

Deliberation 2018-344 of October 18, 2018 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Tuesday, October 23, 2018 Deliberation of the office of the National Commission for Computing and Liberties

no. 2018-344 of October 18, 2018 deciding to make public formal notice no. MED-2018-043 of October 8, 2018 taken against company x

The 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; 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 Regulation (EU) 2016 /679 of the European Parliament and of the Council of April 27, 2016 relating to the protection 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 articles 45 and 46; Considering the decree n° 2005-1309 of October 20, 2005 modified taken for the application of the law n° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms; Having regard to deliberation no. 2013-175 of July 4, 2013 laying down the internal regulations of the National Commission for Computing and Liberties; Having regard to decision no. MED-2018-043 of October 8, 2018 of the President of the Commission giving formal notice to company 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 January 6, 1978 as amended, gave formal notice to company X, located [...], to cease within three months the breaches observed in this same law, in particular that relating to the obligation to obtain the consent of individuals to the processing of their geolocation data for profiling and advertising targeting purposes. Pursuant to the last paragraph of Article 45-II of the law of January 6, 1978 as amended, the President of the CNIL regularly convened the Bureau of the Commission for the purpose of ruling on its request to make its decision public. The Bureau met for this purpose on October 18, 2018. After deliberating , the office considers that the publication of the formal notice decision is justified by the characteristics of the breaches. Company X relies on a technology called SDK in order to collect personal data via smartphones and to carry out mobile advertising campaigns with people. During its investigations, the CNIL found in particular that the company collects geolocation data without obtaining the consent of people. Such processing poses a particular risk to privacy in that it reveals people's movements and lifestyles. impacted by the treatment implemented

by company X while the SDK is integrated into dozens of mobile applications and that a significant part of the population is in possession of a smartphone. In this respect, the office notes that the SDK installed on the applications collects people's geolocation data approximately every five minutes and that it was noted by the CNIL delegation that 5,529,383 advertising identifiers had been collected by the society. The office also considers that the publicity of the formal notice is based on the need to put the persons concerned in a position to retain control of their data. This objective can only be achieved by ensuring the highest level of transparency on the collection of data, in particular geolocation, and the purpose of the processing implemented by the company X. Finally, the office wishes to raise the awareness of professionals in the sector on this difficulty at a time when the collection of personal data for the purposes of profiling and targeted advertising, in particular from places frequented by people, is experiencing strong growth. The office notes, in fact, that the use of the SDK is part of an ecosystem involving several players, namely the publishers of mobile applications and the advertising customers, whom it is essential to alert to the issues of the protection of data. Consequently, the office of the National Commission for Computing and Liberties decides to make public the decision n ° MED-2018-043 of the President of the CNIL giving formal notice to the company X. The 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. from their publication. The President

FALQUE-PIERROTIN