

Deliberation 2020-048 of April 23, 2020 National Commission for Computing and Liberties Nature of the deliberation: Opinion

Legal status: In force Date of publication on Légifrance: Saturday July 11, 2020 Deliberation No. 2020-048 of April 23, 2020

approving CESI for the certification of the skills of the DPO (data protection officer).

(request no. 19013516)

The National Commission for Data Protection, Seizure by CESI of a request for approval for certification of the skills of the Data Protection Officer (DPO); Given Convention No. 108 of the Council of Europe for the protection of individuals with regard to the 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 the free movement of such data, and repealing Directive 95/46/EC; Having regard to Law No. 78-17 of 6 January 1978 as amended relating to data processing, files and freedoms, in particular its article 8-I-2° h); Considering the decree n° 2019-536 of May 29, 2019 taken for the application of the law n° 78-17 of January 6, 1978 relating to data processing, files and freedoms, in particular its article 74; Having regard to deliberation no. 2018-317 of September 20, 2018 adopting the criteria s of the accreditation reference system for certification bodies for the certification of the skills of the data protection officer (DPO); Having regard to deliberation no. 2018-318 of September 20, 2018 adopting the criteria of the certification reference system for the skills of the Data Protection Officer (DPO); Considering the file and its supplements; On the proposal of Mrs Anne DEBET, Commissioner, and after having heard the observations of Mrs Nacima BELKACEM, Government Commissioner Makes the following observations: Article 8- I-2° h) of Law No. 78-17 as amended by Law No. 2018-493 of June 20, 2018 relating to the protection of personal data provides that the CNIL may decide to certify persons, products, data systems or procedures for the purpose of recognizing that they comply with the aforementioned Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 and with this law. To this end, it takes into consideration the specific needs of local authorities, their groupings and micro-enterprises, small and medium-sized enterprises. It approves, for the same purposes, certifying bodies, on the basis, where applicable, of their accreditation by the national accreditation body mentioned in b of 1 of Article 43 of the same regulation or decides, jointly with this body, that the latter proceeds to their approval, under conditions specified by decree in Council of State taken after opinion of the National Commission of data processing and freedoms. The commission draws up or approves the criteria for the certification and approval standards. On July 18, 2019, the Commission received a request for approval from CESI in accordance with deliberation no. 2018-317 of September 20, 2018 adopting the criteria of

the accreditation reference system for certification bodies for the certification of DPO skills. In accordance with article 74 of decree no. evaluation by the CNIL services. The Commission acknowledges that the application for approval submitted complies with the DPO's accreditation and skills certification reference frameworks, in their version of September 20, 2018.

Decides: On the issuance of the approval for the certification of the skills of the DPO for the certification entitled Certification of the skills of the DPO (Data Protection Officer) of CESI. This approval is issued for a period of five years from the date of this deliberation. ge to provide to the CNIL:- without delay, any modification of its accreditation status such as the suspension or withdrawal of ISO/IEC 17024: 2012 accreditation;- an annual activity report on the certification of the skills of the DPO including, where applicable, complaints and claims against it in the context of the certification of the DPO's skills as well as any difficulty encountered in the application of the criteria for certification of the DPO's skills adopted in deliberation no. 2018-318 of 20 September 2018;- every six months from the date of this deliberation, the success statistics for the written test as well as the updated register of DPO certified persons including the surnames, first names, date of issue of the certification and expiration date. -The President Marie-Laure DENIS