

Deliberation 2020-038 of April 2, 2020 National Commission for Computing and Liberties Nature of the deliberation: Members and agents Legal status: In force Date of publication on Légifrance: Tuesday May 17, 2022 Deliberation No. 2020-038 of April 2, 2020 delegating powers of the National Commission for Computing and Liberties to its President during the state of health emergency linked to covid-19 The National Commission for Computing and Liberties, 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 the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC; Having regard to Law No. 78-17 of January 6, 1978 amended relating to data processing, files and modified freedoms; Having regard to emergency law n° 2020-290 of March 23, 2020 to deal with the covid-19 epidemic; Having regard to the ordinance no. 2020-347 of March 27, 2020 adapting the law applicable to the operation of public establishments and collegial administrative bodies during the state of health emergency, in particular its article 4; 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; Having regard to deliberation n° 2019-021 of February 28, 2019 delegating the powers of the National Commission for Data Processing and Freedoms to its president and its Deputy Vice-President; Having regard to deliberation no. 2020-037 of April 2, 2020 relating to the organization of the deliberations of the National Commission for Computing and Liberties during the state of health emergency linked to covid-19; After having heard Mrs. Marie-Laure DENIS, President, in her report, and Mrs. Nacima BELKACEM, Government Commissioner, in her observations, Decides: President of the National Commission for Computing and Liberties, pursuant to Article 4 of the above-mentioned order of March 27, 2020 and under the conditions provided for by this decision, for the purpose of exercising the powers mentioned in Articles 2 and 3 of this decision. Article 2 The President of the Commission may exercise the powers mentioned in the following articles of the law of January 6, 1978 referred to above: - in III of article 6; - in a) of 2° of I of section 8; - in a) of 4° of I of Article 8; - in the first paragraph of Article 30; - in 6° of article 44; - in the first paragraph of Article 67; - in Article 89; - in the third paragraph of Article 90. Article 3 By way of derogation from Article 2 of the deliberation of February 28, 2019 referred to above, the President of the Commission may adopt the authorizations mentioned in Section 3 of Chapter III of title II of the law of January 6, 1978 referred to above which present particular difficulties or complexity. It may also adopt the opinions mentioned in 2 of Article 36 of Regulation (EU) 2016/679 of April 27, 2016 referred to above which present particular difficulties or complexity. may be exercised by the President of the Commission only for the sole purpose of adopting those of these measures which are of an urgent nature and which the

plenary session of the Commission is materially unable to adopt regularly under the conditions set by the aforementioned deliberation of April 2, 2020. The Chairperson shall inform, without delay and by any means, the members of the Commission of any decision taken within the framework of this decision. Article 5 This decision is applicable during the period running from April 2 April 2020 until the expiry of the state of health emergency declared by article 4 of the law of March 23, 2020 referred to above, increased by a period of one month. Article 6 The president of the Commission is responsible for the execution of this deliberation, which will be published on the website of the National Commission for Computing and Liberties. President Marie-Laure DENIS