



Employee Data Privacy – France

Security Requirements

What security obligations are imposed on data controllers and data processors?

Security requirements may not always be included in the data protection law, but are key to guaranteeing lawful processing of personal data. The entity processing the data must take all useful precautions with respect to the nature of the data and the risk presented by the processing, to preserve the security of the data and, prevent alteration, corruption or access by unauthorized third parties.

Appropriate technical and organizational measures should be implemented to ensure a level of security appropriate to the risk. Employers in France should follow the general security standards listed in Article 32 of the



General Data Protection Regulation. When protecting employee and applicant data, consider the sensitivity of the information, the

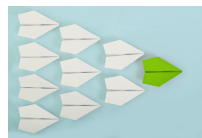
technology available, the expense of protecting the data and the risk to individuals if the data is compromised. Then take organizational and technological measures, including:

- pseudonymization/encryption;
- measures to ensure the confidentiality, integrity, availability and resilience of information processing systems;
- measures to restore the system and access in case of an incident (such as a power outage);

- processes to regularly test and assess the system to ensure continued security.

The French Data Protection Authority (CNIL) issued guidelines in 2018 relating to the security of personal information. These guidelines include seventeen steps to help businesses comply with personal data security related regulations. A copy of the guideline is available on the CNIL's site: <https://www.cnil.fr/fr/principes-cles/guide-de-la-securite-des-donnees-personnelles>

In addition, the CNIL issued a regulation on HR data processing ("référentiel relatif à la gestion des ressources humaines" - Délibération n°2019-160 of 21st of November 2019), which adopted a framework for processing personal data for personnel management purposes. This framework articulates useful precautions employers can take to secure personal data and, prevent personal data from being distorted, damaged or accessed by unauthorized third parties. This regulation was recently updated by the CNIL (Deliberation N° 2022-126 of May 23, 2022).



HR Best Practices:

Ensure contracts with service providers detail the security and confidentiality measures that will be implemented. In addition, regularly train employees who may have access to personal information, to ensure that they are following all technical and organizational security measures that have been put in place.

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