

Deliberation 2018-299 of July 12, 2018 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Tuesday July 24, 2018 Deliberation of the office of the National Commission for Computing and Liberties No. 2018-299 of 12 July 2018 deciding to make public formal notice No. MED 2018-024 of July 2, 2018 taken against the company XLe office of the National Commission for Computing and Liberties, meeting on July 12, 2018 under the chairmanship of Mrs Isabelle FALQUE-PIERROTIN; Were also present Mrs Marie-France MAZARS, Deputy Vice-president, and Mr Éric PERES, Vice-president; Considering the convention n° 108 of the Council of Europe of January 28, 1981 for the protection of persons with regard to the automatic processing of personal data; Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, repealed by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of personal data and on the free movement of such data ;Having regard to law n° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms, in particular its articles 45 and 46;Having regard to decree n° 2005-1309 of October 20, 2005 modified taken for the application of law n ° 78-17 of January 6, 1978 modified relating to data processing, files and freedoms; Considering the deliberation n ° 2013-175 of July 4, 2013 fixing the internal regulations of the National Commission of data processing and freedoms; Having regard to decision no. MED 2018-024 of July 2, 2018 of the President of the Commission giving formal notice to company X. Adopted the following deliberation: By decision of July 2, 2018, the President of the Commission, on the basis of article 45 of the law of January 6, 1978 m odified, decided to give formal notice to company X located [...], to put an end within a period of two months from the notification of the said decision, the breaches observed in this same law, in particular those relating to the implementation of a video protection device without prior authorization and a video surveillance system. In application of the last paragraph of II of article 45 of the law of January 6, 1978 as amended, the President of the CNIL has regularly convened the office of the Commission for the purpose of ruling on its request to make its decision public. The bureau met for this purpose on July 12, 2018. After deliberation, the bureau considers that the publication of the formal notice decision is justified by the nature of the breach noted, namely the excessive nature of the video surveillance system which continuously films all the classrooms and living areas of the establishment (relaxation and catering areas), thus placing students, teachers ants and employees under constant surveillance. In addition, the office notes that the device for recording and viewing images from video surveillance does not ensure data security and that the information disseminated to the people filmed is, either incomplete or non-existent.

The office also considers that the publicity of the formal notice is intended to inform the persons concerned of the existence of video surveillance systems in higher education establishments and of the risk of harm to life. Finally, in general, the office wishes to raise the awareness of professionals in the sector about this difficulty while the number of complaints relating to the use of video surveillance is experiencing strong growth and thus reveals a growing concern of people. , the office of the National Commission for Computing and Liberties decides to make public decision no. 2018-024 of the Presidency notice from the CNIL giving formal notice to company X. The office recalls that this formal notice is not in the nature of a sanction. As such, no follow-up will be given to the procedure if the organization concerned complies in all respects with the requirements of the formal notice within the time limit. If this is the case, it will be subject to a closure which will also be made public. The

President Isabelle FALQUE-PIERROTIN