

Report issued at the request of the Commission for the Guarantee of the Right of Access to Public Information in relation to the claim presented by a public employee of a town hall against the same town hall for the denial of access to information on certain actions that they affect

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 the claim submitted by a City Council employee (...) against this same council for the denial of access to information about certain actions that affect it.

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 January 8, 2021, a City Council employee (...), who would hold the status of union delegate in this council, sent a letter to the City Council requesting:

- 1) Information "about who decided to attend the Tarragona Labor and Social Security Inspection appointment, on (...), precisely the 6 people who went there (...)".
- 2) Information "who made the decision, at this meeting of the Labor Inspection of the day (...), not to inform any union representative of the City Council (...), nor any delegate occupational risk prevention union".
- 3) "Copy of the documents that the City Council (...) delivers to the Labor Inspectorate, on (...), about the applicant".
- 4) Information on "what they sent any of the Local Police sergeants from (...), or the chief sub-inspector, to the Mossos d'Esquadra in relation to the applicant and other City Council workers (...) in 2013 (documents, emails or others)."
- 5) "The identification with TIP professional number of the local policemen of (...) who provided the Mossos d'Esquadra with the list of names and details of union representatives (...) and municipal workers allegedly related to the act (...) of the year 2013."
- 6) "Copy of all information that any of the Local Police Sergeants of (...), or the Chief Sub-Inspector, sent to the National Police Force in relation to the applicant (documents, emails or others) ".
- 7) Information from "the authorities or City Council workers (...) who decided to undertake actions with the National Police Force in relation to the applicant".

- 8) Information of "the authorities or workers of the City Council (...) who participated in any management with the National Police Force in relation to the applicant".
- 9) "Copy of all information that any of the Local Police Sergeants of (...), or the Chief Sub-Inspector, received from the National Police Force in relation to the applicant (documents, emails or others) ".
- 10) "Copy of all the information that any of the Local Police sergeants of (...), or the chief sub-inspector, sent to the Court of Inquiry (...) in relation to alleged internal investigations of the Local Police of (...) for alleged violations in relation to the applicant (documents, e-mails or others)".

2. On February 21, 2021, the applicant filed a complaint with the GAIP against the City Council (...) for denying access to the requested information.

3. On February 24, 2021, the GAIP sent the claim to the City Council (...), requiring it to issue a report on which to base its positions, as well as the complete file relating to the request for access to public information and the identification of third parties affected by the requested access.

4. On the dates of March 26, 2021, April 14, 2021 and April 20, 2021, the GAIP reiterates the requirement of the aforementioned documentation to the City Council (...), without that, on the date of issue of this report, it is noted that the City Council has sent the required information.

5. On May 3, 2021, the GAIP requests the person making the claim to provide additional information in relation to the reference claim.

The file contains the written response to the aforementioned request, in which the person making the claim details certain points of their access request. Specifically:

- Regarding the information referred to in point 3) of the request, he points out that he is the one who initiated the procedure before the Labor Inspectorate and that the information requested is related to the work he carries out at the City Council and his unemployment.
- With respect to the information referred to in point 4) of the request, it refers to the preparation of a list allegedly by the Local Police of the City Council which contained the names of several City Council workers, among the which is included, reported to the Mossos d'Esquadra in 2013.

It also notes that no disciplinary administrative procedure was initiated.

- Regarding the information referred to in points 6) and 9) of the request, he points out that the requested information is related to the complaint that would also have been filed against him before the National Police Force for the same facts occurred in 2013.
- With respect to the information referred to in point 10) of the request, note that the judicial procedure is filed.

6. On May 3, 2021, the GAIP requests this Authority to issue the report provided for in article 42.8 of Law 19/2014, of December 29, on transparency, access to public information and good government, 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 information about an identified or identifiable natural person, directly or indirectly, in particular through an identifier, such as a name, an identification number, location data, an online identifier or one or more elements of physical, physiological, genetic, psychological, economic, cultural or social security of this person (article 4.1 of Regulation 2016/679, of April 27, 2016, relating to the protection of natural persons with regard to the processing of personal data and the free circulation of such data and by which repeals Directive 95/46/EC (General Data Protection Regulation, hereafter RGPD).

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 present claim is filed against the denial of access to various information related to various actions carried out by the City Council (...) which, according to the file, would affect the person making the claim. This information is detailed in points 1 and 5 of the antecedents of this report, although, broadly speaking, it is information linked to:

- The meeting held on (...) between the City Council and the Labor Inspectorate regarding the claimant: identification of certain public employees and information provided at the meeting.
- The actions carried out following events that occurred during the act (...) in 2013, in which the person making the claim would have intervened: identification of certain public employees or public authorities and information or documentation available to the Police local
- A judicial process initiated against the person making the claim: information on investigations Local Police for alleged infractions by the applicant.

The information and documentation to which the claimant intends to access (and obtain a copy), as stated in the file sent, mainly contains personal information referring to him, but also personal information of third parties, at least of public employees who have intervened in the actions mentioned and/or in the preparation of the relevant documentation in the exercise of their functions, as well as probably other people (for example, other investigated or affected subjects).

Article 4.2) of the RGPD considers "treatment": any operation or set of operations carried out on personal data or sets of personal data, either 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."

The RGPD provides that all processing of personal data must be lawful (Article 5.1.a)) and, in this sense, establishes a system of legitimizing data processing based on the need for one of the legal bases to be met established in its article 6.1. Specifically, section c) provides that the treatment will be lawful if "it is necessary for the fulfillment of a legal obligation applicable to the person responsible for the treatment".

For its part, article 86 of the RGPD provides that "the personal data of official documents in the possession of any public authority or public body or a private entity for the performance of a mission in the public interest may be communicated by said authority, organism or entity in accordance with the Law of the Union or Member States that applies to them in order to reconcile public access to official documents with the right to the protection of personal data under this Regulation."

Law 19/2014, of December 29, on transparency, access to public information and good governance (hereafter, LTC), aims to regulate and guarantee the transparency of public activity.

Article 18 of the LTC recognizes the right of people 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 entity" (section 1).

Article 2.b) of the LTC 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 that supplied by the other obliged subjects in accordance with the provisions of this law".

For its part, article 53.1 of Decree 8/2021, of February 9, on transparency and the right of access to public information (RLTC), specifies that it is public information subject to the right of access "all the information, any data or documents that the public administrations have prepared, possess, or can legitimately demand from third parties as a result of their activity or the exercise of their functions."

Point out that, despite the request of the GAIP addressed to the City Council on February 24, 2021, and reiterated on March 26, 2021 and April 14 and 20, 2021, it does not state, at the very least, in the available information, a copy of the file followed by the City Council in relation to the access request that is the subject of this claim. Therefore, the reasons why the City Council has not provided the requested information to the person making the claim are not recorded.

In any case, the disputed information, if it is in the possession of the City Council, is public information by virtue of article 2.b) of the LTC and, therefore, remains subject to the access regime provided for in this regulation , which establishes, as a general criterion, that the right of access to public information can only be denied or restricted for the reasons expressly established by law (article 20 et seq. LTC).

Specifically, and with regard to the right to the protection of personal data, it is necessary to take into account the limitations and criteria provided for in the transparency legislation (articles 23 and 24 LTC), and the principles of the personal data protection regulations.

III

From the statements made by the claimant in his request for access, in which he continuously refers to information "about the applicant" or "in relation to the applicant", it could be inferred that the claimant focuses his access request exclusively on personal information that is his own.

Article 24.3 of the LTC states that "requests for access to public information that refer only to the applicant's personal data must be resolved in accordance with the regulation of the right of access that establishes the legislation for the protection of personal data".

The personal data protection regulations recognize the right of access to one's own personal information (Article 15 RGPD) in the following terms:

"1. The interested party will have the right to obtain from the person in charge of the treatment confirmation of whether or not personal data that concern them are being processed and, in such case, the right to access the personal data and the following information: a) the purposes of the treatment; b) the categories of personal data in question;

c) the recipients or the categories of recipients to whom the personal data was communicated or will be communicated, in particular recipients in third parties or international organizations; d) if possible, the expected period of personal data conservation or, if not possible, the criteria used to determine this period; e) the existence of the right to request from the person in charge the rectification or suppression of personal data or the limitation of the treatment of personal data relating to the interested party, or to oppose said treatment; f) the right to present a claim before a control authority; g) when the personal data has not been obtained from the interested party, any available information about its origin; h) the existence of automated decisions, including profiling, referred to in article 22, sections 1 and 4, and, at least in such cases, significant information about the logic applied, as well as the importance and expected consequences of said treatment for the interested party. 2. (...)

3. The person responsible for the treatment will provide a copy of the personal data subject to treatment. The person in charge may charge a reasonable fee based on administrative costs for any other copy requested by the interested party. When the interested party presents the request by electronic means, and unless he requests that it be provided in another way, the information will be provided in a commonly used electronic format.

4. The right to obtain a copy mentioned in section 3 will not negatively affect the rights and freedoms of others.”

However, article 23 of the RGPD provides that:

"1. The Law of the Union or of the Member States that applies to the person responsible or the person in charge of the treatment may limit, through legislative measures, the scope of the obligations and the rights established in articles 12 to 22 and article 34, as well as in article 5 to the extent that its provisions correspond to the rights and obligations contemplated in articles 12 to 22, when such limitation essentially respects fundamental rights and freedoms and is a necessary and proportionate measure in a society democratic to safeguard: a) the security of the State; b) the defense; c) public security; d) the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal sanctions, including the protection against threats to public security and their prevention; e) other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including in the fiscal, budgetary and monetary areas, public health and social Security; f) the protection of judicial independence and judicial procedures; g) the prevention, investigation, detection and prosecution of violations of deontological norms in the regulated professions; h) a function of supervision, inspection or regulation linked, even occasionally, with the exercise of public authority in the cases contemplated in letters a) ae) and g);

i) the protection of the interested party or the rights and freedoms of others; j) the execution of civil demands. (...)”.

As this Authority has decided on previous occasions (among others, in reports IAI 54/2018, IAI 34/202, IAI 9/2021 or IAI 21/2021, which can be consulted on the [website www.apdcat.cat](http://www.apdcat.cat)), based on article 15 of the RGPD, the person making the claim has the right to know the direct information about him that is being processed by the City Council, and that is part of a file or that is included in the documentation that usually tender, as well as the origin of the information and any communications that have been made or are expected to be made, among other aspects.

On the one hand, the claimant requests (point 3 of the access request) a copy of the documents that the City Council handed over to the Labor Inspectorate about him in the meeting held by both administrations on (. ..).

In the written response to the GAIP's request for additional information, which is in the file, the person making the claim claims that the City Council has not provided the documentation that, in their opinion, would justify that the health problems they are suffering from and his temporary incapacity (or absence from work) are related to the work he carries out in this council.

Although it is not clear enough from these statements what the requested information consists of, it does seem to be evident that, in any case, he is requesting personal information about himself that the City Council would have available in the exercise of its powers in terms of personnel and/or occupational risks. Therefore, the person claiming would have the right to access it and obtain a copy on the basis of article 15 of the RGPD.

On the other hand, the person making the claim also requests various information related to the actions that would have been carried out following events that occurred during the act (...) in 2013. He points out in his letter addressed to the GAIP that several City Council workers, including him, were reported for these facts to the Mossos d'Esquadra (CME) and, subsequently, only he to the National Police Force (CNP) . It is also clear that, due to these events, no sanctioning administrative procedure was initiated in this regard.

Among other information, the person making the claim requests (points 4 and 6 of the access request) a copy of all the information prepared or in the possession of the Local Police that was sent to the CME and the CNP on your person (documents, emails or others).

In the letter addressed to the GAIP, the person making the claim mentions, in particular, a list, allegedly drawn up by the Local Police, of the municipal workers, including him, who ended up being reported.

He also requests (point 9 of the access request) a copy of all the information that the Local Police received from the CNP on his person (documents, e-mails or others).

In view of these manifestations, it appears that there are several police investigations into the claimant and other municipal workers linked to the controversial events, which, at least for the claimant, would not have entailed the imposition of any administrative sanction on the respect

On the basis of article 15 of the RGPD, and in the absence of a rule with the rank of law that limits access in the terms of article 23 of the RGPD, the person claiming would have the right to access and obtain a copy of all the information that only appears on your person in the information generated by the Local Police, or is in the possession of this police force, as a result of the investigation of the events that occurred during the act (...) the year 2013.

This, it should be noted, would also include the origin of the information, which could entail knowing the identity of the person or persons who had provided information about their person to the Local Police (complainant or witnesses, for example), as well such as information referring to the facts, behaviors or attitudes that these people attribute to the person making the claim, as investigated or reported.

Point out that this right to know the origin of the data could conflict with the right to data protection of these third parties. Based on the information available, it cannot be ruled out that these are people from the same work environment as the claimant (other municipal workers or authorities). That being the case, it should be taken into account that the disclosure of what they can say or not say about the claimant in relation to their facts or behavior could end up affecting the work environment in some way. For this reason, it would be necessary to comply with the hearing procedure provided for in article 31 of the LTC, and to know if there are personal circumstances or reasons that could justify, if applicable, the limitation of the claimant's right of access to the said information.

It would also entail, among other aspects, being able to know the communications that had been made about your personal data.

On the other hand, the person making the claim also requests (point 10 of the access request) a copy of all the information on the internal investigations of the Local Police carried out against him for alleged infractions that should have been sent to the Court of Instruction number two of (...)

Beyond indicating in the letter addressed to the GAIP that the judicial process is filed, the person making the claim does not provide any further information on the nature and outcome of these internal investigations. It is not known, therefore, whether this information is also related to the events that occurred during the act (...) in 2013 or whether it is about other events attributable to the person claiming that may incur some type of 'administrative or criminal offence.

In any case, to the extent that you claim information relating to your person, you should also recognize the right of the person claiming to access it and obtain a copy, on the basis of article 15 of the RGPD, unless, in accordance with current legislation, the state in which the investigations or the judicial process may be found justify the limitation in accordance with article 23 of the

In addition to all of this, it should be noted that, in the event that the requested information available to the Local Police refers to data processing linked to the investigation of criminal offenses in relation to the person making the claim, he or she would also have the right to access all the information relating to your person, in accordance with article 15 of Organic Law 15/1999, of December 13, on the protection of personal data (LOPD).

This article 15 of the LOPD remains in force until next June 16, 2021, the date on which the recent Organic Law 7/2021, of May 26, on the protection of personal data processed for the purposes of prevention, detection, will enter into force, investigation and prosecution of criminal offenses and execution of criminal sanctions (DF 12a).

Without prejudice to the claimant's right of access to data relating to him/her, the information referred to may also contain personal data relating to third parties, such as other employees involved in the events that took place during the act (...) in 2013 or of the staff in the service of the City Council who were able to participate due to their functions in the aforementioned actions, which prevents the resolution of the claim only to the data protection regulations (article 24.3 LTC).

In fact, at different points in his request for access (points 1, 2, 5, 7 and 8), the claimant expressly requests information relating to third parties (identity of authorities and/or workers of the Town hall).

It is therefore also necessary to take into account the transparency regulations, specifically, the provisions of articles 23 and 24 of the LTC, as well as article 15 of Law 19/2013, of December 9, on transparency, access to public information and good governance (LT).

IV

Article 23 of the LTC establishes 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."

Article 15.1 of the LT establishes that:

"1. If the requested information contains personal data that reveal the ideology, trade union affiliation, religion or beliefs, access can only be authorized if there is the express and written consent of the affected person, unless said affected person had made it manifestly public the data before access was requested."

If the information includes personal data that refers to racial origin, health or sex life, includes genetic or biometric data or contains data related to the commission of criminal or administrative offenses that did not lead to a public reprimand to the offender, access only it may be authorized if the express consent of the affected person is counted or if the latter is covered by a rule with the force of law."

According to the statements made by the person making the claim, in the events that occurred during (...) in 2013, several City Council workers were involved, so it cannot be ruled out that in the information in which is intended to be accessed elaborated or in the possession of the Local Police also contains data relating to these people. In fact, the person making the claim refers to a list with the names of all the workers involved drawn up by the Local Police.

From the perspective of data protection, despite the fact that, apparently, no disciplinary procedure was initiated, the information about the persons reported or investigated is considered information related to the commission of administrative or, where appropriate, criminal offenses.

It must be borne in mind that the mere fact of providing information about a person who has been investigated for facts that could constitute, based on the information available, an administrative offense could cause serious damage to the privacy of the affected, particularly, in attention to the nature and seriousness of the facts investigated. This means that, despite the doubt that may arise regarding its inclusion in the access regime of article 23 of the LTC - because the sanctioning procedure has not been initiated -, a reasoned weighting between the different rights and interests at stake that would need to be done in accordance with article 24.2 of the LTC, would also oblige us to take into account this circumstance that could lead to a denial of access to this information.

On the other hand, it cannot be ruled out that there is other information deserving of special protection, such as data relating to your union membership (article 9.1 RGPD), taking into account that, according to the claimant, "the list of the names that were reported to us are all trade unionists from the City Council".

The LTC excludes the possibility of accessing information deserving of special protection as well as information referring to the commission of criminal or administrative infractions, unless the sanction or penalty entails a public reprimand to the offender or with the express consent of those affected (article 23).

In relation to consent, article 70.1 of the RLTC provides that "it is up to the person requesting to provide the express written consent of the persons holding the personal data affected by the requested access. The public administrations can transfer the request and the consent to the person holding the data in order to certify the written consent provided, in case of doubt about its veracity.

It should also be taken into account that the LT excludes the possibility of accessing information that reveals, among other data, the trade union affiliation of the affected person, unless "the express and written consent of the affected person is obtained, unless said affected person had made the data manifestly public before access was requested" (article 15.1).

In the present case, it cannot be ruled out that the affected people ("trade unionists") or, at the very least, part of these people, may hold the status of representatives of the official or labor staff of the City Council, in such a way that the his affiliation to a certain trade union organization could be considered information that those affected would have made manifestly public, following the holding of the elections to the corresponding representative bodies. That being the case, there would be no impediments for the claimant to be aware of this information (trade union membership).

However, it would be necessary to limit the access of the person making the claim regarding the information about these persons referred to the commission of criminal or administrative infractions, given that it is not known that their express and written consent has been provided (article 23 LTC).

In the event that the affected persons ("trade unionists") did not have this status as representatives of the City Council's public employees (for example, that it was only people affiliated to a specific union), and given that it is not known that has provided the express and written consent of these persons, it would be necessary to limit the access of the person claiming both to the

information about your trade union membership, as in the information relating to the commission of criminal or administrative offences, on the basis of articles 23 of the LTC and 15.1 of the LT, cited.

This should in no case lead to an impediment to hand over to the person claiming the information that the Local Police has on their person, to which, as we have seen, they have the right to access and obtain a copy (article 15 RGPD and, where applicable, article 15 LOPD), given that partial access to said information could be facilitated by anonymizing the personal data relating to the other affected workers ("trade unionists") that may be listed there as being affected by the aforementioned limit (articles 25 LTC and 15.4 LT).

v

In relation to the rest of the personal data that may be contained in the requested information that are not considered to be particularly protected, it will be necessary to adhere to the provisions established in article 24 of the LTC, according to which:

"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 it has to prevail over the protection of personal data or other constitutionally protected rights.

2. If it is other information that contains personal data not included in article 23, access to the information can be given, with the previous reasoned weighting of the public interest in the disclosure and the rights of the people affected. 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. (...)"

We have already referred to what access to the applicant's own information would be protected by article 15 of the RGPD. Therefore, with respect to access to this information, the weighting should necessarily be in favor of access.

As for the rest of the information, section 1 of this precept of the LTC allows access to the merely identifying data of public employees who intervene due to their functions in the different procedures or public actions carried out by the Administration, unless there are specific circumstances that justify the prevalence of the right to data protection of the person or persons affected.

In this sense, article 70.2 of the RLTC specifies what is meant by merely identifying personal data in the following terms:

"For the purposes of what is provided for in article 24.1 of Law 19/2014, of December 29, personal data consisting of the name and surname, the position or position held, body and scale, the functions performed and the telephone and the addresses, postal and electronic, of professional contact, referred to the staff at the service of the administrations

public authorities, high-ranking officials and managerial staff in the public sector of public administrations.

In cases where the publication or access to an administrative document requires the identification of the author, the location data, the number of the national identity document or equivalent document must be removed in particular and the handwritten signature. If the signature is electronic, the electronically signed document must be published in such a way that the properties of the electronic certificate used for the signature cannot be accessed.

The location data must be deleted in the event that it is not merely identifying data of the author in his position of position or staff in the service of public administrations.”

Therefore, facilitate the access of the person making the claim to the merely identifying data of public employees that may appear in the requested information or that have participated in the various actions carried out by the City Council in the exercise of their functions , in the terms indicated, in principle would not be contrary to the right to the protection of personal data.

Therefore, in the absence of having the allegations that could have been formulated by the affected persons - to whom the request and/or claim should have been forwarded in accordance with articles 31 and 42 of the LTC-, under article 24.1 LTC it is necessary to recognize the claimant's right to access:

- The identity of the authorities or public employees who, due to their functions, intervened in the actions carried out by the City Council in relation to the meeting held with the Labor Inspectorate, who are mentioned in points 1 and 2 of the access request, as long as the City Council has this information.**
- The identity of the public employees who have drawn up the documentation provided by the City Council at said meeting.**
- The identification of the members of the police who have intervened in the investigation of the events that occurred in 2013 and are recorded in the information to which you have the right to access, or who have intervened in the internal investigations carried out against the person making the claim, consisting of your professional identification number in place of your first and last name (article 70.3 RLTC).**
- The identity of the public authorities or employees who, due to their duties, decided to take action against the person making the claim before the CNP, or who participated in any management with the CNP, who are mentioned in points 7 and 8 of the request, as long as the City Council has this information.**

On the other hand, it cannot be ruled out, in view of points 4 and 5 of the access request, that the requested information could contain other information linked to conduct - not related to the commission of administrative offenses or criminal - of the workers involved in the events that occurred in 2013 ("trade unionists") that had also involved some action by the City Council.

Regarding this information, a reasoned weighting between the different rights and interests at stake that must be done in accordance with article 24.2 of the LTC must lead us to limit the access of the person making the claim, taking into account, on the one hand, that the existence of a public i

to be able to know this information, nor has it been alleged that it is necessary for the exercise of any right of the person requesting it and, on the other hand, the impact on the privacy of these people that could entail his revelation.

Therefore, if this type of personal information is recorded, the claimant's access to the requested information should be denied.

conclusion

In view of the information available, it is necessary to recognize the right of the person claiming to access (and obtain a copy of) the information requested on the basis of articles 15 of the RGPD and 24 of the LTC, without prejudice of the elimination or concealment of the information that may be contained on the other workers investigated for the events that occurred in 2013 to which the r

Barcelona, June 2, 2021

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