Protect personal data
Support innovation
Preserve civil liberties
The General Data Protection Regulation (GDPR) is the reference text on the subject in the European Union. It is applicable since 25 May 2018, and gives individuals more control over their data, while providing a unified and simplified framework for organisations.

Since 2018, the GDPR has:
1. Strengthened the rights of individuals, by introducing a new right to portability of personal data and specific provisions applicable to minors.
2. Made organisations (data controllers and processors) accountable.
3. Given credibility to regulation through close cooperation between European data protection authorities and stronger enforcement powers.

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**The Main Provisions of the GDPR**

**For professionals**

- **Accountability**
  Administrations, companies and associations processing personal data, but also their service providers and subcontractors, are now fully accountable for the protection of the data they process. It is up to them to ensure compliance with the GDPR throughout the lifecycle of their personal data processing operations and to be able to demonstrate it.

- **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;
  - cybersecurity and reporting of some incidents;
  - data protection impact assessments (PIA) 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). In addition, the logic of accountability must result in a change in corporate culture and the mobilisation of internal or external skills.

**For individuals**

The GDPR has confirmed the central role of the individual and strengthened the control he 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:

- Clearer and more accessible information;
- Reinforced protection for children with a parental consent for children under 15 years of age;
- A right to portability, which allows to receive one’s data in an easily reusable form and then transfer it to a third party;
- The right to compensation for material or moral damage, particularly in the context of collective actions.

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**French-speaking world**

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.

As of 2019, 67 of the 88 member states and governments of the Francophonie had a law, 52 of which had established a personal data protection authority.
WHAT IS THE CNIL?

Created by the French Data Protection Act of 6 January 1978, the CNIL is an independent administrative authority responsible for ensuring the protection of personal data in computer 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, State Counselor, is the Chair of the CNIL.

WHAT IS PERSONAL DATA?

Personal data means any information relating to an identified or identifiable individual; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number (e.g. social security number) or one or more factors specific to the physical, physiological, mental, economic, cultural or social identity of that person (e.g. name and first name, date of birth, biometrics data, fingerprints, DNA...).

WHO ARE THE MEMBERS OF THE CNIL?

The CNIL comprises 18 members:

1. Representative of the Commission for access to administrative documents (CADA)
2. Members of the Economic, Social & Environmental Council
3. Members of Parliament (2 National assembly, 2 Senators)
4. Qualified Personalities

RESTRICTED COMMITTEE

The CNIL’s restricted committee, which is composed of 5 members and a Chair other than the CNIL’s Chair, can adopt various sanctions on data controllers and processors who do not comply with the law. Since the GDPR, infringements are subject to administrative fines up to €20M or, in case of an undertaking, 4% of the total worldwide annual turnover. Sanctions can be made public.

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WHAT ARE YOUR RIGHTS?

The right of access
You can directly ask a data controller if they have any information about you, and obtain that 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 or to transmit it from one service to another.

The right to object
You may object, for legitimate reasons, to a processing. You may object to your data being distributed, transmitted or stored.

The right to be forgotten
You can submit requests to search engines for the removal of a search result associated with your first and last name.

The right of access to police, intelligence files and FICOBA
You exercise your rights directly with the administrations in charge of most of these processing operations. If they object or do not reply within 2 months, you can contact the CNIL.

PROTECTING DATA SUBJECT RIGHTS

Individuals can contact the CNIL when they are experiencing difficulties in exercising their data protection rights. The CNIL ensures that data subjects can effectively access the data relating to them. In 2020, the CNIL received 13,585 complaints which included: e-reputation (requests for the erasure of personal data on the internet), marketing (requests to stop advertising by mail), surveillance at work (video surveillance with remote access to images, geolocation, etc.), registration within the files of the Banque de France and obstacles to exercising the right of access (information on data origin, etc.)

2020 figures

- **13,585** complaints which led to:
  - **4,528** quick responses
  - **9,057** deeper studies
  - **3,996** valid requests of indirect right of access (DAI)
  - **3,286** verifications carried out

- **121,439** telephone calls received
- **20,452** requests received by electronic means (+18% vs. 2019)
- **9,677,000** visits on CNIL websites (+21% vs. 2019)
- **120** news and press releases published on CNIL.fr
- **124,059** followers on Twitter
- **37,418** Facebook fans
- **133,053** followers on LinkedIn

INFORMING & EDUCATING

The CNIL responds to requests from individuals and professionals. It carries out communication actions with the general public and professionals, whether 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 awareness-raising activities on the GDPR, the CNIL also participates in symposiums 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 awareness.
REGULATING AND ADVISING

The CNIL’s advisory and regulatory activities include opinions on draft texts concerning the protection of personal data or creating new files, advice, 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 compliance with individuals’ rights and freedoms.

SUPPORTING COMPLIANCE

Since the GDPR, compliance is an indicator of good governance, responding to the challenge of reputation, trust and a 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 template for the record of processing activities;
- examples of information;
- an online form for appointing a data protection officer;
- an online form for notifying personal data breaches;
- a software to conduct a privacy impact assessment (PIA);
- legal hotlines and responses to requests for advice.

You are looking for information or wish to send a request online? Discover “Besoin d’aide” (need help) on cnil.fr (in French only)

An open online training on the GDPR

The CNIL provides an online training open to all (MOOC), «The GDPR workshop», to enable professionals to discover or better understand data protection rules.

2020 figures

| PARLIAMENTARY HEARINGS | 20 |
| RESPONSES TO QUESTIONNAIRES ADDRESSED TO PARLIAMENT OR TO A PARLIAMENTARY MISSION | 8 |
| AUTHORIZATIONS FOR HEALTH RESEARCH INCLUDING: | 423 |
| 89 COVID-19-RELATED CASES | |
| 45% OF COVID-19 CASES PROCESSED WITHIN 2 DAYS | |
| OTHER DECISIONS INCLUDING 96 OPINIONS ON DRAFT LEGISLATION (BILLS, ORDERS, ETC.) | 139 |

| ORGANISATIONS APPOINTED A DATA PROTECTION OFFICER | 73,331 |
| DATA PROTECTION OFFICERS APPOINTED | 25,494 |
| + 21% VS. 2019 | |
| ACCOUNTS CREATED ON THE GDPR MOOC | 109,472 |
| NOTIFICATIONS OF DATA BREACHES | 2,825 |
| + 24% VS. 2019 | |
| MORE THAN 500 NOTIFICATIONS OF DATA BREACHES FOLLOWING A RANSOMWARE ATTACK | |

2020 figures (continued)

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INVESTIGATING

Ex-post inspections allow for the CNIL to verify the concrete implementation of the law. The investigations program takes into account current events and prominent issues (e.g. new technologies).

Formal investigating procedures:
- 40% concern complaints or reports instruction;
- 32% follow CNIL’s self-referral, including topics identified as a priority;
- 15% result from the annual priorities decided by the CNIL;
- 10% are related to investigations on COVID-19;
- 3% are carried out following formal notices or sanction procedures.

ISSUING SANCTIONS OR ORDERS TO COMPLY

Following investigations or complaints, in the event of non-compliance with the law, the CNIL may in particular:
- issue a warning;
- order the organisation to comply;
- temporarily or permanently limit a processing;
- impose a limitation including a ban on processing;
- order to meet the requests for the exercise of the rights of individuals;
- order the rectification, limitation or deletion of data;
- issue a monetary penalty.

2020 figures

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

38 REMINDERS OF THE LAW AND 2 WARNINGS ISSUED BY THE CHAIR OF THE CNIL

14 PENALTIES

€138 489 300 TOTAL AMOUNT OF FINES

168 DECISIONS ISSUED BY THE EUROPEAN DATA PROTECTION BOARD INCLUDING:

11 DECISIONS FOR WHICH THE CNIL IS THE LEAD SUPERVISORY AUTHORITY

47 DECISIONS FOR WHICH THE CNIL IS CONCERNED
ANTICIPATING AND INNOVATING

As part of its innovation and foresight activities, the CNIL monitors and analyses technologies and new uses that could have a significant impact on privacy. Its laboratory experiments innovative products or applications. It contributes to the development of privacy-protective technological solutions by advising companies as early as possible, with a view to respecting the privacy by design principle.

The CNIL also runs the Foresight Committee, composed of 18 external members from different backgrounds: sociologists, economists, anthropologists, philosophers, entrepreneurs, researchers, authors, lawyers, journalists.

THE CNIL’S MAIN PRODUCTIONS IN 2020

Public consultations:
• Recommendation on Cookies and other trackers
• Data protection training certification
• Rights of minors in the digital environment
• Referential for the reception, accommodation and social and medico-social support of the elderly
• Referential on the real estate rental
• Recommendation on the exercise of rights through a mandate

Compliance tools
GUIDES:
• GDPR guide for developers
• Guide to authorized third parties and procedures
• Guide on data retention periods

REFERENTIALS:
• Sector-specific guidelines on retention periods
• Processing of personal data for the management of medical and paramedical practices
• Human resources management
• Referential for the health sector
• Accreditation of control bodies
• Conditions for making the general beneficiary sample (EGB) available – update
• Publication of content dedicated to codes of conduct and binding corporate rules (BCR)

OTHER:
• Version 2.3 of the PIA software – Privacy impact assessments

Informing professionals and individuals
• Charter for professionals
• Charter of CNIL’s investigations
• White paper on voice assistants “On the record”
• Quarterly data breaches, a regular review of cybersecurity issues
• Educational content for individuals: deleting your data, managing your social media before going on vacation, etc.
• A guide for a recovery without scams from the National Task Force against fraud and scams, with the collaboration of the CNIL
• A hub page dedicated to the «COVID-19» theme with many contents for professionals and individuals
• Ransomware guide from ANSSI and the Ministry of Justice with the collaboration of the CNIL
• Digital education: a new edition of the Incollables® series
• Educational kit for digital citizens (CNIL, CSA, Défenseur des droits, Hadopi)
• Cookieviz 2 software online

LINC, a media dedicated to digital innovation
The CNIL’s Digital Innovation Laboratory (LINC) contributes to debates on digital issues. Insights and prospective reflections, sharing and experimentation are at the heart of this editorial space.
> linc.cnil.fr