

Litigation Chamber

Decision on the merits 37/2021 of 16 March 2021

File number: DOS-2020-00310

Subject: Complaint for refusal to remove the mention of the title of nobility from the documents

ID and other official documents

The Litigation Chamber of the Data Protection Authority, made up of Mr Hielke

Hijmans, chairman, and Messrs. Yves Pouillet and Christophe Boeraeve, members, taking over the business

in this composition;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the

protection of natural persons with regard to the processing of personal data and the

free movement of such data, and repealing Directive 95/46/EC (general regulation on the

data protection), hereinafter GDPR;

Having regard to the law of 3 December 2017 establishing the Data Protection Authority (hereinafter LCA);

Having regard to the internal regulations as approved by the House of Representatives on December 20

2018 and published in the Belgian Official Gazette on January 15, 2019;

Considering the documents in the file;

made the following decision regarding:

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the complainant: Ms. X,

the defendant: Y, as representative of Y1

1. Facts and procedural history

1. In December 2015 and January 2016, the complainant approached her administration

municipality in order to be able to have an identity card drawn up without mentioning his title of

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nobility (Countess). The defendant considered that the request was not admissible in
the extent to which the title would, in its view, form an integral part of the name and should therefore
appear on the identity card.

2. In September 2016, the complainant requested a new passport from her municipality. In
In this context, she chose the option “title of nobility: optional” (her title did not appear
on earlier versions of their passport). However, shortly after his request,
the municipal administration contacts the complainant to inform her that the title
must be indicated on the passport.

3. By letter dated 28 March 2016, the predecessor of the DPA, the Commission for the Protection of
privacy (CPVP) questioned the defendant (more precisely the director general of
the Directorate General for Institutions and Population (DGIP)), on the mandatory or
optional mention of the title of nobility on the identity card.

4. By letter dated April 14, 2016, the defendant indicated that the insertion of the title of
nobility in the acts is mandatory and that it is therefore mentioned on the identity card
provided that it is included in the National Register of Natural Persons. To support his
say, the defendant relies on:

Article 1 of the Royal Decree of 26 January 1822 relating to titles of nobility and qualities;
the Elementary Treatise on Belgian Civil Law by Professor Henri De Page;
the Y2 FAQ.

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5. By letter dated July 12, 2016, the CPVP replied to the defendant that it was only joining
not the arguments developed in the letter of April 14, 2016 given that,
subsequent to the Royal Decree of 26 January 1822 relating to titles of nobility and qualities,
new legislation and decrees which must be taken into account have been adopted, namely:

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the law of 19 July 1991 relating to population registers, maps□

of identity, foreigner's cards and residence documents and amending□

the law of 8 August 1983 organizing a national register of persons□

physical, which specifies in its article 6, § 2, the data which must□

be mentioned on the identity card, among which are not found□

not explicitly titles of nobility;□

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the law of 8 December 1992 on the protection of privacy with regard to□

processing of personal data which stipulates in its□

article 4 § 1, 3° that “the data must be: (...) adequate,□

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relevant and not excessive in relation to the purposes for which they□

are obtained and for which they are subsequently processed (...)”.□

6. On September 30, 2016, the defendant requested the opinion of the Council of Nobility of the Y2 as to□

to the arguments raised by the CPP. This, in its opinion of January 18, 2017, joins the□

arguments developed by the defendant in its letter of April 14, 2016.□

7. The opinion of the Y3 was also requested by the defendant on March 8, 2017. The Y3□

agrees with the defendant's position.□

8. On May 9, 2017, the various departments concerned met. At the end of this□

meeting :□

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the Y3 reaffirmed the maintenance of the title of nobility on the acts of civil status, the title□

nobiliary forming an integral part of the name;□

according to the Y2, the title of nobility must be maintained on the passports;□

the CPVP, for its part, requested the deletion, at the request, of the mention of the title of□

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nobility on the identity card.□

No consensus could be reached.□

9. On May 16, 2017, the CPP, through a summary note, repeated the arguments□

justifying its position and proposed a solution consisting in systematically indicating the□

title of nobility on the identity card and passport, unless the person concerned requests that this□

title is not mentioned.□

10. A letter summarizing the various arguments formulated by the defendant and rejecting□

reasoned manner the solution proposed by the CPVP was then sent by the defendant to□

CPP (dated May 28, 2018), which forwarded it to the complainant on October 18, 2018.□

letter in question resumes the various arguments formulated by the defendant□

demonstrating that the solution proposed by the CPP cannot be followed.□

11. By letter dated March 24, 2019 addressed to the defendant, the complainant reiterates her request□

removal of the title of nobility from his identity card and passport, and proposes three□

solutions.□

12. The complainant also wishes that her title no longer appear on any document issued by□

administration.□

2. Legal basis□

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- Article 5.1.b of the GDPR□

“Personal data must be (...) collected for specific purposes,□

explicit and legitimate, and not further processed in a manner inconsistent with these□

purposes; further processing for archival purposes in the public interest, for research purposes□

scientific or historical or for statistical purposes shall not be considered, in accordance with Article 89,□

paragraph 1, as incompatible with the initial purposes (limitation of purposes)”□

- 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)”□

- Article 6.1 .e of the GDPR□

"The processing is only lawful if and insofar as at least one of the following conditions is□

met: (...) the processing is necessary for the performance of a task carried out in the public interest or falling within the□

the exercise of official authority vested in the controller.□

3. The arguments of the parties□

13. The defendant submits that the title of nobility is part of the name, and that it must therefore appear□

on identity documents. Any derogation would require a legislative amendment. The□

plaintiff considers on the contrary that the title is not part of the name, and that it is not□

necessary for its identification.□

14. The defendant points out that certain texts relating to civil status documents require the□

mention of the title. However, civil status certificates and identity documents must necessarily□

use the same information, on the basis of the necessary consistency between the register□

national and civil registers. Therefore, according to the defendant, the title must□

appear on both civil status certificates and identity documents.□

15. The Complainant argues that according to the European Court of Human Rights, the “right to□

name" implies the right not to have the integration in his name of mentions□

which is not part of it (the title). However, the defendant replies that the title is an integral part□

by name.□

16. According to the complainant, the mention of the title is a source of discrimination because it creates□

prejudices in the collective imagination. The defendant replies that the title is not a criterion□

protected constituent of social origin, in the sense of the law of May 10, 2007 tending to fight□

against certain forms of discrimination.□

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4. Motivation ☐

As a preliminary point, the Chamber notes that although the provisions of the GDPR mentioned below ☐
are not included in the submissions of the parties, the Litigation Division notes that the ☐
complaint is brought before it and, therefore, qualifies the legal arguments invoked and relating ☐
to the disputed facts set out in the complaint with regard to the GDPR, in the context of the dispute brought before ☐
it and in the context of the competences attributed to it. ☐

The Litigation Chamber specifies that this decision focuses on the identity card, and ☐
does not address the passport or other documents issued by the administration (such as the license ☐
driving, for example), insofar as the sole responsibility of the ☐
identity card defendant. ☐

4.1- Regarding the mention of the title next to the name on the identity card ☐

17. In the current state of the law, the Litigation Division finds uncertainty regarding ☐
the obligation or not to show the title next to the name on identity documents 1. ☐

Although the Royal Decree (AR) of 1822 relating to titles of nobility and qualities remains in effect ☐
of application, since it has not been repealed, it seems obsolete. It would seem that the use has ☐
subsequently introduced the insertion of the title on civil status documents. This use is particularly ☐
taken up by the Royal Decree of January 8, 2006² as well as that of February 3, 2019 relating to status documents ☐
civil³, which explicitly mention that the title must be indicated (the other legislative texts ☐
invoked do not comment on the mention of the title). ☐

18. However, the *lex specialis*, the law of 19 July 1991 relating to population registers, maps ☐
of identity, foreigners' cards and residence documents does not mention the title ☐
as an element that must appear on the identity card. Its article 6 § 2 indeed states: ☐

"§ 2. [8 The identity card and the foreigner's card contain, in addition to the holder's signature, ☐
personal information visible to the naked eye and electronically readable.]8 ☐

Personal information visible to the naked eye and electronically readable ☐
concern: ☐

1° the name;□

(2) the first two given names;□

(3) the first letter of the third given name;□

4° nationality;□

1 It should be noted at the outset that this question is different from the question of whether the title is an integral part of the name discussed below.□

2 Royal Decree of 8 January 2006 determining the types of information associated with the information referred to in Article 3, paragraph 1, of the Law of August 8, 1983 organizing a National Register of Natural Persons□

3 AR of 3 February 2019 fixing the models of extracts and copies of civil status documents□

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5° [8 ...]8 the date of birth;□

6° sex;□

7° the place of issue of the card;□

8° the start and end date of validity of the card;□

9° the name and number of the card;□

10° the photograph of the holder;□

11° (...); <L 2004-07-09/30, art. 95, 011; Effective: 25-07-2004>□

12° the National Registry identification number. »□

Insofar as this law specific to identity cards constitutes the *lex specialis*, as well as□

that by virtue of the hierarchy of norms, this law must take precedence over the Royal Decree of 1822.□

4.2- As to whether the title is an integral part of the name□

19. The question of whether the title is an integral part of the name is also debated. In□

Indeed, no normative text invoked by the parties takes a position on this subject (the RD□

aforementioned of 1822 only indicates that the title should appear next to the name, without□

explain that it is part of it). Recent case law⁴, however, seems to make the distinction□

between title and name.□

20. Insofar as the argument based on the right to the name (raised by the complainant to reject the integration in its name of its title) is directly linked to the question of whether the title is an integral part of the name or not, and that this aspect does not fall within the competence of the Litigation Division, this issue is not addressed in this decision.

21. The complainant also alleges discrimination related to the mention of her title on her card of identity, because of the collective imagination frequently associated with titles of nobility. The Litigation Chamber considers that although this does not fall within its direct competence, insofar as the "rules governing the protection of natural persons with regard to the processing of personal data concerning them should (...) respect their fundamental rights and freedoms", and that, moreover, the right to data protection is a fundamental right, aiming among other things to "contribute to the creation of an area of freedom, security and justice"⁵, this argument regarding discrimination can be taken considered by the Chamber, a fortiori insofar as the mention of the title is not

4 See in particular the C. App. Brussels, 2020-6638, 01 October 2020, p17-18

5 Recital 2 of the GDPR: "The principles and rules governing the protection of natural persons with regard to the processing personal data relating to them should, regardless of the nationality or residence of such persons physical, respect their fundamental rights and freedoms, in particular their right to the protection of personal data staff. This Regulation aims to contribute to the achievement of an area of freedom, security and justice and of a European Union economy, to economic and social progress, to the consolidation and convergence of the economies within the internal market, as well as the well-being of natural persons".

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necessary for the purpose of the processing pursued for an identity card (as set out below).

4.3- As for the consistency between the national register and the civil status registers

22. The defendant points out that certain texts relating to civil status documents (the RDs aforementioned of January 8, 2006 "determining the types of information associated with

information referred to in article 3 paragraph 1 of the law of 8 August 1983 organizing a register of natural persons” and the Royal Decree of 3 February 2019 “setting the models of extracts and copies of civil status documents”) require mention of the title in civil status documents. However, the defendant points out that civil status certificates and identity documents must necessarily use the same information, on the basis of the necessary consistency between the national register and the civil status registers. It also specifies that the intention of the legislator to reduce the discrepancies between these registers is all the clearer since the creation of the Bank of Civil Status Records (BAEC) in 2018, one of the purposes of which is to make updating the data of the National Register on the basis of the data it contains⁶. Through Consequently, according to the defendant, the title must appear both on the civil status certificates and on identity documents.

23. However, although it is sensitive to the need for consistency between the data appearing in the BAEC, in the national register and in the population registers, the Chamber Litigation, in its role as guardian of the GDPR and other laws relating to the protection data and privacy, recalls the fundamental importance of respecting the right to the protection of personal data. The GDPR thus enshrines in the same

6 Art. 72 of the law of 18 June 2018 laying down various provisions in matters of civil law and provisions with a view to promoting alternative forms of dispute resolution

“BAEC’s mission is:

1° to assist civil registrars and consular agents in the exercise of their legal missions in matters establishment and updating of acts and registers of civil status;

2° to guarantee as an authentic source the storage, preservation and availability of all state documents listed in the BAEC, without affecting the legal missions of the National Register as the authentic source of identification data of natural persons;

(3) to provide a service to citizens, wherever they may be;

4° to simplify administrative procedures via the obligation to reuse the documents and data available in the

BAEC;□

5° to assist the judiciary in the exercise of its missions;□

6° to provide for central and uniform control at the level of the establishment and keeping of documents, as well as the□
issuance of extracts and copies thereof;□

7° to allow the application of international treaties and agreements in matters of civil status;□

(8) to allow the establishment of aggregate and anonymous statistics relating to civil status;□

9° to ensure the conservation of civil status documents until the moment of their transfer to the [1 General Archives of the King
and State Archives in the Provinces]1;□

10° to provide for simultaneous updating of the data of the National Register on the basis of the data listed in the□

BAEC. »□

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Article 25 (Data protection by design and data protection by default)□

than :□

“1- Considering the state of knowledge, the costs of implementation and the nature,□

scope, context and purposes of the processing as well as the risks, including the degree of probability□

and severity varies, that the processing presents for the rights and freedoms of natural persons,□

the data controller implements, both at the time of determining the means of the□

processing only at the time of the processing itself, the technical and organizational measures□

appropriate, such as pseudonymization, which are intended to implement the principles□

relating to data protection, for example data minimization, in a way□

effective and to provide the processing with the necessary safeguards in order to meet the requirements of the□

this Regulation and to protect the rights of the data subject.□

2- The controller implements the technical and organizational measures□

appropriate to ensure that, by default, only personal data that is□

are necessary with regard to each specific purpose of the processing are processed.□

This applies to the amount of personal data collected, to the extent of their□

processing, their retention period and their accessibility. In particular, these measures ensure that, by default, personal data is not made accessible to an indeterminate number of natural persons without the intervention of the natural person concerned.”

4.3.1- As regards compliance with the principles of minimization and finality (article 5.1.c. and article 5.1.b GDPR)

24. In its capacity as data controller, the defendant is required to comply with the data protection principles and must be able to demonstrate that these are respected (principle of responsibility – article 5.2. of the GDPR). Moreover, it must always in its capacity as data controller, implement all necessary measures for this purpose (Article 24 of the GDPR). Article 5.1.b) of the GDPR enshrines the principle of finality, either the requirement that the data be collected for specific, explicit purposes and legitimate and not further processed in a manner inconsistent with these purposes. It is in the light of the purpose that other principles may also apply. devoted to Article 5 of the GDPR, including the principle of minimization, according to which only adequate, relevant and limited data to what is necessary for the purpose may be processed (article 5.1.c) of the GDPR).

25. In other words, each processing of personal data pursues its purpose own. Processing carried out in the context of a family composition document or election notice does not pursue the same purpose as processing carried out in the context of Decision on the merits 37/2021 - 9/15 of an identity card. The purpose pursued in this context of the identity card is in the identification of the person concerned.

26. In application of the principle of finality, the Litigation Chamber is of the opinion that the logic of a concordance between the national register and the civil status documents does not imply that the The complainant's title must appear on her identity card. Indeed, the fact that the title of the

complainant is included in the BAEC does not imply that each document whose data are generated on the basis of the BAEC must necessarily include exhaustively the data present in this database. As indicated above, the data included of the BAEC should be selected according to the purpose of the generated document (and also keeping in mind the principle of minimization -see next point-). this applies a fortiori to the identity card, a document used on a regular basis and for purposes diverse in everyday life.

27. The notion of necessity is also included in Article 6.1.e of the GDPR⁷, which provides that "the processing is necessary for the performance of a task carried out in the public interest or of the exercise of official authority vested in the controller" (we emphasize). This notion of necessity must be read in conjunction with the principle of minimization of data (5.1.c of the GDPR -see above-), which must be "adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed". The purpose of the mentions of personal data on the documents of identity and on civil status documents is the identification of the person concerned. It suits therefore to question the extent to which the mention of the title is necessary to identification of the complainant.

28. The CJEU recalled in its judgment *Huber*⁸ that the concept of necessity is a "concept autonomous from Community law which must be interpreted in such a way as to meet fully to the purpose of this Directive as defined in Article 1(1) thereof. this. (§52).

29. She also underlined that "(...) it is up to the authority responsible for a register [...] to ensure that the data stored is, where necessary, updated, so that, on the one hand, they correspond to the actual situation of the persons concerned and, on the other hand, that superfluous data be deleted from said register. (§60) (emphasis added)

30. This case-law, admittedly formulated in the light of Article 7 of Directive 95/46/EC, is valid

for all the bases of lawfulness which retain this condition of necessity. She remains□

relevant today even though Directive 95/46 has been repealed since this□

7 Compliance with this Article of the processing in the present case is examined below in points 36 and following□

8 ECHR, Heinz Huber v. Bundesrepublik Deutschland, C-524/06, 16 December 2008□

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condition of necessity is maintained under the terms of Article 6.1 b) to f) of the GDPR. The article□

6.1 of the GDPR replaces article 7 of the directive, without the relevant provisions being□

modified.□

31. The Article 29 Group has also referred to ECHR case law to□

identify the requirement of necessity⁹ and concludes that the adjective “necessary” does not have the□

flexibility of terms such as "admissible", "normal", "useful", "reasonable" or□

“timely”.¹⁰□

32. The Litigation Division considers that the indication of the surname, first name, date and place of□

birth, as well as the national register number of the complainant are sufficient to identify her.□

The fact that until 2011, the mention of the noble title on the passport was optional□

also tends to demonstrate that the title is not necessary to identify the□

concerned person.□

33. The Litigation Chamber also considers that it is appropriate to distinguish, when assessing□

the need to mention the noble title, the identity card, in that it is a□

document required and used on a daily basis on a regular basis, civil status documents (such as□

family composition, for example). Insofar as the identity card is required to be□

used on a regular basis on a daily basis, it is advisable to be all the more vigilant that there is no□

appear only the information strictly necessary for identification.□

34. The Litigation Chamber considers that the mention of the title of nobility, in any case□

cause, on the identity documents, is not a statement strictly necessary for□

identification, and is therefore superfluous. Based on the principle of minimization (article□

5.1, c) of the GDPR), it is not necessary for the title to appear on the identity card.□

35. Overly, and without taking a position as to whether the title is part of□

integral to the name or not, the Litigation Chamber finds that the Royal Decree of 1822 relating to□

titles of nobility and qualities, requiring that the title be indicated next to the name (which□

indicates that the title of nobility is not the name but a complement to it), poses□

question with regard to article 5.1, c) of the GDPR (principle of minimization).□

4.3.2- As for the basis of lawfulness of the exercise of a mission of public interest (article 6.1.e of the□

GDPR)□

36. It is not disputed that there is indeed a processing of personal data in□

the head of the defendant. Insofar as the processing in question is carried out by the□

9 Article 29 Group, Opinion 06/2014 of 9 April 2014 on the notion of legitimate interest pursued by the controller□

data within the meaning of Article 7 of Directive 95/46/EC, WP 217.□

10 ECHR, 25 March 1983, Silver and others v. United Kingdom, para 97.□

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defendant in its capacity as an organ of the Belgian State, it is appropriate to question the basis□

lawfulness of the processing and its compliance with Article 6.1.e of the GDPR.□

37. The Litigation Chamber considers that the assessment by a data controller of the□

lawfulness of the processing carried out on the basis of its mission of public interest (which, as a reminder, must be□

"necessary for the performance of a mission of public interest or relating to the exercise of□

public authority vested in the controller) cannot be detached from the□

purpose pursued by the processing concerned, in this case, the identification of the person□

concerned.□

38. To assert the contrary would be tantamount to exempting the data controller from any examination□

the relevance of the data processed, even though the implementation of this principle□

founder of the data protection provided for in Article 5.1.c) of the GDPR is his responsibility□

quality of data controller.□

39. The Litigation Chamber is of the opinion that the only useful interpretation that is likely to give full effect to the notion of necessity as required by the case law of the ECHR and of the CJEU is that which consists in qualifying as “necessary for the performance of the mission of public interest”, the only data necessary for the purpose of identifying the person concerned. The mention of the title is not necessary for the respect of the execution of the mission of public interest of the defendant. Accordingly, the Litigation Chamber concludes that there is no basis of lawfulness for the processing on the part of the defendant, and consequently to a breach of Article 6.1.e of the GDPR.

4.3.3- Regarding the “opt out” system proposed by the complainant

40. The complainant further proposes an “opt-out” system, in which a holder of a title of nobility could request that the title be removed from their identity documents and civil status documents. In the absence of a request, the title would be systematically indicated. The defendant rejects this proposal, arguing in its submissions that it cannot operate individual processing and that the same regime must be applied to all holders of a noble title, at the risk of undermining the principles of legality, equality, and therefore of legal certainty.

41. It is apparent from the reading of the letter of 28 May 2018 from the defendant to the APD (exhibit 8 of the defendant) that the costs of adapting the defendant's computer system in order to automatically withdraw the title of nobility, in the event of a request to this effect, would be too high for an individual application. If the Litigation Chamber is sensitive to this argument, it nevertheless recalls that the Court of Markets previously considered that the argument taken by a bank of the technical difficulties and costs of adapting a computer program by inserting an acute accent on a customer name is not relevant. The Court also indicates that the computer programs used must meet Decision on the merits 37/2021 - 12/15

GDPR11 requirements. It is reasonable to think that this reasoning would apply

a fortiori in the title of nobility.□

42. In any event, the aforementioned letter of May 28, 2018 from the Respondent refers to□

also the possibility of a one-time manual modification in the file(s) concerned,□

but rejects this way of proceeding because the risk of error and forgetting would be too great. Gold,□

particularly in view of the defendant's indication that, as of the date of the letter,□

the only holder of a nobiliary title having made a request in this sense is the plaintiff, the□

risk of error related to manual manipulation in the computer system seems low.□

43. Finally, the Litigation Chamber emphasizes that although it does not consider it necessary in the□

case in point that the defendant adapts its computer system to allow a□

automated withdrawal of the title of nobility, it recalls that a technological obstacle, according to the□

context and to the extent reasonable and proportional, cannot prevent the exercise□

of one of his fundamental rights by a data subject.□

44. For the sake of completeness and in view of the technical arguments raised by the defendant,□

the Litigation Division draws the defendant's attention to the need to respect the□

data protection by design and data protection by default, founded in□

Article 25 of the GDPR¹². These concepts are among the cornerstones of the GDPR and the□

responsibility which is the heart of it, in article 5.2 in conjunction with article 24 GDPR. They□

are contained in Article 25 of the AVG mentioned above and are explained in more detail in□

recital 78 GDPR. The defendant therefore has an obligation to adopt the "measures□

appropriate technical and organizational measures to ensure that, by default, only data□

of a personal nature which are necessary with regard to each specific purpose of the□

treatment are treated" in addition to having integrated such measures from the design stage.□

45. In its Guidelines 4/2019 on data protection by design and□

data protection by default, the EDPB specifies that Article 25.1 GDPR implies that the□

data controllers must take data protection into account from the□

default design and data protection at an early stage when planning a□

11 C.App. Brussels, 2019/7537, 09 October 2019, p15

12 Art. 25 GDPR:

1. Considering the state of knowledge, the costs of implementation and the nature, scope, context and

purposes of the processing as well as the risks, the degree of probability and severity of which varies, that the processing presents

the rights and freedoms of natural persons, the controller implements, both at the time of determination

means of processing only at the time of the processing itself, appropriate technical and organizational measures,

such as pseudonymisation, which are intended to implement the principles relating to data protection, for

example the minimization of data, in an effective way and to match the processing with the necessary guarantees in order to respect

the requirements of this Regulation and to protect the rights of the data subject.

2. The controller implements appropriate technical and organizational measures to ensure that,

by default, only the personal data that is necessary in relation to each specific purpose of the processing

are processed. This applies to the amount of personal data collected, the scope of their processing, their

shelf life and accessibility. In particular, these measures ensure that, by default, personal data

personnel are not made accessible to an indeterminate number of natural persons without the intervention of the person

physically involved.

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new treatment. Data controllers must implement the protection

data from design by default before processing, and also continuously at the

duration of treatment, regularly reviewing the effectiveness of the chosen measures and

guarantees. These same principles also apply to existing systems that process

personal data¹³. In other words, the protection of their data

personal data is inherent (built-in) to the processing.

46. The CJEU has also underlined the importance of these concepts in its case-law and, in

particular in its Digital Rights Ireland ruling that the essence of section 8 of the

Charter of Fundamental Rights of the European Union requires that technical measures

and organizational measures are taken to ensure that personal data

are effectively protected against any risk of misuse and against any access□

and any unauthorized use¹⁴.□

5.□

Corrective measures and sanctions□

47. Based on the above analysis, the Litigation Chamber considers that by refusing to□

following the plaintiff's request to remove the mention of her title of nobility from her□

identity card, the controller has violated Article 5.1.c, 5.1.b and 6.1.e of the GDPR.□

48. Under Article 100 LCA, the Litigation Chamber has the power to:□

1° dismiss the complaint without follow-up;□

2° order the dismissal;□

3° order a suspension of the pronouncement;□

4° to propose a transaction;□

5° issue warnings or reprimands;□

6° order to comply with requests from the data subject to exercise these rights;□

(7) order that the person concerned be informed of the security problem;□

8° order the freezing, limitation or temporary or permanent prohibition of processing;□

9° order the processing to be brought into conformity;□

10° order the rectification, restriction or erasure of the data and the notification thereof;□

ci to data recipients;□

13 EDPB, Guidelines 4/2019 on Article 25, Data Protection by Design and by Default, Version 2.0, Adopted on 20 October 2020

p4□

14 CJEU, joined cases C-293/12 and C-594/12, Digital Rights Ireland, para. 40 and 66-67.□

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11° order the withdrawal of accreditation from certification bodies;□

12° to issue periodic penalty payments;□

13° to impose administrative fines;□

14° order the suspension of cross-border data flows to another State or an organization□

international;□

15° forward the file to the public prosecutor's office in Brussels, who informs it of the follow-up□

data on file;□

16° decide on a case-by-case basis to publish its decisions on the website of the Protection Authority□

Datas.□

49. It is important to contextualize breaches of Articles 5.1.c, 5.1.b and 6.1.e of the GDPR□

on the other hand with a view to identifying the most appropriate sanctions and/or corrective measures.□

In accordance with Article 83 of the GDPR, administrative fines must be□

"effective, proportionate and dissuasive". To this end, it is necessary in particular to take into account□

account of "the nature, gravity and duration of the violation"¹⁵. As indicated above, the□

principles of minimization (article 5.1.c) and finality (article 5.1.b) constitute stones□

cornerstones of the GDPR, a fortiori when combined with the principle of lawfulness (article 6 GDPR)□

and data protection by design and data protection by default, in□

that they fall under the fundamental principles of data protection. Bedroom□

Litigation also notes that the complainant has been trying since 2016 to have the□

mention of his title of nobility in his administrative documents, without success.□

50. Nevertheless, insofar as Article 83 of the GDPR is not applicable to the authorities□

public¹⁶, the Litigation Chamber considers that a reprimand constitutes the most□

more appropriate for the past breaches listed above, and orders for the future the implementation□

in compliance of the processing with the principles of purpose and minimization, by withdrawing the□

mention of the title of nobility on the identity card of the complainant.□

51. Given the importance of transparency with regard to the decision-making process□

and the decisions of the Litigation Chamber, this decision will be published on the website□

of the Data Protection Authority by deleting the data□

¹⁵ GDPR Article 83.2.a)□

16 Article 221 § 2 of the law of July 30, 2018 on the protection of individuals with regard to data processing

of a personal nature: "Article 83 of the Regulation does not apply to public authorities and their servants or agents

except in the case of legal persons governed by public law which offer goods or services on a market. »

direct identification of the parties and the persons cited, whether physical or

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morals.

FOR THESE REASONS,

THE LITIGATION CHAMBER

Decides, after deliberation:

- To impose a reprimand

- To order the compliance of the processing with the principles of purpose and minimization, in

removing the mention of the title of nobility from the identity card of the complainant, within a period of

30 days from the notification of this decision

-

to order the data controller to inform the Data Protection Authority by e-mail

data (Litigation Chamber) of the result of this decision within the same period via the address

email litigationchamber@apd-gba.be

Pursuant to Article 108, § 1 of the LCA, this decision may be appealed to the

Court of Markets (Brussels Court of Appeal) within 30 days of its notification,

with the Data Protection Authority as defendant.

(Sr.) Hielke Hijmans

President of the Litigation Chamber