

Deliberation 2022-040 of April 7, 2022 Commission Nationale de l'Informatique et des Libertés Nature of the deliberation:

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2022-040 of April 7, 2022 providing an opinion on a draft decree amending the decree relating to the implementation of a processing of personal data called declaration and identification of certain motorized vehicles (DICEM) (request for opinion no. 22000148) The National Commission for Informatics and freedoms, Seizure by the Ministry of the Interior of a request for an opinion relating to a draft decree amending the decree of May 15, 2009 authorizing the implementation of automated processing of personal data called DICEM (declaration and identification of certain motorized vehicles); 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 personal data and the free movement of such data, and repealing Directive 95/46/EC (general regulation on data protection); Having regard to law no. computers, files and freedoms; On the proposal of Mr. Alain DRU, commissioner, and after having heard the observations of Mr. Benjamin TOUZANNE, government commissioner, Issues the following opinion: In order to fight against nuisances and miscellaneous related to the use of non-approved machinery on the public highway, the legislator has provided for the obligation, for the owners of the machinery provided for in Article L. 321-1-1 of the Highway Code (moped, motorcycle, motor tricycle, etc.) to declare them and obtain an identification certificate when acquiring this type of vehicle (article L. 321-1-2 of the Highway Code). submitted for opinion to the National Commission for Computing and Liberties (hereinafter the Commission) has for o to modify the decree of May 15, 2009 authorizing the implementation of automated processing of personal data called declaration and identification of certain motorized vehicles (DICEM). On the purposes of the processing and the applicable regime The processing DICEM pursues the following purposes: to allow the persons concerned to make declarations of their machines; to allow the competent services to examine the declaration files and to issue an identification number for these machines as well as a certificate of secure declaration; to allow civil servants and soldiers of the national police and gendarmerie and municipal police officers to identify any offending owners. The Commission notes that the Ministry considers that the DICEM processing falls within the scope of Directive (EU) 2016/ 680 of April 27, 2016, known as the police-justice directive, as transposed in Title III of Law No. 78-17 of January 6 ier amended (hereinafter the Data Protection Act). Indeed, the Ministry considers that, although the first two purposes relate to the procedures for declaring motorized vehicles and issuing the corresponding certificates, these formalities would be necessary for the checks carried out by the internal security forces, so that the first two purposes include a consubstantial link with the

identification of offenders. However, the Commission considers that the first two purposes cannot fall within the purposes of preventing, detecting and prosecuting offenses on the sole ground that the competent authorities are to whom they are addressed and that these fall of the General Data Protection Regulation (GDPR). On the other hand, it is different from the processing carried out by these competent authorities in the context of the identification of possible offending owners; this processing will be subject to Title III of the Data Protection Act. It therefore considers that the draft decree will have to be updated, in particular with regard to the references to the provisions applicable to the rights of data subjects in Articles 5 and 6 of the draft decree.

On the use of the FranceConnect teleservice The Ministry specifies that the declaration procedure will be mainly secured by the use of the FranceConnect teleservice. Firstly, the Commission notes that the use of the FranceConnect teleservice is indeed optional, in accordance with Article 2 of the decree of November 8, 2018 relating to the teleservice called FranceConnect, when an alternative procedure is provided. It notes, however, that this alternative is based, in this case, on exchanges by email, thus requiring the collection of an email address, also mandatory for the use of France Connect, and that it would not be possible for a person concerned does not have to proceed with the declaration of its machine. , and/or the choice not to have an e-mail address, an unavoidable obstacle to carrying out certain procedures which are nevertheless mandatory. It is therefore up to the Ministry to ensure the maintenance of an alternative procedure to transmission by dematerialized means in order to allow access, under similar conditions, to the same service, the existence of spaces allowing the accompaniment of persons not being sufficient. The Commission notes that the Ministry undertakes to reflect on this point in order to find an appropriate solution

Secondly, the Commission notes that an automated check of the content of the fields to be completed is envisaged in order to ensure that the data entered complies with predefined management rules. Insofar as automatic field checks are not infallible, for example in the case of address validation application programming interfaces which may fail in the most unusual cases, the Commission invites the Ministry to limit the use of these checks and favoring the display of simple alerts to users in order to avoid any situation of user blocking. teleservice having been designed for the private and non-professional sphere. The Commission therefore invites the Ministry to integrate the more suitable ProConnect service as soon as it is implemented. The ministry confirms that an integration of the ProConnect service is well considered.

Finally, the Commission notes that a data analysis module allows statistical exploitation aggregated annually. It invites the ministry to ensure that the data produced is perfectly anonymous. Failing this, additional measures must be implemented in order to limit the risk of people being re-identified, in particular by limiting the level of detail of the data produced. Information of

people The Commission notes that information of people is currently issued within the general conditions of use (CGU) of the service. It welcomes the fact that a privacy policy, separate from the T&Cs, will soon be made available to users of the service in order to further highlight information relating to the protection of personal data. On data security and the traceability of actions The Commission takes note of the implementation of the processing in a secure environment which minimizes the possibilities of unwanted access to the database. However, with a view to defense in depth, the Commission recommends that this ci incorporates encryption measures in accordance with appendix B1 of the general security reference system (RGS). administrators and a valuation consisting of a check by six-monthly sampling. The Commission recommends that an integrity check be carried out on the data stored, for example ple by calculating a data fingerprint with a hash function compliant with appendix B1 of the RGS.Finally, it recommends that regular backup restoration tests be carried out.President Marie-Laure

DENIS