

Deliberation 2021-139 of October 21, 2021 Commission Nationale de l'Informatique et des Libertés Nature of the deliberation: Opinion Legal status: In force Date of publication on Légifrance: Friday December 10, 2021 Deliberation n° 2021-139 of October 21, 2021 issuing a public opinion on the conditions implementation of information systems developed for the purpose of combating the spread of the COVID-19 epidemic (May to September 2021) (request for opinion no. 219468) The National Commission for Computing and Liberties , 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 the Directive 95/46/EC (RGPD); Having regard to Law No. 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms; Having regard to Law No. 2020-546 of May 11, 2020 as amended extending the complete state of health emergency ing its provisions, in particular its article 11; After having heard Mrs. Marie-Laure DENIS, president, in her report, and Mr. Benjamin TOUZANNE, government commissioner, in her observations; Issues the following opinion: To fight against the epidemic of COVID-19, the law of May 11, 2020 extending the state of health emergency authorized the temporary creation of two national files: SI-DEP and CONTACT COVID . This processing of personal data is governed by an amended Conseil d'Etat decree of 12 May 2020 which specifies their methods of creation and implementation. In addition to these files, other systems have been deployed for the purposes of combating the COVID-19 epidemic, such as the TOUSANTICOVID mobile application, the processing of which is governed by decree no. the vaccination campaign against the SARS-CoV-2 coronavirus, the treatment of which is regulated by decree no. 2020-1690 of 25 December 2020 as amended. normative framework relating to the processing implemented in the context of the management of the health crisis: heard twelve times and having issued twenty-seven opinions since April 2020, it has thus informed the parliamentary debates around the fundamental issues related to u respect for privacy and personal data. The Commission has also carried out forty-two checks since the implementation of these systems. Its recommendations and findings were detailed in its first three opinions, dated September 10, 2020, January 14, 2021 and May 27, 2021, relating to the operation of these information systems. In order to allow the Commission to fully assess the necessity and proportionality of these measures, deployed within the framework of the Government's current health policy, it seems essential that, more than eighteen months after the start of the health crisis and as it recalled in its first three opinion, concrete elements for evaluating their effectiveness in the fight against the Covid-19 epidemic are brought to its attention. It can therefore only deeply regret that, despite its repeated requests, in particular in its previous opinions, no information has been sent to it for this purpose by

the Government. More generally, in the context of the opinions it has had occasion to return, the Commission has warned on several occasions about the risk of habituation and trivialization of such privacy-intrusive devices, fearing the shift towards a society where such controls would become the norm and not the exception. It thus recalled that these measures can only be justified if their effectiveness is proven, their application limited in terms of duration, person or places where they apply, and that they are accompanied by guarantees likely to effectively prevent abuse, in particular given the significant extension of the system enshrined in Law No. 2021-1040 of August 5, 2021 on the management of the health crisis. The Commission also had the opportunity to recall, in view of the sensitivity of the data collected within the framework of these systems, of the context justifying their implementation as well as of their scope, the need to improve the information already available. It thus invited the Ministry to disseminate concise, transparent, understandable and easily accessible information, in clear and simple terms, so that the entire population could be aware of the existence of the various processing operations and understand their extent as well as their interconnections. In addition, the Commission reiterated that data subjects should be informed of the changes made to these various processing operations. In this respect, the Commission would like to emphasize that, in order to improve the understanding, by professionals and , of the systems envisaged by the Government, it has endeavored to provide them with tools and publications on its website, with an educational objective. It also wishes to specify that it will continue, in a in general, its support actions aimed at health professionals, in particular through the production of benchmarks and sectoral content has adapted to their activities. Finally, it recalls that several referrals were not accompanied by any clarification. with regard to the recommendations it has issued in its opinions on the draft texts submitted to it since April 2021 and its findings during the various checks carried out, to recall the recent changes to the normative framework and to assess the operational conditions for implementing this processing.

I. CHANGES IN THE NORMATIVE FRAMEWORK AND COMMISSION'S

OPINION

The Government has asked the Commission for an opinion on changes to the texts governing the implementation of data processing related to the management of the health crisis. This opinion reports the main observations made by the Commission in its deliberations: no. 2021-067 of June 7, 2021 issuing an opinion on the draft decree implementing II of article 1 of law no. 2021-689 of May 31, 2021 relating to exit management health crisis (request for opinion no. 21010600); no. 2021-077 of July 1, 2021 issuing an opinion on a draft decree amending decree no. 2020-551 of May 12, 2020 relating to the information systems mentioned in Article 11 of Law No. 2020-546 of May 11, 2020 extending the state of health emergency and supplementing its provisions and Decree No. 2020-1690 of December 25, 2020 authorizing the creation of personal data

processing relating to vaccinations against covid-19 (request for opinion no. 21010901); no. 2021-096 of August 6, 2021 issuing an opinion on a draft decree amending decree no. 2020-551 of May 12, 2020 relating to the information systems mentioned in Article 11 of Law No. 2020-546 of May 11, 2020 extending the state of health emergency and supplementing its provisions and Decree No. 2020-1690 of December 25, 2020 authorizing the creation of personal data processing personnel relating to vaccinations against covid-19 (request for opinion no. 21013690); no. 2021-097 of August 6, 2021 issuing an opinion on a draft decree amending decree no. 2021-699 of June 1, 2021 prescribing the measures necessary for managing the end of the health crisis and decree no. 2021-901 of July 6, 2021 relating to the automated processing of personal data called Certificate converter (request for opinion no. 21013690). On the changes made to the "VACCIN-COVID" information system On the lists of non-vaccinated persons The Commission ruled on the creation, intended for attending physicians and certain staff of the National Health Insurance Fund (CNAM), lists of unvaccinated patients. While emphasizing the need to raise public awareness of vaccination against Covid-19, the Commission regretted having had to rule on the proportionality of this measure in the absence of elements of preliminary investigation. Its opinion was the occasion to recall that it is not in principle in favor of the distribution of these lists, even if the Commission considered that this device does not infringe the principle of medical secrecy provided for in Article L. 1110-4 of the Public Health Code, insofar as this information is only communicated, at their request, to the treating physicians of the persons concerned and treated by the CNAM. In addition, the Commission recalled, in accordance with the requirements of the GDPR, that these lists must be kept in a form allowing the identification of the persons concerned and for a period not exceeding that necessary with regard to the purposes for which they are processed. On the provision to regional health agencies of the list of unvaccinated professionals subject to the vaccination obligation The Commission has ruled on the modification of the decree applicable to the VACCIN-COVID information system in order to allow authorized agents of regional health agencies (ARS) to monitor compliance with the vaccination obligation for health professionals. To do this, the identification data contained in the VACCIN COVID information system are crossed by the CNAM with the data from the national file of health professionals (FNPS). On this point, the Commission has had the opportunity to recall that: the data contained in the VACCIN-COVID information system being particularly sensitive and protected by medical secrecy, the ARS must limit access to the data to authorized agents only involved in monitoring compliance with the vaccination obligation; only the territorially competent ARS should be the recipient of information relating to the vaccination status of the healthcare professional concerned and not until the end of the

vaccination obligation; the CNAM and the ARS must inform healthcare professionals of the use of the FNPS for the purpose of compiling lists allowing the ARS to ensure compliance with the vaccination obligation. On the modifications made to CONTACT COVID and SI-DEP On the interconnections between CONTACT COVID, SI-DEP and VACCIN COVID Relevant that these information systems make the subject of interconnections, the Commission recalled that each of them is part of the fight against the Covid-19 epidemic and pursues its own purposes, previously defined by the law of May 11, 2020. Calling the Government's attention to the principle of data minimization provided for by the GDPR, the Commission invited it not to duplicate the same information in different databases. On the use of subcontractors The draft decree submitted to the Commission aimed to allow health insurance organizations to use subcontractors for the processing of directly identifying data and the contact details of the persons concerned, for the purposes of research and epidemiological surveillance. Commission is aware of the importance of having this data to inform people of the carrying out of research projects, it however wondered about the compatibility of the planned modifications with the legislative provisions applicable to the CONTACT COVID information system, in particular those provided for in Article 11 of Law No. 2020-546 of May 11, 2020. It considered that only the CNAM, acting as CONTACT COVID's data controller, could have access to this data, their use cannot therefore intervene only under the responsibility of the CNAM, if necessary jointly. On the health pass In order to allow the resumption of various acts activities interrupted due to the health crisis and the reopening of closed places by minimizing, as far as possible, the associated risks of contamination, the Government has temporarily set up a health pass conditioning access to certain places and activities, possession of a full vaccination certificate, a negative Covid-19 screening test, or proof of recovery from a previous Covid-19 infection. The Commission, which ruled on the system on several occasions (on May 12, 2021, June 7, 2021, August 6, 2021 and September 9, 2021), recalled the guarantees that were to be put in place under the this sensitive and unprecedented system. Law n° 2021-689 of May 31, 2021 relating to the management of the end of the health crisis, which introduced the health pass until September 30, 2021, limited its application to risk events bringing together a large number of people as well as certain trips, particularly abroad. In its opinion of May 12, 2021, the Commission took note of the fact that places of daily life such as restaurants and workplaces were excluded from the system, as were certain places where fundamental freedoms are habitually exercised. . On this occasion, the Commission had considered that such exclusions were likely to minimize the impact of the system on the rights and freedoms of the persons concerned. Concerning the methods of control of the health pass, the Commission recommended that the supporting documents can be presented in paper format, in

order to maintain the voluntary nature of the TousAntiCovid digital application and to ensure that everyone is included in the system. In addition, she recalled that the persons authorized to carry out the checks should only have access to the identification data and the validity result of the pass, and not to the nature of the document or to the other data it may contain. Finally, it considered that the retention of data as part of the control of the health pass was not necessary, once the verification was completed. The scope of the health pass was then considerably expanded to encompass several activities of daily life, as well as new people, such as employees of places open to the public. In this respect, if the Commission considers that the health context can justify exceptional measures, necessary to fight against the rebound of the epidemic and a new containment, it recalled the need to carry out the evaluation of the digital devices implemented to fight against Covid-19 in order to remove those whose usefulness would no longer be proven. of the decree framing the conditions for implementing the health pass, in particular with the aim of combating fraud, the Commission recalled that if the proposed changes were legitimate and proportionate, the purposes pursued by the processing as well as the duration of the latter had to be expressly limited and accompanied by clear and transparent information for the persons concerned, in particular concerning the procedures for generating a new password. On this occasion, the Commission reiterated the guarantees that applications for reading the health pass should also respect and the need for the Ministry responsible for health to carry out a priori checks on these devices.

II. ASSESSMENT OF THE COMMISSION ON THE OPERATIONAL CONDITIONS FOR IMPLEMENTING PROCESSING

In accordance with what it indicated in these three previous deliberations (September 10, 2020, January 14, 2021 and May 27, 2021), the Commission continued its investigations into IS systems -DEP and CONTACT COVID as well as with regard to the TOUSANTICOVID application and the VACCIN COVID information system. In addition, the Commission also carried out a series of checks relating to the processing implemented in the context of the deployment of the health pass. The checks carried out by the Commission services were carried out by means of online checks, by hearing, parts and on site. A total of forty-two control operations were carried out between May 2020 and September 2021: ten concerning SI-DEP, fourteen concerning CONTACT COVID, ten concerning TOUSANTICOVID (including those carried out on STOPCOVID), four concerning VACCIN COVID and four concerning the health pass. The Commission's investment in carrying out these checks is unparalleled in the history of the institution, both in terms of the number of checks carried out and their recurrence or the period of time during which they took place. This continuous monitoring of processing, for some from the start of their implementation, has made it possible to ensure that the issues related to data protection are taken into account on a permanent basis. This

opinion includes summary elements resulting from the observations made by the Commission in the context of the fourth phase of verifications which took place from January to September 2021. It also reports on the regular exchanges which took place with the Ministry of Solidarity and Health, the CNAM and the ARS during of this period.

A. Control of SI-DEP and CONTACT COVID devices

Investigations of SI-DEP and CONTACT COVID processing have continued to be carried out since the last opinion of the Commission issued in May 2021. The verification points mainly concerned: the methods of information of persons; the security of information systems; data flows and recipients; methods of storing data; carrying out impact analyzes relating to data protection. The SI-DEP file This processing as there have been no new substantial developments since the last inspection campaign, the Commission has not carried out any new checks on SI-DEP as such. It nevertheless remains in regular contact with the teams in charge of its implementation. of the SI-DEP treatment as well as to pharmacies using SI-DEP in order to upload the results of the antigen tests they carry out. HP in August 2021 and based on data from SI-DEP. The analysis of the information collected is in progress. Finally, in response to the observations it had made in its last opinion, the Commission was informed that changes have been made to the devices allowing the supply of the pseudonymised database SI - DEP for the purposes of managing the health emergency and improving knowledge of the virus. These new methods improve security and allow better monitoring of the actions carried out. The CONTACT COVID file For the CONTACT COVID processing, documentary checks have taken place with an ARS and a health establishment concerning the COVI CONTACT processing. This processing, implemented using data from the CONTACT COVID teleservice, is intended to offer the possibility, to all persons concerned by isolation measures at home, of being accompanied regularly and from a distance. was also carried out at a health establishment implementing the COVIDOM COVISAN treatment, a device allowing medical monitoring at home or support for isolation, based on data from SI-DEP and CONTACT COVID. These controls were decided following SMS reminder campaigns addressed to people who tested positive or designated as contact cases with health insurance. They are part of the monitoring, remote monitoring and home support of patients infected with Covid-19 or suspected of being infected whose state of health does not require hospitalization. This monitoring is materialized by the sending of daily questionnaires via a dedicated platform. The Commission has noted several bad practices during the checks carried out: in the context of the COVIDOM COVISAN system, an excessive retention period of data contained on the dedicated platform (identity and health). Indeed, the data of people who have not requested to benefit from medical monitoring have been kept since the creation of the platform in March 2020, for an indefinite period; in the context of the COVI CONTACT

system, incomplete information intended for patients who have consented to medical monitoring; in the context of the COVI CONTACT system, the failure to carry out an impact analysis relating to data protection on the part of the ARS controlled even though it involves large-scale sensitive data. obligations and the measures to be taken. A letter was sent by the President to the Ministry of Solidarity and Health to alert it to the bad practices identified. B. Control of the TOUSANTICOVID application

Since the controls carried out in November 2020, the TOUSANTICOVID application now offers two new functionalities: TAC CARNET, deployed on April 19, 2021, which allows users to store their health pass in digital format (Covid-19 screening test or vaccination certificate); TAC SIGNAL, deployed on May 25, 2021, which makes it possible to warn users who have scanned the QR code of an establishment that they have been present in the same place and on a same time slot as one or more people subsequently diagnosed or tested positive for Covid-19. The new checks on this application were carried out with the Ministry of Solidarity and Health, as well as with the other organizations involved in its implementation, in particular the National Institute for Research in Computer Science and Automation (Inria). These verifications took place on July 6 and 7, 2021 and continued as part of subsequent supplement requests in August and September 2021. The TOUSANTICOVID CARNET functionality

The investigations carried out by the Commission revealed that the implementation of the CARNET functionality of the TAC application makes it possible to offer guarantees in terms of data protection and security. Thus, access to Covid-19 screening and vaccination certificates as well as their recording in the CARNET module of the TOUSANTICOVID application are carried out in a secure manner. In addition, the storage of evidence in this module does not involve any data flow to a server, all the data contained in the test or vaccination certificate is only stored locally (in the telephone). During the checks carried out, the Commission also noted that the new version of the TOUSANTICOVID application, deployed on July 1, 2021, allowed users to convert to European DCC format, directly in the application, their supporting documents imported before June 24, 2021 in 2D-DCC format until now used in France. During this conversion operation, the content of the barcode in 2D-DCC format transited via servers located partly in the United States for the purpose of securing the information systems used (distributed anti-denial of service device and -fire). During the checks, the Commission was informed that a change of service provider was under study in order to use a solution from a company subject to jurisdictions exclusively within the European Union. The Commission was also informed of the implementation of end-to-end encryption of the certificates to be converted during their transmission, in addition to the TLS tunnel already in place. On July 23, 2021, the Commission sent a letter to the Ministry of Solidarity and Health inviting it to take the necessary measures to guarantee the compliance of the

processing implemented as soon as possible. As of August 2, 2021, end-to-end encryption of certificates during their transmission was effectively implemented, thus allowing processing compliance. No unencrypted data relating to the evidence constituting the health pass now transits to servers located outside the European Union. guarantees in terms of data protection and security. The delegation was thus able to observe that: the data collected within the framework of TAC SIGNAL are not uploaded to the server dedicated to contact monitoring (implementing the ROBERT protocol); correlation between the places visited by the person and the places at risk is carried out locally, on the telephone of the people; the places at risk brought up in the server following a declaration of contamination with Covid-19 by a person are kept in a limited way during fourteen days from the declaration. The places visited saved locally in the telephone are kept for fourteen days from the scanning of the QR code of the place. the use of the various features of the TOUSANTICOVID application. It was noted that the usage data thus reported was not anonymous, since it included information on the characteristics of the telephone as well as an identifier specific to the instance of the application. health has informed the Commission that it has taken measures to modify the operation of this statistics module. In particular, updates have already been released to no longer take into account certain application events, and to round the timestamp of certain events to the nearest hour, to reduce the risk of re-identification. the risk of malicious exploitation of the data thus collected, and the Commission welcomes this update.C. The control of processing in connection with the implementation of the health pass A first phase of checks has been implemented in order to verify the security and confidentiality of the processing implemented from the health pass verification application called TOUSANTICOVID VERIF, deployed by the Ministry of Solidarity and Health, as well as by its subcontractor IN GROUPE. Initial investigations have thus revealed that: on the day of the inspection and since June 9, 2021, the TAC VERIF application has been working only in offline mode. Thus, verifications are only carried out locally from the telephone of the verifier and no data relating to the evidence goes back to the IN GROUPE servers. No data is stored locally in the verification apps; the mode dedicated to transport operators allowing the reading of more data can only be activated after receiving an unlocking QR code provided after obtaining an authorization from the Ministry of Solidarity and Health. A second phase of checks was carried out with establishments open to the public having the obligation to check people's health passes in order to verify the proper use of the TAC VERIF application . These verifications have been implemented in particular in an airport. The agents in charge of checking the health pass use the application in the configurations defined by the Ministry of Solidarity and Health and thus do not retain any data from the health passes checked. The checks nevertheless highlighted the absence, in certain places of any

mention of information relating to the processing implemented as part of the verifications of health passes in the control areas.

control health passes on their behalf in accordance with article 2-3, section II, of decree no. 2021-699 of June 1, 2021, prescribing the general measures necessary for managing the end of the health crisis. findings made and since these are minor malfunctions, the President of the Commission has sent a letter to each of the bodies concerned. observation to remind them of their obligations and the measures to be taken to comply.

D. Control of COVID VACCINE processing Decree no. 2020-1690 of December 25, 2020 authorized the creation of personal data processing relating to vaccinations against Covid-19, called COVID VACCINE. A first series of checks on this processing was completed in September. Four checks were carried out: a hearing of the CNAM on the premises of the Commission, in March 2021; two on-site checks in vaccination centers in Ile-de-France in April 2021; an on-site check in the premises of the digital department (DNUM) of the Ministry of Solidarity and Health in September 2021. In June 2021, the Commission sent letters of observations to the CNAM and to the Minister of Solidarity and Health health, joint data controllers. These observations mainly concerned, on the one hand, the durations and procedures for keeping the questionnaires given to people who are candidates for vaccination in one of the vaccination centers checked, and, on the other hand, on the need to be able to finely trace the actions of administrative staff entering the data of vaccinated persons in the VACCIN COVID information system. The Ministry of Solidarity and Health responded to the Commission's observations on these points by detailing the measures taken. In September 2021, the Commission sent a new letter of observations to the CNAM and to the Minister of Solidarity and health after having received numerous reports of a lack of information for people in vaccination centers in Ile-de-France. In response, the Commission asked the Ministry and the CNAM to ensure that people Candidates for vaccination receive satisfactory information prior to their vaccination.

E. Other control procedures In addition to the controls carried out on the main information systems, the Commission also carries out checks on the processing implemented by health players. A control was carried out with a company offering pharmacists a solution allowing the automation of data uploading in the SI-DEP platform and offering patients the possibility of entering their information in an online form. This check, which followed the report of a data breach, notably brought to light important security flaws. A formal notice, made public on October 14, 2021, was adopted against the service provider due to the persistence of breaches. Checks were also carried out in several pharmacies using this service. These have revealed shortcomings in the framework of contractual relations between the various players in the processing chain and in the information of the persons concerned.

F. A continuous control procedure The Commission recalls that the

controls will continue throughout the period of use of the files, until the end of their implementation set for 31 December 2021 and the deletion of the data they contain. also recalls that the checks carried out always give rise to very regular and in-depth exchanges with the Ministry of Solidarity and Health for the SI-DEP system, but also with the other administrative bodies and users of the CONTACT COVID application (CNAM, ARS, health establishments, etc.) and the VACCINE COVID information system. This opinion is therefore only a summary of these exchanges and the findings made during the fourth phase of controls. In this respect, a fifth phase of controls has already been initiated for the last quarter of 2021. It mainly concerns on the points below. Concerning the SI-DEP processing, in addition to any technical modification likely to be made to the processing, checks on the nominal operation of the processing may take place, in particular with regard to the retention periods, the security data or transmissions to recipients. Concerning the CONTACT COVID processing, the checks will relate in particular to: the information of zero patients and contact cases; the collection, transmission and storage of data collected from zero patients, contact cases and co-explained within EHPADs, universities, schools and local authorities; the effectiveness of the measures views for the information and exercise of the rights of the persons concerned, in particular within universities and educational establishments. Concerning the VACCINE COVID information system, checks will be carried out in the coming weeks to ensure the conditions of its implementation. Concerning the TOUSANTICOVID processing, checks will be implemented in the event of the deployment of any functionalities that would not yet be implemented at this stage. Concerning the processing in connection with the health pass, checks will be implemented implemented with devices for reading people's supporting documents as an alternative to TOUSANTICOVID VERIF, in particular in order to verify the security and confidentiality of the processing implemented. Finally, checks on documents will be sent to companies offering solutions, intended for pharmacists, allowing the automation of data entry into the SI-DEP platform. These checks will relate in particular to the supervision of contractual relations between the various players. The next public notice from the Commission will report on the results of these checks. treatments. On-site checks will thus be carried out with the organizations concerned, in order to verify in particular the effective deletion of the data. The verifications will relate in particular to the retention periods of the data, their deletion and/or their possible anonymization. The President Marie-Laure DENISANNEX 1: Description of the processing SI-DEP, CONTACT COVID, TOUSANTICOVID, VACCINE COVID, quarantine and isolation. The SI-DEP treatment is a national information system implemented by the Ministry of Health which allows the centralization of the results of SARS-CoV-2 tests carried out by public or private laboratories or authorized health professionals. These results are

transmitted to SI-DEP either automatically (4,500 laboratories connected) or manually. This centralization then allows data to be transmitted to various recipients, in particular: to the regional health agencies (ARS) and to the Primary Health Insurance Fund (CPAM), with a view to carrying out investigations relating to contact cases, within the framework the CONTACT COVID teleservice. to the Department of Research, Studies, Evaluation and Statistics (DREES) and to Public Health France in a pseudonymised form, for the purposes of epidemiological surveillance and the dissemination of statistical information; to the Health Data Platform (PDS) and the National Health Insurance Fund (CNAM) for the sole purpose of facilitating the use of health data for the purposes of managing the health emergency and improving knowledge on the virus. The CONTACT COVID processing implemented by the National Health Insurance Fund (CNAM) collects information on people identified as contacts at risk of contamination (contact case, or co-exposed persons) and the chains of contamination at three different levels. contact cases (level 1); authorized health insurance personnel (or persons to whom this mission is delegated by the texts) (level 2): to complete and refine, if necessary, the Patient 0 sheet and the list of his contact cases; to call the contact cases to communicate to them the instructions relating to the isolation measures, tests and other actions to be taken; to the Regional health agencies (ARS) to ensure (level 3): their follow-up missions for contact cases; the management of situations requiring specific care. These include, for example, chains of transmission in schools, health establishments or youth centres. The STOPCOVID application, replaced by the TOUSANTICOVID application, is a mobile contact tracking application, based on volunteering people and using Bluetooth technology, made available by the Government as part of its overall strategy of progressive deconfinement. It alerts users to a risk of contamination when they have been near another user who has been diagnosed or tested positive for Covid-19. While in use, the smartphone stores a list of temporary nicknames of devices it has encountered for 14 days (this is called the proximity history). When a user is diagnosed or tested positive for Covid-19, he can choose to declare himself in the application and, thus, send his contact data (pseudonymous business cards) to a central server. The transmission of this data to the server will only be possible with a single-use code given by a health professional following a positive clinical diagnosis or a QR code given to the person at the end of his test. The server then processes each of the contacts listed in the proximity history and calculates the virus contamination risk score for each. A user's application will periodically query this server to see if one of the identifiers attached to it has been reported by a person diagnosed or screened for Covid-19 and if the associated risk score reaches a certain threshold. Once notified that they are a contact, and therefore at risk, the person is notably invited to consult a doctor. COVID VACCINE treatment implemented under the joint responsibility of

the Directorate General for Health and the National Insurance Fund (CNAM) aims to implement, monitor and manage vaccination campaigns against Covid-19. It includes information on the people invited to be vaccinated or vaccinated in order to organize the vaccination campaign, monitoring and supply of vaccines and consumables (syringes, etc.), and carrying out pharmacovigilance research and monitoring. . This file is not based on the provisions applicable in the context of the state of emergency and is not intended to extend to vaccinations other than that against the SARS-CoV-2 coronavirus. The quarantine and isolation treatment implemented under the joint responsibility of the Minister for Health and the Minister of the Interior aims to monitor and control compliance with the individual measures mentioned in Article L. 3131-17 of the Code. of public health motivated by the arrival of people on the national territory, coming from a country or territory confronted with a particularly active circulation of the epidemic or the spread of certain variants of SARS-CoV-2 whose list is set by order of the Minister for Health.

ANNEX 2: List of parliamentary hearings and opinions given by the Commission

List of Commission hearings: 2020:

April 3, 2020: interview with Mr. Cédric Villani, 1st Vice-Chairman of the Parliamentary Office for the Evaluation of Scientific and Technological Choices (OPECST) for the preparation of a note relating to the information technologies used to limit the spread of the Covid-19 epidemic;

8 April 2020: hearing before the Law Commission of the National Assembly on the use of new epidemiological technologies in the face of the current health crisis and with a view to deconfinement,

April 8, 2020: hearing before Mrs. Laure de La Raudière and Mr. Éric Bothorel, co-rapporteurs of the working group set up by the Commission for Economic Affairs on the impact, management and consequences of the Covid-19 epidemic in the field of electronic communications, postal services and digital economy: theme of the hearing: digital technologies and the fight against Covid-19;

April 15, 2020: hearing before the Senate Law Commission on the STOPCOVID application project;

May 1, 2020: hearing before the rapporteur for opinion of the Senate Social Affairs Committee on the bill extending the state of health emergency;

May 5, 2020: hearing before the National Assembly's Law Commission on the extension bill ant the state of health emergency;

October 8, 2020: hearing before Ms. Claudine Lepage, Senator, Vice-President of the Parliamentary Affairs Committee of the Parliamentary Assembly of the Francophonie, as part of the preparation of a report on the use of geolocation in times of pandemic in the French-speaking world;

November 25, 2020: hearing before MM. Philippe Gosselin and Sacha Houlié, co-presidents of the National Assembly's fact-finding mission on the legal regime of the state of health emergency.

2021: February 15, 2021: hearing before Ms. René-Paul Savary, senators, members of the senatorial forward-looking delegation on the theme of the use of new technologies in the prevention and management of epidemics;

March 9, 2021:

hearing before the National Assembly's Social Affairs Committee on the data processing in the context of the fight against the spread of the covid-19 epidemic; April 30, 2021: hearing before the rapporteur of the National Assembly's Law Commission on the bill relating to the management of the end of the health crisis; July 21, 2021: hearing before the rapporteur of the Senate Law Commission on the bill to adapt our tools for managing the health crisis. List of opinions given on the four treatments SIDEPE, CONTACT COVID, VACCIN COVID and STOPCOVID/TOUSANTICOVID: Commission deliberation no. and functioning of the health system necessary to deal with the Covid-19 epidemic in the context of the state of health emergency; Deliberation no. 2020-046 of 24 April 2020 of the Commission providing an opinion on a draft mobile application called StopCovid; Deliberation no. 2020-051 of May 8, 2020 providing an opinion on a draft decree relating to the information systems mentioned in article 6 of the bill extending the state of health emergency; Deliberation no. 2020- 056 of May 25, 2020 providing an opinion on a draft decree relating to the mobile application called StopCovid; Deliberation no. 2020-083 of July 23, 2020 providing an opinion on a draft decree issued pursuant to article 3 of law no. 2020 -856 of July 9, 2020 organizing the end of the state of health emergency relating to the retention period of pseudonymised data collected for the purposes of epidemiological surveillance and research on the Covid-19 virus; Deliberation no. 2020-087 of September 10, 2020 providing an opinion public on the conditions for implementing the information systems developed for the purpose of combating the spread of the Covid-19 epidemic (May to August 2020); Deliberation no. 2020-108 of November 5, 2020 providing an opinion on a draft decree amending decree no. 2020-551 of May 12, 2020 relating to the information systems mentioned in article 11 of law no. 2020-546 of May 11, 2020 extending the state of health emergency; Deliberation no. 2020-126 of December 10, 2020 providing an opinion on a draft decree authorizing the creation of personal data processing relating to the management and monitoring of vaccinations against the SARS-CoV-2 coronavirus; Deliberation no. 2020-135 of December 17, 2020 bearing notice on a draft decree amending decree no. 2020-650 of May 29, 2020 relating to data processing called StopCovid; Deliberation no. 2021-004 of January 14, 2021 issuing a public notice on the conditions for implementing information systems developed in purposes of combating the spread of the Covid-19 epidemic; Deliberation no. 2021-006 of January 19, 2021 providing an opinion on a draft decree amending decree no. 2020-551 of May 12, 2020 relating to the information systems mentioned in Article 11 of Law No. 2020-546 of May 11, 2020 extending the state of health emergency and supplementing its provisions; Deliberation No. 2021-055 of May 12, 2021 providing an opinion on a draft decree creating the automated processing of personal data relating to the monitoring and control of compliance with certain measures taken on the basis of II

of Article L. 3131-17 of the Public Health Code; Deliberation No. 2021-067 of June 7, 2021 providing an opinion on the draft decree and implementing II of Article 1 of Law No. 2021-689 of May 31, 2021 on the management of the end of the health crisis (request for opinion no. July 2021 issuing an opinion on a draft decree amending decree no. 2020-551 of May 12, 2020 relating to the information systems mentioned in article 11 of law no. 2020-546 of May 11, 2020 extending the state of health emergency and supplementing its provisions and decree no. 2020-1690 of December 25, 2020 authorizing the creation of personal data processing relating to vaccinations against covid-19 (request for opinion no. 21010901); Deliberation n° 2021-096 of August 6, 2021 issuing an opinion on a draft decree amending decree n° 2020-551 of May 12, 2020 relating to the information systems mentioned in article 11 of law n° 2020-546 of 11 May 2020 extending the state of health emergency and supplementing its provisions and decree no. 2020-1690 of December 25, 2020 authorized nt the creation of personal data processing relating to vaccinations against covid-19 (request for opinion no. 21013690); Deliberation no. 2021-097 of August 6, 2021 providing an opinion on a draft decree amending the decree n° 2021-699 of June 1, 2021 prescribing the general measures necessary for the management of the end of the health crisis and decree n° 2021-901 of July 6, 2021 relating to the automated processing of personal data called Certificate converter (request Notice No. 21013690).

APPENDIX 3: List of texts and their main contributions to the protection of personal data

Law no. 2020-546 of 11 May 2020 as amended extending the state of health emergency and supplementing its provisions: authorizes for the sole purpose of combating Covid-19 epidemic, the processing and sharing of personal health data in the context of information systems created by decree in the Council of State; Law no. 2020-856 of July 9, 2020 organizing the exit from state of health emergency: authorizes the extension of the retention period of pseudonymised data collected within the framework of the SI-DEP and CONTACT COVID information systems for the purposes of epidemiological surveillance and research on the Covid-19 virus; Law no. 2020-1379 of November 14, 2020 authorizing the extension of the state of health emergency and laying down various health crisis management measures and amending law no. 2020-546 of May 11, 2020: authorizes the extension of the a duration of implementation of the CONTACT COVID and SI-DEP information systems until April 1, 2021 at the latest; extends the retention period of pseudonymised data processed for the purposes of epidemiological surveillance and research on the virus until April 1, 2021; the purpose of the Covid-19 IS, relating to the identification of infected persons and the prescription and performance of biological examinations, is extended to the prescription and performance of serological or virological screening examinations, in order to take into account account the evolution of the procedures for carrying out screening examinations by authorized

health professionals (list fixed by decree); Law no. 2021-160 of February 15, 2021 extending the state of health emergency: extends the maintenance of SI- DEP and CONTACT COVID until December 31, 2021 and authorizes the retention of pseudonymised data for the purposes of epidemiological surveillance and research on the Covid-19 virus until December 31, 2021; Law n°2021-689 of May 31 2021 relating to the management of the end of the health crisis: integrates the data collected by the IS into the SNDS. The data was kept until December 31, 2021; with the payment in the SNDS, they can be kept for 20 years after transfer; Law n ° 2021-1040 of August 5, 2021 relating to the management of the health crisis: extension of the health pass until October 31, 2021 to access certain places , establishments and services; Decree No. 2020-551 of May 12, 2020 amended relating to the information systems mentioned in Article 11 of Law No. 2020-546 of May 11, 2020 amended extending the state of health emergency and supplementing its provisions: creation of SI-DEP and CONTACT COVID processing; Decree no. 2020-650 of May 29, 2020 relating to the processing of data called STOPCOVID: establishes the STOPCOVID application; Decree no. 2020-1018 of August 7, 2020 taken pursuant to the article 3 of law no. 2020-856 of July 9, 2020 organizing the end of the state of health emergency and modifying decree no. 2020-551 of May 12, 2020 relating to the information systems mentioned in article 11 of the law no. 2020-546 of 11 May 2020 extending the state of emergency health emergency and supplementing its provisions: extends to six months after the end of the state of health emergency the retention period for pseudonymised data collected within the framework of these information systems for the purposes of epidemiological surveillance and research on the Covid-19 virus; Decree no. 2020-1385 of November 14, 2020 amending decree no. 2020-551 of May 12, 2020 relating to the information systems mentioned in article 11 of law no. 2020-546 of May 11, 2020 extending the state of health emergency and supplementing its provisions: extension of the Covid-19 IS until no later than April 1, 2021; extension of the reporting of results to all screening examinations (serological or virological) carried out by health professionals appearing on a list provided for by decree and authorized to carry out these tests; addition of data collected, persons accessing and storing the data, recipients of the data, etc. ;Decree no. 2020-1387 of November 14, 2020 establishing the list of health professionals authorized to inform the information systems mentioned in article 11 of the law of May 11, 2020 extending the state of health emergency and supplementing its provisions : doctors, medical biologists, pharmacists and nurses; Decree no. 2020-1690 of December 25, 2020 authorizing the creation of personal data processing relating to vaccinations against covid-19: creating the VACCIN COVID information system aimed at to allow the conduct and monitoring of the vaccination campaign against the SARS-CoV-2 coronavirus; Decree no. 2021-48 of January 20, 2021

amending Chapter I of Decree no. 2020-551 of May 12, 2020 relating to information systems mentioned in article 11 of law no. 2020-546 of 11 May 2020 extending the state of health emergency and supplementing its provisions: reinforces the mechanism for tracing the chains of transmission of the virus by widening the scope of action from the CONTACT COVID file; it thus makes it easier to carry out health surveys; Decree no. 2021-157 of February 12, 2021 amending decree no. 2020-650 of May 29, 2020 relating to the processing of data called StopCovid: introduction of a digital device for recording visits in certain establishments open to the public and addition of new functionalities; Decree No. 2021-901 of July 6, 2021 relating to the automated processing of personal data called Certificate Converter: creation of a personal data processing operation, called Certificate Converter certificates. This processing makes it possible to convert certificates relating to the results of virological screening examinations, proof of vaccination status, documents attesting to a contraindication to vaccination, to formats compatible with international standards, in particular European. This service is accessible from the TOUSANTICOVID application, and allows users with a certificate to convert it to a format that meets international standards; Decree No. 2021-930 of July 13, 2021 amending Decree No. 2020-551 of May 12, 2020: completes the list of data processed in CONTACT COVID and SI-DEP, by adding the following data: date of infection with the covid-19 virus, vaccination status and date of injection(s); Decree no. ° 2021-1059 of August 7, 2021 modifying decree n ° 2021-699 of June 1, 2021 prescribing the general measures necessary for the management of the exit from the health crisis: this decree allows on the one hand, to establish digital certificates attesting a contraindication to vaccination, and on the other hand, to set up the verification of health documents through an authorized person using the TOUSANTICOVIDVERIF application. The data of this application are processed only once and are not stored; Order of July 10, 2020 amended prescribing the general measures necessary to deal with the covid-19 epidemic in the territories outside the state of health emergency and in those where it has been extended: regulates the centralization of data from the SI-DEP and CONTACT COVID files within the Health Data Platform and the CNAM and their use (replaces and repeals the decree of 21 April 2020 supplementing the order of March 23, 2020 prescribing the organizational and operational measures of the health system necessary to deal with the Covid-19 epidemic in the context of the state of health emergency); October 9, 2020 modifying the decree of July 10, 2020 prescribing the general measures necessary to deal with the covid-19 epidemic in the territories which have emerged from the state of health emergency and in those where it has been extended; October 16, 2020 edited nt the decree of July 10, 2020 prescribing the general measures necessary to deal with the Covid-19 epidemic in the territories that have emerged from the state of health emergency and in

those where it has been extended: the data cannot be processed only for projects pursuing a purpose of public interest in connection with the current Covid-19 epidemic and until the entry into force of the provisions taken pursuant to article 41 of the aforementioned law of July 24, 2019 (SNDS decree) - deletion of the deadline of October 30, 2020 for processing data. Order of October 26, 2020 modifying the order of July 10, 2020 prescribing the organizational and operational measures of the health system necessary to deal with the Covid-19 epidemic in the context of the state of health emergency; Order of August 24, 2021 taken pursuant to III of article 2-3 of decree no. 2021-699 of June 1, 2021 prescribing the measures general information necessary for crisis exit management silence: provides details on the TOUSANTICOVIDVERIF application. APPENDIX 4: List of organizations inspected since May 2020

SI-DEP treatment: The Ministry of Solidarity and Health; Assistance Publique des Hôpitaux de Paris (AP-HP); Private medical biology laboratories; Pharmacies carrying out antigenic tests .COVID CONTACT treatment: The National Health Insurance Fund (CNAM); A health establishment receiving patients for consultation; Primary Health Insurance Funds (CPAM); Regional Health Agencies (ARS); The National Council of the Order of Physicians (CNOM); The National Council of the Order of Pharmacists (CNOP). STOPCOVID / TOUSANTICOVID treatment: The Ministry of Solidarity and Health; The National Institute for Research in Digital Science and Technology (Inria); SI-VACCIN treatment: The National Health Insurance Fund (CNAM); The Stade de France vaccination center; The Melun vaccination centre.