



AZRIA AVOCATS
NOUVELLES TECHNOLOGIES ET DONNÉES PERSONNELLES

CNIL ENFORCEMENT UPDATE



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- **Decisions made on the basis of the GDPR :**
 - Google
 - Sergic

- **Closed formal notice procedures referring to the GDPR :**
 - Fidzup / Teemo
 - Singlepost
 - Vectaury



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- **Analysis of the basis for decisions :**
 - Lack of transparency and information
 - Lack of valid consent

- **Other basis for decisions :**
 - Defaults on retention periods
 - Data security breaches



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- **Lack of transparency and information :**

- Google :

- Overall lack of accessibility of information
- Ergonomic choices and general architecture not appropriate
- Route devoid of any intuitive character
- Titles not explicit
- Wording generic and vague
- Information available AFTER the creation of the design



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- **Lack of transparency and information :**

- **Fidzup / Teemo / Singlepost :**

- Users not informed BEFORE the downloading of purposes (targeting advertising)
- Data already collected when information is available
- In case of a new partnership, the user is not informed

- **Vectaury :**

- Lack of clarity of the presentation text
- Lack of transparency and unclear terms
- Information about the names of ALL partners should be easily available



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- **Lack of valid consent :**

- **Google :**

- Consent is not valid if information given is not easily accessible, not sufficiently clear and understandable
- Boxes are pre-checked by default
- Consent is given in one block

- **Fidzup / Teemo :**

- Wording not sufficient to provide clear consent
- Tracker of location data indivisible from the partner applications



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-Lack of valid consent :

- Singlepost :

- Purposes are presented in bulk

- Vectaury :

- Principle of data collection accepted by default for the different purposes.



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-Failure on retention periods :

- Google :

- No exact identification, nor criteria

- Sergic :

- Necessity to use a different support (separate database if need for legal retention obligation or pre-litigation purposes)

- Fidzup / Teemo :

- The use of location data is very intrusive, so the retention period should be very limited



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- Data security breaches :

- **Sergic :**

- Defective design of the site, characterised in this case by the absence of a user authentication procedure,
- The breach of the security obligation is aggravated by the nature of the personal data made accessible
- Emergency measures to reduce the extent of the data breach were technically simple to implement and could have been quickly deployed.