

Decision of the National Commission sitting in restricted formation

on the outcome of investigation No. [...] conducted with "Company A"

Deliberation No. 17FR/2021 of May 12, 2021

The National Commission for Data Protection sitting in restricted formation

composed of Ms. Tine A. Larsen, President, and Messrs. Thierry Lallemand and Marc

Lemmer, commissioners;

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

personal character and on the free movement of such data, and repealing Directive

95/46/EC;

Considering the law of August 1, 2018 on the organization of the National Commission for the

data protection and the general data protection regime, in particular

its article 41;

Having regard to the internal regulations of the National Commission for the Protection of

data adopted by decision no. 3AD/2020 dated January 22, 2020, in particular its

article 10 point 2;

Having regard to the regulations of the National Commission for Data Protection relating to the

inquiry procedure adopted by decision No. 4AD/2020 dated January 22, 2020,

in particular its article 9;

Considering the following:

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I. Facts and procedure

1. During its deliberation session of February 14, 2019, the National Commission

for data protection sitting in plenary session (hereafter: “Formation Plenary”) had decided to open an investigation with the ABCD1 group on the basis of the article 37 of the law of 1 August 2018 on the organization of the National Commission for the data protection and the general data protection regime (hereinafter “Law of August 1, 2018”) and to appoint Mr. Christophe Buschmann as Chief of investigation.

2. According to the decision of the Plenary Formation, the investigation carried out by the National Commission for Data Protection (hereinafter: “CNPD”) had as its purpose of verifying compliance with the provisions of the regulations relating to the protection of natural persons with regard to the processing of personal data and to the free movement of such data, and repealing Directive 95/46/EC (hereinafter “GDPR”) and the law of August 1, 2018, in particular by setting up systems for video surveillance and geolocation, where applicable, installed by the four companies in the ABCD group.

3. On September 27, 2019, CNPD agents visited at the premises of Company A at the administrative headquarters of [S1] and at the site of [S2]. Being given that the minutes no. [...] relating to the said on-site fact-finding mission mentions that, among the four companies of the ABCD group, as responsible for the controlled processing company “Company A”², the decision of the National Commission for data protection sitting in restricted formation on the outcome of the investigation (hereafter after: “Restricted Training”) will be limited to processing controlled by the agents of the CNPD and carried out by the company “Company A”.

1 And more specifically with companies Company B, registered in the Trade and Companies Register of Luxembourg under number [...], with registered office at L-[-...]; Company A, registered in the commercial register and Companies in Luxembourg under number [...], with registered office at L-[-...]; Company C, registered in the register du Commerce et des Sociétés de Luxembourg under number [...], with registered office at L-[-...] and Company D,

registered in the Luxembourg Trade and Companies Register under number [...], with registered office at L- [...].

2 See in particular Minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

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4. "Company A" is a [...] registered in the Trade and Companies Register of Luxembourg under number [...], with registered office at L- [...] (hereinafter "the controlled"). [...]³.

5. During the aforementioned visit of 27 September 2019 by CNPD agents to the audit premises at the administrative headquarters of [S1]⁴ and at the site of [S2]⁵, the "delegate for the data protection" of the controlled confirmed to the CNPD agents that the controlled uses two CCTV systems. A first system is installed in the buildings at the administrative headquarters of [S1] and a second system is operated from the website of [S2]. The video surveillance system installed at the administrative headquarters of [S1] is made up of eight cameras that operate continuously (24 hours a day)⁶ and the video surveillance installed on the site of [S2] is composed of one to five cameras per [...] ([...]⁷) and the cameras also work permanently (24h/24h)⁸.

6. The "data protection officer" of the audited has confirmed that the controlled does not use a geolocation device.⁹

7. As for the administrative headquarters of [S1], it was explained to CNPD officials that the video surveillance system is managed by Company B as a subcontractor for the account of the controller who is to be considered as the controller¹⁰. He was confirmed that the purposes of setting up the video surveillance system are the

protecting company assets and securing access.

8. As for the site of [S2], it was explained to CNPD officials that the purposes of installation of the video surveillance system are the protection of the property of

3 According to information provided on its own website: [...]

4 The address of the administrative headquarters of [S1]: [...].

5 The address of the site of [S2]: [...].

6 See finding 9 of minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

7 CNPD agents inspected the images transferred by the cameras installed on the [...]

(see Minutes no. [...]).

8 See finding 14 of minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

9 See in particular Minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

10 See finding 7 of minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

11 See finding 8 of minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

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company, securing access and preventing accidents.12 Training

Restricted assumes that this CCTV system is operated by the controlled as controller.

9. At the end of his investigation, the head of investigation notified the person inspected on 3

February 2020 a statement of objections detailing the shortcomings he considered constituted in this case, and more specifically non-compliance with the provisions of Article 5.1.c) of the GDPR and non-compliance with the requirements of Article 5.1.e) of the GDPR.

10. On February 28, 2020, the auditee produced written observations on the statement of objections.

11. A supplementary letter to the statement of objections was sent to the checked on August 10, 2020. In this letter, the head of investigation proposed to the Restricted Formation to adopt two different corrective measures, as well as to inflict to the controlled an administrative fine of 1,900 EUR.

12. By letter of August 25, 2020, the controller produced written observations on the supplementary letter to the statement of objections.

13. The president of the Restricted Formation informed the controller by letter of 16 October 2020 that his case would be registered for the Restricted Panel session of 27 November 2020. The controller confirmed his presence at the said meeting dated 13 November 2020.

14. During the Restricted Training session of November 27, 2020, the leader of investigation and control presented their oral observations in support of their written observations and answered the questions posed by the Restricted Panel. the controlled had the last word.

II. Place

II. 1. As to the reasons for the decision

A. On the breach related to the principle of data minimization

12 See finding 15 of minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

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1. On the principles

In accordance with Article 5.1.c) of the GDPR, personal data must be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (data minimization)”.

The principle of data minimization in video surveillance involves that only what appears strictly necessary to achieve the target(s) should be filmed purpose(s) pursued and that the processing operations must not be disproportionate.¹³

Article 5.1.b) of the GDPR provides that personal data must be “collected for specific, explicit and legitimate purposes, and not be further processed in a manner incompatible with those purposes; [...] (limitation of purposes)”.

Before the installation of a video surveillance system, the data controller must define, precisely, the purpose(s) it wishes to achieve by resorting to such a system, and may not subsequently use the personal data collected for other purposes.¹⁴

The necessity and proportionality of video surveillance is analyzed on a case-by-case basis and, in particular, with regard to criteria such as the nature of the place to be placed under video surveillance, its location, configuration or attendance.¹⁵

2. In this case

¹³ See CNPD Guidelines (Point 4.), available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

¹⁴ See Guidelines for [themes/videosurveillance/necessite-proportionnalite.html](https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html).

the CNPD, available

under: <https://cnpd.public.lu/fr/dossiers->

15 See CNPD Guidelines (Point 4.), available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

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15. As for the [S2] site, it was explained to CNPD officials that the purposes of the implementation of the video surveillance system are the protection of the property of the company, securing access and preventing accidents.

16. When investigating the site of [S2] and watching the control monitors to which the images captured by the cameras installed on the production sites are transmitted.

[...], the CNPD agents noted that

i) on the site of [S3], the fields of view of several cameras include parts of the public thoroughfare and surrounding land¹⁶; and

ii) on the site of [S4], the field of view of a camera includes parts public road and neighboring land.

17. The head of the investigation was of the opinion that “(...) surveillance of public roads and of neighboring land is, however, to be considered disproportionate. Indeed, at given the aforementioned purposes for which video surveillance is operated, it is not necessary to include parts of the public road or neighboring land in the fields of view of the cameras listed under points A.1. and A.2. of this. »

(statement of objections, Ad. A.1. and Ad. A.2.)

18. The auditee for his part explained that the main purposes of the video surveillance were the prevention of accidents (for their staff and for

external persons) and the protection [...]. Furthermore, the auditee explained that the visualization of a restricted space around the fence was necessary to be able to act in a preventive and non-curative way and that the detection of movements upstream of the closure allowed, on the one hand, the triggering of systems [...] which aimed to dissuade the authors of intrusion attempts and, on the other hand, an intervention on site faster. Nevertheless, the person inspected claimed to have adapted the fields of vision of the disputed cameras on the site of [S3] and also of the disputed camera on the site of [S4] by blurring parts of the public road and surrounding land¹⁸.

16 Statement of Objections, A.1.

17 Statement of Objections, A.2.

18 See the annexes to the controller's response to the statement of objections of 3 February 2020.

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19. The Restricted Committee finds that the annexes to the mail from the control of the February 28, 2020 contain photos of the fields of view of the disputed cameras which show that nearby public roads and/or land are now blurred.

20. In his letter of August 25, 2020, the controlled person again emphasized that he had already corrected the fields of view of the disputed cameras after receipt of the statement of objections and that he had ensured, during a review of all the cameras installed, that these cameras do not film public roads.

21. The Restricted Committee would like to point out that the cameras intended to monitor a place or the surroundings of a building or site must have a limited field of vision on the surface strictly necessary to visualize the people preparing to access it. Cameras installed near or around a building must be configured accordingly.

so as not to capture the public road, nor the surroundings, entrances, accesses and interiors of other neighboring buildings possibly falling within their field of vision. In terms of configuration of the premises, it is sometimes impossible to install a camera that does not would not include in his field of vision a part of the public road, surroundings, entrances, accesses and interiors of other buildings. In such a case, the CNPD considers that the controller must implement techniques for masking or blurring to limit the field of view to its property.¹⁹

22. In view of the foregoing, the Restricted Panel concurs with the finding of Chief of investigation²⁰ according to which the non-compliance with Article 5.1.c) of the GDPR was acquired on the day the on-site visit by CNPD agents.

B. On the breach linked to the principle of limitation of storage

1. On the principles

23. In accordance with Article 5.1.e) of the GDPR, personal data must be kept "in a form which permits the identification of the persons

¹⁹ See CNPD Guidelines (Point 4.), available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

²⁰ Statement of Objections, Ad. A.1. and Ad.A.2.

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concerned for a period not exceeding that necessary with regard to the purposes for which they are processed [...]."

24. According to recital (39) of the GDPR "personal data should be adequate, relevant and limited to what is necessary for the purposes for which they are processed. This requires, in particular, ensuring that the duration of

retention of data is kept to a strict minimum. Character data personal should only be processed if the purpose of the processing cannot be reasonably achieved by other means. In order to ensure that the data is not not kept longer than necessary, time limits should be set by the controller for erasure or for periodic review [...]. "

2. In this case

25. As for the administrative headquarters of [S1], it was explained to CNPD officials during the on-site investigation that the CCTV system is operated by Company B in as a subcontractor on behalf of the controller who is to be considered responsible of treatment²¹. It was confirmed that the purposes of setting up the system of video surveillance are the protection of company assets and the securing of access²².

26. With regard to the retention period of the images recorded by the CCTV cameras, it appears from the findings of CNPD agents that the oldest data dated from June 28, 2019, i.e. the duration of data retention was three months.²³

27. According to the head of the investigation, the said retention period for the data of video surveillance of three months exceeded that which was necessary to carry out the aforementioned purposes and for which the video surveillance device had been put in place. square. For this reason, the head of investigation was of the opinion that a non-compliance with the prescribed of article 5.1.e) of the GDPR was acquired on the day of the on-site visit (see communication grievances, Ad.A.3.). Therefore, he proposed to the Restricted Panel to order the controlled

21 See finding 7 of minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

22 See finding 8 of minutes no. [...] relating to the on-site visit carried out on September 27, 2019 with Company A.

23 See finding 12 of minutes no. [...] relating to the on-site fact-finding mission carried out on 27

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to implement a retention period policy for personal data personnel in accordance with Article 5.1.e) of the GDPR, in particular by not keeping the images from the video stream for a duration exceeding one week.²⁴

28. By letter dated February 28, 2020, the inspector specified that after verification with its subcontractor, the latter had found a programming error in the system video surveillance as being the source of the problem erasing the recordings. The controller confirmed that his subcontractor had, as a result, rescheduled the retention period to a maximum of 30 days and that, henceforth, the 30-day old recordings will be deleted automatically²⁵.

29. By letter dated August 25, 2020, the controller explained that the ABCD group had set the retention period for video recordings for all its entities to 30 days this to protect people and property from any incident that would cause damages, but also to preserve the evidence necessary for an action in justice. In addition, the control indicated that the reporting of offenses required a certain time and that the time for opening an investigation was well over a week in the majority of cases. In addition, as part of the legitimate interest of the ABCD group to protect property, acts of vandalism were not always detected immediately, but during [...] or a control of the buildings which take place periodically. Thus, the delay of a week did not allow the controller to be able to gather the evidence essential to a claim for compensation. The auditee also considered that, in

In practice, the access procedures put in place ensured that the recordings would not be used for purposes other than those declared, so that a period of retention of 30 days was a necessary period to fulfill the aforementioned purposes.

30. During the Restricted Panel hearing of November 27, 2020, Chief survey explained again that the one-week shelf life is referred only to the administrative headquarters of [S1] where the auditee's offices are located, because he considered that for the offices of the controlled a retention period of 30 days would not be justified, unlike the sites [...]. The controller reiterated his remarks contained in its letter of August 25, 2020, insisting that a retention period images from CCTV cameras a week ago would not be

24 See supplementary letter to statement of objections.

25 See also the photo of the program extract sent by mail from the audit dated February 28, 2020.

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sufficient, but that a shelf life of 30 days would be more realistic, especially for which are security issues.

31. The Restricted Committee recalls that it is the responsibility of the controller to determine, according to each specific purpose, a retention period appropriate and necessary to achieve that purpose. As mentioned above, the controlled considers that a 30-day retention period is necessary in order to achieve the purposes pursued, i.e. protecting controlled assets and securing access to its premises.

32. With regard to video surveillance, the CNPD considers that the images can be kept in principle for up to 8 days under the aforementioned principle of Article

5.1.e) GDPR. The data controller may exceptionally, for reasons duly justified, keep the images for a period of 30 days. A duration of storage longer than 30 days is generally considered to be disproportionate.²⁶

33. In the event of an incident or violation, the Restricted Panel is of the opinion that the images may be kept beyond this period and, if necessary, be communicated to the competent judicial authorities and law enforcement authorities competent to establish or prosecute criminal offences.

34. While the Restricted Formation may understand the need for controlled to keep the images from video surveillance for 30 days, it notes however, during the on-site visit by CNPD officials, the duration was three months, which greatly exceeded the time necessary to achieve the objectives continued.

35. Based on all of these elements, the Restricted Panel concludes that at the time of the on-site visit by CNPD officials, Article 5.1.e) of the GDPR was not not respected by the controller.

II. 2. On corrective measures and fines

26 See CNPD Guidelines (Point 4.7.), available at: <https://cnpd.public.lu/fr/dossiers-themes/videosurveillance/necessite-proportionnalite.html>.

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1. Principles

36. In accordance with article 12 of the law of 1 August 2018, the CNPD has the power to adopt all the corrective measures provided for in Article 58.2 of the GDPR:

- "(a) notify a controller or processor of the fact that the operations of the envisaged processing are likely to violate the provisions of this regulation;
- (b) call a controller or processor to order when the processing operations have resulted in a breach of the provisions of this Regulation;
- (c) order the controller or processor to comply with requests submitted by the data subject with a view to exercising their rights under this these regulations;
- d) order the controller or the processor to put the operations of processing in accordance with the provisions of this Regulation, where applicable, of specific manner and within a specified time;
- (e) order the controller to communicate to the data subject a personal data breach;
- f) impose a temporary or permanent restriction, including prohibition, of processing;
- g) order the rectification or erasure of personal data or the limitation of processing pursuant to Articles 16, 17 and 18 and the notification of these measures to the recipients to whom the personal data have been disclosed pursuant to Article 17, paragraph 2, and Article 19;
- (h) withdraw a certification or order the certification body to withdraw a certification issued pursuant to Articles 42 and 43, or order the body to certification not to issue certification if the requirements applicable to the certification are not or no longer satisfied;

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- (i) impose an administrative penalty under section 83, in addition to or in addition to

instead of the measures referred to in this paragraph, depending on the characteristics specific to each case;

j) order the suspension of data flows addressed to a recipient located in a third country or an international organisation. »

37. In accordance with article 48 of the law of 1 August 2018, the CNPD may impose administrative fines as provided for in Article 83 of the GDPR, except against of the state or the municipalities.

38. Article 83 of the GDPR provides that each supervisory authority shall ensure that the administrative fines imposed are, in each case, effective, proportionate and deterrents, before specifying the elements that must be taken into account to decide whether an administrative fine should be imposed and to decide on the amount of this fine :

“(a) the nature, gravity and duration of the breach, taking into account the nature, scope or the purpose of the processing concerned, as well as the number of data subjects affected and the level of damage they suffered;

b) whether the breach was committed willfully or negligently;

c) any action taken by the controller or processor to mitigate the damage suffered by the persons concerned;

d) the degree of responsibility of the controller or processor, account given the technical and organizational measures they have implemented pursuant to sections 25 and 32;

e) any relevant breach previously committed by the controller or the subcontractor ;

f) the degree of cooperation established with the supervisory authority with a view to remedying the breach and to mitigate any negative effects;

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g) the categories of personal data affected by the breach;

h) the manner in which the supervisory authority became aware of the breach, in particular whether, and to what extent the controller or processor notified the breach;

(i) where measures referred to in Article 58(2) have previously been ordered against the controller or processor concerned for the same purpose, compliance with these measures;

(j) the application of codes of conduct approved pursuant to Article 40 or certification mechanisms approved under Article 42; and

k) any other aggravating or mitigating circumstance applicable to the circumstances of the species, such as the financial advantages obtained or the losses avoided, directly or indirectly, as a result of the breach”.

39. The Restricted Committee wishes to specify that the facts taken into account in the context of this decision are those found at the start of the investigation. The possible changes relating to the data processing under investigation

subsequently, even if they make it possible to establish in whole or in part the conformity, do not make it possible to retroactively cancel a breach noted.

40. Nevertheless, the steps taken by the controller to put themselves in compliance with the GDPR during the investigation process or to remedy the shortcomings noted by the head of investigation in the statement of objections, are taken taken into account by the Restricted Training in the context of any corrective measures to pronounce.

2. In this case

2.1. Regarding the imposition of an administrative fine

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41. In its supplementary letter to the statement of objections of 10 August 2020, the head of investigation proposed to the Restricted Panel to impose a fine administrative to the control of an amount of 1,900 euros.

42. In its response to said additional letter of August 10, 2020, the audited maintained in particular that he had quickly carried out all the corrective measures recommended subject to the retention period of 30 days and that he misunderstood why he would be liable to an administrative fine.

43. In order to decide whether to impose an administrative fine and to decide, where applicable, the amount of this fine, the Restricted Panel takes into account the elements provided for in Article 83.2 of the GDPR:

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As to the nature and seriousness of the breach (Article 83.2.a) of the GDPR), the Restricted Formation notes that with regard to breaches of Articles 5.1.c) and e) of the GDPR, they constitute breaches of the principles fundamentals of the GDPR (and data protection law in general), to know the principles of data minimization and the limitation of the data retention set out in Chapter II "Principles" of the GDPR.

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As for the duration criterion (article 83.2.a) of the GDPR), the Restricted Training notes that these shortcomings have persisted over time, at least since the May 25, 2018 and until the day of the on-site visit. The Restricted Formation reminds here that two years separated the entry into force of the GDPR from its entry into

application to enable data controllers to comply with the obligations incumbent on them, even if the obligations to respect the principles of conservation minimization and limitation already existed in application of articles 4.1. b) and d) of the repealed law of 2 August 2002 relating to the protection of individuals with regard to the processing of personal data personal.

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As for the number of data subjects (Article 83.2.a) of the GDPR), the Restricted Formation finds that

o with respect to the breach of Article 5.1.c) of the GDPR in relation to at the sites of [S3] and [S4], are concerned, on the one hand, passers-by using

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public roads, and on the other hand the owners of the land neighbours;

o with respect to the breach of Article 5.1.e) of the GDPR in relation to at the administrative headquarters of [S1], all employees working at the administrative headquarters, as well as all third parties, i.e. customers, suppliers, service providers and visitors visiting said site.

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As to whether the breaches were committed deliberately or not (by negligence) (article 83.2.b) of the GDPR), the Restricted Panel reminds that “not deliberately” means that there was no intention to commit the

breach, although the controller or processor has not complied with the duty of care incumbent upon it under the law.

In this case, the Restricted Committee is of the opinion that the facts and breaches observed do not reflect a deliberate intention to violate the GDPR on the part of the controlled.

As for the degree of cooperation established with the supervisory authority (Article 83.2.f) of the GDPR), the Restricted Training takes into account the assertion of the head of investigation that the co-operation of the auditee throughout the investigation was good, as well as than its desire to comply with the law as soon as possible.

44. The Restricted Committee notes that the other criteria of Article 83.2 of the GDPR are neither relevant nor likely to influence its decision on the taxation an administrative fine and its amount.

45. The Restricted Committee also notes that while several measures have been implemented place by the auditee in order to remedy in whole or in part certain shortcomings, these were only adopted following the inspection by CNPD officials on September 27, 2019.

46. Consequently, the Restricted Committee considers that the imposition of a fine administrative is justified with regard to the criteria laid down by article 83.2 of the GDPR for breaches of articles 5.1.c) and e) of the GDPR.

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47. With regard to the amount of the administrative fine, the Restricted Panel recalls that paragraph 3 of Article 83 of the GDPR provides that in the event of breaches

multiple, as is the case here, the total amount of the fine cannot exceed the amount fixed for the most serious violation. To the extent that breaches of article 5 of the RGPD are reproached to the controlled, the maximum amount of the fine being able to be retained amounts to 20 million euros or 4% of the worldwide annual turnover, the highest amount being retained.

48. In view of the relevant criteria of Article 83.2 of the GDPR mentioned above, the Restricted Formation considers that the pronouncement of a fine of 1,900 euros appears both effective, proportionate and dissuasive, in accordance with the requirements of Article 83.1 of the GDPR.

2.2. About taking corrective action

49. The adoption of the following corrective measures was proposed by Chief of investigation to the Restricted Training in its additional letter to the statement of objections:

“a) Order the controller to process only personal data relevant, adequate and limited to what is necessary in relation to the purposes of protection of property and securing access and, in particular, adapting the video device so as not to film the public road, for example by "blacking out" partially the cameras named " [...]", " [...]", " [...]" and " [...]" installed on the site of [S3] and the camera called " [...]" installed on the site of [S4].

b) Order the data controller to implement a privacy policy retention period of personal data in accordance with the provisions of e) of Article 5 of the GDPR, not exceeding the duration necessary for the purposes for which they are collected, and in particular by not keeping images from the video stream for a period exceeding one week. »

50. The Restricted Training takes into account the steps taken by the
checked, following a visit by CNPD officials, in order to comply with the provisions
Articles 5.1.c) and e) of the GDPR, as detailed in his letters of February 28, 2020
and August 25, 2020. More specifically, it takes note of the following facts, which have been

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confirmed by the controller during the Restricted Training session of November 27
2020:

- As to the obligation to only process data that is relevant, adequate and
limited to what is necessary for the purposes indicated in accordance with the
provisions of Article 5.1.c) of the GDPR, the controller has adapted the
video surveillance so that the public road and surrounding land are no longer
filmed, in particular by blurring parts of the public road and land
neighbours. The annexes to the audit letter of February 28, 2020 contain
photos showing the blurring of the areas in question.
- As for the establishment of a retention period policy for data to be
personal character in accordance with the provisions of Article 5.1.e) of the GDPR, the
controlled adapted, after the on-site visit by CNPD agents, the duration of
retention of data from the video surveillance system from 3 months to 30
days. The annexes to the letter of February 28, 2020 from the auditee contain a
photo showing that the CCTV system settings have been
modified in the sense that the retention period has been limited to 30 days.

51. In consideration of the compliance measures taken by the control in
case, the Restricted Panel considers that there is no need to pronounce measures

corrections to it.

In view of the foregoing developments, the National Commission sitting

in restricted formation and deliberating unanimously decides:

- to pronounce against the company "Company A" an administrative fine of one

amount of one thousand nine hundred euros (1,900 euros), with regard to the violation of articles

5.1.c) and e) of the GDPR.

Thus decided in Belvaux on May 12, 2021.

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For the National Data Protection Commission sitting in formation

restraint

Tine A. Larsen Thierry Lallemand

Marc Lemmer

President

Commissioner

Commissioner

Indication of remedies

This administrative decision may be the subject of an appeal for review in the

three months following its notification. This appeal is to be brought before the administrative court.

and must be introduced through a lawyer at the Court of one of the Orders of

lawyers.

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