

Deliberation SAN-2022-002 of January 13, 2022 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Tuesday January 25, 2022 Deliberation of the restricted committee no. SAN-2022-002 of January 13, 2022 relating to injunction issued against the company NESTOR SAS by deliberation n°2020-018 of December 8, 2020 Pierre CABOURDIN, Vice-Chairman, Ms. Anne DEBET and Christine MAUGÜÉ, and Messrs. Alain DRU and Bertrand du MARAIS, members; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 relating to data protection of a personal nature and the free movement of such data; Having regard to law no. 78-17 of 6 January 1978 as amended relating to data processing, files and freedoms, in particular its articles 20 and following; s articles L. 640-1 et seq. of the commercial code; Having regard to decree no. 2019-536 of May 29, 2019 adopted for the application of the 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. 2020-018 of December 8, 2020 pronouncing corrective measures against the company NESTOR SAS; Having regard to the judgment pronounced on February 22, 2021 by the Commercial Court of Nanterre stopping the plan to sell the company NESTOR SAS to the company [...] (RG No.: [...]); Considering the other documents in the file; After having deliberated, adopted the following decision: I. Facts and procedure after "the CNIL" or "the Commission") received several complaints, carried out checks in May 2019 and February 2020 at the company NESTOR, which specializes in the preparation and delivery of meals for office workers. On this occasion, the CNIL noted several breaches concerning the processing of personal data of prospects and customers. 34-5 of the Post and Electronic Communications Code and Article 15 of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 (hereinafter "the Regulation" or "the GDPR"), ordered to bring the processing operations into compliance with the obligations resulting from these texts: "with regard to the breach of the obligation to obtain the consent of the person concerned by a direct prospecting operation by means of an automated electronic communications system : Justify the deletion of all personal data previously collected without the consent of prospects; regarding the breach of the obligation to respect the right of access: Sati fully comply with requests for access rights by communicating a copy of all of their personal data held to the applicants, as well as, where applicable, information relating to the source from which their data come ". This injunction was accompanied a penalty payment of 500 euros per day of delay at the end of a period of three months following the notification of the deliberation, the supporting documents of

compliance must be sent to the restricted training within this period. The company NESTOR did not justify the compliance of its processing. takeover of the sale plan presented by the company [...] and ordered the sale of the company NESTOR.

II. Reasons for the decision

The cessation of activity of the company NESTOR, which took place on February 22, 2021, no longer allowed it to put its collection of personal data in accordance with the CPCE and the GDPR, while the period granted to it for this purpose by deliberation n° 2020-018 of December 8, 2020 had not expired. It cannot therefore be taken place in the liquidation of a penalty payment for non-execution of the injunction. It is therefore appropriate to close the present proceedings, it being noted that the assignee having taken over all or part of the activities of the company NESTOR has not been placed in the cause. This decision will be made public as was deliberation no. to liquidate the penalty payment vis-à-vis the company NESTOR SAS; to make public, on the CNIL website and on the Légifrance website, its deliberation, which will no longer identify the company by name from January 6, 2023.

The President Alexandre LINDEN