

Deliberation 2018-345 of October 18, 2018 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Tuesday, October 30, 2018 Deliberation of the office of the National Commission for Computing and Liberties no 2018-345 of October 18 2018 deciding to make public formal notice no. MED 2018-041 of October 8, 2018 issued against the XL office of the National Commission for Computing and Liberties, meeting on October 18, 2018 under the chairmanship of Mrs. Isabelle FALQUE -PIERROTIN; In addition to the President of the Commission, Mrs. Marie-France MAZARS, Deputy Vice-President, and Mr. Éric PERES, Vice-President sat in attendance; Having regard to Convention No. 108 of the Council of Europe of 28 January 1981 for the protection of individuals 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 relating to the protection of individuals with regard to the processing of personal data and the free movement of such data, repealed by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of personal data and the free movement of these data; Considering the modified law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms, in particular its articles 45 and 46; Considering the modified decree n° 2005-1309 of October 20, 2005 taken for the application of Law No. 78-17 of January 6, 1978 as amended relating to data processing, 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 2018-041 of October 8, 2018 of the President of the Commission giving formal notice to X; Adopted the following deliberation: By decision of October 8, 2018, the President of the Commission, on the basis of article 45 of the law of 6 January 1978 as amended, decided to put X on notice to put an end within a period of two months from the notification of the said decision, the breaches observed in this same law, in particular those relating to the implementation of a video surveillance device. In application of the last paragraph of II of article 45 of the modified law of January 6, 1978, the President of the CNIL regularly convened the office of the Commission for the purpose of ruling on her request to make its decision public. The office was convened for this purpose on October 18, 2018. After deliberation, the office considers that the publication of the formal notice decision is justified by the nature of the breaches noted. The office notes on the one hand the excessive nature of the system video surveillance which continuously films all the workspaces occupied by the students, the break areas as well as the offices of the administrative staff, thus placing all the persons concerned under surveillance constant illance. On the other hand, the office emphasizes the establishment of an unprecedented system within the school in that students can access in real time most images from video surveillance, which

allows at any time to know where each of them is, what he is doing and with whom he is. Finally, the office notes that the information given to the people filmed is incomplete. formal notice is intended to inform the persons concerned of the existence of video surveillance systems in educational establishments and of the risk of invasion of privacy. Finally, in general, the office wishes to raise the awareness of professionals in the sector on this difficulty while the number of complaints relating to the use of video surveillance is experiencing strong growth and thus reveals a growing concern of people. As a result, the office of the National Commission for Information and freedoms decides to make public decision no. 2018-041 of the President of the CNIL giving formal notice XThe office recalls that this formal notice does not have the character of a sanction. As such, no follow-up will be given to the procedure if the organization concerned complies in all respects with the requirements of the formal notice within the time limit. If this is the case, it will be closed, which will also be made public. President Isabelle

FALQUE-PIERROTIN