

Deliberation MEDP-2019-001 of November 22, 2019 National Commission for Computing and Liberties Legal status: In force
Date of publication on Légifrance: Tuesday, December 10, 2019 Deliberation of the office of the National Commission for Computing and Liberties

No. MEDP-2019-001 of November 22, 2019 deciding to make public formal notice No. MED 2019-025 of November 5, 2019 taken against the company XLe office of the National Commission for Computing and Liberties, meeting on November 22, 2019 under the chairmanship of Mrs Marie-Laure DENIS; Also present were Mrs Sophie LAMBREMON, 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 on the protection of natural persons with regard to the processing of personal data and the free movement of such data; Having regard to law n° 78-17 of 6 January 1978 as amended relating to data processing, files and freedoms, in particular its articles 20 and following; decree n° 2019-536 of May 29, 2019 taken for law enforcement
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 setting the internal regulations of the National Commission for Data Processing and Freedoms; Having regard to decision No. MED 2019-025 of November 5, 2019 of the President of the Commission giving formal notice to company X. Adopted the following deliberation: By decision of November 5, 2019, the President of the Commission, on the basis of the article 20 of the amended law of January 6, 1978, decided to give formal notice to company x located[...], to cease:- within a period of 10 days from the notification of the decision, the breaches relating to the implementation implementation of a video surveillance system for the purpose of locating employees and the absence of security measures for access to the video streams of the cameras;- within a period of two months from the notification of the decision, the breaches relating to the absence of a register of tra Furthermore, the lack of information for employees on the implementation of a video surveillance system and the absence of a contract with the IT service company. Pursuant to the last paragraph of II of Article 20 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 November 22, 2019. After deliberating , the office considers that the publication of the formal notice decision is justified by the seriousness of the breaches noted, namely the excessive nature of the video surveillance system which continuously films employees for the

purpose of locating them, thus placing the employees under surveillance. constant, including for viewing images remotely. The office notes that the information provided to employees on this subject is incomplete and inappropriate. The office wishes to remind professionals of the legal framework applicable to video surveillance devices which cannot lead to the permanent location of employees for surveillance purposes, apart from any exceptional circumstances. These video surveillance systems, which place employees under constant surveillance to locate them, are excessive and infringe the individual freedom of employees. No. 2019-025 of November 5, 2019 from the President of the CNIL giving formal notice to company X. The office recalls that this formal notice is not in the nature 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 limits set. If this is the case, it will be subject to closure which will also be made public. for a period of two years from their publication. President

Marie-Laure DENIS