

Deliberation 2019-095 of July 11, 2019 National Commission for Computing and Liberties Nature of the deliberation: Opinion
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providing an opinion on a draft decree issued for the application of article 145 of law n°2018-1021 of November 23, 2018 on
the development of housing, development and digital technology (request for opinion n° 19007368)

The National Commission for Computing and Liberties, Request by the Minister for the Economy and Finance of a request for
an opinion concerning a draft decree issued for the application of Article 145 of Law No. 2018 -1021 of November 23, 2018 on
the evolution of housing, development and digital technology; Having regard to Convention No. 108 of the Council of Europe
for the protection of individuals with regard to the automatic processing of personal data; 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/CE; Having regard to the
Tourism Code, in particular its articles L. 324-1-1 and L. 324-2-1; Having regard to the Construction and Housing Code, in
particular its articles L. 631-7 and following; Considering the law n° 78-17 of January 6, 1978 modified relating to data
processing, files and freedoms, not ment its article 8-I-4°-a); Having regard to law n° 2018-1021 of November 23, 2018 on the
development of housing, development and digital technology, in particular its article 145; Having regard to decree n° 2019- 536
of May 29, 2019 taken for the application of law n ° 78-17 of January 6, 1978 relating to data processing, files and freedoms;
On the proposal of Mr. Philippe GOSSELIN, commissioner, and after hearing the observations of Mrs. Nacima BELKACEM,
Government Commissioner, Issues the following opinion: Law No. 2018-1021 of November 23, 2018 on the development of
housing, development and digital technology amended the provisions of Article L. 324 -2-1 of the tourism code. This article
provides for the transmission of information between furnished tourist accommodation rental intermediaries and municipalities
that have implemented a registration procedure for furnished tourist accommodation, as defined by article L. 324-2-1 of the
code. of tourism. This draft decree creates Articles R. 324-2 and following of the Tourism Code in order to specify the
frequencies and technical methods for the transmission of information. On the purpose of the processing: This transmission of
information is intended objective of controlling the applicable regulations. This transmission concerns only the municipalities
where the change of use of the premises intended for housing is subject to prior authorization and registration with them within
the meaning of Article L. 631-7 of the construction and housing code. The municipality can send a request for information in
order to ensure control: of the presence, within each advertisement, of the declaration number; for main residences es, the

maximum of 120 rental days per year provided for by the Tourism Code (except for professional or medical reasons or cases of force majeure); for other furnished tourist accommodation, compliance with the change of use regulations adopted by the common purpose provided for by Articles L. 631-7 et seq. of the Construction and Housing Code. The Commission considers that the purpose pursued by the processing is determined, explicit and legitimate in accordance with the provisions of Article 5-1- b) of the General Data Protection Regulation (GDPR). On the nature of the data processed and the frequency of exchanges: The municipality sends, once a year and electronically, a request for information relating either to a specific list furnished accommodation, or in a geographical area. In the first case, the municipality sends the intermediary the mandatory declaration number (mentioned in III of article L. 324-1-1 of the tourism code). Failing this, the request may include the address of the furnished premises or the reticular address of the ad ("URL" link). For a request relating to a geographical area, the municipality specifies the corresponding postal code(s). Article 3 of the draft decree provides that intermediaries transmit data relating to: the address of the furnished premises (postal code, municipality, street number, street name, building, staircase, floor, door number, identification of the batch) ; the declaration number as defined in III of Article L. 324-1-1 of the Tourism Code; the number of days during which the tourist accommodation was rented through it. Commission considers that the data processed are adequate, relevant and not excessive with regard to the purposes pursued, in accordance with the provisions of Article 5-1-c) of the GDPR. On data security: The Commission takes note of the commitment of the Ministry to include in the draft decree the need to secure any exchange of information containing personal data between the various stakeholders.

President Marie-Laure DENIS