

Deliberation SAN-2023-007 of May 11, 2023 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Friday May 26, 2023 Deliberation of the restricted committee no. SAN-2023-007 of May 11, 2023 relating to injunction issued against MICROSOFT IRELAND OPERATIONS LIMITED by deliberation no SAN-2022-023 of December 19, 2022 Mr. Philippe-Pierre CABOURDIN, vice-president, Mrs. Christine MAUGÜÉ, MM. Alain DRU and Bertrand du MARAIS, members; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 relating to the protection of personal data and the free movement of such data; Having regard to law no. ° 78-17 of January 6, 1978 amended relating to data processing, files and freedoms, in particular its articles 20 and following; Considering the decree n ° 2019-536 of May 29, 2019 amended taken for the application of law n ° 78-17 of January 6, 1978 relating to data processing, files and freedoms; Having regard to deliberation n ° 2013-175 of July 4, 2013 adopting the internal regulations of the National Commission for Data Processing and Freedoms; deliberation no. SAN-2022-023 of December 19, 2022 adopted by the restricted committee against the company MICROSOFT IRELAND OPERATIONS LIMITED; Considering the elements transmitted by the company MICROSOFT IRELAND OPERATIONS LIMITED on March 10, 2023; After having deliberated during the meeting of May 11, 2023, adopted the following decision:I. FACTS AND PROCEDURE1. Decision no SAN-2022-023 of December 19, 2022, notified on December 20, 2022, ordered MICROSOFT IRELAND OPERATIONS LIMITED to: "collect the consent of users when they arrive on the "bing.com" website before any operation of reading and writing information on the terminal of users residing in France for the purpose of combating advertising fraud" .2. This injunction was accompanied by a penalty payment of sixty thousand euros (60,000) euros per day of delay at the end of a period of three months following the notification of the deliberation of the restricted formation, the proofs of compliance to be sent to the restricted formation within this period.3. On March 10, 2023, the company sent a letter to the chairman of the restricted committee, responding to the injunction.II. REASONS FOR THE DECISION4. The Restricted Committee notes that it appears from the response elements provided by the company on March 10, 2023 that it has made technical changes to ensure that the cookies placed on the terminals of users of the "bing.com" website in France are not used for the purpose of combating advertising fraud in the absence of consent. The Restricted Committee notes that the company indicates that it has implemented these changes since February 24, 2023.5. It follows from the foregoing that the company complied with the injunction within the time limit. - to make public, on the CNIL website and on the Légifrance website, this deliberation which will no longer identify the company by name at the end of a period of two years, the starting point being the publication of

deliberation no. SAN-2022-023 of December 19, 2022. Chairman Alexandre LINDEN