

Deliberation MEDP-2019-002 of November 22, 2019 National Commission for Computing and Liberties Legal status: In force  
Date of publication on Légifrance: Wednesday, December 04, 2019 Deliberation of the office of the National Commission for Computing and Liberties No. MEDP-2019 -002 of November 22, 2019 deciding to make public formal notice no. 2019-027 of November 12, 2019 taken against X

The office of the National Commission for Computing and Liberties, meeting on November 22, 2019 under the chairmanship of Mrs Marie-Laure DENIS; In addition to the President of the Commission, Mrs Sophie LAMBREMON, Deputy Vice-President, and Mr. Eric PERES, Vice-president; Having regard to convention n° 108 of the Council of Europe of January 28, 1981 for the protection of individuals with regard to the automatic processing of personal data; Having regard to directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention and detection of criminal offenses, investigation and prosecution in this area or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA; Having regard to Law No. 78-17 of 6 January 1978 as amended relating to computers, 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 data processing, files and freedoms; deliberation no. 2013-175 of July 4, 2013 setting the internal regulations of the National Commission for Computing and Liberties; Having regard to decision no. MED-2019-027 of November 12, 2019 of the President of the Commission giving formal notice X. Adopted the following deliberation: By decision of November 12, 2019, the Chairperson of the Commission, on the basis of Article 20 of the amended law of January 6, 1978, gave formal notice to X, sis [...], to cease within a period of 3 (three) months the breaches observed in this same law relating to the retention period of data and the obligation to ensure the security of personal data. Pursuant to article 20 of the law of January 6, 1978 amended, the President of the CNIL regularly convened the Bureau of the Commission to purposes of ruling on its request to make its decision public. The office met for this purpose on November 22, 2019. After deliberation, the office considers that the advertising is justified by the particularly large number of people likely to be impacted by the processing implemented by X. Indeed, the office emphasizes that the collection by the average speed field equipment (hereinafter the "ETVM" or "radar-sections") of license plate numbers associated with a timestamp concerns all vehicles traveling on the axis concerned, whether or not an offense has been committed. privacy and is intended to lead to the establishment of violations. Indeed, the section radars collect data related to the identity and the movements of the passengers

of the vehicle, in particular pictures of the vehicle and its passengers, the places, date and time of the pictures and the registration numbers of the vehicles. The office also considers it necessary to inform the public about the shortcomings observed and to raise awareness among them, as well as the public authorities, about the protection of personal data in the context of the increasing deployment of automated devices for checking vehicles traveling on public roads. Consequently, the office of the National Commission for Computing and Liberties decides to make public decision no. MED-2019-027 of the President of the CNIL giving formal notice to X, excluding its annex containing the detailed technical description of the breaches observed in the safety obligation. 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.

President Marie-Laure DENIS