

Deliberation MEDP-2021-001 of October 11, 2021 National Commission for Computing and Liberties Legal status: In force

Date of publication on Légifrance: Thursday, October 14, 2021 Deliberation of the office of the National Commission for Computing and Liberties No. MEDP-2021 -001 of October 11, 2021 deciding to make public formal notice No. MED-2021-093 of October 4, 2021 taken against the company FRANCETEST October 2021 under the chairmanship of Mrs Marie-Laure DENIS; In addition to the President of the Commission, Mrs Sophie LAMBREMON, Deputy Vice-President, and Mr François PELLEGRINI, Vice-President; Having regard to Regulation (EU) 2016/679 of the Parliament European Parliament and of the Council of April 27, 2016 relating to the protection of individuals with regard to the processing of personal data and the free movement of such data; Having regard to Law No. 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms, in particular its article 20; Considering the decree n ° 2019-536 of May 29, 2019 taken for the application of the law n ° 78-17 of January 6, 1978 modified relating to the information technology, files and freedoms; Having regard to deliberation no. 2013-175 of July 4, 2013 establishing the internal regulations of the National Commission for Information Technology and Freedoms; Having regard to decision no. MED-2021-093 of October 4 2021 of the President of the Commission giving formal notice to FRANCETEST; Adopted the following deliberation: Following an anonymous report to the CNIL services on August 27, 2021 reporting a security breach affecting the website "francetest.fr", online checks conducted the same day revealed the existence and extent of the data breach. On September 9, 2021, a delegation carried out an on-site inspection at the premises of FRANCETEST (hereinafter, "the company") in order to verify the compliance of the processing of personal data implemented by this company. latest with Regulation No. 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of personal data (hereinafter, the "GDPR") and Law No. 78-17 of January 6, 1978 amended relating to data processing, files and freedoms (hereinafter, the "Data Processing and Freedoms" law). The delegation of control noted that if the company took certain measures when it became aware of the violation of data, the Francetest service still suffered from several security shortcomings which continued to pose a risk to the confidentiality of the personal data processed. By decision of 4 October 2021, the President of the Commission, on the basis of the article e 20 of the amended law of January 6, 1978, formal notice to the company FRANCETEST, located at 6, boulevard de la Marne, in Strasbourg (67000), to bring to an end within a period of two (2) months the breach observed in the obligation to ensure the security of personal data provided for in article 32 of the GDPR. Pursuant to the last paragraph of II of article 20 of the amended law of January 6, 1978, the President of the CNIL regularly convened the office of the Commission for the purpose of ruling on its request to make its

decision public. reason in particular of the sensitivity of the data processed and the need to ensure that all persons concerned by the processing in question, as well as organizations using the services of FRANCETEST, are fully informed of the existence of persistent breaches of a security of the data. The office emphasizes that in addition to the results of the persons concerned in the antigenic tests for SARS-CoV-2, and which therefore make it possible to know whether or not a person is a carrier of this virus, the FRANCETEST company processes a large number directly identifying data, including the social security number (NIR), data of a highly personal nature. whether they are data controllers or subcontractors, on the need to ensure maximum security of the data they process and the risks that a lack of vigilance on their part may pose to this data. in this respect, among the priorities identified by the CNIL for its control strategy for the year 2021, are the processing of health data and, more particularly, the measures implemented to ensure their security é. Consequently, the office of the National Commission for Computing and Liberties decides to make public decision No. MED-2021-093 of the President of the CNIL giving formal notice to the company FRANCETEST. The office recalls that this notice in default does not have the character of a sanction. If the company complies in all respects with the requirements of the formal notice within the time limit set, the latter will be the subject of a closure which will also be made public. Finally, both the aforementioned formal notice decision and this deliberation will no longer allow the company to be identified by name at the end of a period of two years from their publication.

The President Marie-Laure DENIS