

France to clamp down on privacy violations

By Judith A Sullivan

A NEW BILL THAT REVISES the 1978 data protection law could give the French data protection authority (CNIL) more stringent powers to crack down on companies which violate data subjects' rights.

For the first time in 24 years, France is revamping its data privacy laws. Major changes include increased power for France's data protection authority (CNIL) to fine violators of the law. Conversely, the CNIL loses some of its authority to rule on so-called sovereign type files (relating to national security and defence). The draft law has yet to be passed by the Senate, which should take it up in the autumn, following the presidential elections in May and legislative elections in June.

Also incorporated into the text are regulations telling companies what to do when setting up customer cookies. The law, passed with little discussion by the House of Deputies on January 30th, maintains the spirit of the original 1978 law, taking into account new technological developments in the intervening decades, in addition to the European Union's Data Protection Directive.

According to the French Ministry of

Justice, the law bolsters consumers' rights to access personal information held by companies, most notably in situations where consumers did not participate in the data collection process.

The new law gives the CNIL the authority to levy fines up to 150,000 euros for an initial violation and 300,000 euros for repeated violations. Eight types of files fit under the CNIL regime. Six types do so because they are sensitive in that they concern religious or political views, sexual preference, those containing genetic or biometric data, criminal records, information on social problems or, a person's registration for the French NIR database, a social security number register.

The law makes specific provisions for files that belong to artists and journalists. Most are exempt from the new rules, but all press organisations (newspapers, radio and TV stations,

etc.) will have to appoint a seconded data protection executive within the company to oversee management of the files.

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*The proposed law, *Projet de Loi Relatif à la Protection des Personnes Physiques à l'Égard des Traitements de Données à Caractère Personnel*, is a revision of the 1978 data protection law.*

The Ministry of Justice's presentation of the law (in French) www.justice.gouv.fr/actual/loicnil.htm

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