Data protection and competition: the CNIL and the Autorité de la concurrence sign a joint declaration

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The French Data Protection Authority (CNIL) and the Autorité de la concurrence publish a joint declaration, “Data protection and competition: a common ambition”, wherein they confirm their will to deepen their cooperation and explain how data protection and competition can be taken into account in their actions.

An interplay with growing importance for companies and consumers

The interplay between competition law and personal data protection raises important issues for companies and consumers alike. With the digital transformation of the economy and the importance of data in new business models, in particular large-scale digital platforms, new questions at the intersection of competitive analysis and personal data protection are emerging, which have a real-life impact for our fellow citizens.

The CNIL and the *Autorité de la concurrence* have decided to address these questions together and to deepen their already long-standing cooperation, by mobilising the synergies between their actions, at the service of companies and users. This cooperation will also provide the economic stakeholders concerned with greater predictability and legal certainty.

As a reflection of this common ambition, Marie-Laure Denis, President of the CNIL, and Benoît Cœuré, President of the *Autorité de la concurrence*, signed a joint declaration at the event organised on 12 December by the CNIL, the *Autorité de la concurrence* and Toulouse School of Economics (TSE).

Privacy protection: a need for regulation, a parameter of competitive

stimulation in the markets

The *Autorité de la concurrence* and the CNIL work for the benefit of consumers of digital products and services, who also have rights to the protection of their data. The level of personal data protection is now considered as a parameter of competition, which users take into account when making their consumption choices. The maintenance of effective competition in the markets, in particular in the platform economy, can therefore promote, under certain conditions, the protection of personal data. Despite distinct public policy objectives, the work of the two authorities for the benefit of users therefore converges.

However, the authorities need to take into account in their analyses the factors affecting competition in this regard (market structures, user bias and corporate behaviour, and externalities). The authorities are working together to identify these phenomena and to minimise the effects of these factors, in order to actively foster virtuous competition and the diversity of the product and services offering, concerning the level of personal data protection offered, thereby increasing the choice for consumers and enabling them to express their preferences.

Distinct but compatible objectives, synergies to be harnessed

The CNIL and the *Autorité de la concurrence* also commit to deepen their dialogue when the two legal frameworks for which they are responsible are likely to go in different directions. In this way, the two authorities would like to contribute to developing predictability and consistency that foster competition and act as a deterrent to behaviour harmful to privacy.

Towards better integration of “privacy” and “competition” in the respective actions of the two authorities

The joint declaration also lays the foundations for better integration of the dimensions of “privacy” and “competition” in the respective actions of the CNIL and the *Autorité de la concurrence*. It exposes how the CNIL can take parameters of competition into account in its analyses and how the *Autorité de la concurrence* can take the “personal data” dimension into account.

To this end, the two authorities undertake to consult each other as and when required, to develop a good understanding of their respective legal frameworks, to consider joint studies, to exchange staff, and to organise periodic meetings on topics of mutual interest.

Work to be taken to the European level

Lastly, the CNIL and the *Autorité de la concurrence* plan to give a European dimension to their work: they will explore together the possibilities for cooperation between national authorities, gathered within the European Competition Network (ECN) and the European Data Protection Board (EDPB).

Competition and personal data: a common ambition
Download the joint declaration

Find out more on the CNIL website

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