

Ref.: IAI 49/2018

## **Claim: 330/2018**

### **Legal report issued at the request of the Commission for the Guarantee of the Right of Access to Information Public in relation to the claim for the denial of access to a copy of the file of the 46/11 call for selective tests**

The Commission for the Guarantee of the Right of Access to Public Information (GAIP) asks the Catalan Data Protection Authority (APDCAT) to issue a report on claim 330/2018 submitted in relation to the denial of access to copy of the file of the 46/11 call for **selective tests** .

Having analyzed the request, which is accompanied by a copy of the administrative file processed before the GAIP, and in accordance with the report of the Legal Counsel, I issue the following report:

#### **Background**

1. On April 26, 2018, a citizen submitted a request for access to the following documentation:

"(...) full copy of all the file in your possession of the call (...) for selective tests for admission to (...) the Generalitat (...)" .

2. On August 28, 2018, the same person submits a new application to the Directorate General in which he reiterates his request for information.

3. On September 6, 2018, a citizen filed a claim with the GAIP against a Directorate General of the Generalitat, for not having provided her with a full copy of the required documentation. As a result of GAIP's request to clarify the content of her request, by email dated September 29, the applicant, in addition to specifying that the request refers to all the file corresponding to the call, states that:

"(...)I specify that access to my file is physical (...) I request a copy of the files of the other applicants in that opposition, clarifying that I do not want to know any personal data of any man or woman who entered to that call in the same phase as me (...)"

4. On October 4, 2018, the GAIP forwarded the claim submitted to the Department of the Generalitat and requested the corresponding report as well as the completed file.

5. In the course of the procedure, the general manager issues a report in which he bases the partial denial of access to the requested data on the right to data protection of the affected persons.

6. On October 26, 2018, the GAIP requests this Authority to issue a report in relation to the claim presented.

## Legal Foundations

### I

In accordance with article 1 of Law 32/2010, of October 1, of the Catalan Data Protection Authority, the APDCAT is the independent body whose purpose is to guarantee, in the field of the competences of the Generalitat, the rights to the protection of personal data and access to the information linked to it.

Article 42.8 of Law 19/2014, of December 29, on transparency, access to public information and good governance, which regulates the claim against resolutions on access to public information, establishes that if the refusal has been based on the protection of personal data, the Commission must issue a report to the Catalan Data Protection Authority, which must be issued within fifteen days.

For this reason, this report is issued exclusively with regard to the assessment of the incidence that the requested access may have with respect to the personal information of the persons affected, understood as any numerical, alphabetical, graphic, photographic, acoustic information or of any other type relating to physical persons identified or identifiable without disproportionate efforts (arts. 5.1.f) and 5.1.o) of the Regulations for the deployment of the LOPD, (RLOPD), approved by R. decree 1720/2007, of December 21). Therefore, any other limit or aspect that does not affect the personal data included in the requested information is outside the scope of this report.

The deadline for issuing this report may lead to an extension of the deadline to resolve the claim, if so agreed by the GAIP and all parties are notified before the deadline to resolve ends.

Consequently, this report is issued based on the aforementioned provisions of Law 32/2010, of October 1, of the Catalan Data Protection Authority and Law 19/2014, of December 29, of transparency, access to public information and good governance.

In accordance with article 17.2 of Law 32/2010, this report will be published on the Authority's website once the interested parties have been notified, with the prior anonymization of personal data.

### II

The claim is lodged against the lack of response to the request for access to the file of the call for selective tests for admission to the Generalitat, call (...).

The information requested is in the scope of a selective process of access to the civil service, (...), in which the person claiming participated as an applicant having been qualified as not suitable in the personal interview test.

The data relating to the natural persons participating in the selective process that is the subject of the claim contained in the integral documentation of the call file, constitute personal data and are, therefore, subject to the data protection regime of personal character

With regard to the applicable data protection legislation, it should be noted that, although the RGPD has been fully applicable since May 25, 2018 (Article 99), in this case the LOPD and its Implementing Regulations govern (RLOPD) given that this was the current regulation at the time the access request was made (April 26, 2018).

In accordance with article 3.i) of the LOPD, any disclosure of data made to a person other than the interested party constitutes a transfer or communication of personal data. In general, personal data can only be communicated to a third party for the fulfillment of the purpose directly related to the legitimate functions of the transferor and transferee, with the prior consent of the interested party. However, article 11.2 a) the LOPD enables the transfer of personal data without the consent of the interested party when this is covered by a rule with the rank of Law.

Despite this, note that the conclusions of this report would not vary substantially if the GDPR were the standard of reference.

Thus, article 4.2 RGPD considers "treatment": "any operation or set of operations carried out on personal data or sets of personal data, whether by automated procedures or not, such as collection, registration, organization, structuring, conservation, adaptation or modification, extraction, query, use, communication by transmission, diffusion or any other form of enabling access, comparison or interconnection, limitation, deletion or destruction."

And article 5.1.a) RGPD establishes that all processing of personal data must be lawful, fair and transparent in relation to the interested party (principle of lawfulness, loyalty and transparency). In order for this treatment to be lawful, one of the conditions of article 6 RGPD must be met, and also some of those provided for in article 9 RGPD in the case of specially protected data called "special categories of data" .

It must also be taken into consideration that Recital 26 of the RGPD, as already Recital 26 of Directive 95/46 of the Parliament and of the Council, of October 24, 1995, relating to the protection of persons physical with regard to the processing of personal data and the free circulation of this data, specifies that the data protection regulations do not apply to anonymous information, understanding as anonymous that information that is unrelated

with an identified or identifiable natural person, nor to the data converted to anonymity, so that the interested party is not identifiable, or ceases to be so.

In such a way that if access were made on a properly anonymized file, the ratings in this report would not apply.

### III

The file of the call for selective tests for admission to the Generalitat, (...), which is the subject of the claim, is "public information" for the purposes of transparency legislation and remains subject to the regime of access provided for in this regulation.

Article 18 of the LTC establishes that "people have the right to access public information, referred to in article 2.b, in an individual capacity or in the name and representation of any legally constituted legal person" ( section 1). The mentioned article 2.b) defines "public information" as "the information prepared by the Administration and that which it has in its power as a result of its activity or the exercise of its functions, including the which are supplied by the other obliged subjects in accordance with the provisions of this law".

Law 19/2013, of December 9, on transparency, access to public information and good governance (LT) is pronounced in similar terms in its articles 12 (right of access to public information) and 13 (public information) ).

However, in accordance with article 20 et seq. of the LTC, the right of access to public information can only be denied or restricted for the reasons expressly established by law. Specifically, and with regard to information that contains personal data, to determine the possibility of access it is necessary to assess the type of data in accordance with the criteria established in articles 23 and 24 of the LTC.

As we have seen, the access claim is made with respect to the complete file of the selective process to access the body (...). This call was regulated by the Resolution (...), which called the selective tests and established the bases and specifications for their development.

These bases specify the requirements that applicants had to meet to take part in the call and the documentation they had to provide to accredit them. Among this documentation, in addition to the application form with the applicant's identification data, it is foreseen the possibility of providing supporting documentation of the status of unemployed or of a large family, when appropriate in order to subtract exempt or obtain bonuses in the corresponding rate; the file must also include the certificate from the Register of Penalties and Rebels; and, in the case of pregnant applicants, the accreditation of this circumstance for the purpose of postponing the completion of the physical tests.

Applicants were required to meet certain anthropometric requirements relating to a minimum height and a certain body mass index, which would be verified during the selection process and constitute grounds for automatic exclusion from the selection process. The basis of the call also establishes some causes of medical exclusion that are defined in annex 5, which

they involve a medical examination with the medical and analytical tests deemed appropriate.

With regard to the selection process, regulated in point 6 of the call, it is structured in three phases, a first with compulsory and eliminatory selective tests, intellectual, psychological and physical. A second phase consisting of the selective course (...) and a third phase of practices.

With respect to all these tests, the qualifying court had to carry out the corresponding evaluations and grades until obtaining the definitive list of candidates approved in that call.

In accordance with the above, the complete file for which access is requested will contain the application forms to take part in the call, the supporting documentation provided, the exercises carried out by the applicants and the documentation prepared by the Department of the Interior in the procedure (lists of those admitted and excluded in each of the phases, the evaluations corresponding to the tests carried out, etc.).

#### IV

With regard to the documentation relating to the claimant's personal file, that is to say all the documentation presented by the claimant or prepared by the claimed Department in the process of the call, integrated by the evaluations and qualifications carried out, it is necessary to bear in mind consideration of what is established in point 3 of article 24 of the LTC, according to which "requests for access to public information that refer only to the applicant's personal data must be resolved from in accordance with the regulation of the right of access established by data protection legislation."

Article 15 of the LOPD, regulates the right of access establishing that "the interested party has the right to request and obtain free of charge information about his personal data subjected to treatment, the origin of the data and the communications made or that is expected to be done".

The LTC has opted for two systems of access to public information that contains personal data depending on whether the information contains data relating to third parties other than the applicant, or if it refers solely to the applicant. In the first case, the general regime provided for in the LTC would apply with the corresponding limitations, while in the second, that is to say in the case that the requested information refers only to the person requesting the access, this request will be processed in accordance with the right of access provided for in the personal data protection legislation.

Article 23 of the LOPD (art. 23 of the RGPD in the same sense), allows access to be limited when dangers may arise for the defense of the state, public security, the protection of rights and freedoms of third parties or the needs of the police investigations that are being carried out, as well as in those cases where access may hinder the fulfillment of tax obligations or the actions of the tax inspection.

Apart from these cases, article 30.2 of the RLOPD also provides for the possibility of denying access "in the cases in which a law or a rule of community law directly applicable or when this law or rule prevents the person in charge of treatment reveal to those affected the treatment of the data to which the access refers."

Consequently, from the point of view of personal data protection legislation, there is no rule with the rank of law that limits access under the terms of article 23 of the LOPD and 30.2 of the RLOPD, the claimant has the right to access all the information about him/her in the file processed by the Department, in relation to the call for personnel selection in which the claimant participated as an applicant.

However, in the response given as a clarification of the request made by the GAIP, the claimant specifies that she is not only requesting access to her personal file but to the complete file. With regard to this person's access to the personal information of the other participants in the selection process, it will be necessary to take into account the provisions established in articles 23 and 24 of the LTC, which are examined below.

v

With regard to information that contains personal data, the LTC provides in article 23 that:

"Requests for access to public information must be denied if the information sought contains particularly protected personal data, such as those relating to ideology, trade union affiliation, religion, beliefs, 'racial origin, health and sexual life, and also those relating to the commission of criminal or administrative offenses that do not entail a public reprimand to the offender, unless the affected party expressly consents by means of a written which must accompany the application."

At the same time, article 15.1 of the LT, provides:

"If the requested information contained specially protected data referred to in section 2 of article 7 of Organic Law 15/1999, of December 13, on the Protection of Personal Data, access may only be authorized in the event of that there is the express and written consent of the affected person, unless said affected person had made the data manifestly public before access was requested.

If the information includes specially protected data referred to in section 3 of article 7 of Organic Law 15/1999, of December 13, or data relating to the commission of criminal or administrative offenses that did not lead to a public reprimand to the offender, access can only be authorized if the express consent of the affected person is obtained or if the latter is covered by a rule with the rank of law."

In general, therefore, in the event that in the public information that is requested, there is specially protected information, or special categories of data in the terminology of the RGPD, its confidentiality must be preserved, unless with the request had been

provided the express consent of the affected persons or that any other of the enabling circumstances provided for in the aforementioned article 15.1 occurs.

As has been made clear, given the nature of the call and the requirements required therein, the documentation that makes up the file may contain specially protected personal data, or special categories of data in the terminology of the RGPD, relating to the physical and mental health of the candidates (pregnant condition, reasons for medical exclusion, anthropometric requirements, results of psychological tests, etc.), as well as data relating to the commission of criminal or administrative offenses relating to the Registry certificate Penats and Rebels Central.

It would also affect the test consisting of the personal interview, regarding which the claimant expresses an interest in accessing, and whose purpose, in accordance with the rules of the call, "to compare and expand the result of the psychotechnical tests to determine the suitability of the aspirant to the desired professional profile, with a final qualification of suitable or not suitable".

In the documentation provided by the GAIP together with the report request, it can be verified that the document resulting from the interview is a grid that collects, for each of the applicants, a score relative to the items analyzed (sincerity, professional self-requirement, initiative and dynamism, problem solving, resistance to adversity, self-control and emotional stability, self-confidence and security, social intelligence, relationship development, sociability, assertiveness, teamwork, altruism, knowledge of the job, internalization of norms, openness, flexibility, adaptation to changes, and belonging to the community). It cannot be ruled out that, as this test is configured, in the interview to be carried out an evaluation of certain traits or aspects of the personality will take place and that, as a result of conducting the interview, it could take place in the psychological information file. If so, it should be borne in mind that this information is health data, for the purposes of the protection of personal data (art. 5.1.g) RLOPD), so it should be considered particularly protected. Therefore, access to this information would not be justified, beyond the pass or fail result derived from the interview carried out, unless the corresponding express consent is obtained.

Consequently, the department should deny access to the documentation that is part of the call file that contains specially protected personal data, unless it has the express written consent of the people affected.

## VI

With respect to the rest of the information that contains personal data not particularly protected, to determine the extent of the limit it is necessary to balance the right to data protection of the affected persons, and the public interest in the disclosure of the information in accordance with the provisions of article 24 of the LTC:

"1. Access to public information must be given if it is information directly related to the organization, operation or public activity of the Administration

that contains merely identifying personal data unless, exceptionally, in the specific case the protection of personal data or other constitutionally protected rights must prevail.”

"2. If it is other information that contains personal data not included in article 23 (specially protected data), access to the information can be given, with the previous reasoned weighting of the public interest in the disclosure and the rights of the affected people To carry out this weighting, the following circumstances must be taken into account, among others:

a) The elapsed time. b)

The purpose of the access, especially if it has a historical, statistical or scientific purpose, and the guarantees offered. c) The fact that it is data relating to minors. d)

The fact that it may affect the safety of people. (...).”

It must be taken into account, first of all, that the selective processes of access to the public service must be governed by the constitutional principles of equality, merit and capacity, as well as those of the publicity of calls and their bases , as established in article 55 of Royal Legislative Decree 5/2015, of 30 October, which approves the revised text of the law on the basic statute of the public employee, (EBEP).

For its part, Legislative Decree 1/1997, of 31 October, which approves the recasting in a single text of the precepts of certain legal texts in force in Catalonia in the field of public service, provides, in article 42, that the Generalitat selects its staff with objective criteria, based on the principles of equality, merit and capacity of the applicants, and through a public call.

(...) the selection systems to access the scales and categories (...) must guarantee compliance with the principles of equality, publicity, merit and ability. (...) "the selective entrance tests are of a theoretical-practical nature and may include physical, psychotechnical, medical and knowledge tests, which must be set out in the call for proposals".

In general, a staff selection process involves competitive competition, and therefore there is legal authorization to publish the lists of admitted and excluded applicants, and of the people finally selected, as established by Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations (LPAC). Thus, article 45 1.b) provides that the administrative acts that are part of a selective or competitive procedure must be published and, in this case, the call for the procedure must indicate the means by which will carry out the subsequent publications.

With regard to the legal authorization for the active publication of this information, article 9.1 sections e) ig) of the LTC, refers to the publicity of the calls and the results of the selective processes of provision and promotion of personnel, as well as the lists that are created to access the training and promotion processes, in the same sense as article 10.1.b of the Law



29/2010, of 3 August, on the use of electronic media in the public sector of the Generalitat, according to which information must be disseminated by electronic media on the access and selection of personnel.

In this sense, the basis for the call for the selective procedure that is the subject of the complaint provides for the publication in the DOGC of the resolution approving the list of admitted and excluded applicants, with the indication of the place where the lists will be displayed complete lists of the applicants and the reasons for exclusion, as well as the publication, once the phases of the opposition have been completed, of the list, ordered from highest to lowest score, of the people who have passed it. In the basis of the call, the personal identification data of the members who make up the selection board are also made public.

Thus, the call, the provisional list of admitted and excluded, the members of the selection board and the list of people who have passed the opposition, are procedures of this personnel selection process that contain personal data that they must be subject to publication.

Consequently, it does not seem, in principle, that there can be an obstacle, from the point of view of the right to data protection, for the applicant to be able to access all that information that is part of the file of the process selective with respect to which the regulatory regulations have provided for it to be the subject of publication.

Likewise, it should be borne in mind that, in accordance with the provisions of paragraph 1 of article 24 of the LTC, there would be no inconvenience in facilitating access to that information or documentation of the file of the selective process in that contain merely identifying data related to the operation, organization or activity of the convening body (for example, the agreements adopted by the qualifying court that do not include personal data of the participants), unless there is some exceptional circumstance in the person affected

With regard to the information linked to the people who have participated in the selection process, paragraph 2 of the mentioned article 24 of the LTC will be applicable, therefore, for the purposes of granting access, it will be necessary make a reasoned weighting between the public interest in the disclosure of information and the rights of the people affected.

As has been stated, the claimant had participated in the selection process (...) and had been declared unfit in the test corresponding to the personal interview. In this sense, it could be understood that the status of interested party that the claimant would have had at the time with respect to the selective procedure, which at this point has already ended and is firm, would grant him a reinforced or privileged right of access with respect of potential information requesters who have not participated in that selective process.

Although the LTC does not require the information requester to state the reasons justifying the exercise of the right of access to public information, the purpose of the access is one of the circumstances that article 24.2 of the LTC establishes as a weighting criterion.

The claimant motivates his request, in accordance with the documentation that accompanies his request, in the desire to know, "with respect to the candidates who had reached the sub-test of the interview, on which the qualifying court to accept or deny the aptitudes of each of the opponents".

In this case, when weighing the rights at stake, it is also necessary to take into account the principle of data quality provided for in article 4 of the LOPD (article 5.1.c) RGPD) according to which the data that must be object of treatment must be appropriate, relevant and necessary for the fulfillment of the purpose according to which the access occurs, in this case transparency in the selective process. In accordance with this principle of data quality, it would be necessary to differentiate between the personal information related to the candidates who passed the opposition and the rest of the participants in the procedure who did not pass the selection process.

It does not seem justified to give access to the personal information of applicants who have not passed the competitive procedure since this information would be irrelevant to achieve the purpose pursued by the applicant, and the damage to the private sphere of these applicants does not seem justified which finally did not overcome the opposition, derived from the communication of their personal data.

It is not seen, in this sense, what impact it can have on the control of the actions of the Administration responsible for the competitive procedure, knowing the identity of the people who have not been finally selected.

On the other hand, with respect to the documentation relating to the finally selected candidates, it would be necessary to differentiate between the different personal information contained in the file.

In relation to requests for participation in the selection process, it is necessary to assess whether, in order to achieve the intended purpose, it would be justified to facilitate access to the full content of these. The answer to this question must be negative since these forms may contain other data that, in principle, would not be relevant from the point of view of the control of the administrative action, such as certain identifying data (DNI number, address, email address, telephone, etc.) or personal characteristics (date of birth). The disclosure of this data may involve an unnecessary sacrifice of the privacy of the participants and finally selected persons, without, a priori, contributing any relevant element in terms of the possibilities of control of the selective process.

Also, other data such as the concurrence, if applicable, of a long-term unemployment situation, can give a profile of particular vulnerability of the affected person. These fields of information, despite not strictly including sensitive data for the purposes of Article 7 of the LOPD, can give a profile of vulnerability and affect the privacy of the affected person. That is why this information should also be excluded from the communication to the applicant.

With regard to access to the various tests that make up the call file and the court's qualifications, it is necessary to take into consideration the doctrine of the National Court in relation to the transfer of data of the qualifications awarded in the framework of selective processes. The court has considered that the principle of publicity and transparency is essential to guarantee the principle of equality that must govern any competitive competition procedure, and opts for the prevalence of the principle of publicity over the right to the protection of personal data personal, as set out in the Judgment of April 26, 2012, of the First Section of the Administrative Litigation Chamber of the National Court which concludes:

"Therefore, one of the exceptions to the requirement of consent for data processing is the collision with general interests or with other rights of superior value that cause data protection to decline due to the preference that must be granted to that other interest

In the present case, since it is a competitive competition procedure, we must attend to what is indicated in article 103 of the Constitution when it states that the Public Administration serves the general interests objectively and acts in accordance with the principles of efficiency, hierarchy, decentralization, deconcentration and coordination, with full submission to the Law and the Law. (paragraph 1) and when it states in paragraph 3 that "The Law will regulate the status of public officials, access to public office according to the principles of merit and capacity..." (all this in relation to the provisions in article 23 CE. to which we will refer later)

Obviously, the guarantees required by the processing of personal data cannot be used to obscure or cancel these general requirements that force the processes to be conducted in compliance with minimum transparency and publicity requirements. The superiority of these other values advises that in this case it is understood that the consent of the interested party was not required for the treatment of the data of the note consistent with its communication by the now recurring union.

From this point of view, we must conclude that the consent of those people who participate in a competitive competition procedure is not required for the treatment of the qualifications obtained in said procedure and it as a guarantee and requirement of the other participants to ensure the cleanness and impartiality of the procedure in which they participate. (...)

It is true that Organic Law 15/1999 does not expressly include exemptions or exceptions to the personal data processing regime contained therein based on the guarantees of transparency of competitive processes, so it will be necessary to weigh the conflicting interests in order to determine which of them must prevail. Having carried out said weighting, and considering the circumstances involved here, it is clear to this Court that the guarantee of publicity and transparency of the competitive process must prevail in this case over the right to data protection.

According to this weighting criterion, the right of the interested person to access the tests and qualifications of the people who participated in the call and passed the different phases of the competition should prevail, since this information may be relevant for the verification and control of the actions of the administration responsible for the selection process, excluding that information relating to tests which, by their nature, as we have seen, may contain particularly protected data.

However, the General Directorate's report opposes providing information on candidates who have passed the opposition phase citing personal security reasons. Thus it states that "these public workers, due to the functions assigned to them and in order to guarantee their safety, have been assigned a professional identity number to be able to identify their professional actions while safeguarding their

personal data, which is why it is considered that the disclosure of this information would affect their security, and consequently access cannot be granted".

Security reasons for the people who have participated in the call and have finally been integrated into the body (...), could justify providing the information partially or subjected to a pseudonymization process, but, in no case, denying the full access to it. In this sense, article 25 of the LTC provides for partial access to public information and documentation, in such a way that "if any of the limits of access to public information established in the previous articles are applicable, the denial of 'access only affects the corresponding part of the documentation and restricted access to the rest of the data must be authorised'.

With regard to the possibility of subjecting the information to a process of pseudonymization, it is necessary to take into account Opinion 05/14 of the Article 29 Working Group, on anonymization techniques, which analyzes pseudonymization techniques and makes a relation of the most frequently used ones.

The RGPD has incorporated in article 4.5 the definition of pseudonymization as "the processing of personal data in such a way that they can no longer be attributed to an interested party without using additional information, as long as this information is recorded separately and is subject to technical measures and organizational measures intended to ensure that personal data are not attributed to an identified or identifiable natural person".

Pseudonymization is therefore a treatment of information that is subject to data protection regulations, and which consists, for example, of replacing a person's first and last name, or any other identifying data, with a code, so that if there is no additional information to establish a link, it is not possible to know who this code corresponds to. For the pseudonymisation to be effective, only the person responsible for the pseudonymisation must be in a position to link the pseudonymised data to the holder thereof.

Therefore, if opting for a process of pseudonymisation of the data, this should be based on the assignment to each of the candidates of an identifier code, in place of their identification data, that uniquely relates them .

In the consultation, it is noted that the finally selected candidates, in respect of whom access to their information must be given, were integrated into the body (...) and as such were assigned a professional identity card ( ...), which is personal and non-transferable (...).

With regard to the use of the card as an identifier, it must first be taken into account that the lists of candidates who participated in the competition and those who finally passed it is information that has been subject to publication (as provided for in base 4.3 of the call, regarding the publication of the final lists of admitted and excluded applicants, and base 9 regarding the list of people who have passed the opposition) and that , therefore, may be known by the applicant as a participant in the selection process.

The Department has been able to comply with the legal obligation of publicity by publishing the name and surname, or the DNI, or, a combination of the name and surname with some

ID numbers of people who have passed the opposition, without violating data protection regulations. Thus, as this Authority has previously stated, the people who participate in a selection process must be able to identify themselves in the various acts that are the subject of publication for notification purposes, and this identification can be made through various systems, usually with the first and last name, or with the ID number.

If access to the information containing the score obtained by each of the candidates, identified with the personal card assigned to the candidates, was subsequently facilitated, information would be provided that would allow, without disproportionate effort, to come to relate the name and surname of the candidates with their card (for example in the event that the score obtained in the different tests only matched a certain candidate).

Therefore, the use of the card as an identification code must be ruled out. Conversely, the Department could use, for example, the application number of each participant in the call, as an identifier code, provided that this information has not been previously advertised.

It should be remembered, finally, that the data protection regulations will be applicable to the subsequent processing of the data obtained through the exercise of the right of access in accordance with the provisions of article 15.5 of the LT.

Consequently, the scope of the possible communication of information resulting from this access procedure must be limited by the confidentiality that must be demanded of the person making the claim regarding the information to which they have access (art. 10 LOPD ), so that the information obtained cannot be used for a purpose other than that which justifies the access.

## **conclusion**

The data protection regulations do not prevent the person claiming access to the information contained in the file of the call for (...) selective tests for admission to (...) the Generalitat, relating to the your person, as well as all that documentation that has been the subject of publication in accordance with current regulations.

Nor would the data protection regulations prevent access by the person making the claim to the personal data of applicants who have finally passed the call for competitions, excluding documentation containing specially protected personal data, as well as those identifying data that are unnecessary to achieve the purpose pursued.

Reasons for the security of individuals may justify the pseudonymization of the information in such a way that the personal data contained can no longer be attributed to an interested party by third parties.

Barcelona, November 19, 2018