

Deliberation n ° 508-AU-2014 of 14/11/2014 on the model of standard declaration concerning the processing of personal data relating to the sale online.

The National Commission for the Control of Personal Data Protection ,

met on 14/11/2014, under the chairmanship of Mr. Said Ihrai;

Were present Mrs. Souad El Kohen, Messrs Driss Belmahi, Abdelaziz Benzakour, Brahim Bouabid, Abdelmjid Rhoumija and Omar Seghrouchni.

Considering the law n ° 09-08 promulgated by the Dahir l-09-15 of February 18, 2009, relating to the protection of natural persons with regard to the processing of personal data (BO n ° 5714 of 05/03/2009);

Considering the decree n ° 2-09-165 of May 21, 2009 taken for the application of the aforementioned law n ° 09-08 (BO n ° 5744 of 06/18/2009);

Having regard to the internal regulations of the CNDP (approved by decision of the Prime Minister n ° 3-33-11 of March 28, 2011 / BO n ° 5932 of 04/07/2011);

Having regard to deliberation n ° 30-S-2012 of November 9, 2012, relating to the simplification of procedures administrative processing notification to the CNDP;

Decide:

Article 1: Data controllers

Any trader, natural person or legal, offering the online sale of goods or services.

Article 2: Data subjects

This processing concerns any natural person whose personal data are processed as part of an online sale.

Article 3: Purposes of processing

The processing of online sales may have all or part of the following purposes:

- ✓ Management of customer accounts:

- Creation;
- Modification;

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- Deactivation and reactivation;
- Closure and deletion;

- ✓ Management of commercial transactions:

- Order;
- Billing;
- Delivery;
- Accounting.

- ✓ Customer relationship management:

- Loyalty program;
- After-sales service management;
- Claims management;
- Litigation and litigation management
- Carrying out satisfaction surveys;
- Commercial prospecting in compliance with the provisions of article 10 of law 09-08 and other legal and regulatory provisions in force;
- Web metric of use and attendance concerning the online sales site in compliance with article 8 of this deliberation.

Article 4: Data processed

In accordance with the principle of proportionality, it is not necessary to collect and process, among the data mentioned below, than those strictly necessary for the achievement of the purposes pursued by the controller.

The categories of data that may be collected and processed for the achievement of the purposes described in article 3 above are:

- ✓ **data relating to identity:** name, first name, login, password, address, numbers phone number, fax number, email, date of birth (for the protection of minors) and internal code of the client. This must not be the credit card number or a national identifier such as the CNl number, the CNSS identifier or the Passport number;
- ✓ **data relating to means of payment:** method of payment, type of card bank, credit card number, expiration date and verification codes;
- ✓ **data relating to the commercial transaction** such as the number of transaction, details of the purchase of goods or services and delivery address;
- ✓ **data relating to the monitoring of the commercial relationship** such as requests for after-sales services, the history of purchases and services, the return of products, the origin of the sale (seller, representative, partner, etc.) and the exchanges and feedback from customers and prospects;

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- ✓ **data relating to people who submit opinions and comments on goods or services**, such as email and pseudonym;
- ✓ **visitor login data may be used for metric purposes web of use and attendance** , in compliance with article 8 of this deliberation, such as date, time, Internet address, protocol used and page consulted.

Article 5: Data recipients

Personal data collected in the context of online sales may be communicated to those involved in the commercial transaction, in particular subcontractors (logistics companies, etc.), payment system managers and establishments financial.

Recipients are required to ensure the confidentiality of the personal data they receive. communicated.

Article 6: Data retention period

Subject to legal and regulatory provisions to the contrary, personal information necessary for the aforementioned processing, making it possible to identify directly or indirectly the categories of the aforementioned persons must not be kept beyond the period necessary for the achievement of the purposes covered by this deliberation.

Bank card numbers may be kept subject to obtaining the express consent of the data subject. However, the expiration date and the codes verification cannot, under any circumstances, be kept after the completion of the transaction banking.

Data relating to the web metric of use and attendance, concerning the site of sale online, can be stored for up to six months after collection. Beyond this period, this data must either be deleted or anonymized.

Article 7: Rights of data subjects

The controller:

1. must ensure that the data subjects' right to information is respected, in accordance with in Article 5 of Law 09-08, by communicating the following information to them:
 - ✓ The identity of the data controller who operates the online sales site;
 - ✓ The purposes of the processing;
 - ✓ The obligatory or optional nature of the answers;
 - ✓ The nature of the data collected;

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- ✓ The recipients of the data;
 - ✓ The planned transfers of personal data abroad;
 - ✓ Contact details for the exercise of rights of access, rectification and opposition;
 - ✓ And the references of the receipt issued by the CNDP.
- 2.Can not carry out the processing relating to the online sale without the consent free and informed prior of the data subject or the justification of the existence a waiver of the consent requirement, in accordance with the provisions of the law 09-08.

Article 8: Web metrics of use and attendance:

To analyze the use of the merchant site, the data controller can use the connection data mentioned in article 4 after having informed users of clear and precise manner and obtained their consents.

Article 9: Data security and confidentiality

The controller takes all appropriate precautions to preserve the security and confidentiality of the data processed, in particular to prevent them from being destroyed, distorted, damaged or that unauthorized third parties may take

knowledge, in accordance with the provisions of section 3 -chapter III- of law 09-08 mentioned above (Articles 23, 24, 25 and 26).

Security measures must cover both data stored on paper media than IT.

Article 10: Transfer of data abroad

Any transfer of data abroad must be notified in advance to the Commission National control of the protection of Personal Data, in particular in the case of hosting or storage of data on servers located outside the National territory.

Article 11: Interconnection and cross-checking with other files.

Interconnection and cross-checking with other files whose main purposes are different must be the subject of a separate authorization request, in accordance with Article 12, paragraph 1, sub-paragraph f of Law 09-08.

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Article 12: Method and fields of application

Any online sales processing in accordance with the terms of this deliberation must be notified to the CNDP by means of a standard declaration request.

Any processing of personal data relating to online sales, not responding not under the conditions set by this model, must be the subject of a request for authorization or declaration to the Commission in the forms prescribed by Articles 12 and 15 of the aforementioned law 09-08 and its implementing decree.

Done in Rabat, November 14, 2014

President

Said Ihrai

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