a desire to bring into conformity, it must be noted that the non-conformity with article 5 paragraph (1) of the GDPR was acquired on the day of the on-site visit, insofar as all of the four cameras forming the CCTV system was in operation and allowed permanent monitoring of employees at their place of work that day. »⁴¹

37 See Statement of Objections, page 6, Ad.B.2.), point 25.

38 See Statement of Objections, page 6, Ad.B.2.), point 26.

39 See Statement of Objections, pages 6 to 7, Ad.B.2.), point 27.

40 See Statement of Objections, page 7, Ad.B.2.), point 28.

41 See Statement of Objections, page 7, Ad.B.2.), point 29.

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63. The head of the investigation therefore held that the conditions of article 5.1.c) of the GDPR

have not been respected. He was of the opinion that the controller had failed in his duty arising from Article 5.1.c) of the GDPR.⁴²

64. The controller for his part informed in his letter of June 3, 2021 that a camera would only work for set periods. He attached a capture screen showing the configuration of the camera in question.

65. In the aforementioned letter, he also informed that he would have asked his new subcontractor Company D to install a new video recorder, the old one does not have a "blurring" function. He attached an estimate signed by his subcontracting.

In his letter of June 18, 2020 he indicated that the new device had been installed.

In addition, in his email of September 20, 2021, the controller specified that following the exchange of the video surveillance recorder "the work areas are now darkened, the recordings having moreover been programmed outside the hours of the work".

66. La Formation Restreinte would like to point out that employees have the right not to be subject to continuous and permanent supervision in the workplace.

Indeed, compliance with the principle of proportionality implies that the employer must have recourse to the most protective means of surveillance of the employee's private sphere. The respect of this principle requires that, for example, automatic surveillance must be avoided and continuation of employees.

Thus, for example, the employer could not monitor his employees inside an office, an open-space, or even a workshop in which one or more several employees, invoking the protection of his property. In this case, the employees would be subject to video surveillance on an almost permanent basis and it is obvious that a such monitoring can create significant psychological pressure for employees who feel and know they are being watched, especially since the measures of

monitoring persist over time. Permanent monitoring is considered

42 See Statement of Objections, page 7, Ad.B.2.), point 30.

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as disproportionate to the aim pursued and constitutes an excessive interference with the
private sphere of the employee occupied at his workstation. In this case, the rights and freedoms
employees must prevail over the legitimate interests pursued by
the employer.⁴³

The Restricted Panel also considers that there are other, less
invasions of privacy that the employer can implement to control the
working hours and the time of presence of its employees than video surveillance.

67. Similarly, permanent surveillance by third parties is not always
admitted.⁴⁴

68. In addition, the placing of certain areas under video surveillance, such as
example a meeting room, may be admitted in certain cases, and not admitted in
other cases. Whether or not the video surveillance of such areas is proportionate
will depend on the circumstances of the case, such as the nature, situation or
configuration of the premises, the nature of the activity carried out by the controller and
the risks inherent in this activity, etc. It will also depend on the measures taken
by the controller in order to make video surveillance less detrimental to
the privacy of the persons concerned (for example, limitation of the field of vision of
cameras, use of masking/blurring techniques, etc.).⁴⁵

69. Before examining the fields of view of the disputed cameras, the Panel
Restreinte first notes that no documentation submitted by the auditee

contains evidence that would establish that at the time of the site visit the cameras litigious did not work all the time.

43 See CNPD Guidelines, point 4.2, available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

44 See CNPD Guidelines, point 4.2, available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

45 See CNPD Guidelines, point 4.5, available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

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2.1 Field of vision of the camera called "DESKTOP 1"

70. The Restricted Panel notes the field of view of the camera called "BUREAU 1" documented by CNPD officials during the site visit.⁴⁶

71. She notes that the field of vision of this camera allowed surveillance permanently of the people concerned seated at the meeting table in this office.

It considers that permanent video surveillance of third parties and/or employees seated at the aforementioned meeting table of the accounting firm is at consider as disproportionate to the aims sought (see point 58 of this decision).

2.2 Field of vision of the camera called "DESKTOP 2"

72. The Restricted Panel notes the field of view of the camera called "BUREAU 2" documented by CNPD officials during the site visit.⁴⁷

She notes that the field of vision of this camera allowed surveillance in permanence of workstations for the people employed in this office.

She believes that permanent video surveillance of employees working in the office in question is to be considered disproportionate to the aims sought (see point 58 of this decision).

2.3 Field of vision of the camera called "DESKTOP 3"

73. The Restricted Panel notes the field of view of the camera called

"BUREAU 3" documented by CNPD officials during the site visit.⁴⁸

She notes that the field of vision of this camera allowed surveillance in permanence of the workstation of the person employed in this office and of the pointer.

46 See Minutes no. [...] point 8, finding 13; pictures [...], [...] and [...].

47 See Minutes no. [...] point 8, finding 14; pictures [...], [...] and [...].

48 See Minutes no. [...] point 8, finding 15; pictures [...], [...] and [...].

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It considers that the permanent video surveillance of the employee employed in the office in question as well as the permanent video surveillance of the time clock are to be considered as disproportionate to the aims pursued (see point 58 of this decision).

74. The information provided by the controlled in his email of September 20, 2021 that following the exchange of the video surveillance recorder "the work areas are henceforth darkened, the recordings having moreover been programmed outside the work schedules", without new supporting documents, cannot irritate the findings of the Restricted Training.

75. In view of the foregoing, the Restricted Panel agrees with the opinion of Chief of investigation and concludes that at the time of the on-site visit by CNPD agents, the

has breached its obligation under Article 5.1.c) of the GDPR with regard to the cameras called "DESKTOP 1", "DESKTOP 2" and "DESKTOP 3".

II. 2. On the fine and corrective measures

1. Principles

76. In accordance with article 12 of the law of 1 August 2018, the CNPD has the power to adopt all the corrective measures provided for in Article 58.2 of the GDPR:

- "(a) notify a controller or processor of the fact that the operations of the envisaged processing are likely to violate the provisions of this regulation;
 - (b) call a controller or processor to order when the processing operations have resulted in a breach of the provisions of this Regulation;
 - (c) order the controller or processor to comply with requests submitted by the data subject with a view to exercising their rights under this these regulations;
 - d) order the controller or the processor to put the operations of processing in accordance with the provisions of this Regulation, where applicable, of specific manner and within a specified time;
 - (e) order the controller to communicate to the data subject a personal data breach;
-

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- f) impose a temporary or permanent restriction, including prohibition, of processing;
- g) order the rectification or erasure of personal data or the limitation of processing pursuant to Articles 16, 17 and 18 and the notification of these measures to the recipients to whom the personal data have been disclosed

pursuant to Article 17, paragraph 2, and Article 19;

(h) withdraw a certification or order the certification body to withdraw a certification issued pursuant to Articles 42 and 43, or order the body to certification not to issue certification if the requirements applicable to the certification are not or no longer satisfied;

(i) impose an administrative penalty under section 83, in addition to or in addition to instead of the measures referred to in this paragraph, depending on the characteristics specific to each case;

j) order the suspension of data flows addressed to a recipient located in a third country or an international organisation. »

77. In accordance with article 48 of the law of 1 August 2018, the CNPD may impose administrative fines as provided for in Article 83 of the GDPR, except against of the state or the municipalities.

78. Article 83 of the GDPR provides that each supervisory authority shall ensure that the administrative fines imposed are, in each case, effective, proportionate and deterrents, before specifying the elements that must be taken into account to decide whether an administrative fine should be imposed and to decide on the amount of this fine :

“(a) the nature, gravity and duration of the breach, taking into account the nature, scope or the purpose of the processing concerned, as well as the number of data subjects affected and the level of damage they suffered;

b) whether the breach was committed willfully or negligently;

c) any action taken by the controller or processor to mitigate the damage suffered by the persons concerned;

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d) the degree of responsibility of the controller or processor, account

given the technical and organizational measures they have implemented under the

sections 25 and 32;

e) any relevant breach previously committed by the controller or

the subcontractor ;

f) the degree of cooperation established with the supervisory authority with a view to remedying the breach

and to mitigate any negative effects;

g) the categories of personal data affected by the breach;

h) the manner in which the supervisory authority became aware of the breach, in particular whether,

and to what extent the controller or processor notified the breach;

(i) where measures referred to in Article 58(2) have previously been

ordered against the controller or processor concerned for the

same purpose, compliance with these measures;

(j) the application of codes of conduct approved pursuant to Article 40 or

certification mechanisms approved under Article 42; and

k) any other aggravating or mitigating circumstance applicable to the circumstances of

the species, such as the financial advantages obtained or the losses avoided, directly or

indirectly, as a result of the breach”.

79. The Restricted Committee wishes to specify that the facts taken into account in the

context of this decision are those found at the start of the investigation. The possible

changes relating to the data processing under investigation

subsequently, even if they make it possible to establish in whole or in part the

conformity, do not make it possible to retroactively cancel a breach noted.

80. Nevertheless, the steps taken by the controller to put themselves in

compliance with the GDPR during the investigation process or to remedy the shortcomings noted by the head of investigation in the statement of objections, are taken taken into account by the Restricted Training in the context of any corrective measures

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to pronounce and/or the setting of the amount of a possible administrative fine to be pronounce.

2. In this case

2.1 Regarding the imposition of an administrative fine

81. In the Statement of Objections, the Head of Investigation proposes to the Panel

Restricted to impose an administrative fine on the control in the amount of 4,000 (four thousand) euros.⁴⁹

82. The controller explained in his email of September 20, 2021 “in terms of corrective measures” that following the exchange of the video surveillance recorder “the working areas are now darkened, the recordings having also been scheduled outside working hours. He also pointed out that he “never sought to harm any employee or third party, its approach to compliance being responsive and transparent vis-à-vis the authorities”. He therefore appealed to the “high benevolence” of the head of investigation “in order to cancel if not to propose to the Formation Restricts a fine less than that of €4,000.00”.

83. In order to decide whether to impose an administrative fine and to decide, where applicable, the amount of this fine, the Restricted Panel takes into account the elements provided for in Article 83.2 of the GDPR:

- As to the nature and seriousness of the violation (Article 83.2.a) of the GDPR), it is

that with regard to breaches of Article 5.1.c) of the GDPR, they constitute breaches of a fundamental principle of the GDPR (and of the right to the protection of data in general), namely the principle of minimization of data dedicated to the Chapter II “Principles” of the GDPR.

As for the failure to the obligation to inform the people concerned in accordance with article 13 of the GDPR, the Restricted Training recalls that information and transparency relating to the processing of personal data personnel are essential obligations weighing on data controllers so that people are fully aware of the use that will be made of

49 See Statement of Objections, page 9, Ad.C., point 34.

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their personal data, once collected. A failure to Article 13 of the GDPR thus constitutes an infringement of the rights of individuals concerned. This right to information has also been reinforced under the GDPR, which testifies to their particular importance.

It should be noted that at the time of the on-site visit by CNPD agents, neither the employees, nor third parties were informed of the video surveillance in accordance with GDPR Article 13.

- As for the duration criterion (article 83.2.a) of the GDPR), the Restricted Panel finds that these breaches have lasted over time, at least since May 25, 2018 and until the day of the site visit. She recalls here that two years separated the entrance

into force of the GDPR from its entry into force to allow those responsible processing to comply with their obligations. All the more, a obligation to respect the principle of minimization, just like an obligation comparable information already existed pursuant to Articles 4.1.b), 10.2 and 26 of the repealed law of 2 August 2002 relating to the protection of individuals with regard to processing of personal data. Guidance on principles and obligations provided for in the said law was available from the CNPD, in particular at through mandatory prior authorizations in terms of video surveillance and guidance available on its website.

- As for the number of data subjects (article 83.2.a) of the GDPR), the Training Restreinte notes that these are all employees working on the premises of the controlled, as well as all third parties, i.e. customers, suppliers, service providers and visitors to such premises.

- As to whether the breaches were committed deliberately or not (by negligence) (article 83.2.b) of the GDPR), the Restricted Panel recalls that "not deliberately" means that there was no intention to commit the violation, although the controller or processor has not complied with the obligation due diligence required by law.

In this case, it is of the opinion that the facts and breaches observed do not reflect not a deliberate intention to violate the GDPR on the part of the controller.

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- As for the measures taken by the inspected party to mitigate the damage suffered by the persons concerned (article 83.2.c), the Restricted Training takes into account the

measures taken by the auditee and refers to Chapter II.2. Section 2.2. of this

decision for the related explanations.

84. The Restricted Committee notes that the other criteria of Article 83.2 of the

GDPR are neither relevant nor likely to influence its decision on the taxation

an administrative fine and its amount.

85. It also notes that while several measures have been put in place by the control

in order to remedy in whole or in part certain shortcomings, these have only been

adopted only following the control of CNPD agents on January 29, 2020 (see

also point 79 of this Decision).

86. Consequently, the Restricted Committee considers that the imposition of a fine

administrative is justified with regard to the criteria laid down by article 83.2 of the GDPR for

breach of Articles 5.1.c) and 13 of the GDPR.

87. With regard to the amount of the administrative fine, it recalls that the

paragraph 3 of Article 83 of the GDPR provides that in the event of multiple infringements, such as

this is the case here, the total amount of the fine may not exceed the amount set for

the most serious violation. To the extent that a breach of Articles 5 and 13 of the GDPR

is accused of the controlled, the maximum amount of the fine that can be withheld is

€20 million or 4% of worldwide annual revenue, whichever is greater

being retained.

88. With regard to the relevant criteria of Article 83.2 of the GDPR mentioned above, the

Restricted Formation considers that the pronouncement of a fine of three thousand (3,000) euros

appears to be both effective, proportionate and dissuasive, in accordance with the requirements of

GDPR Article 83.1.

2.2 Regarding the taking of corrective measures

89. In the Statement of Objections, the Head of Investigation proposed to the Panel

Restricted to adopt the following corrective measures:

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" has. Order the controller to complete the information measures intended for persons concerned by video surveillance, in accordance with the provisions of Article 13, paragraphs 1 and 2 of the GDPR by providing in particular:- the identity and contact details of the controller; - the purposes of the processing for which the personal data as well as the legal basis for the processing; - the interests legitimate claims pursued by the controller; - recipients or categories of recipients of personal data; - the length of the conversation ;

- the existence of the right to request from the data controller access to the data to be processed, the rectification or erasure of these, or a limitation of the processing relating to the data subject; and - the right to lodge a complaint with a supervisory authority.

b. Order the controlled to process only relevant, adequate and limited data to what is necessary with regard to the purposes of protecting property and securing access to private places as well as the organization of work according to a flexible schedule and in particular, adapt the video surveillance system so as not to film employees at their workstation and when passing through the time clock. Such a adaptation can take place, for example, by removing and/or reorienting the cameras in dispute ("OFFICE 1", "OFFICE 2" and "OFFICE 3" cameras), and/or by adapting the field of view of these cameras by means of blurring or darkening. »50.

90. As for the corrective measures proposed by the head of investigation and by reference to point 80 of this decision, the Restricted Formation takes into account the steps taken by the control, following the visit of the CNPD agents, in order to

comply with the provisions of Articles 5.1.c) and 13 of the GDPR, as detailed in

his letters of June 3, 2021 and June 18, 2021 as well as his emails of July 12, 2021 and

September 20, 2021. More specifically, it notes the following facts:

1. As for the corrective measure proposed by the head of investigation listed under a. from

point 89 of this Decision concerning the introduction of measures

information for people

third parties affected by

the

video surveillance in accordance with the provisions of article 13.1 and 2 of the GDPR,

the controller informed in his letters of June 3, 2021 and June 18, 2021 that

50 See Statement of Objections, page 8, Ad.C., point 32.

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new stickers have been affixed to the entrance door of the refereeing building

the premises of the auditee as well as at the entrance door to its premises (see point 37 of

this decision). He attached photos showing the doors and stickers

in question.

Nevertheless, the Restricted Committee finds that these stickers do not

do not contain the required elements of the first level of information because the

details of the purpose of the processing, the identity of the controller and

the existence of the rights of data subjects, as well as a reference to the

more detailed second level information is lacking.

With regard to the second level of information, the Restricted Training

notes that such information intended for third parties did not exist at the

time of the on-site visit by CNPD agents and it has no

documentation that this has been changed in the meantime.

In view of the insufficient compliance measures taken by the

controlled in this case and point 80 of this decision, the Panel

Restreinte therefore considers that there is reason to pronounce the corrective measure

proposed by the head of investigation in this regard⁵¹ and repeated in point 89 of this

decision under a. with regard to the information of third parties as to

to the CCTV system.

2. As for the corrective measure proposed by the head of investigation listed under a. from

point 89 of this Decision concerning the introduction of measures

information for employees affected by video surveillance

in accordance with the provisions of article 13.1 and 2 of the GDPR, the Training

Restreinte observes with regard to the first level of information that the

stickers affixed successively by the controlled do not contain the

required information elements of the first level of information, because the details of

the purpose of the processing, the identity of the controller and the existence of

rights of the data subjects, as well as a reference to the information more

details of the second level are lacking.

⁵¹ See Statement of Objections, page 8, Ad.C., point 32, point a.

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However, it notes that the information note intended for employees entitled

"SITE UNDER VIDEO SURVEILLANCE" of which the controller has attached a copy to his

letter of June 3, 2021, as well as the provisions relating to video surveillance

appearing in article [bb] of the new employment contract, the audit of which is annexed copy to his email of June 18, 2021, contain all the elements of the first level of information.

With regard to the second level of information, she notes the paragraphs relating to data protection and video surveillance in the Regulation internal control of which the latter attached a copy to his letter of June 18, 2021. However, this document does not contain all the information provided for in Article 13 of the GDPR.

The paragraph relating to video surveillance does not mention the recipients or the categories of recipients of personal data (Article 13.1.e) of the GDPR), the retention period of personal data (article 13.2.a) of the GDPR), the existence of the right to request from the controller the rectification or erasure of personal data, or limitation of processing relating to the data subject, or the right to oppose to processing and the right to data portability (Article 13.2.b) of the GDPR), as well as the right to lodge a complaint with a supervisory authority (article 13.2.d) of the GDPR).

In view of the insufficient compliance measures taken by the controlled in this case and point 80 of this decision, the Panel Restreinte therefore considers that there is reason to pronounce the corrective measure proposed by the head of investigation in this regard⁵² and repeated in point 89 of this decision under a. with regard to informing employees about the system video surveillance.

3. As for the corrective measures proposed by the head of investigation listed under b. of point 89 of this Decision concerning the obligation to process only data that is relevant, adequate and limited to what is necessary for the

with regard to the aims sought, the Restricted Committee notes that the person being controlled has

52 Cf. Statement of Objections, page 8, Ad.C., point 32, point a.

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informed in his letters of June 3, 2021 and June 18, 2021 that a new
video recorder has been installed, the old video recorder does not have
not a “blurring” function.

In his letter of June 3, 2021 he also indicated that a camera
would only work for certain periods of time. He attached a capture
screenshot of this camera's configuration showing that it is not recording
Monday to Friday between 8:30 a.m. to 5:30 p.m.

In his letter of September 20, 2021, he specified that following the exchange of
the video surveillance recorder “work areas are now
darkened, the recordings having moreover been programmed outside the
working hours”. However, no documentation submitted by the control
does not demonstrate that the latter has adapted the fields of vision and the times
recording of all the disputed cameras after the on-site visit of the
CNPD officers.

The Restricted Panel notes first of all that the control has neither motivated nor
demonstrated how the video surveillance of the interior of the premises of the controlled
means of the disputed cameras is appropriate as well as adequate and necessary
to protect his property, and in particular to prevent burglary. She
considers that this observation would remain valid even if the cameras
operated only during off hours.

She also believes that the psychological pressure that the cameras litigious exercise on employees and third-party visitors who feel observed due to the presence of these, is however undeniable, especially since they cannot assess whether the cameras are in service or not.

Furthermore, the Restricted Committee is of the opinion that there are other less invasions of privacy, which the controlled can implement to ensure the purposes sought (see point 66 et seq. of this decision) that the under video surveillance of the workstations of the employees or the table of meeting.

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For example, “when a data controller wishes to prevent any damage to property, rather than installing a video surveillance, he can also take other security measures such as such as fencing the property, instituting regular patrols by security personnel, security, use doormen, install better lighting, door locks, security and tamper-resistant windows and doors, or apply coating or anti-graffiti sheets on the walls. These measures can be as effective that video surveillance systems against burglary, theft and vandalism. The controller must assess on a case-by-case basis whether these measures may be a reasonable solution. »⁵³

The controller could also take, for example, measures security such as installing surveillance cameras filming the accesses in order to

to achieve the purpose invoked by the auditee, namely the security of goods

(burglary, theft, etc.).

In view of the insufficient compliance measures taken by the

controlled in this case and point 80 of this decision, the Panel

Restreinte therefore considers that it is necessary to pronounce one of the measures

corrective measures proposed by the head of the investigation in this regard⁵⁴ and repeated in point

89 of this decision under b., namely the removal of cameras

contentious.

In view of the foregoing developments, the National Commission sitting

in restricted formation and deliberating unanimously decides:

- to retain the breaches of Articles 5.1.c) and 13 of the GDPR;

- impose an administrative fine on Company A in the amount of

3,000 (three thousand) euros, with regard to the breaches constituted in articles 5.1.c) and

13 GDPR;

⁵³ See Guidelines 3/2019, point 25.

⁵⁴ Cf. Statement of Objections, page 8, Ad.C., point 32, point b.

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- issue against Company A an injunction to bring the

processing with the obligations resulting from Article 5.1.c) of the GDPR, within a period of

2 (two) months following the notification of the decision of the Restricted Panel, and in

in particular, delete the cameras named "BUREAU 1", "BUREAU 2" and

"OFFICE 3";

- issue against Company A an injunction to bring the

processing with the obligations resulting from article 13.1 and 2 of the GDPR, within a period of 2 (months) following the notification of the decision of the Restricted Panel, and in particular

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inform non-employee third parties in a clear and precise manner about the video surveillance system, either by proceeding by a first and a second level, either by providing them in a single place or in a same document (in paper or electronic format) information on all the elements required under Article 13 of the GDPR;

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individually inform employees in a clear and precise manner about the video surveillance system, either by proceeding with a first and a second level, either by providing them in a single place or in the same document (in paper or electronic format) information on all of the elements required under Article 13 of the GDPR, by completing its rules of procedure by information relating to the recipients or categories of recipients of personal data, the duration of retention of personal data, the existence of the right to ask the person responsible for the rectification or erasure of the data to personal nature or a limitation of the processing relating to the person data subject, the right to object to processing and the right to data portability. data, as well as the right to lodge a complaint with an authority control.

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Thus decided in Belvaux on June 22, 2022.

For the National Data Protection Commission sitting in formation

restraint

Tine A. Larsen Thierry Lallemand

Alain Hermann

President

Commissioner

Commissioner

Indication of remedies

This administrative decision may be the subject of an appeal for review in the

three months following its notification. This appeal is to be brought before the administrative court.

and must be introduced through a lawyer at the Court of one of the Orders of

lawyers.

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