Deliberation 2023-003 of January 12, 2023 National Commission for Computing and Liberties Nature of the deliberation: Other authorization Legal status: In force Date of publication on Légifrance: Tuesday January 24, 2023 Deliberation n° 2023-003 of January 12, 2023 authorizing the University Hospital Center of Rennes to implement automated processing of personal data for the purpose of a study on the practices of alerting professionals with regard to child abuse, entitled "ProVAC". (Request for authorization no. 922224)

The Commission Nationale de l'Informatique et des Libertés, Seizure by the University Hospital Center of Rennes of a request for authorization concerning the automated processing of personal data for the purpose of a study on the alert practices of professionals vis-à-vis - with regard to child abuse, entitled ProVAC; 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 to the free movement of such data, and repealing Directive 95/46/EC (general regulation on data protection); Having regard to law n° 78-17 of January 6, 1978 as amended relating to data processing, files and Freedoms (Data Protection Act, in particular its articles 66, 72 and following; Having regard to the favorable opinion of the Ethics and Scientific Committee for research, studies and evaluations in the field of health of September 8, 2022; Having regard to the file and its additions; On the proposal of Mrs Valérie PEUGEOT, commissioner, and after having heard the observations of Mr Benjamin TOUZANNE, government commissioner, Makes the following observations: On the controller The controller is the University Hospital Center (CHU) of Rennes. On the purpose of the processing and its character of public interest The purpose of the processing envisaged is the implementation of a study relating to the practices of alert of the professionals concerning violence against children entitled ProVac intended to: identify the parameters mentioned by the professionals directing the type of alert; to quantify the proportion of alerts sent by health professionals. This study aims, in the longer term, to: expose professionals confronted with situations of children in danger or at risk of be, the conduct currently followed by other professionals according to the facts brought to their attention and the type of alert transmitted, in order to encourage them to alert without losing any chance for the child; improve the alert system to intervene faster and more effectively by strengthening the knowledge of professionals who contribute to the protection of children. The Commission considers that the purpose of the processing is determined, explicit and legitimate, in accordance with Article 5.1.b) of the GDPR and that this processing has a purpose of public interest, in accordance with Article 66.I of the Data Protection Act. On the legality of the processing and the conditions allowing the processing of data concerning health The processing implemented by the Rennes University Hospital is

necessary for the performance of the mission of public interest with which it is invested. This processing is, as such, lawful under Article 6.1.e) of the GDPR. In addition, this processing, necessary for scientific research purposes, also fulfills the condition provided for in Article 9.2.j) of the GDPR allowing the processing of data concerning health. This research project is subject to the provisions of Articles 44.3° , 66.III and 72 and following of the amended law of January 6, 1978, which provide, in the absence of compliance with a reference methodology, that processing for the purposes of research, study or evaluation in the field of health can only be implemented after authorization from the Commission. On the points of non-compliance with the reference methodology concerned The application file mentions that the treatment envisaged complies with the provisions of the reference methodology MR- 004 with the exception of the procedures for informing the persons concerned. Apart from this exception, this processing must comply with the framework provided for by the reference methodology MR-004. On the special categories of data processed As a preliminary point, it is noted that the data reused within the framework of this study will come from: on the one hand, worrying information relating to minors in danger, provided for in article L. 226-3 of the code of social action and families (CASF), put implemented by the cells for collecting worrying information (CRIP) in the departments of Côtes d'Armor, Finistère, Ille-et-Vilaine and Morbihan; on the other hand, data from judicial reports made directly to the public prosecutor, under the conditions provided for in article L. 226-4 of the CASF, the judicial courts (TJ) of Saint-Brieuc, Brest, Quimper, Rennes, Saint-Malo, Lorient and Vannes. The data processed by the Rennes University Hospital will exclusively concern information and judicial reports brought to its attention. Only the following data will be processed: nature of the alert (judicial report or worrying information); age and sex of the victim; link of the author presumed facts with the victim; types of injuries; level of training of the victim; type of danger or risk to which the minor is exposed (physical, psychological, sexual violence, neglect, risky behavior, manifestations in the minor, parental difficulties) ;profession of the declarant.These data will be linked to a unique identification number of the participant.The Commission considers that the data whose processing is envisaged are adequate, relevant and limited to what is necessary with regard to the purposes of the processing, in accordance with the provisions of Article 5.1.c of the GDPR. On information and the rights of individuals Regarding the methods of information: In accordance with Article 69 of the Data Protection Act, the people from whom data is collected of a personal nature or about which such data are transmitted must be recipients of individual information. In addition, with regard to the participation of minors in a study, article 70 of the law specifies that exercise of parental authority are recipients of the information and exercise the rights of the person concerned by the processing. However, pursuant to Article 69 of the law and

Article 14.5.b) of the GDPR, the obligation to inform the data subject individually may be subject to exceptions, in particular in the event that the provision of such information would seriously compromise the achievement of the objectives of the processing. In such cases, the controller takes appropriate measures to protect the rights and freedoms, as well as the legitimate interests of the data subject, including by making the information publicly available. In this case, the controller specifies that the issuance of individual information to each of the persons concerned by worrying information or a judicial report would result in the refusal of participation by the courts and departmental units collecting the worrying information under study, in the name of professional secrecy to which these establishments are bound. Indeed, individual information intended for the legal representatives, who may be the presumed perpetrators of the violence, could inform them of the existence of such a procedure and compromise the safety of the child. Therefore, the CRIPs and TJs concerned made known their refusal to participate in the study if the methods of information resulted in calling into question their obligations of confidentiality and protection of children in danger. Also, with regard to the elements developed by the data controller and taking into account the purpose of the processing envisaged, the objective of which is to improve the management of mistreatment, an exception will be made to the principle of individual information for persons. Appropriate measures will however be taken. implemented by the data controller, in particular: the dissemination of information relating to the research project including all the information provided for by the GDPR:
on the website of the University Hospital of Rennes; on the website of the Brest University Hospital Center and that of the other hospitals in the region; on the websites of the four CRIPs involved in the study; by posting, within of the seven courts involved in the study. the pseudonymization of data at source, by the initial processing managers (TJ and CRIP); the limitation of the collection and access to pseudonymized data only to authorized persons (technicians of clinical study – TEC), placed under the authority of the TJ and CRIP by contract. Each TEC intervening on a collection site will have its own input spreadsheet, protected by password; the absence of conservation of the correspondence tables and the deletion of the data appearing in the input spreadsheets as soon as consolidation. registered in the public directory made available by the Health Data Platform. The Commission considers that these information methods are satisfactory with regard to the provisions of the GDPR and the Data Protection Act. rights: The persons concerned will be able to exercise their rights with the Data Protection Officer of the Rennes University Hospital. The Commission considers that these procedures for exercising rights are satisfactory with regard to the provisions of the GDPR and the Data Protection Act. accessors and recipients With regard to directly identifying data:

Only authorized persons, placed under the responsibility of the courts and departmental units for the collection of worrying information participating in the study, will have access to the identifying data of the people concerned by worrying information or a judicial report. These people will carry out the pseudonymisation of the data. With regard to indirectly identifying data: The people placed under the responsibility of the data controller will only have access to pseudonymised data. No correspondence table will be kept. The data controller must keep up-to-date documents indicating the competent person(s) within it to issue the authorization to access the data, the list of persons authorized to access this data, their profiles respective access and the procedures for granting, managing and controlling authorizations. These categories of persons are subject to professional secrecy under the conditions defined by Articles 226-13 and 226-14 of the Criminal Code. authorized and their access rights must be regularly reassessed, in accordance with the methods described in the authorization procedure established by the data controller. On data security and traceability of actions Firstly, the application file mentions that the processing envisaged complies with the security measures provided for in MR-004. The data controller has carried out and submitted in support of the authorization request an impact analysis relating to the protection of data specific to the envisaged processing. Investigators traveling to the collection sites will only have access to paper documents that do not contain directly identifying information. Workstations exclusively dedicated to data collection will be used. Access to workstations must require the user to log in to a nominative account and sessions must be automatically locked after a reasonable period of inactivity, for example five minutes. The workstations must have a firewall, and the installed software and operating systems must be updated. The data will be stored on USB keys, encrypted, and also dedicated to processing only. The secrets used must remain strictly personal to ensure that only the author of the file has access to them. The data will then be transmitted in the form of encrypted files. All algorithms and key management procedures must comply with appendix B1 of the general security reference system. In the case of a secret transmission, this must be done via a communication channel separate from that used for the data. Passwords must comply with deliberation no. 2022-100 of July 21, 2022 adopting a recommendation relating to passwords and other shared secrets. After consolidation of the data, physical destruction or secure erasure by means of specific software must be produced without delay for the USB keys used. For the analysis phase, the study data must be processed in a secure environment including at least state-of-the-art authentication, logging of access and actions carried out as well as data encryption. The security measures, which must be operational during the implementation of the processing, must meet the requirements provided for by articles 5.1.f) and 32 of the GDPR taking into account the risks identified by the

controller. It will be up to the latter to carry out a regular reassessment of the risks for the persons concerned and an update, if necessary, of these security measures. On data transfers outside the European Union No transfer of data outside of the European Union will be carried out within the framework of this study. On the retention period of the data The data of the study will be kept for three years in an active database from the date of entry and ten years in archiving. The Commission considers that these data retention periods do not exceed the periods 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, in accordance with this deliberation, the CENTER HOSPITALIER UNIVERSITAIRE DE RENNES to implement the aforementioned processing.The PresidentMarie -Laure DENIS