

Deliberation 2022-055 of May 5, 2022 Commission Nationale de l'Informatique et des Libertés Nature of the deliberation:

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2022-055 of May 5, 2022 providing an opinion on a draft decree relating to the publication of the list of legal persons owning real estate subject to the freezing measures taken pursuant to EU Council Regulation No. 269/2014 of March 17, 2014 (request for opinion No. 22007090) The National Commission for Computing and Liberties, Seizure by the Ministry of the Economy, Finance and Relaunch of a request for an opinion concerning a draft decree relating to the publication of measures to freeze real estate taken pursuant to EU Council Regulation No. 269/2014 of March 17, 2014; 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 processing of personal data and the free movement of such data, and repealing Directive 95/46/EC (general data protection regulation); Having regard to the code of relations between the public and its administration, in particular its article L 312-1-2; Considering the modified law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms; On the proposal of Mr. Philippe-Pierre CABOURDIN, commissioner, and after hearing the comments by Mr Benjamin TOUZANNE, Government Commissioner, Issues the following opinion: by the Ministry of Economy and Finance and Recovery, relating to a draft decree relating to the publication of the list of legal entities that own real estate subject to the freezing measures taken pursuant to EU Regulation no. ° 269/2014 of the Council of March 17, 2014 amended ied concerning restrictive measures with regard to actions compromising or threatening the territorial integrity, sovereignty and independence of Ukraine. to the publication of the real estate freezing measures on which the Commission issued an opinion on March 24, 2022. This draft aims to allow the publication of the list of legal persons owned, held or controlled by natural or legal persons, entities or bodies listed in Annex I of Council Regulation (EU) No 269/2014 of 17 March 2014 and which own the real estate subject to the freezing measures implemented pursuant to EU Regulation No 269 /2014 of the Council of March 17, 2014 referred to above and published in the real estate file or the land register pursuant to Article L. 562-8 of the Monetary and Financial Code. 1 of article 2 of this regulation provides that "All funds and economic resources belonging to natural persons or to natural or legal persons, entities or bodies associated with them listed in Annex I, as well as all the funds and economic resources that these natural persons or that these natural or legal persons, entities or bodies associated with them possess, hold or control." The Commission notes that the draft decree, on the one hand, adds a category of documents derogating from the obligation of anonymization prior to dissemination, pursuant to the second paragraph of article L. 312-1-2 of the code of relations between the public and the

administration, and organizes, on the other hand, processing relating to the publication of the list subject of this decree. The Commission notes that the purpose of this draft decree is to organize the sole publication of the names of legal persons, without directly or indirectly linking them publicly to a natural or legal person who is the subject of a freezing measure pursuant to Council Regulation EU No. 269/2014 of March 17, 2014 referred to above and who are owners of real estate subject to a freezing measure published in the real estate file or in the land register. It notes that these names could contain personal data such as the name of their owner, for example. Therefore, although this is a marginal case, the Commission considers that this draft decree constitutes processing of personal data within the meaning of Article 4 of Regulation (EU) 2016/679 of 27 April 2016 referred to above (GDPR). In this regard, the Commission takes note of the clarification of the Ministry that the information relating to the legal persons concerned will not be linked, reconciled or interconnected in the publication with the natural persons who hold them, control or own. It considers that the lack of possibility of easy reconciliation with the identity of these natural persons must remain a strong guarantee for the protection of personal data. On the other hand, the Commission notes that the draft decree indicates that it This is a temporary public information system, in fact, these elements will be deleted from the website www.tresor.economie.gouv.fr when the freezing measure expires. The limitation in time of the processing of dissemination of personal data subject to the freezing measure decision is an additional guarantee for the protection of such data. It also notes that the temporary nature of the broadcast, which had already been indicated to it during the examination of future decree no. 2022-515 of April 8, 2022, will now be mentioned in this decree in the same terms, as if The Government was committed to it. Finally, the purpose of the processing is to inform the public about the freezing measures implemented by the State in the context of the application of the aforementioned 2014 regulation and its legal basis is the performance of a task in the public interest within the meaning of e) of 1 of Article 6 of the GDPR. The planned processing is not subject to any derogation from the rights of individuals. The Commission recalls, however, that the publication of such information constitutes processing of personal data within the meaning of Article 4 of the GDPR and that the controller must, for the implementation of the decree, ensure its compliance with the regulations relating to the protection of personal data. Under these clarifications, the Commission considers that this derogation from the anonymization of personal data appears appropriate to the specific context in which it takes place. The President Marie-Laure DENIS