

DELIBERATION n°2019-025 of FEBRUARY 28, 2019 National Commission for Computing and Liberties Nature of the

deliberation: Authorization Legal status: In force Date of publication on Légifrance: Wednesday March 27, 2019 Deliberation n°

2019-025 of February 28, 2019 authorizing the Institute de Recherche pour le Développement to implement personal data

processing for the purpose of a cross-border malaria observatory (Authorization request no. 2135463) Research for the

Development of an application for authorization concerning a cross-border malaria observatory; Having regard to Convention

No. 108 of the Council of Europe for the protection of individuals with regard to automatic processing of personal data; Having

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

natural persons with regard to the processing of data of a personal nature and to the free movement of such data, and

repealing Directive 95/46/EC" (General Data Protection Regulation); Having regard to Law No. 78-17 of 6 January 1978 as

amended relating to the information technology, files and freedoms, in particular its articles 8-II-8° and 54; Having regard to

decree n° 2005-1309 of October 20, 2005 as amended, taken for the application of law n° 78-17 of January 6, 1978 relating to

data processing, files and freedoms; Having regard to the file and its supplements, and in particular the impact assessment

relating to data protection produced on November 06, 2018.; On the proposal of Mrs. Valérie Peugeot, commissioner, and after

having heard the observations of Ms. Nacima BELKACEM, Government Commissioner, Makes the following observations: On

the controller The Research Institute for Development (IRD), a public scientific and technological establishment (EPST), is co-

supervision of the mixed research unit (UMR) ESPACE DEV. UMR ESPACE-DEV develops research on the spatial dynamics

characterizing eco-sociosystems. It implements this processing, within the framework of a partnership with the Institute of

Communication and Scientific and Technological Information in Health – Oswaldo Cruz Foundation ICICT-FIOCRUZ,

concerning malaria data. On the purpose The cross-border observatory of aims to: automatically integrate and harmonize

epidemiological data routinely collected by health services and relating to malaria cases in municipalities located on either side

of the border between French Guiana and Brazil; the automatic calculation of basic indicators for monitoring and helping to

interpret the epidemiological situation: time series and maps of the number of cases aggregated according to different time

units (day, week, month, year, etc.) and spatial (localities/districts, towns, countries, etc.); dissemination of information and

indicators via a website. The Commission considers that the purpose of the processing is determined, explicit and legitimate, in

accordance with the provisions of Article 5-1-b of the GDPR. The legal basis for the processing is the exercise of a mission in

the public interest, within the meaning of Article 6-1-e of the General Data Protection Regulation (GDPR). It considers that the

provisions of Article 8-II 8° and 54 of the law of 6 January 1978 as amended, which make processing involving data relating to health and justified, as in this case, by the public interest subject to authorisation. The Commission recalls that the processing of personal health data which will be implemented , for research purposes in the field of health, from the data collected within the framework of the observatory, are separate processing operations which will have to be the subject of specific formalities under Chapter IX of the "Computing and Freedoms ". On the data processed The data is rec collected routinely by organizations providing care in both countries: departmental prevention and health centers in Guyana and health and notification posts in Brazil. They are transmitted, associated with an identifier (composed of five digits and a letter) on a regular basis, to the service of the Delocalized Prevention and Care Centers (CDPS) of the Andrée Rosemon Hospital Center in Cayenne, French side and to the IT Department of the Universal Health System, Brazilian side (DATASUS), in charge of national systems malaria surveillance. The data selected to meet the purposes of the processing ("data of interest") are as follows: unique identifier of the patient; consultation and notification center; country and town of birth; date of consultation or under observation, type of consultation, date of release from observation, mode of release from observation; age; gender; presence or absence of social security coverage ; socio-professional category; level of education/training; probable place of infection (determined from the main places visited during the last weeks; country and towns of birth; locality of residence and probable locality of contamination (name, latitude, longitude); results of primary and secondary diagnoses (plasmodial species); results of syndromic surveillance of malaria. provisions of Article 5-1-c of the GDPR. These data, contained in the database of the CDPS service (Centre hospitalier de Cayenne, French Guiana) are transmitted to the IRD. ICIT/Fiocruz downloads them, on the Brazilian side, from the SIVEP-Malária malaria surveillance system, with DATASUS. The harmonization of French and Brazilian data is carried out within of the IRD in Cayenne. The harmonized data is then transferred to ICICT / Fiocruz in Rio de Janeiro. The transfer is carried out according to the conditions provided for in Chapter V of the GDPR, i.e. by signing a data controller contract at data controller in accordance with the standard contractual clauses adopted by the European Commission. On the recipients The recipients are the following: the international joint laboratory "Sentinela" (associating IRD, ICICT-FIOCRUZ and the University of Brazil); Pasteur Institute of Guyana; the regional health agency of Guyana; the inter-regional epidemiology unit (national public health agency) of Guyana; the mosquito control department of the territorial community of Guyana; the municipal health secretariat of Guyana; 'Oiapoque; the department in charge of indigenous health; the super-intendance of health monitoring of Amapà; the "public" in general. The public will be able to access spatially

aggregated data (at the level of localities, neighborhoods or groups of small localities close in space) and time (at the monthly level for the most detailed level). This dissemination meets one of the purposes, namely the dissemination of information and data via the Internet. Its objective is to enable the population to better understand the disease, to be able to prevent it and to be able to engage in a dialogue with the health authorities. A "member" profile gives access, for viewing and downloading, to all the processing results at their finest level of detail. It concerns the health monitoring and control bodies and the researchers involved in the implementation of the processing. The Commission considers that the categories of recipients do not call for observation. On information and the rights of individuals are informed of the processing of data concerning them by means of an information notice which is given to them at the time of their care within the health centers. of medical information from the Center Hospitalier de Cayenne. In Brazil, they are exercised with the Ministry of Health (service in charge of "mediation" concerning the actions of the Universal Health System (SUS), which includes the monitoring and analysis of malaria cases). Commission considers it necessary to complete the information notice in order to include all the rights mentioned in Article 13 of the General Data Protection Regulation. Information is also provided on the data distribution website (display of a window during the first connection). On security measures Two types of authorization profile are provided in order to manage access to data as need: the "public" profile and the "member" profile. The "public" profile does not require prior authentication and provides access to spatially and temporally aggregated data. This profile does not allow downloading of data. The "member" profile gives access, after authentication, to viewing and downloading pseudonymised data and to their finest spatial and temporal level of detail. the direct or indirect identification of persons is impossible, may be subject to access for the "public" profile. To claim that a data set is anonymous, the data controller must carry out an analysis allowing to demonstrate that its anonymization processes comply with the three criteria defined by Opinion No. 05/2014 on anonymization techniques adopted by the Article 29 group (G29) on April 10, 2014. Failing this, if these three criteria cannot be met, a study of the risks of re-identification must be carried out. Concerning users with a "member" profile, they authenticate themselves by means of an identifier and a password. The Commission recommends that a global review of authorizations be carried out regularly. With regard to the complexity of passwords and storage methods, the Commission recalls that the policy put in place must comply with deliberation No. 2017-012 of 19 January 2017 adopting a recommendation on passwords. Cross-border exchanges of data are carried out using cryptographic mechanisms. Access to the processing is done via secure protocols (SFTP, HTTPS, SSH) which guarantee the confidentiality of the data exchanged as well as the authentication of the source

and the recipient. The Commission recommends using the most up-to-date versions of these protocols possible. The data on the hard disks of the production servers are encrypted. Data consultation, creation and modification operations are logged. The Commission recommends that maintenance interventions be subject to traceability measures (recording in a daybook, for example). Regular backups are made. They are stored in a place that guarantees their security and availability. The Commission recalls that these must be tested regularly in order to verify their integrity. and that no regulatory provision justifies the application of a duration different from that usually recommended by the Commission. Access to the premises hosting the processing is restricted by means of alarms, keys, access badges and guarding. Subject to the previous observations, the security measures described by the data controller comply with the security requirements provided for in Articles 5.1.f and 32 of the GDPR. The Commission recalls, however, that this obligation requires the updating of security measures with regard to the regular reassessment of the risks. On the retention period of the data The coded unique identifier is kept for one year from the last consultation of the persons in health centers. Other data is kept for 10 years. The Commission considers that these data retention periods do not exceed the period necessary for the purposes for which they are collected and processed, in accordance with the provisions of Article 5- 1-e of the GDPR. Authorizes the Institut de Recherche pour le Développement, in accordance with this deliberation, to implement the processing described above. For the President, the Deputy Vice-President

Sophie LAMBREMON