

Deliberation MEDP-2022-001 of May 5, 2022 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Tuesday May 31, 2022 Deliberation of the office of the National Commission for Computing and Liberties No. MEDP-2022 -001 of May 5, 2022 deciding to make public 22 formal notices taken against municipalities. ;Besides the President of the Commission, Mrs. Sophie LAMBREMON, Deputy Vice-President, and Mr. François PELLEGRINI, Vice-President;Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 relating to the protection of individuals with regard to the processing of personal data and the free movement of such data; Having regard to law n ° 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms, in particular its article 20; Having regard to decree n° 2019-536 of May 29, 2019 adopted for the application of law n° 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms; Having regard to the deliberation no. 2013-175 of July 4, 2013 setting the internal regulations of the National Commission for Computing and Liberties; Having regard to the decisions of the President of the Commission of April 25, 2022 giving formal notice to the municipalities of Achères (no. MED -2022-057), Auch (n° MED-2022-044), Bastia (n° MED-2022-032), Beaune (n° MED-2022-033), Bezons (n° MED-2022-051), Bruay la Buissière (n° MED-2022-048), Etampes (n° MED-2022-059), Gagny (n° MED-2022-060), Kougou (n° MED-2022-034), Kourou (n° MED-2022-038), Le Gosier (n° MED-2022-042), Le Robert (n° MED-2022-041), Montmorency (n° MED-2022-050), Montfermeil (n° MED-2022- 055), Petit-bourg (n° MED-2022-043), Pierrefitte-sur-Seine (n° MED-2022-056), Saint-André (n° MED-2022-037), Saint-Benoît (n° MED-2022-036), Saint-Dizier (n° MED-2022-046), Sotteville -lès-Rouen (no. MED-2022-049), Villeneuve-Saint-Georges (no. MED-2022-053) and Vitry-sur-Seine (no. MED-2022-054). Adopted the following deliberation: As part of the missions defined in Article 8 of Law No. 78-17 of 6 January 1978 as amended relating to data processing, files and freedoms, the President of the National Commission for Data Processing and Freedoms ( hereinafter "CNIL") sent a letter on June 2, 2021 to the aforementioned municipalities noting the absence of appointment of a data protection officer ("DPD" or "DPO") with the CNIL, while this obligation concerns any public body implementing the processing of personal data. The municipalities concerned have not responded to this letter and have not appointed a data protection officer with the CNIL. By decision of the April 25, 2022, the President of the Commission, on the basis of Article 20 of the law of January 6, 1978 as amended, gave formal notice to the said com to appoint a data protection officer, in accordance with the provisions of Articles 37 et seq. of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons at with regard to the processing of personal data and the free

movement of such data (hereinafter GDPR), within a period of four months. Pursuant to the last paragraph of II of article 20 of the law of January 6 1978 as amended, the President of the CNIL regularly convened the Bureau of the Commission for the purpose of ruling on her request to make her decision public. The office was convened for this purpose on May 5, 2022. After deliberation, the office considers that the publication of formal notice decisions is justified in particular because of the central role of the function of data protection officer, of which designation has been mandatory for public authorities since the entry into force of the GDPR, i.e. for almost four years. In this respect, it should first be recalled that local authorities, given their sometimes sensitive missions and exercise of official authority, must take particular care to protect the personal data entrusted to them. This protection is all the more essential with regard to the security obligation, since the information systems of public actors are the target of recurring computer attacks. Next, the office notes that, in application of the 4° of Article 38 of the GDPR, one of the functions of the data protection officer is to be the contact person for individuals for all questions relating to the processing of their personal data to which they are subject and to the exercise of the rights conferred on them by the GDPR. applicable, which illustrate the importance of this function in the compliance of the data processing carried out by the organization with which he exercises his functions. In addition, the delegate is the point of contact of the organization with the authority of against role on topics relating to data protection. In this regard, it cooperates with the CNIL and participates, for example, in the resolution of complaints and in the development by the supervisory authority of projects intended to guide professionals in the implementation of subjects relating to data protection. In this respect, the office recalls that a single data protection officer can be appointed for several public authorities, this pooling allowing them to benefit from adequate expertise as well as tools and procedures that have proven themselves with other public actors. The office considers it necessary to inform the citizens of the municipalities concerned of the lack of consideration of data protection issues by their municipality and of the fact that the absence of a DPD/DPO deprived of a dedicated interlocutor on this subject. In addition, the office considers that it is important to alert all public actors to the legal obligation to appoint a data protection officer and the importance of his functions in the deployment of projects from their design and the implementation of processing operations. Consequently, the office of the National Commission for Computing and Liberties decides to make the aforementioned decisions public. The office recalls that these formal notices do not have the character of a sanction . If the municipalities concerned comply in all respects with the requirements of the formal notices within the time limit, these will be subject to closures which will also be made public. Finally, both the aforementioned formal notice decisions and this deliberation do not

will no longer make it possible to identify the municipalities concerned by name after the expiry of a period of one year from their publication. President Marie-Laure DENIS