



GDPR : THE PURPOSE LIMITATION PRINCIPLE!

In 2013 the controller (a local authority) installed a video surveillance system located outside all the municipal buildings and the CNPD (Commission Nationale pour la protection des données), the Luxembourgish data protection authority, had authorised the video surveillance system. On March 10, 2020, the CNPD received a complaint from Ms. X, regarding a surveillance measure via a video surveillance system, which allegedly led to her immediate dismissal. In this context, Ms. X reported potential violations of the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter: the "GDPR").

On May 21, 2024, the CNPD ruled that local authorities had indeed infringed the GDPR.

The CNPD found that the controller, when processing Mrs X's personal data, did not comply with one of the fundamental principles of European data protection, namely the purpose limitation principle. As laid down by Article 5(1)(b) GDPR, personal data shall be collected for specified, explicit and legitimate purposes only. To this end, the investigator determined that "the personal data initially collected and processed within the framework of video surveillance for a specific, explicit, and legitimate purpose, namely the security of users of municipal infrastructure and municipal employees, were subsequently processed for a different purpose." He stated that "the video surveillance images collected by the controller were processed for a subsequent purpose, namely to justify the immediate dismissal of the complainant."

The investigator also explained that the controller might have been authorized to perform further processing of the video surveillance images for other purposes, but only if this further processing was based on the consent of the data subject or if the further processing was compatible with the initial purposes in accordance with Articles 5.1(b) and 6.4 of the GDPR.

Since, on the one hand, the controller had not previously obtained the consent of the data subject, and on the other hand, the further processing was not compatible with the initial purposes, he concluded that the conditions set out in the aforementioned articles were not met and that he controller while video surveilling therefore failed to comply with the requirements.

In its decision, the CNPD established the existence of a violation of Article 5.1(b) of the GDPR and issued a reprimand to the municipal administration for violating Article 5.1(b) of the GDPR. As for the corrective measure proposed by the investigator to bring the processing into compliance with the obligations arising from the GDPR, the CNPD considered that, given it was an isolated case that occurred some time ago, there is no need to impose the corrective measure. The CNPD also rejected the investigator suggestion to publish the CNPD's decision on its website.

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