

Deliberation MEDP-2023-001 of April 13, 2023 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Thursday April 20, 2023 Deliberation of the office of the National Commission for Computing and Liberties No. MEDP-2023 -001 of April 13, 2023 deciding to make public formal notice No. MED-2023-018 of April 3, 2023 issued against the Ministry of Economy, Finance and industrial and digital sovereignty

The office of the National Commission for Computing and Liberties, meeting on April 13, 2023 under the chairmanship of Mrs Marie-Laure DENIS; In addition to the President of the Commission, Mrs Sophie LAMBREMON, Deputy Vice-President, and Mr François PELLEGRINI, Vice-President; Having regard to Regulation (EU) 2016/679 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 and on the free movement of such data; Considering the law n ° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms, in particular its article 20; Having regard to Decree No. 2019-536 of May 29, 2019 taken for the application of Law 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 Computing and Liberties; Having regard to decision no. MED-2023-018 of April 3, 2023 of the President of the Commission giving formal notice to the Ministry of the Economy, Finance and Industrial and Digital Sovereignty (Ministry of the Economy); Adopted the following deliberation: By decision of April 3, 2023, the Chairperson of the Commission, on the basis of Article 20 of the Law of 6 January 1978 as amended, served formal notice on the Ministry of the Economy, located at 139, rue de Bercy in Paris (75572 cedex 12), to put an end within a period of 6 (six) months to the breaches observed in this same law relating to the lawfulness of the processing, the distinction between the data of different categories of data subjects and the information of the persons. regularly convened the Bureau of the Commission for the purpose of ruling on its request to make its decision public. by the flagrant illegality of a file implemented on behalf of the State and whose purpose is in particular to search for offences: the information system for the intelligence of ships and crews (SIRENE) used by the local unit coast guard "Channel-North Sea-Atlantic" (MMNA) which systematically registers people checked at sea or at the dock. In addition, the office notes the particularly large number of people likely to be affected by the treatment in question and this systematic surveillance since the MMNA coastguards have automatic access to a great deal of information when they are near vessels equipped with an AIS ("automatic identification system") transponder. This is the case for most commercial vessels, and in the case of pleasure craft, only the owner is

included in the SIRENE file, but the agents participating in the control can randomly include all the occupants in the file. The delegation observed that 45,973 people, including 392 minors, were included in the SIRENE file. private life and has as its purpose, in particular, the investigation of offences. Indeed, the local coastguard unit MMNA collects and integrates into the SIRENE file data relating to the identity and movements of passengers on the ships checked, in particular information on their marital status, address, profession, function on board the vessel, information relating to the ownership or rental of the vessel, and their geolocation. The delegation noted that the SIRENE file contained copies of 9,646 passports and 3,051 national identity cards. the protection of personal data in the context of large-scale data collection. Consequently, the office of the National Commission for Computing and Liberties decides to make public the decision n ° MED-2023-018 of the President of the CNIL giving formal notice to the Ministry of the Economy. The office recalls that this formal notice is not in the nature of a sanction. If the organization complies in all respects with the requirements of the formal notice within the time allowed, it will be subject to a closure which will also be made public. Finally, both the aforementioned formal notice decision and the present deliberation will no longer allow the organization to be identified by name after the expiry of a period of two years from their publication. President Marie-Laure DENIS