

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data;

Having regard to the Transport Code, in particular Article L. 1214-8-3 thereof;

Having regard to Law No 2021-1104 of 22 August 2021 on combating climate change and strengthening resilience to its effects, in particular Article 109 thereof;

Having regard to the opinion of the National Council for the Evaluation of Standards dated 10 October 2024;

Having regard to the opinion of the French Data Protection Authority dated 19 September 2024;

Hereby decrees:

Article 1

I. – Chapter IV of Title I of Book II of Part One of the Transport Code (Regulatory Part) is amended as follows:

1) Section 5 is hereby created, entitled: “ Provisions relating to digital travel assistance services”, which includes Articles D.1214-13 to D.1214-18, worded as follows:

“ Section 5

“ Provisions for digital travel assistance services

“ Article D. 1214-13. – The relevant travel and traffic data held by the digital travel assistance services referred to in I of Article L.1214-8-3 shall consist of the following data:

- Trace timestamp;
- Unique route identifier;
- Location timestamp;
- Latitude;
- Longitude;
- Heading;
- Instantaneous speed;
- Mode of transport.

“ Article D. 1214-14. - The request for the provision of the relevant data within the meaning of I of Article L. 1214-8-3 made by the Mobility Organising Authorities may relate only to data resulting from a data anonymisation process referred to in Article D. 1214-13 and the use of which is necessary for the pursuit of the purposes defined in III of Article L. 1214-8-3.

“ Article D. 1214-15. – - For the purposes of I of Article L. 1214-8-3, the Digital Travel Assistance Services are required to anonymise the data referred to in Article D.1214-13. The anonymisation method chosen must guarantee the irreversible anonymisation of the data in accordance with the state of the art, while providing relevant and usable information to meet the needs of the Mobility Organising Authorities. The information made available to the Mobility

Organising Authorities must be presented in an open format, easily usable and exploitable by an automated processing system.”

“ Article D. 1214-16. – Digital travel assistance services receiving a request from a mobility organising authority to make data available shall inform the users concerned about the implementation of a processing operation aimed at anonymising their travel data, under the conditions laid down in Articles 12 and 13 of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.”.

“ Article D. 1214-17. – Financial compensation for the costs related to the anonymisation of data may be obtained by the digital travel assistance services, which provide the Mobility Organising Authority with detailed information on the costs resulting from the anonymisation.

“ Article D. 1214-18: Pursuant to the provisions of Article 32 of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, digital travel assistance services shall implement appropriate technical and organisational measures when implementing the data anonymisation process referred to in Article D.1214-13.”.

Article 2

The Minister for Partnership with Territories and Decentralisation and the Minister attached to the Minister for Partnership with Territories and Decentralisation, in charge of Transport, shall be responsible, each one insofar as he or she is concerned, for the implementation of this Decree, which shall be published in the *Official Journal* of the French Republic.

Done on XXX 2024.

By the Prime Minister:
Michel BARNIER

The Minister for Partnership with Territories and Decentralisation,
Catherine VAUTRIN

The Minister Delegate to the Minister for Partnership with the Territories and Decentralisation,
responsible for Transport,
François DUROVRAY