

Deliberation 2020-018 of January 30, 2020 National Commission for Computing and Liberties Nature of the deliberation:

Opinion Legal status: In force Date of publication on Légifrance: Saturday July 11, 2020 Deliberation No. 2020-018 of January 30, 2020 providing an opinion on the request for approval presented by the Center Hospitalier de Béziers, candidate for the hosting of personal health data

(Request No. 19004202)

The National Commission for Computing and Liberties, Seizure for opinion by the Minister for Solidarity and Health of the application file for approval of the Center Hospitalier de Béziers, candidate for the hosting of personal health data; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (general data protection regulations); Having regard to the public health code, in particular its articles L. 1110-4, L. 1111-8 and following and R. 1111-1 to R. 1111- 15-1; Having regard to the social security code, in particular its article L. 161-36-1; Having regard to law n° 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms; decree n° 2019-536 of May 29, 2019 taken for the application of law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms; Considering the file and its supplements; On the proposal of Mrs Valérie PEUGEOT, commissioner, and after having heard the observations of Mrs Nacima BELKACEM, government commissioner, Makes the following observations:

The National Commission for Computing and des Libertés is seized for opinion by the Minister for Solidarity and Health, in accordance with the provisions of Article R. 1111-10 of the Public Health Code, of the application for approval presented by the Center hospitalier de Béziers, candidate to the hosting of personal health data. The Commission must rule, in accordance with the said provisions, on the guarantees presented by the candidate for approval with regard to the protection of individuals with regard to the processing of health data at personal nature and security of these data. checks with any data controller in order to carry out any necessary verification operation, in accordance with the provisions of articles 19 of the law of January 6, 1978 as amended and 16 and following of decree n ° 2019-536 of May 29, 2019 taken for application of this law. Issuing the following opinion under these conditions: Candidate host: The candidate for approval is a public health establishment, the Center Hospitalier de Béziers. The candidate offers a service for hosting personal health data of PaaS type (Platform as a Service) where the candidate provides the client with services for the provision, operation and management of technical platforms intended to host applications containing personal medical data. The candidate does not use any subcontractor. The

candidate is a member of the Western Hérault Territory Hospital Group (GHT). The candidate offers these services exclusively to members of the West Hérault GHT. These services may include direct patient access functionality to hosted applications. information systems complies with the criteria required by the Commission. The procedure for managing personnel and authorizations complies with the criteria required by the Commission, subject to the following reservation:

- the access management policy mentions the use of generic accounts. In this respect, the Commission recommends that the use of generic accounts be limited to the strict minimum, be done under the control of the CISO and be associated with specific traceability tools. The Business Continuity Plan complies with the criteria required by the Commission, subject to the following reservation:

- the candidate potentially has three accommodation sites several kilometers apart (Montimaran, Perréal and Camille Claudel). However, the accommodation rooms are all located on the Montimaran site, even if the accommodation activity on the Perréal site is planned. A project to transfer an emergency room to the Perréal site is also underway;

- the Commission notes that the backups are encrypted with the AES-256 algorithm and that regular restoration tests are carried out. The backups are stored on disks in a specialized storage network. The traceability procedure complies with the criteria required by the Commission, subject to the following reservations:

- the candidate contractually transfers to his client the obligation to define a traceability policy for the actions carried out on the latter's equipment and applications;

- the technical traces of the equipment under the candidate's responsibility are collected, used and secured. However, the encryption algorithm for these traces is not specified;

- the retention period for these technical traces is set at one year, which is in accordance with the recommendations of the Commission. The rights of the persons concerned are respected in accordance with the requirements of the Commission:

- the contractual documents are up to date with the applicable texts (Article L. 1111-8 of the Public Health Code, amended by Law No. 2016-041 of January 26, 2016 on the modernization of our health system);

the candidate reports on his clients the information of the people and carries out his duty of advice by providing a model of information note annexed to the contract. The personnel concerned are trained in accordance with the requirements of the Commission, subject to the following reservations:

- training and awareness-raising are carried out when staff arrive and then every three years. The Committee recommends

training staff on an annual basis and taking into account the specificity of health data;

- the Committee recommends that a training session be carried out when a member of staff leaves, during which they will be reminded of their legal responsibilities, as well as their obligations in terms of confidentiality. Opinion of the Committee: In

favourFor the Chairperson

Deputy Vice-President Sophie LAMBREMON