

Deliberation SAN-2020-001 of January 30, 2020 National Commission for Computing and Liberties Nature of the deliberation: Sanction Legal status: In force Date of publication on Légifrance: Friday February 07, 2020 Deliberation of the restricted committee no SAN-2020-001 of January 30 2020 relating to the injunction issued against company X by deliberation no. 2019-010 of November 21, 2019 Philippe-Pierre CABOURDIN, vice-president, and of Mrs Anne DEBET, Christine MAUGÜE and Sylvie LEMMET, members; Having regard to convention no 108 of the Council of Europe of January 28, 1981 for the protection of individuals with regard to automated processing personal data; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 relating to the protection of personal data and the free movement of this data; Having regard to law no. 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms, in particular articles 20 and following; Having regard to decree no. 2019-536 of May 29, 2019 taken for the 'law application no. 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms; Having regard to deliberation no. 2013-175 of July 4, 2013 adopting the internal regulations of the National Commission for Data Processing and Freedoms; deliberation no. 2019-010 of November 21, 2019 pronouncing a sanction against company x; Having regard to the elements transmitted by company X on December 20, 2019 and January 15, 2020; Having regard to the other documents in the file; After having deliberated, adopted the following decision: I. Facts and procedure Deliberation no. 2019-010 of November 21, 2019 ordered company X to take measures to effectively prevent excessive comments from being recorded in the PROGIBOS software , to inform people, to implement a procedure to ensure the effectiveness of the rights of opposition expressed by the people prospected and to supervise the relations between the company and its subcontractors. ts carrying out telephone prospecting campaigns by legal acts meeting the criteria set out in Articles 44 to 49 of Regulation 2016/679. This injunction was accompanied by a penalty of 500 euros per day of delay at the end of a period one month following the notification of the deliberation, the supporting documents of compliance must be sent to the restricted committee within this period. the restricted formation of the elements in order to justify its compliance with the injunction pronounced against it. she was in relation and an estimate of the company La Poste. The purpose of these documents was to justify the deployment of an automated system for managing objections expressed, the termination of contractual relations with call centers and the establishment of canvassing by post. January 6 2020, the Chairman of the Restricted Committee sent Company X a request for additional information relating, on the one hand, to the information communicated to persons whose data were not directly collected by the company

and, on the other hand, on the effectiveness of the opposition mechanism. On January 15, 2020, the company sent the chairman of the restricted committee new information in response. In particular, it produced a report of January 13, 2020 aimed at demonstrating the effectiveness of the opposition mechanism put in place. II. Reasons for the decision The Restricted Committee notes that the judicial officer's report of December 17, 2019 and of January 13, 2020 demonstrate that the information communicated to persons now complies with the requirements of Articles 12, 13 and 14 of Regulation 2016/679. prospecting and that an automated and efficient mechanism effectively prevents any further prospecting. It emerges from the observations made by the ministerial officer that the PROGIBOS software no longer allows free comments to be filled in. Finally, the letters sent to the centers of appeals demonstrate that the company no longer uses these subcontractors outside the European Union. Consequently, the Restricted Committee considers that the Company X complied with the injunction within the time limit and complied with the provisions of Articles 5, 12, 13, 14, 21 and 44 of Regulation (EU) No 2016/679 of April 27, 2016 relating to data protection. This decision will be made public as was deliberation no. 2019-010 of November 21, 2019. FOR THESE REASONS place to liquidate the penalty; to make public, on the CNIL site and on the Légifrance site, its deliberation, which will no longer identify the company by name at the end of a period of two years from its publication. The President Alexandre LINDEN