

Deliberation 2022-008 of January 20, 2022 National Commission for Computing and Freedoms Legal status: In force Date of publication on Légifrance: Friday February 18, 2022 NOR: CNIL2204530X of personal data implemented in the context of the protection of children and young adults under the age of twenty-oneThe National Commission for Computing and Liberties, 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 Regulation or GDPR);

Considering the modified law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms, in particular its article 8-I-2°.b); After having heard the report of Mr. Philippe GOSSELIN, commissioner , and the observations of Mr. Damien MILIC, Deputy Government Commissioner; Adopts a reference system relating to the processing of personal data implemented in the context of the protection of children and young adults under the age of twenty-and- one-year-old and appearing in the appendix.The PresidentMarie-Laure DENISANNEX

#### FRAMEWORK RELATING TO THE PROCESSING OF PERSONAL DATA IMPLEMENTED IN THE FRAMEWORK OF PROTECTION OF CHILDREN AND YOUNG ADULTS UNDER THE AGE OF TWENTY-ONE

Adopted on January 20, 2022<sup>1</sup>. Who is this reference aimed at?<sup>1</sup>/ This reference is intended for private or public bodies regardless of their legal form, hereinafter the bodies which host, host and/or support social, medico-social, educational and/or judicial minors and adults under the age of twenty-one (or even twenty-five for young people requiring special protection), hereinafter young adult(s) as well as , if applicable, their families. This reference system is likely to be of interest to the following organizations (non-exhaustive list): social assistance for children (ASE) in the departments; collection, treatment and evaluation units worrying information (CRIP) from the departments; local missions; social children's homes (MECS); socio-educational family placement centers (CPFSE); children's homes; maternal and child protection of departmental councils; social nurseries; early medico-social action centers (CAMSP); mother-child reception establishments (EAME); home help and support services (SAAD) for families in difficulty ;public or private establishments or services implementing educational measures ordered by the judicial authority or articles 375 to 375-8 of the Civil Code or concerning adults under the age of twenty-one or investigative measures prior to educational assistance measures provided for in the Code of Civil Procedure; specialized prevention services; services delegated to family benefits; social investigation services (SES); educational investigation and guidance services (SIOE); the educational investigation services (SIE); the hostels for young

workers (FJT); in general, all the private law associations created under the law of 1901 whose mission is to welcome, accommodate, accompany and the social, medico-social, educational and/or legal follow-up of minors and young adults under the age of twenty-one as well as, where applicable, their families; the bodies responsible for managing a basic scheme legally compulsory social security or the allowances, benefits and aid service mentioned in the social security code or the social action and family code<sup>2/</sup> In this context, these organizations are required to implement automated processing in whole or in part as well as non-automated processing of personal data as data controller, which subjects them to compliance with the rules relating to data protection. <sup>3/</sup> Organizations implementing processing in this context must ensure that they comply with: the provisions of the General Data Protection Regulation (GDPR) as well as those of the amended law of 6 January 1978 (LIL); other rules that may apply, in accordance with the regulations in force, in particular the code of social action and families (CASF), the code of public health (CSP), the code of criminal procedure (CPP), the civil code and the code of public archives.<sup>4/</sup> Are excluded from the scope of application of the repository, because of their specificities, the processing implemented by the departments within the framework of the adoption procedures.<sup>2. Scope of the reference system</sup><sup>5/</sup> This reference system relates to the processing of personal data routinely implemented by organizations in the context of the social, medico-social, educational and/or legal support that they provide to minors and adults under the age of aged twenty-one (or even twenty-five for young people requiring special protection) as well as, where applicable, their families.<sup>6/</sup> Its purpose is to provide organizations implementing such processing with a tool for assistance with compliance with regulations relating to the protection of personal data. <sup>7/</sup> Processing carried out by organizations in the context of social, medico-social, educational and/or legal support must be registered in the register provided for in Article 30 of the GDPR (see register model).<sup>8/</sup> This reference system is not binding. In principle, it makes it possible to ensure the compliance of the data processing implemented by the organizations with the principles relating to data protection, in a context of changing practices in the digital age.<sup>9/</sup> Organizations wishing to may do so.<sup>10/</sup> It is nevertheless their responsibility to justify the existence of such a need and the measures implemented to guarantee the compliance of the processing with the regulations. in terms of the protection of personal data, in particular during a control carried out by the services of the CNIL.<sup>11/</sup> It is, in any case, up to the actors concerned to ensure that they comply with the other regulations which can also be applied (eg: CASF, CSP, CPP).<sup>12/</sup> This reference system also helps to carry out a data protection impact assessment (DPIA).<sup>13/</sup> The organizations Users can also refer to the methodological tools offered by the CNIL on its website in order to facilitate the compliance of the processing

implemented. They will thus be able to define the measures to ensure the necessity and proportionality of their processing (points 3 to 7), to guarantee the rights of individuals (points 8 and 9) and to control their risks (point 10) . The organization may also rely on the CNIL guidelines on DPIA. If the organization has appointed one, the data protection officer (DPD/DPO) must be consulted.

3. Objectives pursued by the processing (purposes) 14/ The processing implemented must meet a specific objective and be justified with regard to the missions and activities of the organisations. 15/ Processing relating to reception, accommodation and/or social, medico-social, educational and/or legal support for minors and young adults as well as, where applicable, their families can be implemented in particular in order to: a) provide the services defined in the framework of a contract/project concluded between the organization and the legal representative of the minor or between the young adult and/or his legal representative and, if necessary, to ensure the management of the administrative file of the person concerned (management of appointments medical and/or social services, management of family visits, etc.); Examples (non-exhaustive list): the young adult contract (CJM) concluded with the ASE services of the departments; the employment contract concluded between the minor or young adult and the manager of a home for young workers (FJT); the project for the child established between the departmental services and the holders of parental authority provided for by the provisions of Article L. 223-1-1 of the CASF; the residence contract; the individual care document (DIPEC).c)b) to offer social, socio-educational, legal and medico-social support adapted to the difficulties encountered by the minor or young adult and, where appropriate, his family, in particular in the context of the development and implementation of a personalized project (article L. 311-3 of the CASF), monitoring in access to rights (p. ex. assistance in the procedures to be carried out) and, where appropriate, referral to competent structures; Examples (non-exhaustive list): ensure the implementation and monitoring of legal assistance measures; implement the actions prevention, protection, family mediation and parenting support; setting up actions and pathways for social and professional integration/integration; managing requests for places in establishments/homes; ensuring the implementation and the follow-up of acts aimed at the education of minors or young adults (schooling, training); support the young adult in the context of the procedure for access to a residence permit and, where applicable, application for asylum (translation, information and support regarding existing remedies in the event of refusal of the application, etc.). c) to exchange and share strictly necessary information, in compliance with the provisions of Article L. 1110- 4 of the CSP and provisions of the CASF, making it possible to guarantee the coordination and continuity of support and monitoring of people between social, medical and paramedical workers; d) to instruct, manage and, where applicable, pay legal social benefits or optional;

Examples (non-exhaustive list): driving license assistance; youth guarantee; RSA young worker; youth assistance fund (FAJ); home assistance; family support allowance (ASF); the young child reception benefit (PAJE); the allowance for single parents (API). ESA of the departments in accordance with the provisions of Articles L. 112-3 paragraph 5 and R. 221-11 of the CASF; f) to manage the collection, processing and evaluation of worrying information relating to children in danger by the CRIP of the departments in accordance with the provisions of articles L. 226-1 and following of the CASF , and if necessary to ensure the transmission:

information to the National Observatory for Children in Danger (ONPE) as well as the departmental child protection observatories (ODPE) in accordance with the provisions of Articles L. 226-3-3 of the CASF information relating to a minor and to his family between departments when this minor has been the subject in the past, under child protection, of worrying information, of a report or of care in a department other than the one in which he resides, in accordance with the provisions of Article L. 221-3 of the CASF.g) to investigate and manage requests, renewals, suspensions and, where applicable, withdrawals of approval of assistants family and maternal, in accordance with the provisions of Article L. 421-3 of the CASF; social assistance for children in accordance with the provisions of decree no. 2016-1352 of 10 October 2016 relating to the long-term and voluntary reception of a child by a third party provided for in article L. 221-2-1 of the CASF; i) to ensure the supervision and control of reception establishments and services minors in accordance with the provisions of Article L. 227-4 of the CASF and L. 2324-1 of the CSP, with regard to children under the age of six; j) to ensure the administrative management (number of places available, accommodation capacity of the establishment etc.), financial and accounting of the establishment, service or organization; Note: With regard to the administrative management of personnel, organizations can usefully refer to the reference system relating to processing of personal data implemented for the purposes of personnel management available on the Commission's website.k) to establish statistics, internal studies and satisfaction surveys for the purpose of evaluating the quality of activities and services and needs to be covered. Please note: As soon as these statistics, studies and evaluations fall within the scope of research, studies and evaluations in the field of health, the processing operations must comply with the provisions of articles 72 and following of the Data Protection Act. 16/ The information collected for the one of these purposes cannot in principle be reused to pursue an objective that would be incompatible with the initial purpose. Any new use of data must in fact respect the principles of protection of personal data, in particular the principle of the purpose of the processing (for example, the processing implemented for the purposes set out above must not

give rise to interconnections or exchanges other than those necessary for the accomplishment of these).<sup>4</sup> Legal bases of the processing<sup>17</sup> Each purpose of the processing must be based on one of the legal bases set by the regulations (article 6.1 of the GDPR). (see, for an explanation of the rule: The lawfulness of processing: the essentials of the legal bases provided for by the GDPR).<sup>18</sup> It is up to the data controller to determine the appropriate legal base(s) before any processing operation, after having carried out a reflection, which he can document, with regard to his specific situation and the context of implementation of the processing. Having an impact on the exercise of certain rights provided for by the GDPR, these legal bases are part of the information that must be brought to the attention of the persons concerned.<sup>19</sup> The table reproduced below aims to provide data controllers with assistance to identify the legal bases likely to be used in the most common cases.<sup>20</sup> These elements must be adapted to the specific situation of each organization concerned. Thus, for example, depending on whether the body in question is in the private or public sector, certain processing operations nevertheless serve the same purpose (for example, those linked to the instruction, management and, where applicable, the payment of aid optional) may be based on different legal bases (eg legitimate interest in the private sector, performance of a task in the public interest in the public sector). Please note: in the context of social and/or medico-social support, the Commission draws the attention of organizations to the need to exercise the greatest caution in the use of consent as a legal basis for their data processing. in particular with regard to the existing imbalance between the organizations and the persons concerned. In general, when this legal basis is retained, the data controller must ensure compliance with the conditions for obtaining consent and more particularly the free, specific, informed nature and unequivocal consent. In addition, it is recalled that the young adult or the legal representative of the minor who provides his consent may at any time withdraw it, ending the possibility of processing the data concerning him for the future.

Purposes	Possible legal bases (subject to different choices justified by a specific context which it is recommended to document)
Provide the services defined between the organization and the legal representative of the minor or the young adult and, if necessary, ensure the management of the administrative file of the data subject	Public bodies or legal persons under private law managing a public service
Performance of the contract or mission of public interest	Other private bodies
Performance of the contract or legitimate interests when the processing implemented exceeds what is necessary for the contract	Offering social, legal, socio-educational and medico-social support adapted to the difficulties encountered by the minor or young adult and, where applicable, their family, in particular within the framework of the development and implementation of a personalized project , follow-up in access to rights and, if necessary, referral to competent structures

Public bodies or p legal

persons governed by private law managing a public service Mission of public interest Other private organizations Legitimate interests Exchanging and sharing strictly necessary information to guarantee the coordination and continuity of support and follow-up of people between social, medical and paramedical workers Public organizations or legal persons governed by private law managing a public service Mission of public interest Other private bodies Legitimate interests Instructing, managing and, where applicable, paying legal or optional social benefits Legal aid Mission of public interest Optional aid Public bodies or legal persons governed by private law managing a public service Mission of public interest Other private organizations Legitimate interests Ensuring the assessment of the situation of the minor of the person concerned by the services of the ASE Legal obligation in accordance with the provisions of the decree of November 17, 2016 taken in application of decree n ° 2016-840 of June 24, 2016 relating to the procedures for the assessment of minors temporarily or permanently deprived of the protection of their family Managing the collection, processing and assessment of worrying information relating to children in danger in nominative form by the CRIPs of the departments and, if necessary, to ensure the transmission of information to the ONPE and the ODPE between departments Manage the collection, processing and evaluation of information of concern relating to children in danger Mission of interest public Ensure the transmission of information to the ONPE, the ODPE and between departments Legal obligation in accordance with the provisions of articles L. 226-3-3 and L. 221-3 of the CASF Investigate and manage applications and renewals, withdrawals and suspensions of approvals family and maternal assistants Legal obligation in accordance with the provisions of decree no. 2012-364 of 15 March 2012 relating to the reference system setting the criteria for the approval of assisted maternal stants and Decree No. 2014-918 of August 18, 2014 relating to the reference system setting the criteria for the approval of family assistants. Instructing and monitoring the long-term and voluntary reception by a third party of a child cared for by the child welfare service Mission of public interest Ensuring the supervision and control of establishments and services for minors Mission of public interest Administrative, financial and accounting management of the establishment, service or body Public bodies or legal persons governed by private law managing a public service Legal obligation (ex. : Decree No. 2012-1246 of November 7, 2012 relating to public budget and accounting management) Other private bodies Legal obligation (e.g. Regulation No. 2018-06 of December 5, 2018 relating to the annual accounts of legal entities private non-profit organization) Drawing up statistics, internal studies and satisfaction surveys for the purposes of evaluating activities, the quality of services and the needs to be covered Public bodies or legal persons governed by private law managing a public service Legal obligation or mission of public interest Other private bodies

Under the principle of minimization of data, the data controller must ensure that only the data strictly necessary for the pursuit of the purposes of the processing are actually collected and processed. The following categories of data relating to: a) the identification of minors and young adults, where applicable, their legal representatives; b) personal life; c) the professional and training path in the context of assistance with the professional integration of people; d) material living conditions; e) social security coverage; f) bank details, insofar as this information are necessary for the payment of a benefit; g) the social and medico-social assessment of the person concerned; h) the assessment of the minority situation; i) children in danger and worrying information; j) the type of support and the actions implemented; k) the identification of the people contributing to the social and medico-social care and the entourage likely to be contacted; l) the management of applications and renewals, withdrawals and suspensions of approval of maternal and family assistants; m) the instruction and follow-up of the long-term and voluntary reception by a third party of a child cared for by the child welfare service. In general, the data controller must only collect the data that he really needs and must only do so from the moment when this need materializes (for an illustration, see the table below in point 25).

5.2. The processing of the social security number (NIR), sensitive data and data relating to criminal convictions and offences<sup>23</sup>/ Certain categories of data call for increased vigilance due to their particularly sensitive nature. Benefiting from specific protection, they can only be collected and processed under conditions strictly defined by the texts. This is: the NIR, which is the subject of specific regulations and can only be recorded in the processing in the context of exchanges with health professionals or social security or provident organisations. In this respect, the Conseil d'Etat decree n° 2019-341 of April 19, 2019, taken after the opinion of the CNIL, determines the categories of data controllers and the purposes of this processing in view of which the latter may be implemented. implemented when they relate to data including the NIR (see also All about the NIR framework decree in the field of social protection); the national health identifier or INS (articles L. 1111-8-1 and R 1111-8-1 and following of the Public Health Code) which can only be used to list and find health data and administrative data relating to a person benefiting or called to benefit from health care or medico-social. The INS can only be used by professionals, establishments, services or organizations involved in prevention or care whose conditions of practice or activities are governed by the CSP (self-employed health professionals, health establishments, etc.) .), by professionals in the social and medico-social sector, by social or medico-social establishments or services or by professionals forming a care team within the meaning of Article L. 1110-12 of the CSP and intervening in the health or medico-social care of the user; data

relating to offences, criminal convictions and related security measures which can only be processed in certain cases and in compliance with the legal provisions relating to data on offenses (art. 46 of the LIL); For example, the following bodies are authorized to collect data relating to offences, criminal convictions and security measures as part of their mission to serve the public (non-exhaustive list): the CRIPs of the departmental councils, within the framework of worrying information relating to children in danger; the departmental councils within the framework of the requests and renewals of the approvals of maternal and family assistants (criminal record of the bulletin n° 2); the departmental councils within the framework of the instruction and the follow-up of the sustainable and voluntary reception of a child by a third party; the institutions or the public or private establishments, of education or professional training, authorized and boarding schools suitable for delinquent minors of school age mentioned in Articles 15 and 16 of Ordinance No. 45-174 of 2 February 1945 relating to delinquent childhood; authorized medical or medico-pedagogical establishments mentioned in Articles 15 and 16 of the aforementioned ordinance; the establishments or services implementing the educational measures ordered by the judicial authority pursuant to ordinance No. 45-174 of February 2, 1945 relating to delinquent childhood or articles 375 to 375-8 of the civil code or concerning adults under the age of twenty-one or investigative measures prior to educational assistance measures provided for in the Code of Civil Procedure and by the aforementioned ordinance. so-called sensitive data, which reveals alleged racial origin or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, genetic data, biometric data, data concerning health or data concerning the sex life or sexual orientation of a natural person. These data cannot be collected, except as provided for by the texts. PLEASE NOTE: Due to the extreme sensitivity of this data, the Commission points out that it must be collected and processed with the utmost care. They can only be collected if they are strictly necessary for social, socio-educational, medico-social and legal support and fall within the missions of the organization. In addition, their processing must be surrounded by guarantees: reinforced security measures, staff awareness of the processing of this data; strict clearance measures; impossibility of carrying out searches specifically on the basis of requests relating to this data, etc. Example n° 1: Data relating to health may be collected, provided that this data is collected for the purposes of: administering care, processing, medical diagnoses, preventive medicine or management of health services (article 44 of the Data Protection Act). The processing in which this data is integrated must be implemented by a member of a health profession or by another person on whom, by reason of his duties, the obligation of professional secrecy is imposed, the breach of which is repressed by article 226-13 of the penal code; or the delivery of a social benefit intended for the child/young adult/young



parent(s)/future mother, provided for by a legislative or regulatory text, provided that this information is strictly necessary for the delivery of the said service (article 9.2.h of the GDPR) (e.g.: in the context of the delivery of home help, information relating to the applicant's health may be collected by the departmental council in accordance with the provisions of Articles L. 222-1 et seq. of the CASF); or for examining applications and renewals of approvals for maternal and family assistants, in accordance with the provisions of Decree No. 2012-364 of 15 March 2012 relating to the reference system setting the criteria for the approval of childminders and decree no. 2014-918 of 18 August 2014 relating to the reference system setting the criteria for the approval of family assistants. When the collection of health-related data is necessary for the social support provided but does not fall within one of the three situations referred to above, this may exceptionally be provided after obtaining the consent of the young adult or the legal representative of the minor (p. ex. : a housekeeper or a social and family intervention technician can receive communication of a person's state of health when this information is necessary for the social support provided at home; the staff of a structure welcoming the minor or young adult can have knowledge of all useful information concerning the health of the child during his stay such as the medical treatments to be followed, the diseases contracted, the allergies, the possible health difficulties, precautions to take, vaccinations). In this respect, the data controller must ensure compliance with the conditions for obtaining consent and more particularly the free, specific, informed and unequivocal nature of the consent.

Example no. 2: As part of the assessment of the situation of the minority, information revealing the alleged racial origin or ethnic origin or even the religious beliefs of the persons concerned may be collected by the departmental councils when this information is necessary for the social assessment carried out by the services of the ASE and, in particular, to the statement of reasons for leaving the country of origin, in accordance with the provisions of the decree of November 20, 2019 issued in application of article R.221-11 of the CASF relating to the methods of assessment people presenting themselves as minors and temporarily or permanently deprived of the protection of their family. It also be collected data relating to religious beliefs subject to (cumulative conditions): being collected from the young adult or the minor's legal representative, after obtaining express consent. In the same way, the data controller must ensure that compliance with the conditions for obtaining consent and more particularly the free, specific, informed and unequivocal nature of consent; to be strictly necessary for the social and/or medico-social support provided.<sup>24/</sup> Consent should be distinguished as exception provided for by the GDPR authorizing the collection of sensitive data, consent as a legal basis or legal basis which legally authorizes the implementation of the processing. Example: In the context of social and medico-social support for minors or young adults, sensitive data, in

particular religious beliefs (cf. example n° 3), or even data which reveals the alleged racial origin or ethnic origin are likely to be processed by the data controller. Consequently, if the legal basis of the processing is based on the legitimate interest or the mission of public interest, the specific consent of the legal representative or the young adult must be obtained in order to be able to process this information.<sup>25/</sup> The table reproduced below provides illustrations of the data that the CNIL considers to be in principle adapted according to the purposes of the treatment.

**Data Categories**  
Examples of data For the identification of minors and young adults and, where applicable, their legal representatives

Surname, first name, gender, postal and email address, telephone number, date and place of birth, photograph.

The photograph should only be collected when it is strictly necessary with regard to the objective pursued (e.g.: to ensure the care of the right minor or to find the resident of a home who is withdrawn from the vigilance of the staff). Please note: the president of the departmental council may request the assistance of the State in the context of carrying out the procedure for evaluating the minority and in this context, the services authorized within the departmental council in charge of evaluation may in particular be recipients of the digitized image of the person concerned, in accordance with the provisions of article R.

221-15-4 of the CASF. Identification number of attachment to an organization: number member or beneficiary. NIR, under the conditions set by decree no. 2019-341 of April 19, 2019. Nationality of the beneficiary in the form French/EU/non-EU. The precise nationality of the person concerned may also be collected when this information is strictly necessary:

- the assessment of the situation of the MNA minority by the departmental councils;
- the placement of the minor or young adult and in particular in order to avoid the risks associated with possible violence;
- support for young adults in the context of their application for a residence permit and/or asylum application.

The documents proving the regularity of the stay in France of the person concerned when the benefit of the aid or the social benefit is subject to a condition of regularity of the stay.

**To personal life**  
Situation and family composition of the household, if applicable, the identification of children taken into care in the context of child protection, centers of interest, language(s) spoken(s) insofar as this information is essential to mention the need for interpreters.

As part of the social benefit relating to home help, information relating to living habits strictly necessary for the organization of daily life can be collected by the social and family intervention technicians (eg. (eating habits, physical activity, daily grooming).

So-called sensitive data, which reveal alleged racial origin or ethnic origin, political opinions, religious or philosophical beliefs,

data concerning health or those concerning sex life or the sexual orientation of the minor or young adult are likely to be collected as long as they are strictly necessary for social, medico-social, socio-educational and judicial support. PLEASE NOTE:

Due to the extreme sensitivity of this data, the Commission recalls that it must be collected and processed with the greatest care. They can only be collected if they are strictly necessary for social, socio-educational, medico-social and legal support and fall within the missions of the organization. In addition, their processing must be surrounded by guarantees: reinforced security measures, staff awareness of the processing of this data; strict clearance measures; inability to search specifically from queries relating to this data; etc. To the school, training and professional path in the context of assistance with the school and/or professional integration of people

Education (school reports, name of establishment, report from the educational team, etc.), employment situation (employer body, employment or apprenticeship contract, etc.), training and qualification. Material living conditions Financial situation: resources, charges, credits, debts. Benefits and social advantages received: type, amount, family quotient, beneficiary number. Situation with housing and accommodation: type and characteristics housing or accommodation arrangements (personal home, family home, homeless, makeshift accommodation, mobile accommodation, emergency accommodation, integration accommodation). Means of mobility. Social and insurance coverage

Connected organizations and affiliation schemes, open rights, complementary health insurance, insurance (civil liability, accommodation, vehicle, etc.). To bank details insofar as this information is necessary for the payment of a benefit

Bank account details (RIB). For the social and medico-social assessment of the person concerned

Conditions of education and context of life of the child or young adult, the assessment of parental abilities, personal difficulties that can contribute to putting the minor or young adult in difficulty or in danger, family events impacting life of the minor or young adult and allowing their situation to be understood, to the summary of the reports of the interviews with the persons concerned, if necessary, with the other stakeholders in the support. To the evaluation of the situation of minority

The categories of information likely to be collected by the agents in charge of the evaluation of the services of the ASE of the departmental council are provided for by the decree of November 20, 2019 pursuant to article R. 221-11 of the CASF relating to the procedures for the assessment of persons presenting themselves as minors and temporarily or permanently deprived of the protection of their family and, more particularly, the categories relating to civil status, family composition, presentation of

living conditions in the country of origin, a statement of the reasons for leaving the country of origin and a presentation of the person's migratory journey until entry into French territory, living conditions since arrival in France and the person's project. Assistance in the context of the asylum application procedure In the context of the accompaniment and social monitoring of young adults (former unaccompanied minors), information relating to the application residence permit and, where applicable, the asylum application procedure in the form of filing an asylum application: yes/no and/or the procedure for applying for a residence permit in the form of filing an application for a residence permit yes/no, the nationality of the person concerned as well as the information necessary to draw up the life story of the person concerned. Worrying information relating to children in danger

The information likely to be collected and processed by the departmental councils is set by decree no. 2016-1966 of December 28, 2016 organizing the transmission of information in anonymous form to the departmental child protection observatories and to the National Observatory for Child Protection. The type of support and actions implemented

Areas of intervention, history of support measures (social, medico-social, judicial, socio-educational or even administrative support measures. For example: educational assistance measures ordered by the juvenile judge, measures relating support in social and budgetary economy or even judicial measures of educational investigation, placement measures, etc.), objectives, pathways, planned integration actions, interview and follow-up. Identification of people contributing to social and medico-social care and the entourage likely to be contacted

Surname, first name, quality, organization to which you belong, telephone number of the organization, postal address, e-mail, telephone number of professional or family carers (if applicable, the family link: grandparents, aunt/uncle, brother/ sister, etc.), the attending physician, medical experts, the social worker, etc. The management of requests and renewals, withdrawals and suspensions of approvals for maternal and family assistants

The information likely to be collected and processed by the departments in the context of requests and renewals of the approvals of childminders is set by the decree of 18 October 2016 setting the model form for the approval of childminders and the composition of the authorization application file.

Those likely to be collected and processed by the departments in the context of requests and renewals of approval for family assistants are set by the decree of 3 February 2017 setting the model form for the approval of family assistant and the composition of the authorization application file.

In the context of the suspension and/or withdrawal of approval, all information likely to justify said suspension or said withdrawal. For the instruction and monitoring of the sustainable and voluntary reception by a third party of a child supported by the child welfare service

The information likely to be collected is provided for by the provisions of Decree No. 2016-1352 of October 10, 2016 relating to the long-term and voluntary reception of a child by a third party provided for in Article L. 221-2-1 of the CASF.<sup>26/</sup> After ensuring the relevance and proportionality of the personal data it processes, the organization must also ensure, throughout the lifetime of the processing, the quality of these data which must be exact, updated and always necessary for the objective pursued.<sup>6.</sup> Recipients of data and access to information<sup>27/</sup> Personal data can only be made accessible to persons authorized to know it with regard to their duties.<sup>28/</sup> In general, access authorizations must be documented by organisms, and access to the various treatments must be subject to traceability measures. See point 10 relating to security. Except in special cases, the sharing of information collected should in particular respect the following principles: the information exchanged must only be used to assess the situation of the person or family concerned in order to determine the actions to be taken. implement; these exchanges of information must also be strictly limited to the accomplishment of the missions of the organization or service implementing the processing; they cannot relate to all the information of which the participants are depositaries but must be limited to those necessary for the support and follow-up of people, while respecting their privacy; exchanges must be carried out under the conditions set by the legislative and regulatory texts.<sup>6.1.</sup> Persons accessing the data on behalf of the data controller<sup>29/</sup> Only persons authorized in respect of their missions or functions may access the personal data processed, and this within the strict limits of their respective powers and the performance of these missions and functions.<sup>30/</sup> It may be, for example, professionals and any staff member of the same establishment, of the same department contributing to one or more of the above-mentioned purposes, within the limits of their respective attributions and the rules governing the sharing and exchange of information in accordance with the provisions of Articles L. 1110-4 of the CSP and L. 226-2-2 of the CASF (e.g.: authorized agents within the CRIPs of the departments can access information relating to information of concern in the context of children in danger; the authorized agents who carry out the mission of social assistance for children within the departments; the services are in charge of examining applications for approval of maternal and family assistants within the departments).<sup>6.2.</sup> The recipients of the data<sup>31/</sup> The GDPR defines the recipients as any organization which receives the communication of the data.<sup>32/</sup> Before any communication of the information, the data controller must, on the one hand, question the purpose of the

transmission in order to ensuring its relevance and legitimacy and, on the other hand, verifying that the data communicated is adequate, relevant and not excessive with regard to the purpose pursued. (non-exhaustive list): with regard to data processed by a person subject to professional secrecy, professionals and any member of staff who may or may not be part of the same care team and who do not practice within the same establishment, subject to the the latter case of obtaining the consent of the person concerned, in accordance with the provisions of article

L. 1110-4 of the CSP, who contribute to one or more of the aforementioned purposes; professionals and any staff member of an external establishment subject to professional secrecy and who implement the child protection policy defined in article L. 112-3 of the CASF or who provide it with their assistance, in accordance with the provisions of article L. 226-2-2 of the CASF; the partner structures which support young adults in their housing project and/or social reintegration (the national union of local committees for autonomous housing for young people, accommodation and social reintegration centres, etc.); the departmental observatory for child protection (ODPE) and the Observatory National Child Protection Agency (ONPE), under the conditions set by Decree No. 2016-1966 of 28 December 2016 organizing the transmission of information in anonymous form to the ODPEs and the ONPE; the services of the prefecture as soon as the Chairman of the Board departmental requests the assistance of the State in carrying out the procedure for evaluating the minority, in accordance with the provisions of article R. 211-11 of the CASF; the Ministry of Justice, in particular with regard to the transmission of the total number of minors temporarily or permanently deprived of the protection of their family, who have been entrusted to the president of the departmental council by court order and are present within the ASE on 31 December of the previous year or who will be subject to temporary emergency accommodation, in accordance with the provisions of article R. 221-14 of the CASF; the judicial authorities (eg. legal protection services for young people, etc.); organizations that instruct and pay social benefits; organizations that finance and manage them, exclusively concerning previously anonymized data, with the exception of those authorized by a legal provision or regulatory to obtain the communication of personal data of the persons supported.6.3.

Processors<sup>34/</sup> The GDPR defines the processor as the natural or legal person, public authority, service or other body which processes personal data on behalf of the controller.<sup>35/</sup> It can be act, for example, IT service providers (hosting, maintenance, etc.) or any organization offering a service or provision involving the processing of personal data on behalf of another organization (e.g. .: the management of the payroll of employees or agents).<sup>36/</sup> In this respect, the data controller who wishes to use a subcontractor must ensure that he only calls on organizations offering sufficient guarantees. A contract defining the

characteristics of the processing as well as the various obligations of the parties in terms of data protection must be established between them (article 28 of the GDPR).<sup>37/</sup> For more information, a guide for subcontractors, published by the CNIL , recalls these obligations and gives examples of clauses to be included in contracts.

#### 6.4. Authorized third parties<sup>38/</sup>

The legally authorized authorities are likely, within the framework of a particular mission or the exercise of a right of communication, to ask the data controller for the communication of personal data (e.g.: social security organizations in the context of the fight against fraud, the administration of justice, the police, the gendarmerie).<sup>39/</sup> In this case, the data controller must ensure the binding nature of the provision on which the authority is based and only transmit the data provided for by the text or, if the latter does not list them, the only data essential with regard to the purpose of the right of communication in question.<sup>40/</sup> For more information, the organization has the possibility of consulting the authorized third-party practical guide on the CNIL website.

#### 6.5. Transfers of personal data outside the European Union<sup>41/</sup>

To ensure the continuity of the protection of personal data, their transfer outside the European Union (EU) is subject to specific rules. Thus, in accordance with the provisions of Articles 44 and following of the GDPR, any transmission of data outside the EU must: be based on an adequacy decision; or be governed by internal corporate rules (BCR), standard clauses protection, a code of conduct or a certification mechanism approved by the CNIL; or be governed by ad hoc contractual clauses previously authorized by the CNIL; or comply with one of the derogations provided for in Article 49 of the GDPR.<sup>42 /</sup> To find out more, the organization can consult the section Transferring data outside the EU on the CNIL website.

#### 7. Data retention<sup>43/</sup>

A precise data retention period must be set according to each purpose; this data cannot be kept for an indefinite period.<sup>44/</sup> The data retention period or, when it is impossible to set it, the criteria used to determine this period, are part of the information that must be communicated to the data subjects.<sup>45/</sup> Under these conditions, it is the responsibility of the data controller to determine this duration before carrying out the processing.

##### 7.1 Storage periods<sup>46/</sup>

In principle, it is recommended that the data collected and processed for the purposes of the social and medico-social support for minors and young adults are not kept in the active database for more than two years from the last contact from the person who was the subject of this support (e.g.: last e-mail or letter sent by the data subject/their legal representative), unless otherwise provided by law or regulation or in a particular case. This retention period is that recommended by the Commission with regard to all of the purposes covered by the reference system, with the exception of processing for the purpose of: ensuring the assessment of the situation of the person concerned's minority; to manage the collection, processing and evaluation of worrying information relating to children in danger; to investigate and manage applications and renewals of

authorization for maternal and family assistants.<sup>47/</sup> The data may also be kept longer longer than the durations mentioned above, in intermediate archiving, in certain specific cases, in particular if the data controller has a legal obligation to do so (for example, to meet accounting, social or tax obligations) or if he has need to constitute evidence in the event of litigation and within the limit of the applicable limitation/foreclosure period, in matters of discrimination for example. The duration of the intermediate archiving must however respond to a real need, duly justified by the data controller after a preliminary analysis of various factors, in particular the context, the nature of the data processed and the level of risk of a possible dispute. <sup>48/</sup> When the data pass from the active base to the intermediate archiving base, they must no longer be consultable by all the operational staff initially provided for but only by specially authorized persons, having an interest in knowing about it because of their functions ( for example, the service in charge of litigation).<sup>49/</sup> At the end of these periods, the data is destroyed in a secure manner or archived under conditions defined in accordance with the provisions of the heritage code relating to the obligations of archiving of public sector information for bodies subject to these provisions on the one hand, or in accordance with the provisions of the deliberati on of the CNIL adopting a recommendation concerning the methods of electronic archiving of personal data for organizations in the private sector, on the other hand.<sup>50/</sup> In the public sector (for public structures and for organizations entrusted with a public service mission), the CNIL recommends contacting the territorially competent departmental archives service (for decentralized services and local authorities and their groupings) or the archives mission of the supervising ministry (for central administration departments) which can provide information on the obligations applicable to the data controller and guide him in their implementation (determination of the duration of administrative usefulness and the final fate).<sup>51/</sup> The following table contains examples for which the retention period is in principle adequate with regard to the texts or considered as such by the Commission (non-exhaustive list):

#### Processing activities

active base

Intermediate archiving

Reference textsInstruction and management of the assessment of the situation of minority

The time of the evaluation of the situation of minority

Once the person concerned has been recognized as an unaccompanied minor, the data necessary for their care and social support will be kept for a maximum of two years on an active basis by the ASE services (ref. retention period recommended by



the CNIL in the context of social and medico-social support for minors and young adults).

The data used for the evaluation of young people who have not been considered as unaccompanied minors will be kept until the extinction of ordinary and extraordinary remedies

No legislative/regulatory provision governs these retention periods. Also, it is a recommendation of the Commission (not to be confused with the provisions of article R. 221-15-6 of the CASF which governs the retention periods concerning the processing of personal data entitled support to the evaluation of the minority implemented by the Ministry of the Interior). Management of the collection, processing and evaluation of worrying information relating to children in danger

All data entered, including financial aid: two years from the last transaction recorded or the last social measure decided, for all data entered, including financial aid

For transmission to the ONPE and the ODPEs: fifteen months longer than the duration previously indicated (transmission no later than April 30 of the year following the calendar year during which the measures or services were implemented , renewed or terminated.)

When there is an appeal against a third party or a dispute, the data is kept until the intervention of the final decision.

At the end of these periods, the data is destroyed in a secure manner or archived under conditions defined in accordance with the provisions of the Heritage Code relating to the obligations of archiving public sector information for the organizations subject to these provisions, d on the one hand, or in accordance with the provisions of the deliberation of the CNIL adopting a recommendation concerning the methods of electronic archiving of personal data for organizations in the private sector, on the other hand.

Provisions of circular AD 98-6 of July 6, 1998 relating to the processing of archives produced in the context of social assistance for minors and decree no. 2016-1966 of December 28, 2016 organizing the transmission of information in anonymous form to the ODPE and the ONPE.

Information relating to children benefiting from educational actions in an open environment: five years from the last operation recorded or the last social measure decided

For transmission to the ONPE and the ODPEs: fifteen months longer than the duration previously indicated (transmission no later than April 30 of the year following the calendar year during which the measures or services were implemented , renewed or terminated).

Information relating to children placed: ten years from the last recorded operation or the last social measure decided

For transmission to the ONPE and the ODPEs: fifteen months longer than the duration previously indicated (transmission no later than April 30 of the year following the calendar year during which the measures or services were implemented , renewed or terminated). Examination and management of requests and renewals of approvals for maternal and family assistants

The data is kept on an active basis for the duration of the management of requests and renewals of approval of maternal and family assistants, with the exception of data relating to offenses (excerpt from bulletin no. 2 of the criminal record) which should only be kept in an active database for a maximum of three months and then be securely deleted.

The data is then kept in intermediate archiving for ten years (the duration of the approval is five years and five more years from the date of the cessation of activity of the maternal or family assistant).

Regarding refused approvals: five years from the closing of the file.

Provisions of circular AD 98-6 of July 6, 1998 relating to the processing of archives produced within the framework of social assistance for minors. 7.2 Retention of anonymized data 52/ Regulations relating to the protection of personal data does not apply, in particular with regard to retention periods, to anonymized data. These are data which can no longer, by anyone, be related to the natural person to whom they relate.<sup>53/</sup> Anonymization must be distinguished from pseudonymization for which it is technically possible to find the identity of the data subject through third-party data. In fact, the pseudonymization operation is reversible, unlike anonymization, which is based on an irreversible process.<sup>54/</sup> Thus, the data controller can keep the anonymized data indefinitely. In this case, the organization concerned must guarantee the anonymized nature of the data in a permanent way.<sup>55/</sup> To find out more, the organization can consult the following CNIL guides: Security: Secure archiving; data retention; Practical guide: retention periods. Anonymization is a processing operation that consists of using a set of techniques in such a way as to make it impossible, in practice, to identify or re-identify the person by any means whatsoever and this irreversibly. Also, once anonymized, the data can no longer be linked to a person (For more information, you can refer to the guidelines on anonymization).<sup>8.</sup> Information to individuals<sup>56/</sup> Processing of personal data must be implemented in complete transparency vis-à-vis the individuals concerned.<sup>8.1</sup> Content of the information to be provided<sup>57/</sup> Information communicated to individuals must be provided under the conditions provided by articles 12, 13 and 14 of the GDPR.<sup>58/</sup> From the stage of the collection of personal data, the persons concerned must in particular be informed of the existence of the processing, of its essential characteristics (including the identity of the person in charge processing and the objective pursued) and the rights

they have.<sup>59/</sup> Examples of information notices are available on the CNIL website and can be consulted in the GDPR section: examples of information notices .8.2 The methods of information<sup>60/</sup> In order to fully comply with the principles of fairness and transparency and in accordance with the provisions of Articles 13 and 14 of the GDPR, individuals must first ncipe to be directly informed at the time the data is collected.<sup>61/</sup> If the GDPR does not impose any specific form, written information must be preferred, so as to be able to justify its content, as well as the time when it was issued. <sup>62/</sup> As part of the social and medico-social support of individuals, the data controller informs minors and young adults and, where applicable, their legal representatives by any appropriate means (p. ex. : mentions of information inserted in the welcome booklet of the establishment/home, of the CJM, of the employment contract, of the project for children, of the forms for applying for social benefits, of letters addressed to users), in an understandable language and according to methods appropriate and adapted to the age of minors or young adults (e.g.: pictogram, orally, playful images, drawings, simplified texts, translation into the language of the country of origin for UAMs) in accordance with the provisions of Article 12 of the GDPR. In general, the Commission recommends oral information in addition to written information in order to ensure that the person concerned fully understands the information communicated.<sup>63/</sup> Children must be informed in clear and simple terms that they can easily understand. Caution: With regard to the information of the parents or holders of parental authority in the context of the collection of worrying information, the Commission recalls that it is in the best interests of the child not to provide systematic information to parents or persons exercising parental authority or any person concerned, in accordance with the provisions of Article L. 226-2-1 of the CASF. In concrete terms, the CRIP will decide to communicate information to the legal representatives of a child after a period allowing the contact of the social service concerned to be made in order to ensure that this communication will not harm the child. In addition, the professional may dispense with obtaining the consent of the person or persons having parental authority over the medical decisions to be taken when preventive action, screening, diagnosis, treatment or intervention is necessary to safeguard the health of a minor, in the event that the latter expressly opposes consultation of the holder or holders of parental authority in order to keep his state of health secret. However, the healthcare professional must first endeavor to obtain the consent of the minor to this consultation. In the case where the minor maintains his opposition, the doctor or midwife can implement preventive action, screening, diagnosis, treatment or intervention. In this case, the minor is accompanied by an adult of his choice (article L. 1111-5 of the CSP).9. Rights of persons<sup>64/</sup> The persons concerned have the following rights, which they exercise under the conditions provided for by the GDPR (to go further, see the section entitled

Understanding my rights on the CNIL website): the right to access allows the data subject to know whether data concerning him or her are processed by the data controller and, in this case, to obtain details of the conditions of this processing and, at his request, to obtain a copy of the data concerning him held by this person in charge; the right of rectification allows the person concerned to request the rectification of inaccurate or incomplete information concerning him; the right to erasure allows the person concerned to request the erasure of data concerning him subject to the conditions for exercising this right pursuant to the provisions of Article 17 of the GDPR (e.g.: the data is erased by the data controller to comply with the terms retention periods set by legislative or regulatory texts; the person has withdrawn the consent on which the processing is based); the right to limit processing (for example, when the person disputes the accuracy of their data, they can ask the organization to temporarily freeze the processing of their their data, while the latter carries out the necessary checks); the right to portability, under the conditions provided for by the GDPR, offers the person concerned the possibility of directly recovering part of the data concerning them in an open format and machine-readable in order to reuse them for personal purposes or to transmit them to another professional. This right only applies if the following three conditions are met: limitation to personal data provided by the person concerned; application only if the data is processed automatically (excluding paper files) and on the basis of the prior consent of the data subject or the performance of a contract concluded with the data subject; respect for the rights and freedoms of any third parties; the right to object to the processing of data concerning them, subject to the conditions for exercising this right provided for in Article 21 of the GDPR (if the processing is necessary for compliance with a legal obligation to which the data controller is subject, the person cannot oppose the processing of their personal data). concerned may oppose the processing of his data, provided that he invokes reasons relating to his particular situation, and only when the processing is implemented on the legal basis of the legitimate interest of the data controller or for the performance of a mission in the public interest or of a mission relating to the exercise of public authority (e.g.: the data controller may refuse the data subject to exercise his right of opposition as soon as when the processing of information concerning her is part of the investigation and management of applications and renewals of approval of maternal and family assistants). The controller may refuse to respond to this request for opposition if he demonstrates that he has legitimate and compelling interests which prevail over the rights and freedoms of the applicant. Caution: When the minor wishes to remain silent about his state of health, the doctor may dispense with obtaining the consent of the parents or holders of parental authority if the minor expressly opposes this consultation in order to keep his state of health secret. The doctor must then

endeavor to obtain the consent of the minor to this consultation. If the refusal persists, the doctor may implement preventive action, screening, diagnosis, treatment or intervention, on the condition that the minor is accompanied by an adult of his choice, in accordance with the provisions of article L. 1111-5 of the CSP.<sup>65/</sup> The controller must respond to requests received as soon as possible and within a maximum of one month. If additional time is necessary to process the request (for example, due to its complexity), the data subject must be informed within this same period of one month. In all cases, a response must be provided within a period that may not exceed three months.<sup>66/</sup> The exercise of rights by individuals must be facilitated by the data controller and be free of charge. The persons concerned must be informed of their possibility of lodging a complaint with the National Commission for Computing and Liberties if they are not satisfied with the processing of their personal data. Security<sup>67/</sup> The organization must take all useful precautions with regard to the risks presented by its processing to preserve the security of personal data and, in particular at the time of their collection, during their transmission and their storage, to prevent them from being distorted, damaged or that unauthorized third parties have access to it.<sup>68/</sup> In particular, in the specific context of this reference system, the organization is invited to implement the following measures, or to be able to justify the implementation equivalent measures or their lack of necessity or possibility (individuals processing a small volume of data take, for example, basic security measures to ensure the security and confidentiality of the data they process):

#### Categories

#### Measures

Raise awareness among users

Inform and raise awareness of the people handling the data

Write an IT charter and give it binding force

Authenticate users

Define a unique identifier ( login ) for each user

Adopt a user password policy in accordance with the recommendations of the CNIL

Force user to change password after reset

Limit the number of attempts to access an account

Manage authorizations

Define authorization profiles

Remove obsolete access permissions

Carry out an annual review of authorizations

Trace access and manage incidents

Provide a logging system

Inform users of the implementation of the logging system

Protect logging equipment and logged information

Provide procedures for personal data breach notifications Secure workstations

Provide an automatic session locking procedure

Use regularly updated anti-virus software

Install a software firewall

Obtain the user's agreement before any intervention on his workstation Secure mobile computing

Provide encryption means for mobile equipment

Make regular data backups or synchronizations

Require secrecy for unlocking smartphones Protect the internal computer network

Limit network flows to what is strictly necessary

Securing the remote access of mobile computing devices by VPN

Implement the WPA2 or WPA2-PSK protocol for Wi-Fi networks Secure servers

Limit access to administration tools and interfaces to authorized persons only

Install critical updates without delay

Ensure data availability Secure websites

Use the TLS protocol and verify its implementation

Check that no password or identifier passes in the URLs

Check that user input matches what is expected

Put a consent banner for cookies and other tracers not necessary for the service Backup and provide for business continuity

Perform regular backups

Store backup media in a safe place

Provide security means for the transport of backups

Regularly plan and test business continuity Archive securely

Implement specific access procedures for archived data

Destroy obsolete archives in a secure manner or transfer, where appropriate, documents of historical, scientific or statistical

interest to the public archives under the conditions set by the heritage code Supervise the maintenance and destruction of data

Record maintenance interventions in a logbook

Supervise by a person in charge of the organization the interventions by third parties

Erase data from all equipment before disposalManage subcontracting

Relations with service providers who process data in the name and on behalf of the data controller (the employing body) must be the subject of a written agreement.

This agreement must contain one or more specific clauses relating to the respective obligations of the parties resulting from the processing of personal data.

The agreement must in particular provide for the conditions for the restitution and destruction of the data. It is the responsibility of the data controller to ensure the effectiveness of the guarantees provided (security audits, visits, etc.).

For more details, you can refer to the subcontracting guide and the examples of subcontracting clauses. Securing exchanges with other organizations

Do not transmit files containing the personal data of users in clear via general public messaging.

Favor means of communication other than general public messaging to communicate information relating to the people accompanied to other social workers or organizations (e.g.: secure exchange platforms, internal messaging)

Encrypt data before sending

Make sure it's the right recipient

Transmit the secret in a separate shipment and through a different channelProtect physical premises and offices

Restrict access to premises with locked doors

Install intruder alarms and check them periodically

Store all paper documents relating to users in locked cabinets

Lock the access door to the office in the event of prolonged absence Supervise IT developments

Offer privacy-friendly settings to end users

Strictly regulate free comment areas

Test on fictitious or anonymized dataUse cryptographic functions

Use recognized algorithms, software and libraries

Keep secrets and cryptographic keys securely<sup>69/</sup> To do this, the data controller can usefully refer to the Personal Data Security Guide. It should be noted that the implementation of a system for managing the authorizations of software users makes it possible to limit access to only the data that is strictly necessary for them. Thus, differentiated levels of authorization must be created according to the needs of users to fulfill their missions. In addition, a trace and incident management system makes it possible to identify fraudulent access or misuse of personal data or to determine the origin of an accident. The data controller will thus be in a better position to be able to react to a data breach. Caution: In the event of the hosting of personal health data carried out on behalf of organizations providing social or medico-social monitoring by a service provider IT, it must be approved or certified for the hosting, storage, preservation of health data, in accordance with the provisions of Article L. 1111-8 of the Public Health Code.<sup>11</sup>

**Data protection impact assessment (DPIA)** <sup>70/</sup> Processing for the purpose of social and medico-social support for individuals is included in the list of types of processing operations for which a DPIA is required: they must therefore systematically give rise to the prior completion of a DPIA.<sup>71/</sup> This reference system constitutes an aid to the completion of a DPIA. In this respect, it is based on two pillars: the fundamental principles and rights set out in particular by the GDPR and the Data Protection Act and which must be respected regardless of the nature, gravity and likelihood of the risks incurred; the management risks to privacy, which makes it possible to determine the appropriate technical and organizational measures to protect the data. To carry out an impact study, the data controller may also rely on: - the principles contained in this reference system; - as well as on the methodological tools offered by the CNIL on its website. If the organization has appointed one, the DPD/DPO must be consulted. the CNIL prior to the implementation of the processing if the impact analysis indicates that it fails to identify sufficient measures to reduce the risks to an acceptable level.