

2019

Activity report

# COMMISSION NATIONALE DE L'INFORMATIQUE ET DES LIBERTÉS

Protecting personal data,  
Accompanying innovation,  
Preserving individual freedoms

La CNIL alliée de  
confiance du  
quotidien NUMÉRIQUE\*

\*The CNIL, a trusted ally in French citizens' digital daily lives

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**Protecting personal data,  
Accompanying innovation,  
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**Commission Nationale de l'Informatique et des Libertés**  
3, place de Fontenoy - TSA 80715 - 75 334 PARIS CEDEX 07  
[www.cnil.fr](http://www.cnil.fr) / Tél. 01 53 73 22 22 / Fax 01 53 73 22 00

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# KEY FIGURES IN 2019

## ADVISING AND REGULATING

33 PARLIAMENTARY  
HEARINGS

362 AUTHORISATIONS  
FOR HEALTH RESEARCH

160 DELIBERATIONS  
INCLUDING: 117 OPINIONS  
ON DRAFT LEGISLATION

## ACCOMPANYING COMPLIANCE

64,900

ORGANISATIONS APPOINTED A DATA PROTECTION  
OFFICER (DPO)

21,000 DPOS APPOINTED

+31% COMPARED  
TO 2018

62,000

ACCOUNTS CREATED ON THE MOOC\*  
GDPR\*\* WORKSHOP

2,287

NOTIFICATIONS OF DATA BREACHES

## PROTECTING

14,137 COMPLAINTS

+27% COMPARED  
TO 2018

4,517 REQUIREMENTS OF INDIRECT  
RIGHT OF ACCESS

+6% COMPARED  
TO 2018

3,573 VERIFICATIONS  
CARRIED OUT

\*MOOC : Massive Open Online Course Description

\*\*GDPR : General Data Protection Regulation

## INFORMING

145,913 CALLS RECEIVED

17,302 REQUESTS RECEIVED BY ELECTRONIC MEANS

8 millions VISITS TO CNIL.FR

115,700 FOLLOWERS ON TWITTER

35,000 FANS ON FACEBOOK

115,000 FOLLOWERS ON LINKEDIN

## INVESTIGATING AND ISSUING SANCTIONS

300 INVESTIGATIONS CARRIED OUT INCLUDING :

53 INVESTIGATIONS ONLINE

45 INVESTIGATIONS ON PARTS

42

ORDERS RENDERED:

2 MADE PUBLIC

2 CALLS TO ORDER

2 WARNINGS

8 SANCTIONS INCLUDING :

7 FINES OF A TOTAL AMOUNT OF €51,370,000

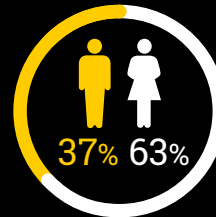
5 INJUNCTIONS WITH PERIODIC PENALTY PAYMENTS

2 SANCTIONS DISMISSED

## HUMAN RESOURCES

BUDGET : €18.5 MILLION

215 AGENTS



39 years old Average age

48% OF POSITIONS OCCUPIED BY LEGAL EXPERTS

22% BY ASSISTANTS

19% BY ENGINEERS/ INFORMATION SYSTEM AUDITORS

80% OF OFFICERS OCCUPY A CATEGORY A POSITION

58% OF OFFICERS WORKING AT THE CNIL WERE HIRED BETWEEN 2014 AND 2019

8 ANS AVERAGE YEARS OF SERVICE

# HIGHLIGHTS OF 2019

## January



**18/01** > Publication of the **6th Innovation & Prospective** booklet by the CNIL's digital innovation laboratory



**21/01** > **The CNIL's Restricted Committee imposes** a 50 million euro sanction on Google LLC

**22-23/01** > **The CNIL is present at the 11th International Cybersecurity Forum (FIC)**



**23/01** > **Social workers:** The CNIL publishes an information kit to protect your audiences' data

**31/01** > **The CNIL and the DGCCRF** improve their cooperation protocol to strengthen the protection of consumers and their personal data

**31/01** > **The CNIL and INRIA** award the 2018 «privacy protection» prize

## February

**02/02** > Marie-Laure DENIS is appointed Chair of the CNIL by decree of the President of the Republic for a five-year term of office



**21/02** > **Opening of public data:** CNIL and CADA propose an online consultation on their draft practical guide

## March



**11/03** > The CNIL launches its **online training** on the GDPR open to everyone

**28/03** > The CNIL publishes a standard regulation on **biometrics in the workplace**

## Avril



**11/04** > **Management of human resources and professional warnings:** the CNIL launches a public consultation on two future reference systems

## May

**13/05** > **European elections:** for an election campaign that respects personal data

**13/05** > **Developers:** the CNIL publishes a best practice kit online

**23/05** > **1 year with the GDPR:** a new awareness



**27/05** > **Control of the administrative blocking of sites:** the qualified person presents their 4th activity report

## June

**03/06** > Entry into force of the new **Data Protection Act and its new implementing decree**



**06/06** > **Sergic:** 400,000 euro penalty for breach of data security and failure to comply with retention periods

**14/06** > **The National Council of Bars and Law Societies and the CNIL** renew their partnership agreement for 3 years



**18/06** > **Uniontrad Company:** a 20,000 euro fine for excessive video surveillance of employees

**28/06** > **The legal framework relating to consent evolves,** as does the CNIL website

**28/06** > **Online ad targeting:** what is the CNIL's action plan?

## Juillet



**01/07** > The CNIL launches a consultation on the **accreditation framework for the supervisory body for codes of conduct**

**03/07** > **Data & Design:** a new platform for the design community centred around the GDPR

**08/07** > Seven regulators publish the results of their joint approach on «**data-driven regulation**».

**10/07** > **Security of Internet voting systems:** CNIL updates its 2010 recommendation

**12/07** > **Certification of DPO qualifications:** the CNIL issues its first accreditation



**15/07** > The CNIL launches a public consultation with **researchers on data processing for scientific research purposes**



**18/07** > **Cookies and other tracers:** CNIL publishes new guidelines



**18/07** > **Management of health vigilance:** publication of the framework for personal data processing



**25/07** > **Active assurances:** 180,000 euro penalty for breach of customer data security



**25/07** > The CNIL publishes a **new simplified register model**

## September

**02/09** > Launch of the **4th** edition of the **CNIL-INRIA prize**

**04/09** > **Bioethics Bill**: hearing of Marie-Laure Denis before the Special Committee of the National Assembly

**20-22/09** > **Educnum Days in Poitiers**

**18/09** > **Local authorities**: the CNIL publishes a guide to raise awareness of the GDPR

**24/09** > **Right to be de-listed**: the CJEU delivers its judgements

**30/09** > **2020 Finance bill 2020**: publication of the CNIL's opinion on the experiment allowing data collection on online platforms

## October

**17/10** > **Open data**: the CNIL and CADA publish a practical guide to online publication and reuse of public data

**29/10** > **Facial recognition experiment in two high schools**: the CNIL clarifies its position

## November

**04/11** > The CNIL launches a public consultation on the Framework on **identification of drivers having committed an offence**

**06/11** > **The Association of Mayors of France and Presidents of Inter-municipalities and the CNIL** sign a partnership agreement for the 2019-2022 period

**15/11** > **Facial recognition**: for a debate equal to the stakes

**26/11** > **Futura Internationale**: 500,000 euro penalty for illegal cold calling

**27/11** > **Political communication**: the CNIL presents an action plan for the 2020 municipal elections

## December

**02/12** > **The CNIL publishes its GDPR register**

**04/12** > **Road section radars**: formal notice issued to the Ministry of the Interior

**10/12** > **Excessive video surveillance of employees by means of connected cameras**: formal notice issued to the company boutique.aéro

**10/12** > **The CNIL publishes its opinion on the bill on audiovisual communication and cultural sovereignty in the digital age**

**10/12** > **Professional alert systems**: publication of the framework on personal data processing

**10/12** > **Event**: Is civic tech really changing democracy?

**11/12** > **Civic tech, data and demos**: an exploration of the interactions between democracy and technology

**12/12** > The CNIL participates in the **State's tech job forum**

**18/12** > Letters of formal notice issued to **several schools for excessive video surveillance**

**31/12** > **Right to be de-listed and sensitive information**: the Council of State's viewpoint



## THE CHAIR'S FOREWORD

**Marie-Laure DENIS**  
Chair of the CNIL

### 2019: DATA REGULATION IN FULL EXPANSION

For the second year in a row, the CNIL has recorded some unprecedented figures, showing a very strong mobilisation around the GDPR (General Data Protection Regulation) by all audiences: indicators that show that the CNIL is a leading public service.

#### 2019, A YEAR FULL OF OPERATIONAL PRACTICE

One thing is clear: a full year after entry into force of the GDPR, the 2019 has shown that the GDPR is at the heart of French and European citizens' concerns. This year was marked by an ever-increasing number of complaints addressed to the CNIL and by cooperation with its European counterparts becoming a daily reality. In figures, 2019 is more than 14,000 complaints, an increase of over 27% compared to the previous year, among which 20% were cross-border complaints, 145,000 calls, 8 million visits to our website and 17,300 electronic queries via the

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Need Help section, a 12% increase over the same period. At the same time, close to 65,000 organisations have now officially appointed a data protection officer (DPO).

The CNIL has taken full ownership of the new legal framework. It has activated the new sanction thresholds provided for in the GDPR, as demonstrated by the sanction issued to Google in January 2019, which remains to **this day the most important sanction in Europe** handed out by a data protection authority. Other sanctions against companies of varying sizes, in different sectors and on different subjects, were issued, for a total amount of EUR 51,370,000.

Numerous tools to support GDPR compliance have been developed, including our first soft law tools, our open-to-all online course (MOOC), which now totals over 62,000 accounts created, a practical guide for local authorities, an open data guide in collaboration with the CADA and the design.cnil.fr website.

Even at global level, we note that the GDPR is still in political and media news, three years after its adoption and one and a half years after its effective application. This is quite rare, even unheard of, for a European text. It is therefore our responsibility to ensure the success of this new regulation, as a tool to protect citizens, ensure confidence in the digital world and, finally, safeguard sovereignty. This is why the CNIL takes an active part in the debate on global data governance and in promoting the European model. It is very much involved in all major current issues: Cloud Act, Privacy Shield, alignment of Japan and soon South Korea, to name but a few examples.

## 2020, A YEAR TO BUILD SOLUTIONS

In addition to the necessary safeguards for the free flow of data, as well as the crucial need to keep the Internet open, issues such as access, monitoring and location by public authorities have become increasing concerns.

Whether for individuals, professionals or the European collective, **the CNIL's objective is to build sustainable solutions**, respectful of texts and applied by all, in order to establish a framework of confidence and security for companies and consumers. This will result in five strategic axes which will guide our action between now and 2021.

### 1. Give priority to the digital issues encountered by French citizens in their daily lives.

The CNIL will be citizens' trusted ally in their daily digital lives. We will improve the website's editorial offer for individuals, especially young people, who are at the heart of our action. We will also enhance the readability and simplicity of the CNIL's speech to provide, now more than ever, turnkey answers, practical recommendations and digital tools to effectively protect one's privacy. Finally, we will focus all of our missions on the digital daily lives of the French population, in order to improve, in practice, their degree of control over their data..



“The CNIL:  
an ally in digital daily life.”

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“The common thread in 2020 will be the appropriation by all and the realisation for all of the promises and potential of the GDPR.”

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**2. Ensure a balanced regulation of data protection between law enforcement and support.**

The CNIL must ensure that data protection becomes a permanent part of the daily culture and customs of public and private organisations, which are imperative conditions for the GDPR's success. Its support action will be more prioritized, adapted and focused on professional or civil society groups, as well as on the types of data processing that have the greatest impact, by their nature or scope, on the people and the world of tomorrow. To echo this increased responsibility given to organisations in the management of their data processing, the CNIL will fully invest in law enforcement actions, which have now taken on a new dimension with the GDPR.

**3. Take an active part, within our means, in international data geopolitics, in connection with French diplomacy.**

The CNIL's voice will be heard internationally: within the European collective where the cooperative approach must give rise to a common culture and visible effectiveness for all, and in arenas of global influence where the major geopolitical balances in terms of data protection will be played out in the years to come. Based on its long experience as an independent administrative authority, the CNIL must continue to contribute to the success of the new data governance model, which is the key to true European digital sovereignty in this area.

**4. Provide leading public expertise on digital technology and cybersecurity.**

Cybersecurity has become a major issue for companies and public bodies. The CNIL has first-rate technical expertise in the field of this regulation, which it needs to further develop, particularly as regards cybersecurity. To provide a more comprehensive response to the challenges it is facing, and to give the State as a whole an effective global response capacity, it must promote and participate towards networking expertise and tools with other regulators and components of the digital State. It will also continue to invest in other approaches, in particular economic and ethical approaches, to serve an increasingly modern vision of digital regulation.

**5. Embody an innovative public service united around its values.**

Finally, the CNIL must be exemplary in the exercise of its missions as well as vis-à-vis its officers. The regulation of personal data in the digital world cannot be done behind closed doors; On the contrary, it requires constantly confronting reality and verifying the validity of actions and decisions with regard to their effects over time. This requirement will be felt at several levels. First of all, in terms of recruitment, the CNIL will make it its duty to reflect the humanist values that it incarnates in a time in which digital technology is revolutionizing social and professional relations. Furthermore, the CNIL will further develop the advantages offered by digital technology in its tools to better meet its audiences' expectations.

Major steps were taken in 2019, but there is still a long way to go to complete the transformation and achieve a Data Protection culture that is fully shared and disseminated across the country.

## A WORD FROM THE SECRETARY GENERAL

**Louis DUTHEILLET DE LAMOTHE**  
Secretary General



## ALWAYS PLACING INFORMATION TECHNOLOGY AT THE SERVICE OF EVERY CITIZEN

Each activity report drafted by the CNIL provides an opportunity for a similar observation. This is the result of a year of full and complete mobilisation of the CNIL's teams to accomplish their public service mission, in the face of an increasing workload. The figures set out throughout this report, the testimonies from officers and the description of their actions, illustrate each officer's commitment to responding to the increased activity as a result of the demands and challenges faced by the CNIL. In particular, I would like to begin these few words by applauding the former General Secretary, Jean Lessi, who left his duties on 10 April 2020 for his action in 2019 and for his entire term of office.

### TOOLS ADAPTED TO NEW NEEDS

There are many reasons for this workload. One, of course, is the taking up of new missions entrusted to the CNIL by the European and French legislators (certification, soft law tools, support for data protection officers, response to data protection impact assessments – or DPIAs –, management of breach notifications, implementation of codes of conduct, etc.). Another is the matter of implementing new working methods, and in particular cooperation with our counterparts, which are objectively time-consuming, but so valuable in meeting both businesses' expectations in terms of consistency and legal certainty and the need for greater citizen protection at the relevant geographical level: Europe. There is also the issue of addressing, more so than in the past, the specific needs of certain audiences which call for a tailored response and appropriate tools, in particular the smallest public (small municipalities and small public establishments) and private (VSE-SME) structures. Above all, all missions, all methods and all audiences, individuals and professionals alike, the task is to face ever more stringent requirements regarding protection and advice on the new features of the GDPR, but with a significant catch-up of rights and obligations existing since 1978.



**“The specific needs of certain audiences which call for a tailored response and appropriate tools.”**

What is striking, beyond the figures or even the non-quantifiable activity, is to note that through all these sensors, not only is there a thirst for people to have control over their data, not only is there an (increasing) appropriation by operators of their responsibility, our society is also undergoing major transformations, which are already well known, but for which data protection is a rather striking prism.

## **MULTIPLE SUBJECTS UNDER DISCUSSION**

These crucial issues are reflected in several topics that the CNIL has had to deal with in 2019: the launch of the debate on facial recognition and new video uses, which it had encouraged and which refers, among other things, to the very fundamental question of anonymity in the public space and legitimate forms of surveillance; the ongoing project on digital identity, which offers so many opportunities but brings into question the possibility – challenged by digital technology from the outset – of compartmentalizing our civic, commercial and professional life online, and thus invites the construction of balanced solutions; the rise of voice assistants and conversational agents, and the questions it raises, beyond the use of data and intimacy, about human-machine relationships.

The CNIL has also faced the spread of digital crime, including cyber attacks and multiple attacks on people online, which feeds on the misuse of our personal data, affects small and large operators and, in turn, people; the multiplication of the power to trace individuals online held by transnational actors, and especially private ones, which continues to grow; the risk of a digital divide at the expense of part of the population, coupled with too uneven a capacity to protect its data, and the need to approach digital education and support in a new light.

There is something dizzying about these different topics, both individually and put together. Every day, they confirm the topicality of Article 1 of the French Data Protection Act and its call for vigilance, to ensure that information technology is always «at the service of each citizen» and that its development is carried out with respect for «human identity» and our fundamental freedoms. More than ever, regulating the use of personal data means taking on a daily task – to put it simply, the volume of entries - while keeping plate tectonics in mind.

## **TOWARDS COOPERATION BETWEEN ALL ACTORS**

The CNIL contributes towards this aim, using resources that will have to continue to grow in order to seize opportunities and really fight against current threats. However central it may be to the subject, this objective is obviously not that one institution will be able to tackle alone. On the contrary, the public order required in the digital space can only be ensured by combining regulation with public intervention, including jurisdictional intervention, which must be strengthened as a whole. Likewise, on priority is to ensure, through a shared effort (by many public, private and civil society actors) and partnership in digital education, that people are better equipped to master their data and their uses, and to have an autonomous force for action in this new context. Another priority is for businesses and more broadly all innovators to invent new virtuous models of products, services and public services, shaping a digital ecosystem that is respectful of people, inclusive, sustainable and social.

It is in this sense that the CNIL will remain committed in 2020 to the cause so well described by Article 1 of our Act, modernised and relayed at European level by the GDPR two years ago.