

Deliberation 2018-262 of July 21, 2018 National Commission for Computing and Freedoms Nature of the deliberation: Opinion

Legal status: In force Date of publication on Légifrance: Saturday September 15, 2018 NOR: CNIX1823282 Deliberation No.

2018-262 of June 21, 2018 providing an opinion on a draft decree amending decree no. 2017-916 of 9 May 2017 relating to the procedures for keeping and updating the register of agricultural assets (request for opinion no. 17006776 V1)The National Commission for Computing and Liberties ,

Seizure by the Ministry of Agriculture and Food of a request for an opinion concerning a draft decree amending decree no.

2017-916 of May 9, 2017 relating to the procedures for keeping and updating the register of agricultural assets;

Having regard to Convention No. 108 of the Council of Europe for the protection of individuals with regard to automatic processing of personal 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 (general regulation on data protection);

Having regard to the rural and maritime fishing code, in particular its articles L. 311-1 and L. 311-2;

Considering the law n° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms;

Having regard to Law No. 2014-1170 of October 13, 2014 for the future of agriculture, food and forestry;

Considering the decree n° 2005-1309 of October 20, 2005 modified taken for the application of the law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms;

Having regard to the deliberation of the National Commission for Computing and Liberties No. 2017-131 of April 27, 2017 providing an opinion on a draft decree relating to the implementation of the processing of personal data whose purpose is the creation the register of agricultural assets;

On the proposal of Mrs Marie-France MAZARS, commissioner, and after having heard the observations of Mrs Nacima BELKACEM, government commissioner,

Gives the following opinion:

The committee points out that it was seized of this draft text prior to the application of the General Data Protection Regulation (GDPR), on the basis of Article 11-4 (a°). Given the evolution of the legal framework since then, the commission specifies that the text is examined with regard to the provisions of the GDPR.

The Ministry of Agriculture and Food wishes to modify the automated processing of personal data relating to the register of agricultural assets created by decree no. 2017-916 of May 9, 2017, which more specifically allows:

- to facilitate the recognition of professional farmers meeting the criteria set by articles L. 311-1 and L. 311-2 of the rural and maritime fishing code;
- to simplify exchanges with the various bodies which farmers regularly contact, in particular for access to loans;
- to establish statistics in order to better know the number of professional farmers and their activities.

As part of the feeding of the register of agricultural assets, the agricultural social security funds (MSA) and the business formalities centers (CFE) transmit to the permanent assembly of the chambers of agriculture (ACPA) the data mentioned by Decree No. 2017-916.

This draft decree modifies the existing processing by extending, on the one hand, the scope of operation of the processing in order to allow the transmission by the info-greffe economic interest group (GIE) to the ACPA of certain information already provided for by decree no. 2017-916 but which cannot be provided by MSAs and CFEs, and secondly, the retention period. Indeed, certain information already provided for by the aforementioned decree and more particularly the decisions rendered in collective proceedings, the origin of the agricultural operation, as well as the name, legal form, duration of the legal person, number of SIRET, the date and place of registration in the trade and companies register and the date of approval of an agricultural group operating in common (GAEC) can only be transmitted by the GIE info graft.

In addition, the personal data will be kept for a period of three months from the deletion of the person concerned in order in particular to allow the ACPA to issue certificates of deletion.

The commission specifies that these modifications do not call for observation with regard to the provisions of the general regulation on data protection.

Deputy Vice-President,

M.-F. Mazars