

Deliberation 2018-347 of November 8, 2018 National Commission for Computing and Liberties Nature of the deliberation:

Authorization Legal status: In force Date of publication on Légifrance: Thursday, December 20, 2018 Deliberation n° 2018-347 of November 08, 2018 authorizing the Regional Agency for Santé Auvergne-Rhône-Alpes to implement personal data processing for the purpose of cartographic monitoring of cases of legionellosis

(Request for authorization no. 2138399)

The National Commission for Computing and Liberties, Seizure by the Auvergne-Rhône-Alpes Regional Health Agency of a request for authorization concerning a cartographic follow-up of cases of legionellosis; Having regard to convention n° 108 of the Council of the 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 on the free movement of such data, and repealing Directive 95/46/CE Having regard to the public health code, in particular articles R. 3113-1 and following; its articles 8-II-8° and 54; Considering the decree n° 2005-1309 of October 20, 2005 modified taken for the application of the law n° 78-17 of January 6, 1978 relating to data processing, files and to freedoms; Having regard to the file and its supplements, and in particular the impact analysis relating to privacy produced on July 12, 2018; On the proposal of Mr. Alexandre LINDEN, auditor, and after having heard the observations of Mrs. Eve JULLIEN, Deputy to the Government Commissioner, Makes the following observations: On the person in charge of traitementThe Regional Health Agency (ARS) Auvergne-Rhône-Alpes>About the purposeThe mapping project that is the subject of this application for authorization is part of the investigations carried out when reporting cases of legionellosis.The processing has the legal basis of Article 6-1-e of the General Data Protection Regulations (GDPR), namely a mission of public interest.Legionellosis is a notifiable disease which must be reported to the doctor of the 'ARS via a notification on a cerfa file (n°12202\*02). This is followed by an investigation allowing the ARS to identify the exposures at risk, to look for other cases linked to these exposures and to take, if necessary, the appropriate environmental control measures. The objectives of the processing pursued are therefore to: detect grouped cases of legionellosis and identify the source of contamination in order to avoid the appearance of new cases; geographically identify the proximity of certain sources of contamination such as air-cooling towers which are mapped in the Auvergne Rhône-Alpes region; identify areas of over-incidence which may correspond to a low-noise source or which emits legionella sporadically; carry out spatial epidemiological analyzes over a long period (ten years) to improve knowledge of environmental risk factors and allow the

implementation of collective preventive measures; carry out statistical analyzes to monitor the situation in particular on the potential sources in question and thus raising the awareness of those responsible for these sources. The Commission considers that the purpose of the processing presented is determined, explicit and legitimate, in accordance with the provisions of Article 5-1-a of the GDPR. considers that it is necessary to apply the provisions of articles 8-II 8° and 54 of the amended law of 6 January 1978, which require authorization for processing involving data relating to health and justified, as in species, by the public interest. which must be the subject of specific formalities under section II of chapter IX of the Data Protection Act. On the data processed The person concerned, diagnosed as suffering from legionellosis, is georeferenced as close as possible to his home address as well as his movements in places with a potential source of contamination during the fourteen days preceding the date of onset of clinical signs. The data collected also concerns the type of potential exposure at the place of residence of the person concerned and during his or her travels. The data processed are as follows: Fields to be completed directly code number of the compulsory declaration identifier number of the case in the health database reportable; start date of clinical signs; name of place of travel; start date of attendance at the place of travel during the incubation period. Automatic fields Insee code of the municipality of residence of the person concerned; municipality of residence of the case; number of the department of the case's domicile; number of the region of the case's domicile; name of the municipality of displacement of the case; number of the department of the displacement; number of the region of the displacement; date of entry of the displacement. The Commission considers that the data whose processing is envisaged are adequate, relevant and limited to what is necessary with regard to the purposes of the processing ment, in accordance with the provisions of article 5-1-c of the GDPR. On the recipients Only ARS agents to whom specific rights have been given and the intervention unit in the French public health region in its mission to support to the ARS will have access to the map. persons concerned. The persons concerned may exercise their rights with the data protection officer of the ARS Auvergne-Rhône-Alpes. The Commission requests that the information media be completed so that they include all the information provided for by article 14 of the GDPR. On security measures Clearance profiles are provided in order to manage access to data as needed. A global review of authorizations is carried out regularly. Users are authenticated by a username and a password. With regard to the complexity of passwords and storage methods, the Commission recalls that the policy put in place must comply with deliberation No. 2017-012 of January 19, 2017 adopting a recommendation on passwords. Access to processing is via the HTTPS protocol, which guarantees the confidentiality of the data exchanged as well as the authentication of the source and

the recipient. Regarding the use of this protocol, the Commission recommends using the most up-to-date version of TLS possible. Logging of data consultation, creation and modification operations is implemented. The Commission recommends that maintenance interventions be subject to traceability measures (recording in a daybook, for example). Regular backups are made. They are stored in a place that guarantees their security and availability. The Commission recalls that these must be tested regularly in order to verify their integrity. Access to the premises hosting the processing is restricted by means of locked doors controlled by a means of personal authentication. Subject to the above observations, the measures of security described by the data controller comply with the security requirement provided for in Articles 5.1.f and 32 of the GDPR. The Commission recalls, however, that this obligation requires the updating of security measures with regard to the regular reassessment of the risks. On the retention period of the data The data will be kept by the ARS Auvergne-Rhône-Alpes for ten years. The commission considers that this data retention period does not exceed the period necessary for the purposes for which they are processed, in accordance with the provisions of Article 5-1-e of the GDPR. Authorizes ARS Auvergne-Rhône-Alpes, in accordance with this deliberation, to implement the aforementioned processing. For the President

Deputy Vice-President Marie-France MAZARS