

Deliberation 2021-087 of July 22, 2021 Commission Nationale de l'Informatique et des Libertés Nature of the deliberation:

Authorization Legal status: In force Date of publication on Légifrance: Friday September 10, 2021 Deliberation n° 2021-087 of July 22, 2021 approving the rules of binding companies (BCR) "controller" of the CGI Inc. group (corrigendum) (application for approval no. 20005213)

The National Commission for Computing and Liberties, Seizure by the company CGI France SAS in the name and on behalf of the CGI Inc. group, on April 20, 2017, of a request for approval from its BCR responsible for processing; Considering 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), in particular Articles 47, 57 and 64; Having regard to Law No. 78-17 of 6 January 1978 as amended relating to data processing, files and freedoms; Having regard to decree n° 2019-536 of May 29, 2019 as amended, taken for the application of law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms, in particular its article 73; On the proposal of Mrs Anne DEBET, commissioner, and after having heard the observations of Mr Benjamin TOUZANNE, com Government Commissioner, Makes the following observations: Article 47-1 of the GDPR provides that the CNIL approves binding corporate rules (BCR) provided that they meet the requirements set out in this article. cooperation described by the working document WP263.rev.01, the documentation relating to the BCR responsible for the processing of the CGI Inc. group was instructed by the services of the CNIL as competent authority, then by the services of two other authorities data protection acting as co-instructors. These BCRs have also been reviewed by the data protection authorities of the member countries of the European Economic Area (EEA) pursuant to the approval procedure set up by the European Data Protection Board (EDPB). The instruction of the BCRs responsible for the processing of the CGI Inc. group makes it possible to conclude that they comply with the requirements imposed by article 47-1 of the GDPR and the working document WP256.rev.01, in particular because the aforementioned BCRs: are made legally binding by an intra-group contract and impose a clear obligation on each participating entity of the CGI group, including their employees, to comply with them; expressly confer rights on data subjects enabling them to rely on them as third-party beneficiaries via Articles 7 (Right of Third-Party Beneficiaries) and 9 (Procedure for processing requests and complaints from data subjects); meet the requirements imposed by the ar Article 47-2 of the GDPR:

a) the structure and contact details of the group of companies and of each of its entities are detailed in the WP264 form which

was provided as part of the examination of the file and in appendix A of the BCRs; b) the transfers or all data transfers, including the categories of personal data, the type of processing and its purposes, the type of data subjects affected and the name of the third country or countries in question are specified in Articles 2 and 5 of the BCRs and in Annex B of the BCRs entitled Activities covered by the BCR-Cs; c) the legally binding nature, both internal and external, of the controller BCRs is recognized in Articles 3.1 and 3.2 of the BCRs as well as in Article 2 of the draft intra-group contract provided by the group; d) the application of general principles relating to data protection, in particular limitation of purpose, minimization of data, limitation of data retention periods, Qu data adequacy, data protection by design and data protection by default, legal basis for processing, processing of special categories of personal data, measures to ensure data security, as well as requirements with regard to onward transfers to bodies which are not bound by the binding corporate rules are referred to in Articles 3.3, 4, 5, 6 and 11 of the BCRs controller; e) the rights of data subjects with regard to processing and the means to exercise these rights, including the right not to be the subject of decisions based exclusively on automated processing, including profiling, in accordance with Article 22 of the GDPR, the right to introduce a complaint with the competent supervisory authority and before the competent courts of the Member States in accordance with Article 79 of the GDPR and to obtain redress and, where appropriate, compensation for breach application of binding corporate rules are provided for in the BCRs, in articles 7 Rights of Third-Party Beneficiaries, and 10 Rights of Data Subjects; f) acceptance, by the controller or processor established in the territory of 'a Member State, from liability for any breach of the binding corporate rules by any relevant entity not established in the Union as well as the exemption, in whole or in part, of this liability only if the interested party proves that the event giving rise to the damage is not attributable to the entity in question, are specified in Article 8 CGI's liability in the event of a violation of the Binding Corporate Rules (BCR-C); g) the manner whose information on binding corporate rules, in particular with regard to the elements mentioned in points d), e) and f) of Article 47.2 of the GDPR, is provided to data subjects, in addition to the information referred to in Articles 13 and 14 of the GDPR, is specified in Articles 13.1 and 13.2 of the BCRs; corporate rules within the group of companies, or the group of companies engaged in a joint economic activity, as well as the monitoring of training and the handling of complaints are detailed in Article 16 Team responsible for the protection of privacy and in appendix F of the BCRs; i) the complaint procedures are described in Article 9 Procedure for processing requests and complaints from Data Subjects and in appendix D of the BCRs; j) the mechanisms put in place within the group of companies to ensure monitoring of compliance with the Binding Corporate Rules are detailed in Article 15 Audit and Annex C of the BCRs. These

mechanisms include data protection audits and methods to ensure that corrective action will be taken to protect the rights of the data subject. The results of these checks are communicated to the person or entity referred to in point h) above and to the board of directors of the company which exercises control over the group of companies (in this case at the registered office of CGI Inc. as well as to the team responsible for privacy protection), and are made available to the competent supervisory authority upon request; k) the mechanisms put in place to communicate and log changes made to the rules and to communicate these changes to the supervisory authority are specified in Article 18 of the BCRs; l) the cooperation mechanism with the supervisory authority put in place to ensure compliance with the rules by all entities of the group of companies is described in article 13.4 of the BCR. The obligation to make available to the supervisory authority the results of the checks of the measures referred to in point j) above is specified in Article 15 of the BCRs; m) the mechanisms for communicating to the supervisory authority jurisdiction all legal obligations to which a company group entity is subject in a third country which are likely to have a material adverse effect on the safeguards provided by the binding corporate rules are described in Article 13.5 of the BCRs; n) Finally, Article 14 and Annex E of the BCR provide for appropriate training in data protection for staff with permanent or regular access to personal data.

The EDPS issued Opinion No. 21 /2021 dated July 1, 2021, in accordance with Article 64-1-f of the GDPR. The Commission has taken this opinion into account. Resolves: Binding corporate rules presented by the CGI Group Inc., in that they provide appropriate safeguards for the transfer of personal data in accordance with Articles 46-1, 46 -2-b, 47-1 and 47-2 of the GDPR, are approved. However, before implementing these BCRs, it is the responsibility of the data exporter located in a Member State, if necessary in collaboration with the data importer, to assess whether the level of protection required by EEA law is respected in the third country of destination, including in situations of onward transfers. This assessment must be carried out in order to determine whether the safeguards established by the BCRs can be respected in practice, taking into account the circumstances of the transfer and the conflicts that may exist between the requirements of the law of the third country and fundamental rights. If this is not the case, the data exporter located in a Member State, if necessary in collaboration with the data importer, must assess whether it can provide for additional measures to ensure a substantially equivalent level of protection. to that guaranteed within the EEA. In the event that the data exporter established in a Member State is unable to take sufficient additional measures to ensure a level of protection substantially equivalent to that guaranteed in the Union, there can be no transfer of personal data to the third country under the BCRs. Therefore, the data exporter is obliged to waive, suspend or terminate the transfer of personal data. The implementation of the approved BCRs

does not require specific additional authorization from the European data protection authorities. of the data concerned. In accordance with Article 58-2-j of the GDPR, each data protection authority concerned has the power to order the suspension of data flows addressed to a recipient located in a third country or to an international organization in the event that the appropriate safeguards provided for by the BCRs responsible for processing of the CGI Inc. group are not respected. The President Marie-Laure DENISANNEX TO THE DRAFT DECISION of application:

A. Scope. These controller BCRs apply when a group entity legally bound by the BCRs, and having implemented the commitments made under the BCRs, acts as controller, as well as when the entity acts as a subcontractor on behalf of the CGI Inc. group, thus qualified as an internal subcontractor. (Article 2 of the BCRs).

B. Member States of the European Economic Union from which transfers are made: Germany, Belgium, Bulgaria, Denmark, Spain, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Norway, Netherlands, Poland, Portugal, Czech Republic, Romania, Slovakia and Sweden.

C. Third countries to which transfers are made: the majority of transfers of personal data are made to entities of the CGI Inc. group in Canada, Morocco, India, the Philippines and the United States, but also to Australia, Brazil, Malaysia, Singapore, South Africa and the United Kingdom.

D. The purposes of the transfers: The purposes are detailed in appendix B Activities covered by the BCR-Cs. They include in particular the following purposes:

strategic planning and human resources (e.g.: compensation or recruitment management); (e.g.: administrative, accounting and financial management of CGI); IT and security (e.g.: provision of access to the IT system and support); communication (eg: management of corporate communication); (eg: management of professional alerts).

E. Categories of data subjects: The categories are detailed, by purpose, in Appendix B of the BCRs Activities covered by the BCR-Cs. They include: CGI members (employees); customers, prospects and potential customers; shareholders and investors; suppliers and subcontractors; third parties (visitors and participants in events).

Categories of personal data transferred: the categories are detailed, by purpose and by category of data subjects in Annex B of the BCRs Activities covered by the BCR-Cs.