

Deliberation 2019-144 of December 5, 2019 National Commission for Computing and Liberties Nature of the deliberation:

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December 5, 2019 providing an opinion on a draft order amending the order relating to the provision to public persons of data relating to the transport, consumption and production of electricity, natural gas and biogas, petroleum products, heat and cold (request for notice no. 19017981)

The National Commission for Computing and Liberties, Seizure by the Minister for Ecological and Solidarity Transition of a request for an opinion concerning a draft decree amending the decree of July 28, 2016 relating to the provision of persons public data relating to the transport, consumption and production of electricity, natural gas and biogas, petroleum products, heating and cooling; 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 No. 78-17 of January 6 1978 amended relating to data processing, files and freedoms, in particular its article 8.I 4° a); Considering the law n ° 2015-992 of August 17, 2015 relating to the energy transition for green growth, in particular its article 179; Having regard to decree no. 2018-687 of August 1, 2018 p ris for the application of law n ° 78-17 of January 6, 1978 relating to data processing, files and freedoms, modified by law n ° 2018-493 of June 20, 2018 relating to the protection of personal data; Having regard to deliberation no. 2016-166 of May 26, 2016 providing an opinion on a draft decree and a draft order relating to the provision to public entities of data relating to the transport, consumption and production of electricity, natural gas and biogas, petroleum products, heat and cold. On the proposal of Mr. Eric PERES, commissioner, and after having heard the observations of Mrs. Nacima BELKACEM, government commissioner, Issues the following opinion: The Commission has been seized for opinion, in application of article 8.I 4° a) of the law of January 6, 1978 amended, by the Minister for Ecological and Inclusive Transition, of a draft order amending the order relating to the provision to public persons of data relating to the t transport, consumption and production of electricity, natural gas and biogas, petroleum products, heat and cold. 992 of August 17, 2015 relating to the energy transition for green growth, which provides for the provision of energy-related data to public entities when this data is useful for the performance of the powers exercised by these public entities. These data are transmitted by gas, electricity or heat network operators, as well as by operators putting petroleum products for consumption. After three years of implementation of the system and a report carried out at the end of of the ecological and solidarity transition wished to make adjustments to the existing system to

improve the match between the published data and the needs of the communities for the planning of ecological transition actions. To do this, amendments to the decree specifying the terms of application of the system are necessary. The text modified by the draft decree submitted to the Commission today was the subject of a deliberation on May 26 2016. The Commission notes that the draft order provides in particular for provisions aimed at maintaining an adequate level of protection for the data of small professionals within the meaning of Article D113-1 of the Energy Code, such as :the constitution of an aggregate either of ten points, or representing a volume of consumption above a threshold specific to small professionals, on the model of the texts in force for the residential sector. This specific secretization threshold is set at the equivalent of the average annual consumption of three households, regardless of the energy considered; the absence of publication of the names of customers in the structure of the data sets, regardless of the type data and the distribution network; the publication of data for small professionals by major aggregated sectors (agriculture, industry, tertiary, non-affected) and not by NAF codes, in order to limit the possibility of identifying delivery points. Commission considers that the draft order submitted for an opinion does not call for comment. For The President, The Deputy Vice-President Sophie LAMBREMON