

DELIBERATION n°2018-360 of DECEMBER 13, 2018National Commission for Computing and LibertiesNature of the
deliberation: AuthorizationLegal status: In force Date of publication on Légifrance: Wednesday March 27, 2019Deliberation n°
2018-360 of December 13, 2018 authorizing the Institute European university to implement automated processing of personal
data requiring access to data from the national health insurance inter-scheme information system (SNIIRAM) and the national
file of health professionals from the National Health Insurance Fund. health insurance. (Request for authorization n°
918123)The National Commission for Computing and Liberties,Seizure by the European University Institute of a request for
authorization concerning the automated processing of personal data, requiring a access to data from the national health
insurance inter-scheme information system and the Cai's national file of health professionals national health insurance system;
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, and repealing Directive 95/46/EC; Having regard to law n° 78-17 of January 6, 1978 as amended relating to data
processing, files and freedoms, in particular its articles 8-II-8°, 54, 61 and following; Having regard to law n° 2016-41 of
January 26, 2016 to modernize our health system, in particular its article 193; Having regard to Decree No. 2005-1309 of
October 20, 2005 as amended, taken for the application of Law No. 78-17 of January 6, 1978 relating to data processing, files
and freedoms; Having regard to Decree No. 2016-1871 of December 26, 2016 relating to the processing of personal data
called "National Health Data System"; Having regard to the decree of March 22, 2017 relating to the security reference system
applicable to the National Health Data System; Having regard to the opinion of the Expert Committee for research, studies and
evaluations in the field of health of March 20, 2018; Having regard to the opinion on the public interest of the Board of Directors
of the National Data Institute of September 25, 2018; Considering the file and its supplements; On the proposal of Mrs
Marie-France MAZARS, Commissioner, and after having heard the observations of Mrs Nacima BELKACEM, Government
Commissioner, Makes the following observations: Responsible for processing Funded by European Union and by the Member
States, the European University Institute (hereinafter "the Institute") is an international organization with teaching and research
activities. Composed of four departments, it offers doctoral contracts as well as postdoctoral programs. On the legality of the
processing This study is part of a doctorate in economics carried out by a student of the Institute. This processing, carried out
for the purposes of scientific research, is necessary for the performance of a task in the public interest of the data controller.

The processing is therefore lawful under Articles 6 paragraph 1 point e) and 9 paragraph 2 point j) of the General Data Protection Regulation (hereinafter "GDPR"). On the purpose of the processing and its character in the public interest The processing, requiring access to data from the National Inter-Scheme Information System of the Health Insurance (hereinafter "SNIIRAM") and the national file of health professionals, is intended to carry out a study on the feminization of health professions and the excess of fees. The Commission considers that the purpose of the processing is determined, explicit and legitimate, in accordance with Article 5 paragraph 1 point b) of the GDPR. Furthermore, subject to compliance with the conditions mentioned in the opinion of the National Institute for Health Data (hereinafter "INDS"), the Commission considers that the processing serves a purpose of public interest, in accordance with Article 54 I of the amended law of January 6, 1978 (hereinafter "Data Protection Act"). data processedThe Commission recalls that the data controller must only process data that is strictly necessary and relevant to the purposes of the processing. Provided that this data can be disseminated by the National Health Insurance Fund (hereinafter "CNAM"), certain variables will be compiled from the following bases: The SNIIRAM (in particular the medical specialty, the postal code of the practice/municipality of establishment, the fees for each type of act); The national file of health professionals (in particular gender, age / date of birth, mode of exercise). The processing included in the authorization request concerns data from SNIIRAM and the national file of health professionals for the years 2006 to 2018. On the application of the provisions related to the SNDSL As SNIIRAM data comes from one of the databases making up the National Health Data System (hereinafter "SNDS"), the Commission recalls that all of the legislative and regulatory provisions relating to the SNDS is applicable in this case and in particular: the prohibition on using this data for the purposes described in Article L. 1461-1 V of the Public Health Code; compliance with the security baseline applicable to the SNDS, set by the decree of March 22, 2017; the principle of transparency provided for in Article L. 1461-3 of the Public Health Code: transmission to the INDS of the protocol, the declaration of interests and of the results. On the retention period of the data The personal data of SNIIRAM and the national file of healthcare professionals cannot be stored outside the CNAM platform by the data controller. Only anonymous results can be exported. The duration of access to data in the secure platform must be limited to the duration necessary for the implementation of the processing. When the data controller justifies it, access to the data may be maintained at the end of the study, within the limit of two years from the last publication relating to the results. On the publication of the results The Commission recalls that, when the result of the data processing is made public, the direct or indirect identification of the persons concerned must be impossible, in accordance with article 56 of the law "Data

Protection Act". On the categories of recipients of the data Only the person responsible for the processing and the persons authorized by him have access to the data within the framework of this authorization. The data controller keeps up-to-date documents indicating the competent person(s) within it to issue the authorization to access the data, the list of persons authorized to access this data, their respective access profiles and the procedures for allocation, management and control of authorizations. These categories of persons are subject to professional secrecy under the conditions defined by Articles 226-13 and 226-14 of the Criminal Code. The qualification of authorized persons and their access rights must be regularly reassessed, in accordance with the methods described in the authorization procedure established by the data controller.

On information and the rights of individuals The data processed does not come exclusively from the SNDS, article R. 1461-9 of the public health relating to the procedures for informing individuals about the possible reuse of their personal data is not applicable in this case. In accordance with article 58 of the law "Informatique et Libertés", the persons from whom personal data are collected or about whom such data are transmitted must be the subject of individual information. By exception, in pursuant to Article 14(5)(b) of the GDPR and Article 58 of the Data Protection Act, the obligation to provide individual information to the data subject may be subject to exceptions in the event that the provision of such information proves impossible, would require disproportionate efforts, would render impossible or seriously compromise the achievement of the objectives of the processing. In such cases, in accordance with the GDPR, the controller takes appropriate measures to protect the rights and freedoms, as well as the legitimate interests of the data subject, including by making the information publicly available. have not been collected from the persons concerned and that an exception will be made to the principle of individual information for the latter. It notes that in application of the GDPR, appropriate measures will be implemented, in particular the dissemination on the website from the controller of information relating to the research project including all the information provided for in Article 14 of the GDPR. In addition, the Commission notes that the data controller will supplement this collective information by using other means of dissemination. Finally, the Commission recalls that the rights of access, rectification and opposition are exercised with the data controller.

On data security and traceability of actions The implementation of personal data processing occurring within the framework of the study is carried out under the responsibility of the data controller, including with third parties acting for his account, in compliance with the provisions of Articles 24, 25, 28, 32 to 35 of the GDPR as well as the decree of March 22, 2017 relating to the security reference system applicable to the SNDS. The data will be made available to the person in charge of processing through the CNAM platform. Only statistics

aggregated in such a way that the direct or indirect identification of persons is impossible, can be the subject of extraction. On the principle of transparency The provision of data from the SNDS and its components is designed to account for their use to civil society. To this end, Article L. 1461-3 of the Public Health Code makes access to data from the SNDS and its components subject to the communication to the INDS of several elements by the data controller, before and after the studies. At the end of the study, the method and the results obtained must be communicated to the INDS with a view to their publication. The recording of the processing and the transmission of the results are carried out in accordance with the procedures defined by the INDS. Authorizes, in accordance with this deliberation, the European University Institute to implement the aforementioned processing. For the President The Deputy Vice-President Marie -France MAZARS