CNS 19/2020

Opinion in relation to the query formulated by a town council on the possibility of using the SGDA database of the CNMT to issue warnings to the population in cases of serious emergencies.

A request for an opinion from a town council is submitted to the Catalan Data Protection Authority on the possibility of using data from the subscriber data management system (SGDA) database provided by the CNMT for warnings to the population in cases of serious emergencies.

Analyzed the consultation, which is accompanied by the resolution of the CNMT of September 15, 2009 that estimates the City Council's request to access the aforementioned database to facilitate the subscriber data provided for in the Ministerial order of March 26, 2002 to provide the service for emergency calls through the number 092, and which details the conditions of the contract for the transfer of data to the City Council, according to the report of the Legal Advice I issue the following opinion:

I

(...)

II

In the consultation, it is stated that the CNMT provides the town hall, on a regular basis, with information from the database called the Subscriber Data Management System (SGDA) for the management of the emergency care system 092 of the Urban Guard, in accordance with the resolution of the CNMC of September 15, 2009.

As indicated, this database contains mobile and landline telephone numbers and the name and surname of each of the holders of the line associated with the mentioned number and which belongs to the area of action of the City Council. This information is entered into the Guardia Urbana information system in such a way that when 092 is called from any telephone, the system displays the telephone number and its owner to manage the emergency.

He also explains that, given the alert situations that are currently being experienced, the city council is analyzing the possibility of using this database "as a means to deliver warnings via SMS or calls, to the its population in emergency and exceptional cases (confinement notices, serious situations that could endanger people's lives or other situations of a similar nature such as the Covid-19 pandemic or the one produced at the Tarragona petrochemical plant) , therefore, limited to emergency and exceptional cases".

In this context, it poses the following questions to this Authority:

"1. Could those provided for in article 6.1 d) and/oe) of the RGPD be taken into consideration as legitimizing bases for the aforementioned purpose without the need to obtain the prior consent of the line holder?

2. Could any of the two legitimating bases indicated above be considered sufficient to make these notices, always after approval of their use by the Emergency Committee of the Municipality in question?

3. Additionally, could this form of notice to the population be incorporated into the new Single Municipal Civil Protection Document (DUPROCIM) that the municipality wants to approve?

4. Would it be necessary to enable a mobile or web application in order for citizens to register?

5. Bearing in mind that the European Electronic Communications Code has not yet been transposed by the Spanish government, the deadline for transposing it being June 21, 2022. Until its effective transposition, this system could be used warning by SMS or call only by the citizens of the municipality?"

III

In order to answer the first of the questions raised, it must be taken into account that, in accordance with Regulation (EU) 2016/679, of the Parliament and of the European Council, of April 27, 2016, General Protection of Data (hereinafter, RGPD) any treatment of personal data, understood as "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, consultation, use, communication by transmission, diffusion or any other form of enabling access, comparison or interconnection, limitation, deletion or destruction." (article 4.2 RGPD), has submitted to the principles and guarantees established by that Regulation.

The RGPD defines personal data as: "all information about an identified or identifiable natural person (the "data subject"); Any person whose identity can be determined, directly or indirectly, in particular by means of an identifier, such as a number, an identification number, location data, an online identifier or one or more elements of identity, shall be considered an identifiable physical person physical, physiological, genetic, psychological, economic, cultural or social of said person; (Article 4.1 GDPR). It seems clear, therefore, that to the extent that the subscribers are natural persons, the data contained in the SGDA database must be considered personal information and are subject to data protection regulations.

Article 5.1.a) of the 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 a treatment to be lawful, it is necessary to have, at least, a legal basis of those provided for in article 6.1 of the RGPD that legitimizes this treatment, either the consent of the person affected, or any of the other circumstances which provides for the same precept:

"a) the interested party gives his consent for the treatment of his personal data for one or several specific purposes;

b) the treatment is necessary for the execution of a contract in which the interested party is a party or for the application at the request of this pre-contractual measures;

c) the treatment is necessary for the fulfillment of a legal obligation applicable to the person responsible for the treatment;

d) the treatment is necessary to protect the vital interests of the interested party or another natural person;

e) the treatment is necessary for the fulfillment of a mission carried out in the public interest or in the exercise of public powers conferred on the person responsible for the treatment;

f) the treatment is necessary for the satisfaction of legitimate interests pursued by the person responsible for the treatment or by a third party, provided that these interests do not prevail over the interests or fundamental rights and freedoms of the interested party that require the protection of personal data, in particular when the interested party is a child. (...)"

In the field of public administrations, the legal bases provided for in letters c) and e) of article 6.1 of the RGPD are of particular interest, according to which the treatment will be lawful when it is necessary for the fulfillment of 'a legal obligation applicable to the controller (letter c), or when the treatment is necessary for the fulfillment of a public interest or in the exercise of public powers conferred on the controller (letter e).

However, as can be seen from Article 6.3 of the RGPD, the legal basis for the treatment indicated in both cases must be established by European Union Law or by the law of the Member States that applies to the person responsible for treatment.

The referral to the legitimate basis established in accordance with the internal law of the member states requires, in the case of the Spanish State, in accordance with article 53 of the Spanish Constitution, that the rule of development, to be about a fundamental right, has the status of law.

In this sense, article 8 of Organic Law 3/2018, of December 5, on Protection of Personal Data and guarantee of digital rights establishes the legal scope of the enabling rule.

In the case at hand, the City Council considers whether the use of this data can be protected under letter d) (protection of vital interests) and/or letter e) (fulfilment of a mission in the public interest .

Therefore, in order to determine whether the provisions of letters d) and o) of article 6.1 RGPD can constitute a legitimate basis for the data processing carried out by the City Council with the

purpose of communication to its population in emergency and exceptional cases (confinement notices, serious situations that could endanger people's lives or other situations of a similar nature such as the Covid-19 pandemic or the one produced in the petrochemical industry of Tarragona), it will be necessary to analyze whether the circumstances exist that justify the treatment based on the protection of vital interests of the interested party or another natural person or if the city council is acting in the exercise of a mission in the public interest or of public powers conferred by a rule with the rank of law as required by article 6.3 RGPD.

IV

Regarding the protection of vital interests of the interested party or another natural person, recital 46 of the RGPD specifies that:

> "The processing of personal data must also be considered lawful when necessary to protect an interest essential to the life of the person concerned or that of another natural person. In principle, personal data must only be processed on the basis of the vital interest of another natural person when the treatment cannot be manifestly based on a different legal basis. Certain types of treatment may respond both to important reasons of public interest and to the vital interests of the interested party, such as when treatment is necessary for humanitarian purposes, including the control of epidemics and their spread, or in situations of humanitarian emergency, on all in case of natural or man-made disasters"

Thus, it is made clear that certain types of treatment can respond both to reasons of public interest and to the vital interests of the interested party, examples of this situation being the treatments that could be necessary in cases of epidemic control and the its spread or humanitarian emergency situations, in the event of natural or human-caused disasters, as would be the cases raised in the consultation. In addition, it is also made clear that the legal basis of vital interest comes into play only on a subsidiary basis, that is to say, when there is no other basis provided for in this article.
Therefore, although it cannot be ruled out that the protection of the vital interest can act as a legal basis for the treatment that is intended to be carried out, at least in certain cases, it is necessary to first examine whether the legal basis provided for in letter e) can enable the treatment.

The legal basis provided for in letter e) of article 6.1 of the RGPD requires, as we have already explained, a rule with the rank of law that attributes the mission in the public interest or the public power in question. In the case at hand, Law 7/1985, of April 2, regulating the bases of the local regime (LRBRL) provides, in articles 25 et seq., that the municipality will exercise, in any case, powers in the terms of the legislation of the State and of the Autonomous Communities in certain matters, including: urban environment and, in particular, public parks and gardens, management of urban solid waste and protection against noise, light and atmospheric pollution in urban areas (25.2.b), local police and civil protection and firefighting (25.2.f), protection of public health (25.2.j), which could lead to the action of the municipality in cases such as those set out in the consultation related to alarm situations caused by epidemics or catastrophes of human origin.

More specifically, Law 4/1997, of 20 May, on civil protection of Catalonia, which aims at "civil protection in Catalonia, which includes actions intended to protect people, property and the environment against situations of serious collective risk, catastrophes and public calamities", recognizes the mayors as civil protection authorities (article 40) and the municipalities as basic entities of civil protection in Catalonia and with general capacity for action and planning in this matter (article 47).

Also, in matters of public health, Law 18/2009, of 22 October, on public health in Catalonia, considers councils to be competent in this matter. Article 52 of this rule lists the set of minimum public health services that can be provided:

> **"a) Health education in the area of local competences. b) The management of health risks arising from environmental pollution. c) Health risk management with regard to water for public consumption. d) Health risk management in public facilities and inhabited places, including swimming pools. e) Health risk management in tattooing, micropigmentation and piercing activities. f) The management of the health risk derived from food products in the activities of retail trade, service and the direct sale of prepared food to consumers, as the main or complementary activity of an establishment, with home delivery or without, local production and urban transport. The activity of supplying prepared food for groups, for other establishments or for points of sale is excluded. g) The management of the health risk derived from domestic animals, companion animals, urban wild animals and pests. h) Mortuary health police in the field of local powers. i) The other activities under the jurisdiction of the town councils in matters of public health, in accordance with the legislation in force in this matter."**

Therefore, it can be concluded that, in accordance with the aforementioned legal norms and others that attribute competences to local bodies in matters of emergencies, the processing of data for the communication to the population of the municipality of situations of 'emergency in the area of municipal competences, may be considered necessary for the exercise of a mission in the public interest or of public powers conferred on the data controller (Article 6.1.e) RGPD). Therefore, this could constitute the legal basis of the treatment.

v

However, in accordance with the RGPD, all data processing, in addition to being lawful, must comply with the rest of the principles and guarantees established by the Regulation itself, among which we must take into account, for the purposes that concern us, the principle of limitation of the purpose of the treatment (Article 5.1.b) RGPD), according to which the data, explicit and legitimate purposes, and will not be subsequently processed in a manner incompatible with said purposes; in accordance with article 89, paragraph 1, the subsequent processing of personal data for archiving purposes in the public interest, scientific and historical research purposes or statistical purposes will not be considered incompatible with the initial pu

The use of personal data that the City Council has for the identification of calls received to the 092 emergency service system of the Urban Guard, for a different ulterior purpose, such as the communication to phone holders of possible situations of emergency, it would be a data treatment that, in principle, could come into conflict with the principle of purpose limitation.

In this regard, article 6.4 of the RGPD provides that:

> **"When the treatment for a purpose other than that for which the personal data was collected is not based on the consent of the interested party or on the Law of the Union or of the Member States that constitutes a necessary and proportionate measure in a democratic society for to safeguard the objectives indicated in article 23, paragraph 1, the person responsible for the treatment, in order to determine whether the treatment with another purpose is compatible with the purpose for which the personal data was initially collected, will take into account, among other things:**
>
> **a) any relationship between the purposes for which the personal data have been collected and the purposes of the subsequent treatment provided;**
>
> **b) the context in which the personal data have been collected, in particular with regard to the relationship between the interested parties and the controller;**
>
> **c) the nature of personal data, in particular when special categories of personal data are treated, in accordance with article 9, or personal data relating to criminal convictions and infractions, in accordance with article 10;**
>
> **d) the possible consequences for the interested parties of the planned subsequent treatment;**
>
> **e) the existence of adequate guarantees, which may include encryption or pseudonymization."**

Therefore, according to the RGPD, the processing of data for a purpose other than that for which they were collected can be based either on the consent of the interested parties, or on the law of the Union or the Member States that constitutes a measure to safeguard the objectives indicated in article 23.1, or pass the compatibility analysis in accordance with the criteria that article 6.4 enumerate

Obviously there would be no problem for the change of purpose if the consent of the affected people was counted. However, beyond that, in the case at hand, the purposes for which the data is to be used would be aligned with the objectives of public security, protection of the interested party or the rights of other people, or other objectives of public interest referred to in article 23.1 RGPD, so it is necessary to see if there is any rule with the rank of law that allows the change of purpose.

Law 9/2014, of May 9, General Telecommunications (hereafter LGT), regulates in its article 49 the subscriber guides and establishes in its first section that:

"The development and commercialization of electronic communications service subscriber guides and the provision of information services on them will be carried out under a free competition regime.

To this effect, the companies that assign telephone numbers to subscribers will have to comply with all reasonable requests for the provision of relevant information for the provision of information services on subscriber numbers and guides accessible to the public, in an approved format and under equitable, objective, cost-oriented and non-discriminatory conditions, the supply of the aforementioned information and its subsequent use being subject to the data protection regulations in force at any given time.

The Ministry of Industry, Energy and Tourism must provide free of charge to the entities that are going to prepare telephone directories of subscribers, to those that provide the telephone consultation service on subscriber numbers and to those that provide emergency call services, the data that it is provided by the operators, in accordance with the conditions established by royal decree."

Likewise, the LGT provides in its article 28.4 the following:

"4. In any case, the obligation to route calls to emergency services without the right to economic compensation of any kind must be assumed both by operators that provide electronic communications services to the public to make national calls to numbers from a national numbering plan telefónica, as by those who operate public networks of electronic communications. This obligation is imposed on said operators with respect to calls made to the 112 emergency telephone number and others that are determined by royal decree, including those made from public pay phones, without it being necessary to use any form of payment in these cases

In any case, the emergency call service will be free for users, regardless of the public administration responsible for its provision and regardless of the type of terminal used.

Likewise, the operators will make available to the receiving authorities of said calls free of charge the information that is determined by royal decree regarding the location of their origin."

Royal Decree 424/2005, of April 15, which approves the Regulation on the conditions for the provision of electronic communications services, the universal service and the protection of users, develops the conditions for the delivery of data to which the aforementioned articles of the LGT refer.

Thus, article 68 of this Royal Decree 424/2005 establishes:

"(...)

2. The Telecommunications Market Commission must provide free of charge the data provided by the operators, in accordance with what is established in this regulation, with the instructions that, as the case may be, dictated by the Telecommunications Market Commission and with what is established for that purpose by ministerial order.

Data relating to subscribers who have exercised their right not to appear in the guides accessible to the public will only be provided to the entities holding the emergency call service. To these effects, it will be understood that the emergency call services are those provided through the number 112 and those others determined by the Secretariat of State of Telecommunications and for the Information Society.

The supply will be made at the express request of the interested entity and prior reasoned resolution of the Telecommunications Market Commission, prior report of the Spanish Data Protection Agency, in which it is recognized that the entity meets the requirements to access the data and the conditions of supply and use of the data provided are established.

3. The entities that receive the data from the Telecommunications Market Commission will be obliged to provide the services that motivate the communication of the data, to use the data communicated solely and exclusively for said provision and the use for it of the latest updated version of the data that is available.

In the event that within six months from the recognition of the requesting entity's right to access the subscriber's data it has not started providing the services pursuant to which the provision of the information was agreed, or verify that after the recognition of the right the data are used for other different purposes or are used in a way different from that established by the Telecommunications Market Commission, this, after a report from the Spanish Data Protection Agency, will issue a resolution motivated to revoke, where appropriate, the resolution by which the right of access to the data was recognized.

If the revocation of the resolution recognizing the right to access the data is agreed upon, the interested entity must proceed to the immediate deletion of the data that had been communicated to it, as well as any copy thereof.

What is established in this section is understood without prejudice to the powers attributed to the Spanish Data Protection Agency by current legislation on the protection of personal data."

This Royal Decree is developed by "Circular 1/2013, relative to the procedure of providing data from subscribers for the provision of guide services, telephone consultation on subscriber numbers and emergency" (modified by Circular 1/2014), in the

which, among other issues, identifies the entities with the right to supply the subscriber data contained in the database (SGDA) and the procedure for their request.

In principle, the analyzed telecommunications regulations do not provide for the possibility of using the subscriber data contained in the SGDA database for purposes other than that of preparing telephone directories for subscribers, the provision of the telephone consultation service on numbers of subscribers and the provision of emergency call services.

Therefore, in the absence of a rule with the rank of law that enables the treatment, the city council should carry out an analysis of the compatibility of the treatment applying the criteria established by article 6.4 of the RGPD

In this analysis, it is necessary to assess, in the first place, the relationship between the purposes for which the personal data have been collected and the purposes of the subsequent treatment planned. In the case that we are concerned with the purpose of data processing by the emergency system for the location of the person who communicates an emergency and the performance of the necessary arrangements to provide the service, they could have a certain relationship with the purpose of get in touch with subscribers to communicate emergency situations or address them with recommendations in cases such as those raised in the consultation, since in both cases it is the provision of services to citizens in emergency situations

Despite this, it is necessary to take into account the limitations that the same regulations impose on the use of this data for other purposes. Specifically, section 3 of article 68 of Royal Decree 424/2005 must be taken into account:

The aforementioned telecommunications regulations establish, therefore, a taxed regime for communicating subscriber data for use by the entities entrusted with the management of the 112 emergency call service - or other equivalents that have been established , as would be the case of 092- which excludes the use of the data for a different ulterior purpose.

In this regard, the Resolution of September 15, 2009 of the Comisión del Mercado de las Telecomunicaciones, which is attached to the consultation, establishes the conditions for the transfer of data and expressly provides that the information will be treated solely and exclusively for the purpose for which it was delivered, that the subscribers' data will be updated in accordance with the update circular, that the services will be provided in accordance with the characteristics and under the conditions that their specific regulations regulate and that will guarantee respect for data protection legislation.

On the other hand, it is necessary to take into account the modification of article 155 of Law 40/2015, of October 1 on the legal regime of the public sector, introduced by Royal Decree 14/2019 of October 31, by which s 'adopt urgent measures for reasons of public security in matters of digital administration, public sector contracting and telecommunications. This article establishes, in relation to the communication of data between public administrations, the followin

1. In accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council, of April 27, 2016, relating to the protection of individuals with regard to the processing of personal data and the freedom circulation of these

data and because of the repeal of Directive 95/46/CE and Organic Law 3/2018, of December 5, on the Protection of Personal Data and the guarantee of digital rights and its implementing regulations, each Administration must facilitate the access of the rest of the Public Administrations to the data relating to the interested parties in their possession, specifying the conditions, protocols and functional or technical criteria necessary to access said data with the maximum guarantees of security, integrity and availability.

2. In no case may further processing of the data be carried out for purposes incompatible with the purpose for which the personal data were initially collected. In accordance with the provisions of article 5.1.b) of Regulation (EU) 2016/679, the subsequent processing of personal data for archiving purposes in the public interest, scientific and historical research purposes will not be considered incompatible with the initial purposes or statistical purposes.

3. Apart from the case provided for in the previous section and as long as the special laws applicable to the respective treatments do not expressly prohibit the further treatment of the data for a different purpose, when the Public Administration transferring the data intends the further treatment of the same for a purpose that he deems compatible with the initial purpose, he must communicate it beforehand to the ceding Public Administration so that it can verify said compatibility. The ceding Public Administration may, within ten days, object with reason. When the transferring Administration is the General Administration of the State, it may in this case, exceptionally and with reason, suspend the transmission of data for reasons of national security in a precautionary manner for the time strictly indispensable for its preservation. As long as the transferor Public Administration does not communicate its decision to the transferee, it will not be able to use the data for the intended new purpose.

The cases in which the treatment for another purpose other than that for which the personal data were collected are provided for in a rule with the rank of law in accordance with the provisions of article 23.1 of the Regulation (EU) 2016/679."

In short, in those cases in which the public administration transferring the data, considers that the ulterior purpose is compatible with the purpose for which the data were transferred, assuming that, based on the information available, it does not seem to concur in the case at hand, before carrying out the treatment, it must be communicated to the transferor administration so that it can verify this compatibility, with the possibility of opposing this change of purpose.

Therefore, it can be concluded, with regard to the first three questions raised in the consultation that, despite the fact that the cases provided for in letters e) and) of article 6 RGPD may constitute a legitimate basis for the treatment, the principle of limitation of the purpose would prevent the city council from processing the data of the database of the Subscriber Data Management System (SGDA) provided by the CNMT to manage calls to the 112 telephone, for a different ulterior purpose such as it would be to issue warnings to the population in

VI

The consultation also asks if "Would it be necessary to enable a mobile or web application in order for citizens to register?"

The data protection regulations do not imply the need to enable an app or space on the web so that citizens can register. However, consent can be one of the legal bases on which the treatment is based.

Consent as a legitimate basis for treatment must meet the requirements established in article 4, section 11, of the RGPD which defines consent as: "any free, specific, informed and unequivocal indication of the will of the interested party by the that, by means of a statement or a clear affirmative action, signifies an agreement for the treatment of personal data related to him".

In the case of public administrations, recital 43 of the RGPD says: "To guarantee that consent is granted freely, consent must not constitute a valid legal reason for the treatment of personal data in a specific case where there is a clear imbalance between the interested party and the person responsible for the treatment, in particular when the person responsible for the treatment is a public authority and, therefore, it is unlikely that the consent has been given freely in all the circumstances of that specific situation. (...)"

In the analysis on consent carried out by Directives 5/2020 on consent in Regulation 2016/679, of the European Data Protection Committee, adopted last May 4, 2020, it is mentioned that "it is unlikely that public authorities can rely on consent for treatment, since when the person in charge is a public authority, there is often a clear imbalance of power in the relationship between the person in charge and the interested party. It is also clear in most cases that the interested party will not have realistic alternatives to accept the treatment (terms) of this controller" (paragraph 43).

Despite this, the Council points out that, "the use of consent as a legal basis for data processing by public authorities is not totally excluded in the legal framework of the RGPD" and shows some examples of data processing carried out by public administrations whose legal basis is consent. In these examples, the emphasis is placed on the citizen's ability to decide on their data in such a way that, in the event of not giving consent, this does not entail a detriment or the deprivation of any basic service of the public entity, nor the exercise of any right.

Therefore, if the city council opts for a system based on a mobile or web application that allows the collection of the informed consent of the interested parties for the processing of their data, so that the consent constitutes a legitimate basis for the processing, the citizen has to have the possibility to refuse this consent or simply not to use this system without this causing harm or depriving him of any basic service. Consequently, the city council will have to enable other channels that guarantee communication with the population in these emergency situations, such as, for example, communication through the media

communication, through the municipal website, through public address announcements to the entire population, etc.

In the implementation of a mobile or web application in which citizens register, the city council must take into account the principle of privacy by design and by default, as well as that of proactive responsibility to ensure that this complies with the provisions of the RGPD and LOPDGDD.

VII

Finally, with regard to the issue relating to the transposition of the European Code of Electronic Communications and the possibility of using this mechanism only by the citizens of the municipality, the following considerations are made.

The European Code of Electronic Communications, approved by Directive (EU) 2018/1972 of the European Parliament and of the Council, of December 11, 2018, obliges Member States to use a reverse 112 system to warn the population in situations emergency by sending alerts to those potentially affected through the telephone networks and sets the deadline for the transposition of this measure as June 21, 2022. Thus, article 110 of this rule provides:

"Public alert system 1. No later than June 21, 2022, when there are public alert systems in case of major catastrophes or imminent or ongoing emergencies, the Member States will ensure that the providers of mobile interpersonal communication services based in numeration transmit the alerts to the end users affected.

2. Notwithstanding what is stipulated in section 1, the member states may establish that the alerts are transmitted by means of electronic communications services available to the public different from those indicated in section 1 and different from other broadcasting services, or by of a mobile application based on an internet access service, provided that the effectiveness of the alert system is equivalent in terms of coverage and capacity to cover end users, including those who are temporarily in the area question, bearing in mind the indications of ORECE. End users should be able to receive alerts easily.

No later than June 21, 2020 and after consulting with the authorities in charge of the PSAPs, ORECE will publish guidelines on how to evaluate whether the effectiveness of the public alert systems provided for in this section is equivalent to the effectiveness of those provided for in section 1."

Without prejudice to the fact that the rule that transposes this Directive could provide coverage for the treatment that is intended to be carried out, it does not seem that at the current moment, in which the deadline for its transposition has not yet passed, the necessary requirements are met for this rule can have a direct effect.

Therefore, as explained in the preceding legal basis, from the point of view of the data protection regulations and in relation to the specific query raised, the city council, within the scope of its powers, could only implement and use an alarm communication system to the population of your municipality, with the consent of the interested parties collected through a system that offers all the guarantees regarding the management of data in accordance with the RGPD.

Conclusions

The principle of limitation of the purpose of the RGPD would prevent the city council from using the data of the database of the Subscriber Data Management System (SGDA) provided by the CNMT for a different ulterior purpose such as issuing notices to the population in cases of serious emergencies.

The consent of the interested parties collected in a mobile or web application could be a legitimate basis for this treatment.

Barcelona June 4, 2020