



THE CNIL IN
A NUTSHELL
2022

Protect personal data
Support innovation
Preserve civil liberties

▶ EUROPEAN REGULATION

The General Data Protection Regulation (GDPR) is the reference text on the subject in the European Union. It came into effective application on 25 May 2018 and gives individuals more control over their data, while providing a unified and simplified framework for organisations that process personal data (companies, administrations, associations etc.).

Since 2018, the GDPR has:

1. Strengthened the rights of individuals, by introducing the right to portability of personal data and specific provisions applicable to minors.
2. Made organisations processing data (data controllers and data processors) accountable.
3. Given credibility to regulation through close cooperation between European data protection authorities and stronger enforcement powers.

THE MAIN PROVISIONS OF THE GDPR

■ *Accountability*

Administrations, companies and associations processing personal data, and also their service providers and subcontractors, are fully accountable for the protection of the data they process. It is their responsibility to ensure compliance with the GDPR throughout the lifecycle of their personal data processing operations and to be able to demonstrate this.

■ *Compliance tools*

From an operational point of view, compliance with the European regulation is based on various tools, including:

- the record of processing operations and internal documentation;

For professionals

- cybersecurity and reporting of certain incidents;
- Data Protection Impact Assessments (DPIAs) for potentially sensitive processing operations.
- *The Data Protection Officer (DPO).*

The implementation of these tools implies, as a prerequisite, the appointment of an internal pilot: the Data Protection Officer (DPO), who is the main orchestrator for personal data protection within the organisation. In addition, the logic of accountability must result in a change in corporate culture and the mobilisation of internal or external skills (IT departments, service providers, legal departments,

business departments). To help organisations, the CNIL developed a dedicated section on its website, as well as a method and tools for taking action: a guide for VSEs/SMEs, templates for notices and records, online services, etc.

Note: the GDPR removes the requirement to make file processing notifications to the CNIL. Only a few prior formalities remain, such as requests for an opinion for the police/justice sectors or requests for authorisation related to some health data processing operations.

For individuals

The GDPR has strengthened the control that an individual exercises over his data. It applies whenever a person in Europe is substantially affected by data processing. Global players are therefore subject to European law when they offer a product or service to individuals in Europe, even remotely. This criterion, also known as “targeting”, constitutes a major change: from now on, the territoriality of European data protection law is built around the individual, not

just around the territory where companies are located.

The GDPR and the new law of 20 June 2018 recognise for individuals:

- a right to clearer and more accessible information;
- reinforced protection for children with parental consent for children under 15 years of age;

- a right to portability, which allows individuals to retrieve their data in an easily reusable format and to then transfer it to a third party;
- the right to compensation for material or moral damage, particularly in the context of collective actions.

FRANCOPHONIE

For many years, the CNIL has been involved in promoting the culture of information technology and civil liberties in French-speaking countries.

These actions led to the creation, in 2007, of the *Association Francophone des Autorités de Protection des Données Personnelles (AFAPDP)*, in partnership with the *Organisation Internationale de la Francophonie (OIF)*, and to the adoption of privacy legislation by countries in the French-speaking world such as Burkina Faso, Tunisia, Morocco, Madagascar and Mali.

In 2019, 67 of the 88 member states and governments of the Francophonie world had a law in place, 52 of which had established a personal data protection authority.

THE CNIL within the European Data Protection Board (EDPB)

The European Data Protection Board (EDPB), a new European Union body established by the GDPR, brings together EU data protection authorities to ensure consistent application of the GDPR. It can issue recommendations, guidelines, best practices and opinions to clarify the interpretation of the principles and to assist businesses, public authorities and individuals in implementing them. It can also adopt binding decisions to settle disputes between supervisory authorities.

WHAT IS THE CNIL?

Created by the French Data Protection Act of 6 January 1978, the *Commission nationale de l'informatique et des libertés* [French Data Protection Authority] is an independent government agency responsible for ensuring the protection of personal data contained in computer or paper files and processing operations, both public and private.

On a daily basis, the CNIL ensures that information technology is at the service of the citizen and that it does not undermine human identity, human rights, privacy, or individual or public liberties. Since February 2019, Marie-Laure Denis, Councillor of State, is the CNIL Chair.

WHAT IS PERSONAL DATA?

Personal data means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier (e.g. social security number) or to one or more factors specific to that individual (e.g. last name and first name, date of birth, biometric data, fingerprint, DNA, etc.).

WHO ARE THE MEMBERS OF THE CNIL?



The CNIL comprises

18 members

1 REPRESENTATIVE OF THE FREEDOM OF INFORMATION COMMISSION

6 REPRESENTATIVES OF HIGH COURTS (French Conseil d'Etat, Court of Audits, Court of Cassation)

4 PARLIAMENTARIANS (2 National Assembly, 2 Senate)

5 QUALIFIED PERSONS

2 MEMBERS OF THE ECONOMIC, SOCIAL AND ENVIRONMENTAL COUNCIL

PROCEEDINGS

PLENARY SESSION

The members of the CNIL meet in plenary session once a week on an agenda pre-established by the Chair. A major part of these sessions is devoted to the assessment of laws and decrees that are submitted by the government for an official CNIL opinion. More generally, the CNIL analyses the consequences of new technologies on citizens' private life.

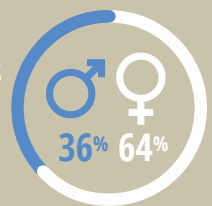
RESTRICTED COMMITTEE

The CNIL's restricted committee is composed of five members and a Chair other than the CNIL Chair. It can adopt various sanctions on organisations that do not comply with the law. Since the GDPR (General Data Protection Regulation), financial sanctions can amount to up to 20 million euros or, in the case of a company, up to 4% of annual global turnover. These financial sanctions can be made public.

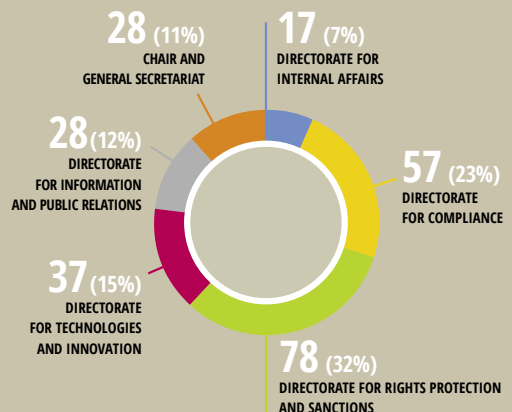
HUMAN RESOURCES

245 agents | 39 years average age

8 years of service on average



Distribution of posts by directorate:



2021 BUDGET | €21.8 million

2021

2021

▶ INFORMING AND AWARENESS-RAISING

The CNIL responds to requests from individuals and professionals. It carries out communication actions towards the general public and professionals, through its networks, the press, its website, its presence on social media or by providing educational tools.

Directly solicited by many organisations, companies or institutions to conduct training and awareness-raising activities on the GDPR, the CNIL also participates in symposiums, trade shows or conferences to inform and at the same time be informed. It federates a group of more than 60 organisations that carry out actions promoting digital education.

33,329

CALLS RECEIVED

+39%

VS. 2020

16,898

RECEIVED BY ELECTRONIC MEANS REQUESTS

10.8

MILLION VISITS TO CNIL WEBSITES

+12%

VS. 2020

129

NEWS ITEMS AND PRESS RELEASES PUBLISHED ON CNIL.FR

130,800

FOLLOWERS ON TWITTER

153,732

FOLLOWERS ON LINKEDIN

▶ PROTECTING DATA SUBJECTS

Individuals can contact the CNIL when experiencing difficulties in exercising their rights. The CNIL ensures that data subjects can access the data held in processing operations relating to them. In 2021, the CNIL received 14,143 complaints, mostly concerning: the communication/publication of data on the Internet (requests for erasure of content), marketing (objections to receiving advertising), surveillance at work (video surveillance with remote access to images, geolocation, etc.), registration within the files of Banque de France, and obstacles to exercising the right of access (information on data origin, etc.).

2021

14,143

COMPLAINTS WHICH LED TO

5,848

QUICK RESPONSES

8,295

DEEPER STUDIES

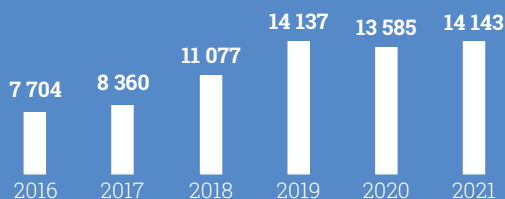
5,329

VALID REQUESTS FOR INDIRECT ACCESS RIGHTS (IAR)

3,960

VERIFICATIONS CARRIED OUT

NUMBER OF COMPLAINTS PER YEAR



WHAT ARE YOUR RIGHTS?

The right of access

You can directly ask a data controller if they hold any information about you, and request to obtain a copy of all of your personal data.

The right to rectification

You may request the rectification of inaccurate information about you. The right to rectification complements the right of access.

The right to portability

You can receive some of your data in a machine-readable format. You are free to store this portable data elsewhere or to transmit it from one service to another.

The right to object

You may object, for legitimate reasons, to being included in a file. You may also object to your personal data being communicated, transmitted or stored.

The right to de-listing

You can submit requests to search engines for the removal of search results associated with your surname and first name.

The right of access to police, gendarmerie, intelligence and bank account (FICOBA) files

You can exercise your right directly with the managing authorities for most of these files. If they object or do not reply within two months, you can contact the CNIL.

▶ ADVISING AND REGULATING

The CNIL's various advisory and regulatory activities include opinions on draft texts concerning the protection of personal data or creating new databases, as well as advices and participation in parliamentary hearings.

As part of this activity, the CNIL seeks out solutions that enable public and private organisations to pursue their legitimate objectives in strict compliance with individuals' rights and freedoms.

The CNIL's enhanced support sandbox

In 2021, the CNIL made a decision to add to its innovation support tools by setting up a "sandbox", as part of its flexible and open regulatory approach to emerging issues. This facility allows the CNIL to give enhanced support to selected projects by providing pragmatic answers and legal certainty. The very first sandbox was dedicated to health data and the 2022 version is focussed on digital tools in the field of education or EdTech.

22 PARLIAMENTARY HEARINGS

13 QUESTIONNAIRES ADDRESSED TO PARLIAMENT OR TO A PARLIAMENTARY MISSION

154 DELIBERATIONS INCLUDING **121** OPINIONS ON DRAFT TEXTS (BILLS, DECREES, ORDERS)

576 AUTHORISATIONS FOR HEALTH RESEARCH PROCESSED INCLUDING **54** AUTHORISED for COVID-19

▶ SUPPORTING COMPLIANCE

In the age of GDPR, compliance is an indicator of good governance, responding to the challenge of reputation, trust and competitive advantage for companies.

In order to help private and public organisations, the CNIL provides a complete toolbox adapted to their size and needs, including:

- practical guides;
- dedicated pages for numerous actors and sectors of activity, such as health or local authorities;
- a simplified template to record processing activities;
- examples of information notices;
- an online form for appointing a data protection officer;
- an online form for notifying personal data breaches;
- software for conducting a data protection impact assessment (DPIA);
- as well as legal advice hotlines and responses to requests for advice.

81,393 ORGANISATIONS APPOINTED A DATA PROTECTION OFFICER

28,810 DATA PROTECTION OFFICERS APPOINTED **+13%** VS. 2020

5,037 NOTIFICATIONS OF DATA BREACHES **+79%** VS. 2020

MORE THAN **2,150** NOTIFICATIONS OF DATA BREACHES FOLLOWING A RANSOMWARE ATTACK

> NEED HELP?

Are you looking for information or wish to submit a request online?

Discover the "Besoin d'aide" (Need help) tool on cnil.fr (in French only)

▶ INVESTIGATING

Investigations are an effective means of intervention with data controllers and their data processors, allowing for the CNIL to verify on the spot the concrete implementation of the GDPR and the law. The investigations programme is developed based on complaints received, current events and prominent issues (hot topics, new technologies, etc.) referred to the CNIL.

Formal investigating procedures in 2021:

- 31% relating to the processing of complaints or reports
- 22% carried out at the initiative of the CNIL, particularly in view of current events
- 37% resulting from the annual priority topics decided by the CNIL
- 8% relating to investigations implemented as part as the response to COVID-19
- 2% carried out following orders or sanction procedures

384
INVESTIGATIONS
IN 2020
INCLUDING:

173 ONLINE
118 ON SITE
65 DOCUMENT-BASED
28 AT HEARINGS

An open-access e-learning course on the GDPR

The CNIL provides an online training course open to all (*MOOC*), "The GDPR workshop", to enable professionals to discover or better understand the rules on data protection.



▶ ISSUING SANCTIONS AND ORDERS TO COMPLY

Following investigations or complaints, in the event that organisations fail to comply with the law, the CNIL may in particular:

- issue a warning;
- render an order to comply;
- temporarily or permanently restrict processing;
- suspend data flows;
- order the organisation to meet requests for exercising the rights of individuals;
- order the rectification, restriction or erasure of data;
- issue an administrative fine.

▶ ANTICIPATING AND INNOVATING

As part of its innovation and foresight activities, the CNIL maintains a dedicated watch in order to detect and analyse technologies or new uses that could have a significant impact on privacy. Its laboratory experiments innovative products or applications. It contributes to the development of technological solutions that protect privacy by advising companies as early

as possible in the process, with a view to privacy by

design. In order to strengthen its mission of anticipation and innovation, the CNIL also runs the Foresight Committee, composed of 18 external members with varied profiles and backgrounds: sociologists, economists, anthropologists, philosophers, entrepreneurs, researchers, authors, lawyers and journalists.

135 ORDERS TO COMPLY, INCLUDING 2 MADE PUBLIC AND 3 DECIDED IN COOPERATION WITH OTHER EUROPEAN DATA PROTECTION AUTHORITIES

45 REMINDERS OF THE LAW ISSUED BY THE CNIL CHAIR

18 SANCTIONS INCLUDING **15** FINES FOR A TOTAL AMOUNT OF **€214,106,000**

17 DRAFT EUROPEAN SANCTIONS EXAMINED BY THE CNIL



LINC, the CNIL's Digital Innovation Lab

The LINC is charged with studies and experiments, and with establishing collaborations. Its objectives are to develop the CNIL's capacity for technical analysis and to take into account the future challenges of data protection, both from a technical point of view and from the perspective of human and social sciences. Its work is represented in publications and in experimentation and prototyping projects. The LINC also acts as a contact point for innovation ecosystems (researchers, start-ups, public and private innovation teams, third places, etc.).

> linc.cnil.fr

ALSO AVAILABLE...



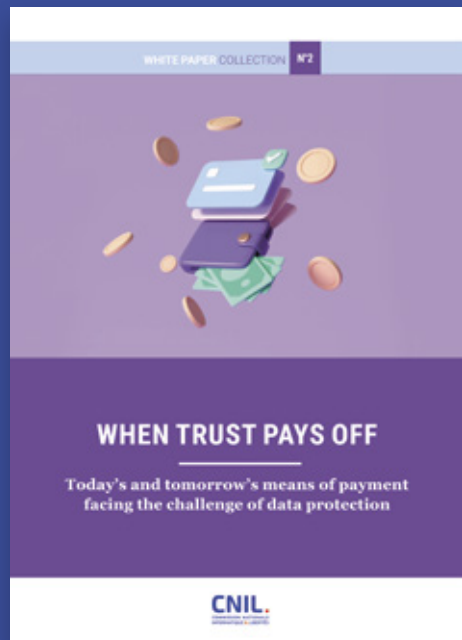
GDPR AWARENESS-RAISING GUIDE
FOR ASSOCIATIONS



PRACTICAL GUIDE TO THE GDPR
FOR DATA PROTECTION OFFICERS



CYBERSECURITY BROCHURE



WHITE PAPER ON DATA AND PAYMENT
INSTRUMENTS

> Find all CNIL guides, leaflets and infographics at cnil.fr/en/media

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