

DELIBERATION n°2019-003 of JANUARY 10, 2019National Commission for Computing and LibertiesNature of the  
deliberation: AuthorizationLegal status: In force Date of publication on Légifrance: Wednesday March 27, 2019Deliberation n°  
2019-003 of January 10, 2019 authorizing the implementation implementation by the French Blood Establishment of  
automated processing of personal data for the purpose of managing the relationship with blood donors in the context of the  
activity of blood donation and its promotion and repealing the deliberation no. 2011-395 of December 8, 2011 (Request for  
authorization no. 2112336) The National Commission for Computing and Liberties, Seizure by the French Blood Establishment  
(EFS) of a request for authorization concerning a processing automated processing of personal data for the purpose of  
managing the relationship with blood donors and promoting blood donation; Having regard to Convention No. 108 of the  
Council of Europe for the protection of persons rsone with regard to the automatic processing of personal data; Having regard  
to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with  
regard to the processing of personal data and the free movement of such data; Having regard to the Public Health Code, in  
particular its articles L. 1221-1 et seq., L. 1222-1 et seq., L. 1223-1 et seq., R. 1222-40; Having regard to law n° 78-17 of  
January 6, 1978 as amended relating to data processing, files and freedoms, in particular its articles 8-IV and 25-I-1°; Having  
regard to the law of July 1, 1998 relating to the strengthening of health monitoring and control of the safety of products  
intended for humans; Having regard to Ordinance No. 2016-1406 of October 20, 2016 adapting and simplifying the legislation  
relating to the French Blood Establishment and related activities to blood transfusion; Considering the decree n° 2005-1309 of  
October 20, 2005 modified taken for the application of Law No. 78-17 of 6 January 1978 relating to data processing, files and  
freedoms; Having regard to the file and its supplements and in particular the impact analysis relating to data protection  
produced on 5 October 2018;On the proposal of Mr. Alexandre LINDEN, commissioner, and after having heard the  
observations of Mrs. Nacima BELKACEM, government commissioner,Makes the following observations:On the data  
controllerThe French Blood Establishment (EFS) is an establishment public under the supervision of the Ministry of Health. It is  
the sole operator of the public blood transfusion service in France. As such, it is responsible for all activities related to labile  
blood products: collection, preparation, qualification, distribution and delivery to healthcare establishments of labile blood  
products. The EFS includes fifteen regional establishments, three of which are located overseas. sea.About the purposeThis  
authorization concerns the processing of personal data relating to the relationship with blood donors in the context of: blood  
donation activity; communication operations intended to promote the activities of the EFS .The legal basis for processing,

within the meaning of Article 6 of the General Data Protection Regulation (GDPR): compliance with a legal obligation to which the controller is subject; the performance of a mission public interest, or falling within the exercise of a public authority vested in the data controller. The purposes of the processing are as follows: the reliability of the data by updating the information directly by the donors concerned; the improvement, retention and optimization of relations with blood donors; the contribution to the achievement of collection objectives in a quantitative and qualitative manner; the increase in attendance at blood drives and fixed sites; management of the remote relationship; recruitment of new donors; the offer of new services (Webdonor space); the measurement of the effectiveness of the actions taken within the framework of the donor relationship; the dissemination of information relating to blood donation; the carrying out of surveys among donors and the all stakeholders in the process governing blood donation (studies related to satisfaction, performance measurement, perception and image of EFS or intended to collect information). The Commission considers that the purposes of the processing are determined, explicit and legitimate, in accordance with the provisions of Article 5-1-b of the GDPR. It considers that the provisions of Article 8-II should be applied. 8° and 54 of the amended law of 6 January 1978, which require authorization for processing involving data relating to health and justified, as in this case, by the public interest.

On the data processed

The persons concerned by the processing are: the donors (donation candidates for whom a bag of blood product has been taken, even if it has been excluded following biological examinations); candidates (persons presenting themselves to donate their blood at a donation site, with the intention of donating); pledgers: people who have formalized a promise of donation (p. ex. by telephone, by e-mail, etc.); prospects: people likely to become candidates for donation, i.e. people who have contacted the EFS or who have expressed their interest in donating or people who have voluntarily transmitted their contact details to a third party EFS partner; EFS staff; EFS partners , date of birth, place of birth, civility, postal address, e-mail address, list of donation locations, home phone number, mobile phone number, weight, height, donor number, dates of last donations, types of donation , date of eligibility for next donations, number of donations made, number of days since the last donation, blood group, rhesus, type of samples, number of invitations made, collection number, date of collection, whole collection code collection.

The data collected ies relating to prospects and promising are as follows: name of use, name of birth, first name, sex, date of birth, place of birth, civility, postal address, e-mail address, weight, height. The data collected relating to the personnel of the EFS are as follows: last name, first name, e-mail address, professional telephone number, socio-professional category, connection data. The data collected relating to EFS partners are as follows: contact name, contact first name, quality , function, title or distinction, email

address of the contact, professional telephone number of the contact. provisions of article 5-1-c of the RGPD. On the recipients The recipients of the data are the following: - the personnel individually authorized to s Within each regional establishment, according to their attributions; - service providers; - EFS partners (associations for voluntary blood donation, patient associations, companies, public bodies), provided that the persons concerned by the processing have been informed beforehand and that they have given their express consent to the communication of data concerning them. This exchange is governed by an agreement signed between the EFS and the recipient partner in order to guarantee the security and confidentiality of the data. The subcontractors involved in the implementation of the promotional tools have access to the data recorded within the framework and the limit of their functions and under the conditions defined by the contract binding them to the EFS. The EFS uses subcontractors, in particular: the sending of electronic messages; the sending of SMS; the telephone call of donors or promisors and intended to arrange an appointment; the routing of printing and paper invitations; the carrying out of certain studies or surveys; the development of websites and mobile applications; the cleaning of addresses as part of the Restructuring Normalization Postal Validation or as part of the search for people who have moved and therefore changed their postal address. On information and rights of people Candidates for donation and donors are informed of the implementation of the processing by means of posters, on data collection forms as well as on all websites and web applications intended to promote blood donation. Candidates and donors cannot object to the collection of their data, given the legal obligations of traceability and health security to which the EFS is subject. With regard specifically to the promotion of blood donation, candidates for donations and donors may object at any time to EFS contacting them, in this specific context, and for each means of communication (mail, email, SMS). In the Webdonor space, the donor is invited to tick a box to consent to their contact details (surname, first name, e-mail address and telephone number) being sent by the EFS to its partners. Prospects are informed of the implementation of the processing by means of the collection of the data, or on the web interfaces when this data is completed via a dematerialized form. Promising parties are informed of the processing of personal data concerning them on the communication media addressed to them. EFS staff are informed of the implementation of the processing by means of the charter for the use of the information system. of the GDPR. The right of access for candidates for donation and donors is exercised with the director of the blood transfusion establishment on which the blood collection or reception site depends. The right of access for promising and prospective donors exercised with the marketing department. The right of access for personnel is exercised with the human resources department. The Board considers that these procedures

for exercising rights are satisfactory, but draws the attention of the data controller to the need to provide for the conditions for exercising the rights provided for by the GDPR and which would apply in the context of the implementation of the processing.

On the security measures The processing has been subject of a study of the risks on the protection of the data of the persons concerned and measures have been determined to process them in a proportionate manner. With regard to the website, the Commission takes note of the commitment of the data controller to certify its compliance with the general security reference system. It requests that this compliance be mentioned on the site, as part of the prior approval. The data controller has implemented a password policy requiring eight alphanumeric characters, one upper and one lower case. In this regard, the Commission prepared deliberation 2017-012 of 19 January 2017 adopting a recommendation relating to passwords. It thus notes that the implementation of the password policy drawn up by the data controller requires updating in order to maintain its compliance with the recommendations of the CNIL. The Commission notes that a data analysis module allows statistical exploitation. It recalls that such a tool must only allow perfectly anonymous restitutions. Failing this, additional measures must be implemented in order to limit the risk of people being re-identified, in particular by limiting the targeted queries and the level of detail of the data provided. The Commission considers that the security measures described by the person responsible for processing comply with the security requirement provided for in Articles 5.1.f and 32 of the GDPR. The Commission recalls, however, that this obligation requires the updating of security measures with regard to the regular reassessment of the risks.

On the retention period of data Data relating to donation candidates and donors are kept for thirty-five years, in application of the decision of November 6, 2006 defining the good practices of article L. 1222-12 of the CSP. The data processed, specifically within the framework of the purpose of promoting the donation, will be kept, within the dedicated communication tools , for eight years. In the event of unsuccessful requests and at the latest within eight years, data relating to candidates is deleted. The retention period for data relating to promising candidates is set at a maximum of two years from the date of the pledge. storage relating to prospects is a maximum of six months. The contact details of the people to contact within the partner organizations of the EFS are kept until the end of the exercise of their functions within the partner organization. The Commission considers that these data retention periods do not exceed the period necessary for the purposes for which they are collected and processed, in accordance with the provisions of Article 5-1-e of the GDPR. Authorizes, in accordance with this deliberation, the EFS to implement the aforementioned processing.

For the President The Deputy

Vice-President Marie-France MAZARS