

Opinion of the National Commission for Data Protection relating to

Bill no 7880 on the organization of the Luxembourg Army

and amending: 1° the amended municipal law of 13 December 1988; 2° the amended law of 27 July 1992 relating to the participation of the Grand Duchy

of Luxembourg to operations for the maintenance of peace and

prevention operations, as well as crisis management; 3° the law

amended on December 9, 2005 determining the terms and conditions and

appointment of certain officials holding posts

female leaders in government administration and service; 4° the law

of March 25, 2015 setting the salary plan and the

conditions and methods of advancement of civil servants and

repealing the amended law of 23 July 1952 concerning

the military organization

Deliberation n°30/AV14/2022 of July 21, 2022

In accordance with article 57, paragraph 1, letter (c) of regulation (EU) n°2016/679 of 27 April

2016 on the protection of natural persons with regard to the processing of personal data

personal character and on the free movement of such data, and repealing Directive 95/46/EC

(General Data Protection Regulation) (hereinafter the “GDPR”), to which refers

article 7 of the law of 1 August 2018 on the organization of the National Commission for the

data protection and the general data protection regime, the Commission

National Commission for Data Protection (hereinafter referred to as the “National Commission” or the

“CNPD”) “advises, in accordance with the law of the Member State, the national parliament, the

government and other institutions and organizations regarding legislative measures and

administrative measures relating to the protection of the rights and freedoms of natural persons with regard to of treatment”.

By letter dated September 6, 2021, the Minister of Defense invited the

National Commission to decide on draft law no. 7880 on the organization of the Army

Luxembourg and amending: 1° the amended municipal law of 13 December 1988; 2° the law

of 27 July 1992 relating to the participation of the Grand Duchy of Luxembourg in

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operations for the maintenance of peace and operations of prevention, as well as management of

crisis; 3° the amended law of 9 December 2005 determining the terms and conditions and

appointment of some

them

State administrations and services; 4° the amended law of 25 March 2015 setting the regime for

salaries and the terms and conditions of advancement of civil servants and relating

repeal of the amended law of July 23, 1952 concerning the military organization (hereinafter the

" law Project ").

According to the explanatory memorandum, "the purpose of the bill is to

civil servants occupying

leadership roles in

- strengthen the operationality and responsiveness of the Army,
- update the organization of the Army,
- modernize and extend military careers”.

The explanatory memorandum further notes that "through this, the Army intends to meet the current challenges and future, the most important of which lies in the recruitment of a sufficient number of personnel military and civilian in order to carry out a growing range of missions in its field of traditional action (terrestrial component), but also in the fields of action more recent ones, such as the space and cyber domains, to name but a few. Modernization, the extension and diversification of military careers should in particular contribute to increasing the attractiveness of the Army”.

The National Commission intends to limit its observations to the questions raised by the provisions of the bill and the draft Grand-Ducal regulation under examination which deal with aspects related to respect for privacy and the protection of personal data, i.e. Articles 17 and 18.

Article 17 aims to establish a legal basis for access by Army personnel in the national register of natural persons (hereinafter “RNPP”) and in the file relating to affiliations of employees, the self-employed and employers (managed by the Joint Center for social security, hereinafter "CCSS"), in connection with the recruitment and management of personnel of the Army.

The purpose of article 18 is to set up a good repute investigation which is carried out with regard to each candidate who wishes to integrate the Luxembourg Army, necessary to performance of Army personnel duties.

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I. Ad article 17

has. Paragraph 1

According to the comments of the articles, this article constitutes the legal basis for the access of the members of Army personnel to the RNPP and to the file managed by the CCSS as part of recruitment and management of Army personnel.

The authors of the bill explain that this article is inspired by article 43 of the amended law of 18 July 2018 on the Grand Ducal Police. However, while the latter article provides for access to RNPP, to the file managed by the CCSS and to other files for members of the Grand Ducal Police having the status of judicial police officer or administrative police officer in the context of exercise of their judicial police and administrative police missions, it should be noted that access to such files by Army personnel would not take place in the same framework but within the framework of the recruitment and management of Army personnel. However, if the CNPD can understand access to these files for the purposes of judicial police missions and administrative police, it does not see the need to access these files for the purposes of Human Resource Management.

Indeed, with regard to the file managed by the CCSS, the National Commission understands that candidates must in any case provide the necessary data, to allow the Army (like any employer who hires personnel in the public sector), to carry out

a declaration of entry to CCSS¹. She therefore does not understand why the Army should have access to the file managed by the CCSS.

Nor does it understand the need for the Army to access the RNPP for the purposes of recruitment and human resource management.

In the event that the authors of the bill nevertheless intend to maintain this provision, the CNPD recalls, following the example of what it had already noted in its opinion on the Bill No. 7543 amending this amended law of July 18, 2018 on the Grand Police ducale², that access to the RNPP should in any case take place in accordance with the

¹ Like

the CCSS,

<https://ccss.public.lu/fr/employers/secteur-public/engage-personnel.html>.

² Parliamentary document 7543/4.

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procedure provided for in article 10 of the amended law of 19 June 2013 relating to the identification of natural persons as well as Articles 5 to 7 of the Grand-Ducal Regulation of 28 November 2013 laying down the terms of application of the aforementioned law.

b. Paragraph 2

According to the commentary to the articles, “paragraph 2 refers to the conditions and limits under which the Army computer system must be set up to ensure compliance with the legal provisions regarding the processing of personal data”.

In the event that the first paragraph of this article 17 is maintained despite the absence in the eyes of the CNPD, the need for access to the RNPP and to the file managed by the CCSS for recruitment and personnel management, such conditions and limits would then appear indispensable. It further notes that the list of administrations which have consulted data personal in the RNPP during the last 6 months can in any case be consulted in the private area of the MyGuichet.lu site to which each user has access.

Paragraph (2), first paragraph, 1o establishes an access tracking procedure, which allows to avoid in particular unauthorized access to data, data leaks or unwanted changes. Such a procedure constitutes a guarantee with regard to the principle of integrity and confidentiality, enshrined in Article 5, paragraph (1), letter (f) and the obligation to security of processing detailed in Article 32 of the GDPR. It consists of ensuring that only the

people who need it in the performance of their duties and professional tasks

are entitled to have access to the data necessary for recruitment and management purposes

Staff.

Paragraph (2), first paragraph, 2o provides for an access logging system.

Thus, it will be possible to trace any unjustified or disproportionate access to data by

Army personnel. In this context, the CNPD stresses the importance of carrying out

proactively internal controls. To this end, it is appropriate in accordance with Article 32,

paragraph (1), letter d) of the GDPR to implement a procedure “aimed at testing, analyzing

and to regularly assess the effectiveness of technical and organizational measures to ensure

security of processing”.

The second paragraph refers to the principles of necessity and proportionality, in connection with that

minimization of data pursuant to Article 5, paragraph (1), letter (c) of the GDPR.

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Finally, the third paragraph provides that the National Commission for Data Protection

controls and monitors compliance with the conditions of access provided for by the article under examination. To his eyes,

this provision however appears superfluous, whereas it falls within its missions

in accordance with Article 57 of the GDPR.

Moreover, although the CNPD understands that this is indeed within its competence,

she wonders why the authors referred to Article 2, paragraph 1, point 15,

letter a, of the law of 1 August 2018 on the protection of natural persons with regard to the

processing of personal data in criminal matters as well as in security matters

national. Indeed, with regard to the processing of data for the purposes of managing recruitment and

human resources, this emerges from the “general” missions of the CNPD, detailed in

article 12 of the law of 1 August 2018 on the organization of the National Commission for the

data protection and the general data protection regime, which refers to Article

58 GDPR.

Furthermore, it should be recalled that on the basis of the principle of liability provided for in Article 5,

paragraph (2) of the GDPR, it is primarily up to the controller himself, i.e.

tell the Luxembourg Army, to ensure compliance with the principles of the GDPR and in particular

those mentioned above (namely the principles of integrity and confidentiality, necessity and

proportionality).

In this context, the CNPD considers it necessary for the Army to regularly monitor the data

accessed through access tracking, to identify and remediate unnecessary access

or disproportionate, where appropriate by communicating a possible data breach to

data subjects or to the CNPD, in accordance with Articles 33 and 34 of the GDPR. It's not

only a posteriori that the National Commission will be called upon to exercise its power of investigation or to

adopt corrective measures, in accordance with Article 58, paragraph (2) of the GDPR.

In this respect, the National Commission wonders about the added value of devoting a part

relating to the performance of its control mission which will be carried out under Article

under review, as part of its report sent annually to the Minister having the protection

data in its attributions, in execution of article 10 of the law of August 1, 2018 on

organization of the National Commission for Data Protection and the general regime on data protection. In fact, as indicated above, this emerges in any case from because of the general missions of the CNPD. Furthermore, it does not seem logical to him to dedicate Opinion of the National Commission for Data Protection relating to bill no. 7880 on the organization of the Luxembourg Army and amending: 1° the amended municipal law of 13 December 1988; 2° the amended law of 27 July 1992 relating to the participation of the Grand Duchy of Luxembourg in operations for peacekeeping and preventive operations, as well as for the management of crisis ; 3° the amended law of 9 December 2005 determining the conditions and procedures and appointment of certain officials holding positions female leaders in government administration and service; 4° the amended law of 25 March 2015 setting the salary regime and the terms and conditions promotion of civil servants and repealing the amended law of July 23, 1952 concerning the military organization

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a specific section relating to its power to control security measures and confidentiality put in place by the Army, while other administrations are nevertheless required to the same principles of security and confidentiality

II. Article 18

has. Paragraph 1

According to the commentary on the articles, "Article 18 sets up a good repute investigation which is carried out with regard to each candidate who wishes to join the Luxembourg Army, regardless of regardless of the status to which he wishes to access, which aims to verify that the candidate for a job in a categories of salaries and allowances for military and civilian personnel or those on voluntary service, does not constitute a threat to self or others, or even to national security". On the concept of a good repute inquiry, the National Commission refers to its opinion on the draft

law no. 76913.

The CNPD welcomes the fact that this article, from the point of view of legal certainty, constitutes the basis of the legality of the good repute investigation carried out by the Luxembourg Army in this context, in accordance with Article 6 paragraph (3) of the GDPR.

The second paragraph of paragraph 1 lists the elements to be taken into account during this integrity investigation, this "for reasons of transparency and clarity as to the criteria verified" according to the article comment. However, among these criteria, some pose a question.

Thus, the third criterion (which falls under the jurisdiction of the State Intelligence Service, according to the commentary of the articles), namely "the relationship of the interested party with persons suspected of acting on behalf of or obeying the orders of a foreign secret service and who may threaten national security" should be clarified, in order to know what is needed more exactly to understand by "relationship".

Furthermore, the fifth criterion ("indictment in court cases") poses a question under the principle of the presumption of innocence. Indeed, as noted by the 3rd Parliamentary document 7691/3, point I.1, page 3.

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Council of State in its additional opinion of the Council of State of December 19, 2020 relating to the

Bill No. 7425 on weapons and ammunition 4, the attention of the authors of the bill should be drawn

of law on the fact that “a minute or a report are not the equivalent of a decision of

justice having retained a person in the bonds of prevention and that the principle of

presumption of innocence must prevail. Furthermore, the term "court cases" is missing.

precision in the eyes of the CNPD: is it an indictment against any

misdemeanor, misdemeanor and/or felony? Is the seriousness of the criminal offense taken into account? From

at what stage of the criminal investigation such an indictment will be taken into account in

candidate assessment?

Similarly, the sixth criterion (“the existence of one or more disciplinary antecedents of

the interested party”) is quite vague, whereas this concept could cover a variety of acts of

very different severities. Are these disciplinary sanctions pronounced by the Army, by other

administrations and/or by private employers, in Luxembourg or abroad? Is it held

account of the seriousness of these disciplinary sanctions, and if necessary whether they can be

constitute criminal offenses under Luxembourg law? What if these sanctions

disciplinary proceedings have been challenged, where appropriate before the administrative tribunal or the tribunal du

Work ? What would be the scope of the secrecy of the investigation in relation to the rules of procedure

administrative non-contentious and contentious 5?

For these reasons, the National Commission wonders whether the criteria referred to in paragraph (1),

2nd paragraph, 3o, 5o and 6o would not be too vague and therefore, if they would respect the

principle of predictability and precision to which any legal or regulatory text must comply 6.

Finally, the last paragraph of paragraph 1 provides that a candidate who does not have

the required good reputation may be refused admission to the position concerned. However, without prejudice to

the in concreto assessment that would be carried out in this area, it is regrettable that neither the project

of law under opinion, nor the comments of the articles specify which criteria or which degree of seriousness of the antecedents are taken into account by the Chief of Staff of the Army to assess

4 See additional opinion of the Council of State of December 19, 2020 relating to draft law No. 7425 on weapons and ammunition, parliamentary document n°7425/08, developments under “Amendment 14”.

5 See in this sense, the additional opinion of the Council of State of December 19, 2020 relating to the bill N°7425 on arms and ammunition, parliamentary document n°7425/08, developments under “Amendment 14”.

6 On this subject, see M. Besch, “Personal data processing in the public sector”, Norms and legalistic in Luxembourg public law, Luxembourg, Promoculture Larcier, 2019, p.469, n°619.

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the good repute of the persons concerned. In the absence of such details, it is difficult

to assess whether the principle of data minimization would be respected. It should be recalled that in

under this principle, only personal data which are

strictly necessary for the achievement of the purposes pursued.

b. Paragraph 2

The commentary to the articles explains that "research and information gathering as part of the integrity check are not carried out by the Army itself. In effect, paragraph 2 provides that the information is collected by the Grand Ducal Police, on request of the Chief of Staff of the Army, who has by law the legal bases for him allowing access to databases, insofar as this consultation is necessary in relation to the desired end".

The National Commission welcomes the establishment of such a mechanism, which prevents Army personnel are granted direct and unrestricted access for the purposes of determination of good repute as defined in paragraph 1.

Nevertheless, it is worth noting in this respect the draft law n°7741 amending 1° of the amended law of 18 July 2018 on the Grand Ducal Police, 2° of the amended law of 5 July 2016 reorganizing the SRE and 3° of the Penal Code, filed on December 30, 2020. Said draft law aims in particular to regulate the processing of personal data carried out in the files of the Grand Ducal Police, and more specifically in the central file. Particular attention should be paid to access to the passive part of the central file. His access is, in fact, strictly limited to the purposes listed in paragraph (19) of Article 43-2 of bill no. 7741 (administrative inquiries are not covered therein) and is subject to the consent of the State Attorney General. Therefore, the authors of the bill should ensure that the good coherence and articulation between the two draft texts.

In the commentary to the articles, the authors of the bill specify that "the authority carrying out on the basis of its attribution this administrative investigation, must guarantee the respect of the private life within the meaning of Article 11 of the Constitution and Article 8 of the Convention for the Protection of human rights and fundamental freedoms on the one hand and the national provisions and with regard to the processing of the personal data of the other".

7 Commentary on the articles, ad article 18, page 67.

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As already mentioned above⁸, with regard to the indictment in cases

legal proceedings, as well as the existence of one or more disciplinary records of the person concerned, the

authors of the bill should also pay particular attention to the secrecy of

instruction.

However, the National Commission welcomes the fact that the first paragraph provides a temporal framework for

facts to which the information provided by the Grand-Ducal Police relates, insofar as it

provides for maximum delays between the commission of an act, likely to be taken into account in

the framework of the integrity investigation, and the moment when it can be taken into account.

The second subparagraph of paragraph 2 refers to the principle of purpose limitation,

provided for by Article 5, paragraph (1), letter b of the GDPR, which would be applicable in this case to the

Grand Ducal Police. The National Commission understands that the Police would act in this context

as a subcontractor within the meaning of the GDPR, while the Chief of Staff of the Army will remain

controller and as such also subject to the principle of purpose limitation.

Finally, paragraph 3 provides that “[t]he information concerning the facts referred to in paragraph 1 is

communicated to the Chief of the Army Staff in the form of the entirety or extracts of

verbal or police reports, or any other document or process containing the relevant information". It should be recalled in this regard that Article 10 of the GDPR provides that "[t]he processing of personal data relating to criminal convictions and offenses or related security measures based on Article 6(1) cannot be carried out only under the control of public authority, or if the processing is authorized by the law of Union or by the law of a Member State which provides appropriate safeguards for the rights and freedoms of the persons concerned". The said article further specifies that "[a]ny complete register criminal convictions can only be held under the control of public authority".

In this context, it is essential that safeguards be provided for in the bill, in particular in the event of transmission of such data in the form of the entire report or police reports. Otherwise, the persons concerned (candidates and members Army personnel) would see a duplication of their data relating to criminal convictions or indictments by multiple jurisdictions. Collection such data during the administrative investigation could lead to the holding of a kind of new "bis locker" by the Chief of Staff of the Army. The latter would have, if necessary, to at the end of the investigation, copies of all or extracts of police reports, court proceedings,

8 Ad article 18, paragraph 1.

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verbal, judgments, or even information that would be necessary provided by the SRE

(as referred to in paragraph 5 of the same article).

In addition, there is still room to question the issue of the accuracy and updating of the

data that would be transmitted by the Grand Ducal Police or by the SRE to the Chief of Staff,

whereas the envisaged system does not provide for a return of these authorities to the Army. By

example, this question could arise in the event that data transmitted by the

Grand-Ducal Police or the SRE, and relating to facts concerning a candidate would lead to a

decision of non-suit, or a dismissal^{9 10}.

The CNPD therefore considers it essential that guarantees be provided by the authors of the draft

law, like those referred to in paragraph 7, second paragraph of the same article. The transmission

a detailed opinion from the Grand Ducal Police instead of transmissions of the full or

extracts from the minutes, currently provided for by the bill, could constitute a

alternative¹¹.

vs. Paragraph 3

According to the commentary on the articles, this paragraph has the effect of ensuring that the

Grand-Ducal Police does not communicate data that would go beyond the elements that are

taken into account by the Army in its integrity investigation. The National Commission welcomes

of the introduction to this paragraph, in connection with the principle of purpose limitation enshrined in

Article 5, paragraph (1), letter b of the GDPR. For the rest, it refers to its developments

in paragraph 2.

d. Paragraph 4

Paragraph 4 grants the possibility for the Minister and the Army Chief of Staff to

request the issuance of an extract from bulletin No. 2, in accordance with Articles 8 and 8-1 of the law

of March 29, 2013 relating to the organization of criminal records.

9 See below, point i.

10 See in this sense, the additional opinion of the Council of State of December 19, 2020 relating to the bill N°7425 on arms and ammunition, parliamentary document n°7425/08, developments under "Amendment 14", p.6.

11 As proposed by the Council of State in its additional opinion of December 19, 2020 relating to draft law N°7425 on arms and ammunition, parliamentary document n°7425/08, developments under "Amendment 14", p.8.

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It is appropriate to wonder about the added value of this paragraph, if not to repeat the aforementioned provisions. Indeed, article 1 of the amended Grand-Ducal regulation of 23 July 2016 fixing the list of administrations and legal persons governed by public law who may request a bulletin N°2 or N°3 of the criminal record with the written or electronic agreement of the person concerned, point 15 provides that "[t]he bulletin No. 2 may be issued on request and with the agreement expressly in writing or electronically from the person concerned (...) to the Minister having

Defense in its attributions for the instruction of the applications for employment of the military career and civil service and requests for voluntary service in the Army”.

Furthermore, Article 8-1 concerns Bulletin No. 3, and the National Commission is asking itself why does paragraph 4 of the bill under consideration refer only to the bulletin number 2.

e. Paragraph 5

This paragraph should be read in conjunction with paragraph 1, paragraph 2, points 2 and 3, which concerns two criteria taken into consideration in order to verify whether the candidate has the good repute necessary to the performance of the duties of Army personnel, namely the membership of the person concerned in a group likely to be considered terrorist or extremist, on the one hand, and the relations of the person concerned with persons suspected of acting on behalf of or obeying the orders of a foreign secret service, on the other hand.

In addition to the considerations expressed above concerning the notion of “relationships”¹², it is necessary to ask how personal data will be transmitted in practice, while paragraph 5 simply provides that they will be exchanged “on request or in a manner spontaneous”.

Furthermore, the National Commission wonders whether this collaboration with the Service de State intelligence falls within the framework of the latter’s cooperation with the administrations, as referred to in article 9 of the amended law of 5 July 2016 on reorganization of the State Intelligence Service. If so, it might be useful to refer to in this paragraph of the bill.

¹² See above, point a.

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f. Paragraph 7

According to the commentary to the articles, paragraph 7 is intended to "establish a legal basis for the Chief of Staff of the Army, to initiate a good repute investigation in the event of an indication that a member of the Army personnel is likely to pose such a threat". However, it is appropriate to regret that neither the text of the bill nor the commentary to the articles specify which could be "information likely to cast doubt on the good repute of a member of the military or civilian personnel.

However, the commentary to the articles explains that "the integrity investigation carried out by the chief of staff in the process of engagement of a member of the personnel of the Army will be subject to the authorization of the Minister, preceded by a reasoned request from the Chief of Staff", which would allow, according to the authors of the bill, to "limit, or even avoid abuses". The CNPD welcomes the establishment of such a guarantee, even if, in its opinion, any abuse could not be definitively ruled out.

The second subparagraph of paragraph 7, for its part, provides for the possibility for the Chief of Staff to the Army to receive necessary information from the State Attorney General regarding possible preliminary investigations or preparatory instructions in relation to the facts referred to in paragraph 1.

The authors of the bill recognize that this is a "rather delicate situation, whereas

this information generally falls under the secrecy of the instruction". Nevertheless, they justify this exception to the principle of the secrecy of the instruction by the fact that "it would be contrary to the purpose of this integrity investigation not to be able to use this information, while it is important to avoid that a person, against whom a preparatory instruction or a preliminary investigation is in progress because of a recent event, can occupy a position within the Army. Moreover, they indicate that this exception "will be strictly framed and limited to the strictly necessary, in particular with regard to the information that the Attorney General of State forward to the Army Chief of Staff. Thus, the personal data which would, if necessary, be forwarded to the Army General Staff for as long as the facts in question cause are covered by the secrecy of the instruction, are exhaustively listed in the second subparagraph of paragraph 7.

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The CNPD refers on this subject to its developments relating to the secrecy of the instruction¹³. She believes essential that safeguards be provided by the authors of the bill. In this regard, she welcomes the fact that the integrity check carried out by the Chief of Staff in the process of hiring a

member of the Army personnel is subject to the authorization of the Minister, preceded by a reasoned request from the Chief of Staff. Furthermore, it notes with satisfaction that unlike the procedure applicable to new candidates referred to in paragraph 2 of the same article, the head of staff will not receive all or extracts of official reports or police reports, but only the surname, first name, national identification number as well as the qualification of the facts with which he is charged and which are criminalized by the legal provisions referred to in paragraph 3.

She wonders, however, why these safeguards are not included in the framework of the recruitment provided for in paragraph 2 of the same article, with regard to new candidates 14.

In any event, particular attention should be paid to compliance with the principles of limitation of the conservation, as well as that of accuracy and updating of the data, detailed in the following paragraphs of this notice.

g. On the principle of limitation of storage

According to Article 5, paragraph (1), letter e) of the GDPR, personal data must only be not be kept longer than necessary for the fulfillment of the purposes for which they are collected and processed. Beyond that, the data must be deleted or anonymized.

However, article 18 of the bill does not indicate for how long the data that will be collected by the Army or transmitted to the Chief of Staff would be retained. Therefore, the National Commission is not in a position to assess whether, in this case, the principle of duration limited data retention would be respected.

It is essential that clarifications on this subject be provided, all the more so in view of the nature of the personal data in question. Thus, the shelf life should be defined in the bill or it should at least specify the criteria that would be taken into account in order to determine what is the proportionate retention period for each

13 See above, point b.

14 See above, point b.

Opinion of the National Commission for Data Protection

relating to bill no. 7880 on the organization of the Luxembourg Army and amending:

1° the amended municipal law of 13 December 1988; 2° the amended law of 27 July

1992 relating to the participation of the Grand Duchy of Luxembourg in operations

for peacekeeping and preventive operations, as well as for the management of

crisis ; 3° the amended law of 9 December 2005 determining the conditions and

procedures and appointment of certain officials holding positions

female leaders in government administration and service; 4° the amended law of 25

March 2015 setting the salary regime and the terms and conditions

promotion of civil servants and repealing the amended law

of July 23, 1952 concerning the military organization

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category of personal data that would be collected

administrative.

h. On the principle of data accuracy

during investigations

In accordance with Article 5, paragraph (1), letter d) of the GDPR, personal data

must be “accurate and, where necessary, kept up to date; all reasonable measures must

be taken so that personal data which is inaccurate, having regard to the purposes

for which they are processed, are erased or rectified without delay”.

However, it should be noted that the device under opinion does not provide for any provision relating to the

updating of data obtained in the context of administrative surveys. However, taking into account

of the data collected, the authors of the bill should be drawn to the fact that it

there is a significant risk that data relating to a person whose case has been closed

without action or who has in the meantime been acquitted of an offense of which she has been accused are

still in the records of the administration, without an update or related rectification, and this is all the more so since no retention period is currently provided for in the bill. under scrutiny¹⁵.

Thus decided in Belvaux on July 21, 2022.

The National Data Protection Commission

Tine A. Larsen Thierry Lallemand Marc Lemmer

President Commissioner Commissioner

¹⁵ See above, point h.

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