

Deliberation SAN-2021-014 of September 15, 2021 National Commission for Computing and Liberties Nature of the deliberation: Sanction Legal status: In force Date of publication on Légifrance: Thursday September 16, 2021 Deliberation of the restricted committee n°SAN-2021-014 of 15 September 2021 concerning the **New Society of the French Directory (SNAF)**

The National Commission for Computing and Liberties, meeting in its restricted formation composed of Messrs Alexandre LINDEN, President, Bertrand du MARAIS, Member, and Mesdames Anne DEBET and Christine MAUGÜE, members; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 relating to the protection of personal data and the free movement of such data; Having regard to Law No. 78-17 of January 6, 1978 relating to data processing, files and modified freedoms, in particular its articles 20 and following; Having regard to decree no. January 1978 relating to data processing, files and freedoms; Having regard to deliberation no. 2013-175 of July 4, 2013 adopting the internal regulations of the National Commission for Data Processing and Freedoms; Having regard to decision no. 2019-133C of 26 June 2019 from the President of the National Commission for Computing and Liberties to instruct the Secretary General to carry out or have carried out a mission to verify the processing carried out by this body or on behalf of the Société nouvelle of the French directory; Having regard to decision n° MED 2020-017 of July 21, 2020 giving formal notice to the New Society of the French directory; Having regard to the decision of the president of the National Commission for Computing and Liberties appointing of a rapporteur before the restricted training, dated April 12, 2021; seen the referrals n ° 18011796, 18013215, 18015831, 18016541, 18019128, 18020503, 18020676, 18022147, 18024212, 18024300, 19000390, 19003400 19004724, 19008218 and 19014490; Having regard to the report of Mrs. Sophie LAMBREMON, commissioner-rapporteur, notified to the Société nouvelle de l'annonce français on May 27, 2021; Having regard to the email and observations sent by the company on June 2 and July 6, 2021 ;Given the other documents in the file;Were present at the restricted committee meeting of July 8, 2021:- Mrs. Sophie LAMBREMON, commissioner, heard in her report;As representative of the **Société nouvelle de l'annonce français**: - [...];The Société nouvelle de l'annonce français having spoken last;The restricted committee adopted the following decision:I. Facts and procedure1. The New Company of the French directory (hereinafter "the company" or the "SNAF") is a simplified joint-stock company with a share capital of 5,000 euros, located at 87 rue des Pyrénées in Paris (75020). It has an activity of advertising management and manages the website annoncefrancais.fr. Its president is its only employee. In 2018, it achieved a turnover of around [...], for a net result of around [...]. In 2019, the company's turnover amounted to [...] with a net profit [...].2. **The website annoncefrancais.fr is a professional directory listing French companies and which draws up, for each**

of them, a presentation sheet containing its main administrative information, in particular the name and address of its manager. These data come exclusively from the public SIRENE database published by INSEE on its website. About once a month, the company manager manually downloads the file made available by INSEE and compares the new list with the one previously published on the company's website to update his database. Company managers can create an account on the site, to access a personal space allowing them to subscribe to the company's commercial offers offering a personalized presentation of their company.<sup>3</sup> Between March 1, 2018 and May 16, 2019, the National Commission for Computing and Liberties (hereinafter "the CNIL" or "the Commission") received sixteen complaints (No. 18011796, 18013215, 18015831, 18016541, 18019128, 18020503, 18020676, 18022147, 18024212, 18024300, 19000390, 19001882, 19003400, 19004724, 19008218 and 19014490) concerning the directory website personal.<sup>4</sup> A control mission was then carried out by the CNIL with the company, pursuant to decision no. 2019-133C of June 26, 2019 of the President of the Commission.<sup>5</sup> The purpose of this assignment was in particular to verify compliance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on data protection (hereinafter "the GDPR" or "the Regulation") and of the modified law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms (hereinafter "the modified law of January 6" or "the Data Protection Act") of the processing implemented by that body or on its behalf.<sup>6</sup> The chairman of the company was summoned by letter dated July 17, 2019, received on July 20, 2019, to a hearing, pursuant to article 19-III of the aforementioned law, which was held on September 5, 2019. In addition, an online check was carried out on September 3, 2019. The report of the online check was notified to the company by letter dated September 9, 2019.<sup>7</sup> At the end of the inspection by hearing, the company was asked to communicate to the CNIL, within eight days, all the exchanges that took place between the complainants at the origin of the inspection procedure and the company, as well as a copy of an example of a response to a request for erasure, a count of the number of individual companies present in the "PROFESSIONAL 3" table of the company's database, a copy of any contractual document framing the commercial relationship with [...] and a copy of any contractual document governing the commercial relationship [...]. The minutes of the hearing were notified to the company by post on September 9, 2019.<sup>8</sup> As the company did not produce the requested elements within the time limit set at the end of its hearing, a follow-up email was sent to it by the CNIL services on September 23, 2019, granting it an additional period of eight days to bring the requested items.<sup>9</sup> On October 4, 2019, the company only partially responded to the CNIL's requests by providing only the documents framing its commercial relationship with [...]. In addition, the company questioned the CNIL

about the legality of the dissemination of data collected by INSEE and about the personal nature of the data processed. She also highlighted a conflict between her and [...]. Finally, it specified that it "has excluded specific requests" transmitted by the CNIL without specifying the subject of these requests and without providing any supporting documents.<sup>10</sup> Many exchanges then took place between the company and the Commission departments, without the company responding effectively to the requests made following the inspection. The CNIL thus sent a reminder on October 7, 2019 specifying in particular that the documents concerning [...] were only hypertext links. In response, the company sent an email the same day in which it indicated that it was going to respond to the CNIL's requests, which it however did not do, which led the CNIL to proceed with a new follow-up. on October 10, 2019. The company provided elements of response on October 15 and 16, 2019 in connection with the handling of complaints and on the contracts requested, but without providing the supporting documents requested.<sup>11</sup> On October 16, 2019, the Commission's services sent a letter noting that the company had not provided any supporting documents concerning the exchanges between the complainants and the company.<sup>12</sup> By decision No. MED 2020-017 of July 21, 2020, notified on July 21, 2020 and received on July 23, 2020, the President of the Commission gave notice to the SNAF, within two months, to: "- proceed to the information of the persons concerned, in accordance with the provisions of Articles 12, 13 and 14 of the Regulation, with regard to the processing of personal data put in place, and in particular to deliver complete information to the persons, and this, in a document or separate medium from the general conditions of use of the site in order to ensure its easily accessible nature by also providing specific information to entrepreneurs whose data has been collected from the INSEE databases; - proceed with the rectification of the data of the complainant concerned and put in place a procedure to effectively take into account any request to exercise the right of rectification and updating made by persons whose data personal data appear in the company's database;- delete the data of the complainants concerned ([...]) and put in place a procedure to effectively take into account any request to exercise the right to deletion of persons whose personal data appear in the company's database; - implement a register of processing activities; - transmit the elements requested at the end of the report n ° 2019-133/2 not yet communicated; - justify to the CNIL that all of the aforementioned requests have been complied with, and this within the time limit." <sup>13</sup>. It was stated in the formal notice that if, at the end of the two-month period, the company had complied with the formal notice, the procedure would be closed and a letter would be sent to the company in this regard. Conversely, if the company does not comply with the formal notice, a rapporteur would be appointed by the President of the Commission, a rapporteur who could ask the restricted committee to rule against the company on one of the

measures provided for in article 20 of the amended law of January 6, 1978. 14. As the update remained unanswered, a reminder letter was sent by the president of the CNIL on November 19, 2020, granting the company an additional 15 days to respond to the formal notice.<sup>15</sup> On December 17, 2020, the company sent an email to the CNIL services in which it indicated that it had handled all the complainants' requests individually, without provide supporting documents. He then explained that he did not have the means to "automatically manage deletion requests".<sup>16</sup> On March 6, 2021, the company sent a new email to the CNIL services in which it established a list of the files corresponding to the various referrals received by the CNIL and where it indicated the treatment granted to each of them and their current status. . This reply did not include any justification.<sup>17</sup> For the purposes of examining these elements, the President of the Commission, on April 12, 2021, appointed Mrs. Sophie LAMBREMON as rapporteur, in accordance with Article 39 of Decree No. 2019-536 of May 29, 2019.<sup>18</sup> At the end of her investigation, the rapporteur had a bailiff serve on the Société nouvelle de l'annonce français, on May 27, 2021, a report detailing the breaches of the GDPR that she considered constituted in this case. The letter notifying the report informed the company that the file was registered for the restricted training session of July 8, 2021.<sup>19</sup> This report proposed that the restricted committee of the Commission impose an administrative fine.<sup>20</sup> On June 2, 2021, the company sent an email to the CNIL services. She supplemented her email with observations of July 6, 2021.<sup>21</sup> The company and the rapporteur presented oral observations during the session of the restricted committee.

II. Reasons for decision

A. On the notion of personal data<sup>22</sup>

Article 4.1 of the GDPR defines "personal data" as "any information relating to an identified or identifiable natural person".<sup>23</sup> The company expressed doubts as to the personal nature of the data processed and, therefore, as to the competence of the Commission. According to the company, the data it publishes in its directory are not subject to Regulation 2016/679 of the European Parliament and of the Council of April 27, 2016 on the grounds that they are not personal data but data relating to companies.<sup>24</sup> The rapporteur considers that the information on these pages contains data which has the character of "personal data" within the meaning of the GDPR since it allows direct identification of a natural person.<sup>25</sup> The Restricted Committee notes that the files relating to the companies referenced in the directory accessible from the company's website include, in particular, the surnames, first names and addresses of natural persons when they have the status of autoentrepreneur or when 'they exercise a liberal profession without being a member of an exercise structure. Therefore, the data present on the files relate to an identified natural person and thus have the character of "personal data" within the meaning of the GDPR.<sup>26</sup> In this regard, the Restricted Committee observes that the CNIL has consistently adopted this

position for many years. It indicated in this sense, as early as 1985, that "are directly nominative: information relating to managers, whatever the form of the company, as well as information relating to voters in the context of the organization of consular elections; information relating to the name of the company, when it is a company in name" (deliberation n° 85-45 of October 15, 1985). The Council of State also affirms that personal data is data which allows direct identification of a natural person (see in this sense the Council of State decision, 10th SSJS, 30 December 2015, n° 376845, § 8).<sup>27</sup> The Restricted Committee therefore considers that the data processed by the Société nouvelle de l'annonce français are personal data within the meaning of Article 4.1 of the Regulation and that the provisions of the Regulation are applicable to the processing carried out by the company.

B. On the qualification of the facts with regard to the general regulation on data protection<sup>1</sup>. On the failure to comply with requests for rectification of data<sup>28</sup>. According to Article 16 of the GDPR "the data subject has the right to obtain from the controller, as soon as possible, the rectification of personal data concerning him which are inaccurate" .<sup>29</sup> It emerges from the observations of the CNIL delegation that, when the company receives requests for rectification from entrepreneurs whose data appear on the site uairefrancais.fr, a comparison is made between the data in the SIRENE database and the data corporate identity listed on the company's website. It was also established that the company only granted requests for rectification of data when a difference was noted between the file present on the site annoncefrancais.fr and the SIRENE database. If the sheets on the site and the SIRENE database were identical, the company refused to proceed with the rectification of the data.<sup>30</sup> On September 13, 2017, [...] (request no. 18020503) sent a request for rectification of his address to the Société nouvelle de l'annonce français. He specified that the address given on the form was that of his personal residence and not his professional address. Noting that the information on his company's file was still inaccurate, [...] contacted the company again on January 23, 2018. He subsequently lodged a complaint with the CNIL on October 10, 2018, this data n still not rectified.<sup>31</sup> The company was given formal notice by the President of the Commission, by decision of July 21, 2020, within two months, to rectify the data of the complainant who seized the CNIL. It was also given formal notice, within the same period, to put in place a procedure to effectively take into account any request to exercise the right of rectification and updating made by persons whose personal data appear in the company's database.<sup>32</sup> The rapporteur notes in her sanction report that on the day of the inspection, 3 September 2019, i.e. two years after her request, [...]s company file still presented inaccurate information, the company thus disregarding its obligations to the with regard to article 16 of the GDPR.<sup>33</sup> The company indicates that, on July 6, 2021, it deleted all data relating to [...].<sup>34</sup> The Restricted Committee notes

that [...] alerted the Société nouvelle de l'annonce français, in September 2017, of the inaccuracy of some of the data mentioned on the file of its company published on the site [annoncefrancais.fr](http://annoncefrancais.fr).<sup>35</sup> Although the company told him, as of September 13, 2017, to take his request into account, the Restricted Committee notes that the complainant, in the absence of rectification of his data, sent a reminder to the company in January 2018, then lodged a complaint with the CNIL in October 2018. During the inspection carried out by the delegation in September 2019, the company had still not rectified the complainant's personal data. In July 2020, the president of the CNIL subsequently gave the company formal notice to rectify, within two months, the data of [...]. The Restricted Committee notes that this request was again not acted upon, as the company did not provide a satisfactory response to the formal notice. In addition, the Restricted Committee notes that the rapporteur specifies in her sanction report of 25 May 2021 that the informal checks carried out at the time of its drafting revealed that the complainant's file still included the address of his personal residence, the request for rectification had therefore still not been taken into account.<sup>36</sup> The Restricted Committee was informed, by letter dated July 6, 2021, that the company had finally granted the complainant's request.<sup>37</sup> The Restricted Committee holds, in any event, that despite the various steps taken by the complainant and the CNIL services, the company did not comply at the expiry of the deadline set in the formal notice of July 21 2020.<sup>38</sup> Under these conditions, and in view of the foregoing, the Restricted Committee considers that the company has failed in the obligation provided for in Article 16 of the Regulations.<sup>2</sup> On the failure to comply with data erasure requests<sup>39</sup>. According to Article 17 of the GDPR "the data subject has the right to obtain from the controller the erasure, as soon as possible, of personal data concerning him and the controller has the obligation to erase such personal data without undue delay, where one of the following grounds applies [...] the data subject objects to the processing pursuant to Article 21(1) and there is no overriding legitimate grounds for the processing".<sup>40</sup> In addition, Article 21(1) provides that "the data subject has the right to object at any time, for reasons relating to his or her particular situation, to the processing of personal data relating to him or her based on Article 6(1)(e) or (f), including profiling based thereon. The controller shall no longer process the personal data, unless he demonstrates compelling legitimate grounds for processing that overrides the interests and rights and freedoms of the data subject, or for the establishment, exercise or defense of legal claims". Finally, Article 6(1)(f) provides that "processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, unless such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data, in particular when the data subject is a child".<sup>41</sup> The CNIL's delegation of

control has established that the company receives requests to exercise the right to erasure by telephone, by post, by email and by an online form. During the check on September 5, 2019, the delegation was informed that these requests were normally processed as they were received, but that they had not been since April 2019, "due to operational difficulties". It was thus noted, during the check on hearing, in the inbox of the company's emails, the presence of 135 requests for the deletion of data not read and not processed by the manager of the company. The oldest had been received on 3 May 2019, more than four months before the hearing.<sup>42</sup> The delegation also noted, in the context of the online check of September 3, 2019, that, among the pages whose deletion had been requested from the company by the complainants who seized the CNIL, five were still present, on the day of the check, on the company's website and that they contained the personal data of the complainants (the pages marked with [...]). For three other complainants ([...]), if the files corresponding to their establishment had indeed been deleted, data concerning them, such as the professional activity and the department in which the company is located, remained accessible in index pages of the [www.annoncefrancais.fr](http://www.annoncefrancais.fr) site and thus always appeared when the complainants' names were entered during a search carried out on a search engine.<sup>43</sup> The company was given formal notice to proceed with the deletion of the data of the complainants concerned ([...]) and to put in place a procedure allowing effective consideration of any request to exercise the right to erasure of persons whose the personal data are contained in the company's database.<sup>44</sup> The rapporteur notes in her sanction report that the company did not, within the time limit, delete the data of all the complainants, the data of [...] still being accessible.<sup>45</sup> The company indicates, in a letter dated July 6, 2021, that it has reset its entire database and that it is now exclusively made up of data from the SIRENE directory distributed by INSEE. It specifies that the requests made by the people on the previous information disseminated on the site [uairefrancais.fr](http://uairefrancais.fr) were de facto canceled because this data was deleted during this update. From now on, the company only distributes the data published each month by INSEE, and previously updated by the latter.<sup>46</sup> The Restricted Committee considers that it follows from the aforementioned provisions of the GDPR that, when the processing has the legitimate interest of the data controller as its legal basis, the latter must grant the request for erasure made by the person concerned when that -ci has objected to the processing of his personal data and that the data controller does not demonstrate legitimate and compelling reasons justifying the processing.<sup>47</sup> The Restricted Committee notes that on the day of the findings, in eight of the sixteen complaints referred to in this procedure, the company did not provide an effective response to the requests made and the personal data in question remained accessible, directly in the company files published on the website.<sup>48</sup> In addition, the Restricted Committee notes

that the data controller does not invoke any compelling legitimate reason justifying that the processing it implements would take precedence over the rights of the complainants, while the data subjects have expressed their opposition to the processing and that they made a request for the erasure of their personal data.<sup>49</sup> The Restricted Committee also considers that the measures that the company announces that it has recently put in place in connection with the update of its database, which according to the latter would allow it to satisfy requests for the exercise of rights, are not sufficient to ensure that these requests are taken into account, since the data of **three complainants are still accessible on the site despite the update made.**<sup>50</sup> **The Restricted Committee holds, in any event, that the company did not comply at the end of the period set in the formal notice** of July 21, 2020.<sup>51</sup> **Under these conditions, the Restricted Committee considers that the company has failed in the obligation provided for in Article 17 of the Regulations.**<sup>3</sup> On the failure to implement a register of processing activities<sup>52</sup>. Article 30 of the GDPR provides that "each controller and, where applicable, the controller's representative shall keep a record of the processing activities carried out under their responsibility". This obligation cannot be imposed on companies with fewer than 250 employees, "unless the processing they carry out is likely to entail a risk for the rights and freedoms of the persons concerned, if it is not occasional [...]".<sup>53</sup> It emerges from the findings of the CNIL delegation that the company does not implement a register of processing activities.<sup>54</sup> The company was given formal notice on July 21, 2020 to implement a register of processing activities. However, it did not respond to this injunction in the context of the formal notice.<sup>55</sup> The rapporteur considers in her sanction report that the company has therefore breached its obligation under Article 30 of the GDPR.<sup>56</sup> The company produces no defense on this point.<sup>57</sup> The Restricted Committee notes that if the company has a single employee in the person of its president, [...], the processing implemented by the company is however not occasional since it constitutes the core of its activity. The company should therefore have implemented a register of its processing activities.<sup>58</sup> The Restricted Committee holds that the company did not comply at the expiry of the deadline set in the formal notice of July 21, 2020, or subsequently.<sup>59</sup> Under these conditions, the Restricted Committee considers that the company has breached the obligation provided for in Article 30 of the Regulation.<sup>4</sup> On the breach of the obligation to cooperate with the services of the CNIL<sup>60</sup>. Article 31 of the GDPR provides that "the controller and the processor as well as, where applicable, their representatives cooperate with the supervisory authority, at the latter's request, in the performance of its tasks. " .<sup>61</sup> The CNIL delegation noted that the company had not responded to all the requests it had made following the audit on September 5, 2019, but only to some, most of the time in an unsatisfactory or incomplete. Furthermore, it was noted by the delegation



that, in the company's email inbox, four emails from the CNIL dated November 13, 2017, January 16, 2018, January 29, 2018 and February 1, 2018, were not not open. Since these letters were not read by the data controller, no response was given to them.<sup>62</sup> The company was therefore given formal notice on July 21, 2020, in particular to communicate the documents requested during the audit. The formal notice also included other injunctions aimed at bringing the processing into conformity and respecting the rights of individuals.<sup>63</sup> The rapporteur maintains in her sanction report that the company responded only very partially to the request for communication of documents from the delegation of control, despite numerous exchanges, and that the company did not comply with the requirements of the formal notice within the time limit, which constitutes a breach of the obligation to cooperate provided for in Article 31 of the GDPR.<sup>64</sup> In defence, the data controller expressed difficulties in managing the resulting workload. However, he claims, in a letter dated July 6, 2021, to have spent almost a full month "responding to the same thing" to the CNIL services, considering that he had complied with the GDPR.<sup>65</sup> Firstly, the Restricted Committee notes that the thirteen exchanges between the company and the CNIL did not lead to the communication of all the documents requested during the hearing of September 5, 2019 (documents mentioned below). above in paragraph 7). However, multiple reminders were sent to the company in September and October 2019 by the CNIL services, without success, and the last letter sent by the CNIL by an email dated November 8, 2019 remained unanswered. At the end of these numerous exchanges, on all of the requests formulated by the CNIL, the company communicated only the specific rental conditions of [...], the conditions of use of [...], an indication - without proof - of the state on the site of the French directory of the sheets corresponding to the sixteen referrals received by the CNIL and a screenshot of the page for downloading the SIRENE databases of companies from the site data.gouv.fr. Thus, no response was provided on the exchanges between the complainants and the company, the communication of a copy of a response to a request for deletion of a file and the count of the number of individual companies present in the "PROFESSIONAL 3" table of the company's database.<sup>66</sup> Secondly, the Restricted Committee notes that, despite the various exchanges and reminders in the context of the investigation of the formal notice, no satisfactory response was given to the five injunctions formulated in this context.<sup>67</sup> Under these conditions, the Restricted Committee considers that the company has breached the obligation provided for in Article 31 of the Rules.III. On the corrective measures and the publication of the sanction deliberation<sup>68</sup>. Under the terms of III of article 20 of the modified law of January 6, 1978: "When the data controller or its subcontractor does not comply with the obligations resulting from regulation (EU) 2016/679 of April 27, 2016 or from the this law, the president of the National Commission for Computing and

Liberties may also, if necessary after having sent him the warning provided for in I of this article or, if necessary in addition to a formal notice provided for in II, seize the restricted formation of the commission with a view to the pronouncement, after adversarial procedure, of one or more of the following measures: [...] 7° With the exception of cases where the processing is implemented by the State, an administrative fine not to exceed 10 million euros or, in the case of a company, 2% of the total worldwide annual turnover of the previous financial year, whichever is higher. mentioned in 5 and 6 of article 83 of regulation (EU) 2016/679 of April 27, 2016, these ceilings are increased to €20 million and 4% of said revenue respectively. The Restricted Committee takes into account, in determining the amount of the fine, the criteria specified in the same Article 83".<sup>69</sup>. Article 83 of the GDPR further provides that "each supervisory authority shall ensure that the administrative fines imposed [...] are, in each case, effective, proportionate and dissuasive" , before specifying the elements to be taken into account to decide whether to impose an administrative fine and to decide on the amount of this fine. <sup>70</sup>. On the imposition of a fine and its amount, the Restricted Committee considers that, in the present case, the aforementioned breaches justify the imposition of an administrative fine on the company.<sup>71</sup>. proposed by the rapporteur, the company argues in defense that the amount is excessive, given its financial capacities.<sup>72</sup> The Restricted Committee analyzes the criteria set out in Article 83 as follows.<sup>73</sup> First of all, the rest training inte notes the number of breaches and the fact that they constitute breaches infringing the rights of individuals and the fundamental principles of the protection of personal data, as well as the obligation to cooperate with the CNIL.<sup>74</sup>. Next, the Restricted Committee considers that these breaches have had direct consequences for the persons concerned, since sixteen complaints are at the origin of the procedure. In addition, while the difficulties encountered in exercising their rights led sixteen people to lodge complaints with the CNIL, the CNIL also noted that one hundred and thirty-five requests to exercise their rights had not been processed by the company. on the day of the check.<sup>75</sup>. The Restricted Committee also underlines the particularly long period during which the company was supported by the CNIL services, which sent it numerous requests within the framework of the control procedure, as well as a formal notice with a view to achieve compliance. Despite particularly long and meticulous support by the Commission's services, the company has not taken the measures to enable it to be in full compliance with the provisions of the GDPR. Above all, the company did not cooperate satisfactorily with the Commission services and this behavior appears deliberate.<sup>76</sup>. Finally, the Restricted Committee observes that while the company ended up taking certain measures to bring it into compliance with the GDPR, these only took place late, and only within the framework of the sanction procedure. In addition, the Restricted Committee notes that the

company does not comply with the requests of all the complainants, nor with all the injunctions of the formal notice.<sup>77</sup> All of these breaches and their seriousness justify the imposition of a fine.<sup>78</sup> With regard to the amount of the administrative fine, the Restricted Committee notes that in 2018 the company's turnover amounted to [...], with a net accounting result of [...]. In 2019, the company's turnover amounted to [...]with a net profit [...].<sup>79</sup> Therefore, with regard to the relevant criteria of Article 83, paragraph 2, of the GDPR mentioned above, the Restricted Committee considers that the imposition of a fine of 3000 euros appears effective, proportionate and dissuasive, in accordance with the requirements of the Article 83(1) GDPR with regard to the size of the company and its financial situation.<sup>80</sup> On the publication of the decision, the Restricted Committee considers that the seriousness of certain breaches justifies, in itself, the publication of this decision.<sup>81</sup> The Restricted Committee also recalls that the breaches have given rise to several complaints received by the CNIL and that the breaches in connection with the exercise of the rights of individuals are serious. It considers that the publication of its decision makes it possible to inform people of the existence of the breaches committed by the company. of three thousand (3,000) euros, with regard to the breaches of Articles 16, 17, 30 and 31 of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016; - make public, on the website of the CNIL and on the Légifrance website, its deliberation, which will no longer identify the company by name at the end of a period of two years from its publication. The chairman Alexandre LINDEN This decision is likely to be subject to a dev recourse before the Council of State within two months of its notification.