

IAI 41/2021

**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 against the refusal by a City Council to request a copy of the recordings of the sessions of a municipal investigation commission**

**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 in relation to the refusal by a City Council to the request of copies of the recordings of the sessions of a municipal investigation commission.**

Having analyzed the request, which is accompanied by a copy of the file of the claim submitted, in accordance with the report of the Legal Counsel, the following is reported:

#### **Background**

1. On March 15, 2021, a union representative submits a request to a City Council in which, on behalf of a union section, at the same time, of an official, he requests, among other information, a copy of the videos of the sessions of the municipal investigation commission set up to investigate facts allegedly constituting labor harassment and union persecution against said official, a member of the local police, by the head of the local police and a councilor of the 'Town hall.

The request states the civil servant's need to obtain a copy of the videos of the sessions in order to be able to exercise "[...] his fundamental right to obtain the effective protection of judges and courts in the exercise of their legitimate interests, without, in any case, being helpless (Article 24 of the Constitution)."

On the other hand, it is also clear from the request that in the said constitution agreement Commission, agreed among other issues:

"[...] a) Establish an order in the turns of appearances. The first to appear would be the affected worker and then the rest of the people involved and witnesses. b) The participation in the sessions of the affected worker accompanied by his/her legal/union representation and being able to ask questions to the various participants c) The presence of the governor councilor in the appearances of all the witnesses d) Recording the sessions of the commission Etc ."

2. On March 19, 2021, the City Council addressed a letter to the union representative in which he stated that, in relation to the request for a copy of the videos of the sessions of the municipal investigation commission, "[...] the members of the aforementioned Commission unanimously agreed to deposit the videos at the City Council and not to hand them over to any of the petitioners."

3. On March 23, 2021, the union representative sent another letter to the City Council in which he alleges that, in summary, the data protection regulations recognize the civil servant's right to access the videos of the sessions . In this sense, he reiterates the terms of his request and adds to the request that "[...] in the event that the videos, or part of them, are not provided to the worker, they remain in storage, at judicial disposal, and without prejudice to possible legal actions for the refusal".

4. On May 20, 2021, the civil servant presents a claim to the GAIP in which he states that his union representative has requested from the City Council, on his behalf, a copy of the videos of the meetings of the commission of inquiry in which he participated as a whistleblower, but the City Council has not given them, for this reason he demands that he be granted access to a copy "[...] to prepare the legal actions against the situation of alleged labor harassment and union persecution that I have been suffering."

From what the official highlights, it seems that the course of the investigation was stopped when he requested the appearance of the mayor before the Commission, which is why he is demanding access to the copy of the videos.

5. On May 27, 2021, the GAIP will send the claim to the City Council, requesting a report setting out the factual background and the basis for its position in relation to the claim, as well as the complete file and, if applicable , specifying the third parties affected by the claimed access.

6. On June 1, 2021, the City Council sends GAIP a letter in which, among other issues, it states that the denial of access to a copy of the videos is based on the unanimous agreement of the commission of inquiry to deposit the videos in the City Hall and not deliver a copy to any petitioner.

7. On June 3, 2021, the GAIP addressed to the City Council a request for additional information in relation to the claimant's request. In particular, it requests the City Council to describe the type of videos, and to point out and argue the limits on which the denial of access is based.

8. On June 14, 2021, the GAIP requests a report from this Authority, in accordance with the provisions of article 42.8 of Law 19/2014, of December 29, on transparency, access to information public and good government.

9. On June 18, 2021, the GAIP forwards to this Authority the City Council's response to the request made on June 3, 2021, in which the City Council informs that the videos requested by the official correspond at the sessions of the commission of inquiry carried out on different dates in which the official, his union representative and the members of the commission appeared.

He informs that the Commission is made up of the mayor and a councilor from each municipal political group (a total of 5 people), and that all members agreed to be recorded with image and voice in the sessions, but not to its delivery or dissemination.

## 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 (art. 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 Directive 95/46/CE (General Data Protection Regulation, hereafter RGPD) is repealed.

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 data protection regulations, in accordance with what is established in articles 2.1 and 4.1) of the RGD, apply to the treatments that are carried out on any information "on an identified or identifiable natural person ("the interested party »); 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 4.2) of the RGD 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".

In accordance with the provisions of article 5.1.a), any processing of personal data must be lawful, loyal and transparent in relation to the interested party and, in this sense, the RGD establishes the need to participate in some of the legal bases of article 6.1, among which section c) provides for the assumption that the treatment "is necessary for the fulfillment of a legal obligation applicable to the person responsible for the treatment".

As can be seen from article 6.3 of the RGD and expressly included in article 8 of Organic Law 3/2018, of December 5, on the protection of personal data and guarantee of digital rights (LOPDGDD), the processing of data can only be considered based on these legal bases of article 6.1. c) and e) of the RGD when so established by a rule with the rank of law.

For its part, article 86 of the RGD 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 of the Member States that applies to them in order to reconcile the public's access to official documents with the right to the protection of personal data under this Regulation".

The regulation and guarantee of public access to official documents held by public authorities or public bodies is regulated in our legal system in Law 19/2014, of December 29, on transparency, access to public information and good governance (henceforth, LTC), which recognizes people's right of access to public information, understood as such "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" (article 2.b) and 18 LTC). State Law 19/2013, of December 9, on transparency, access to public information and good governance (hereafter, LT), is pronounced in similar terms, in its articles 12 (right of access to public information) and 13 (public information).

In the case we are dealing with, for the purposes that interest us in this report, in which a copy of the videos of the sessions carried out by the commission of inquiry set up to investigate facts allegedly constituting workplace harassment and persecution is requested trade union against an official, this information must be considered public in accordance with article 2.

and subject to the right of access (article 18 of the LTC), being information in their possession as a result of the exercise of their powers.

However, the right of access to public information is not absolute and can be denied or restricted for the reasons expressly established in the laws, as is the case of the limits of articles 23 and 24 of the LTC regarding the personal data.

### III

Prior to the analysis of the substantive issues, it is appropriate to refer to who is the person who exercises the right of access to public information, given that this circumstance may condition the resolution of the case at hand from the perspective of the data protection regulations.

According to the documentation contained in the file sent, the initial access request (dated March 15, 2021) was sent to the City Council by a person who identified himself as a representative trade union, in the name and representation of a trade union section and a worker (official). However, the claim made before the GAIP against the City Council's refusal to grant access to public information is made by the official himself, that is to say, on an individual basis.

In view of this, in the case at hand, the claim for access will be analyzed below from the point of view of the official concerned, and not from the point of view of the union representative.

The origin of the access request stems from the agreement to set up an investigation commission, by the City Council, with the purpose of investigating facts reported by an official (the person making the claim) which would presumably be constitutive of labor harassment and union persecution attributable to his boss and a councilor of the local corporation. In the constitution agreement, among other things, the recording of all sessions was agreed as well as the participation of the civil servant and his union representative.

The analysis of the substantive issue of the case before us must be based on the recognition that the regulations give to local bodies, including municipalities, in their capacity as public administration of a territorial nature, and within the sphere of its powers, the power of self-organization, in accordance with article 4.1.a) of Law 7/1985, of April 2, Regulating the Bases of the Local Government (LBRL), as well as the article 8 of Legislative Decree 2/2003, of April 28, which approves the revised Text of the Municipal and Local Government Law of Catalonia (TRLMRLC).

It should be borne in mind that, unlike the regulations relating to the operation and organization of the General Courts, as well as those relating to the Parliament of Catalonia, among others, the local regime regulations do not expressly regulate commissions of inquiry. For this purpose, its constitution can be understood from the perspective of the function of inspection, control and supervision of the municipal government attributed to the Plenary body (art. 22.2.a) of the LBRL, and 52.2.a) of the TRLMRLC), in relation to the power of self-organization.

In accordance with what both the union delegate indicates in their requests, and the official himself in the claim, the investigation commission was set up with the aim of investigating the facts allegedly constituting labor harassment and union persecution attributable to his boss and a councilor of the local corporation. Based on this information, and taking into account that they do not

it follows that no sanctioning procedure has been initiated, a priori it seems that the purpose in the constitution of the investigation commission is related to the provision of article 55 of Law 39/2015, of October 1, of common administrative procedure of public administrations, by which:

"1. Prior to the start of the procedure, the competent body may open a period of information or previous actions in order to know the circumstances of the concrete case and the convenience or not of starting the procedure.

2. In the case of procedures of a sanctioning nature, the previous actions will be aimed at determining, with the greatest possible precision, the facts likely to motivate the initiation of the procedure, the identification of the person or persons who could be responsible and the relevant circumstances that they concur in each other.

The previous actions will be carried out by the bodies that have assigned functions of investigation, investigation and inspection in the matter and, in the absence of these, by the person or administrative body that is determined by the competent body for the initiation or resolution of the procedure".

At the same time, article 275 of Decree 214/1990, of July 30, which approves the Regulations for staff at the service of local entities, provides for the following:

"The competent body for the initiation of the disciplinary file [...] has the following powers: a) Arrange, in advance, the realization of reserved information. [...]"

It is a consolidated jurisprudential criterion that the investigation phase prior to the start of a sanctioning or disciplinary procedure does not properly constitute an administrative procedure (among others, STSJM 471/2006, of May 24), in the sense that it consists in an administrative action tending to the verification and investigation of facts that have been brought to the attention of the public administration, with the aim of verifying aspects related to the reality of the facts or their authorship.

In the case at hand, it must be borne in mind that in the constitution agreement it was agreed that, in addition to the participation of the reporting official (and claimant) and his trade union representative, the sessions would be recorded.

Based on the information contained in the file sent, it is unknown the purpose for which the agreement establishing the commission also included the recording of the sessions, such as whether the objective was to obtain material from support with the purpose of subsequently extending the record, or as an evidentiary element that could subsequently be incorporated into the disciplinary file in the event that it was instituted.

It should be borne in mind that, in the event that the recordings of the sessions have been agreed with the purpose of facilitating the preparation of the minutes of the sessions, the principle of limitation of the retention period must be kept in mind (art. 5.1 .e) GDPR):

"1. The personal data will be: [...] maintained in a way that allows the identification of the interested parties for no longer than is necessary for the purposes of the data treatment

personal; personal data may be kept for longer periods as long as they are treated exclusively for archival purposes in the public interest, scientific or historical research purposes or statistical purposes, in accordance with article 89, section 1, without prejudice to the application of the measures appropriate technical and organizational techniques that this Regulation imposes in order to protect the rights and freedoms of the interested party ("limitation of the conservation period").

If this was the sole purpose of the recording of the sessions, the conservation of the recorded sessions once the minutes have been approved could constitute a breach of the principle of limitation of the retention period of Article 5.1.e) of the RGPD, having achieved the original purpose for which its recording was agreed, that is to say, to serve as support for the ext

In the case at hand, however, it would seem that the purpose for which it was agreed to record the sessions of the investigative commission would be to obtain evidentiary elements that could be brought to the instruction of a sanctioning or disciplinary procedure, in case the officials allegedly responsible for the events that were reported are held resp

From this point of view, it is relevant in order to analyze the access sought by the official claiming (and reporting the facts) the information that may be affected by the recordings of the sessions of the investigation commission. To this end, according to the information contained in the file sent, it seems that the constitution agreement would incorporate an order of appearance shifts, the first being that of the reporting official, and subsequently of the rest of the people involved and witnesses, but based on the City Council's response to the GAIP's request for additional information, this only refers to the fact that the recorded videos are in relation to different sessions of the investigation commission where the own claimant, his legal representative and the members of the commission, constituted by the Mayor and a councilor from each municipal political group (a total of 5 people). Consequently, it is not clear which other categories of people could be affected by the inten

So, in summary, a priori it seems that at least the content of the recordings will affect the personal data of the reporting official, his union representative, the members of the commission, as well as the official and councilor to whom They attribute the facts allegedly constituting labor harassment and labor persecution.

#### IV

When analyzing the right to access the claimed information, it is relevant that much of the information that may be affected in the recordings of the sessions refers to the complaining official, as being harmed by the alleged facts reported. In this sense, it should be borne in mind that article 24.3 of the LTC establishes that requests for access to information that only contain data of the person requesting must be resolved in accordance with the regulations of data protection:

"3. 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 established by the legislation on the protection of personal data. "

However, it should be borne in mind that in the case at hand the official seeks to access a copy of the videos of the sessions of the investigative commission which, especially due to their nature, not only affect the personal data of the own official (in relation to article 24.3 of the LTC) but at the same time the data of his union representative, of the members of the commission, would also be affected, at the same time that it must be inferred that in the sessions will refer to the civil servant and the councilor allegedly responsible for the events that were reported. Even though it is not expressly mentioned in the information contained in the file, it cannot be ruled out that the personal data of witnesses and other people involved in the events may also be affected, given that the agreement setting up the commission provided for an order of appearances. Therefore, it must be resolved in accordance v

In any case, it is necessary to remember, as a starting point, the broad terms in which the data protection regulations recognize the affected persons' right of access to their personal information. Thus, in accordance with article 15 RGD:

"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."

In accordance with the provisions of this article, the affected person has the right to confirm whether a data controller is processing his data and the rest of the information provided for in article 15.



v

At the outset, from the point of view of the categories of personal data relating to third parties that may be affected by the official's request for access to a copy of the sessions of the investigation commission which, we recall, aims to investigate the facts allegedly constituting labor harassment and union persecution attributable to its boss and a councilor of the local corporation, it must be analyzed in accordance with the provisions of article 23 of the LTC, which provides for a specific regime for categories considered to be of special protection.

At the same time, it should also be taken into account that to the extent that the participation of the official's trade union representative was agreed upon in the agreement setting up the investigation commission, it is very likely that information relating to his trade union affiliation has also been

In this sense, article 23 of the LTC provides for the following:

"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."

On the other hand, reference should also be made to article 15.1 of the LT, from which:

"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."

Taking into consideration the provisions of these articles, in general, access to information containing any of these categories of data should be denied unless the express consent of the affected parties is recorded, even if the affected party has made manifestly public or a norm with the rank of law makes it equal.

Now, in the case at hand, it must be borne in mind that, on the one hand, the information relating to the alleged commission of criminal or administrative offenses attributable to the head of the civil servant, and to a councilor of the city council, is information that precisely the same complaining official would have facilitated at the time of informing the corporation of these facts with the aim of initiating a sanctioning or disciplinary procedure. That is why it would not seem necessary to limit access to protect this information, when the source of the same is the person requesting ac

On the other hand, in relation to the union membership data of the union representative, in accordance with what is established in article 15.1 of the LT, to the extent that this information has been made manifestly public by the person affected by the data, it would also not seem justified to deny access to this information. This is even more evident in a case such as the one at hand where the union representative was the one who originally addressed the request for access on behalf of the civil servant (now the claimant), in which he reported his status as union representative

In addition, it is also necessary to take into account yet another circumstance, given that according to the information available, the complaining official himself would have been present in all the sessions in which this information was discussed. For this reason, prior to the access request, you would already be familiar with this information.

## VI

With regard to the rest of personal data, it is necessary to go to 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 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.

[...]."

In relation to the identification data of the members of the Commission (the mayor and one councilor from each municipal group, as reported by the City Council) in accordance with the provisions of the first section of article 24 of the LTC, in principle there should be no impediment in accessing this data.

For these purposes, it is necessary to take into account what is provided for in article 70.2 of Decree 8/2021, of February 9, on transparency and the right of access to public information, by which it is necessary to understand as merely identifying data the consisting of the name and surname, the position or position held, body and scale, the functions carried out and the telephone and postal and electronic addresses, of professional contact, referring to personnel in the service of public administrations, senior positions and management personnel of the public sector of public administrations.

The City Council has made it clear that the refusal to grant the access sought by the official is based on the unanimous agreement of the investigation commission not to communicate or make available the videos of the sessions, which remain deposited these at the headquarters of the City Council. However, beyond the manifestation of their refusal of the information provided, there are no reasons or circumstances from which it can be appreciated that the right to data protection of the members of the commission should prevail, or another constitutionally protected right, on the right of access of the complaining official, to the extent that personal circumstances justifying it are not proven.

On the other hand, with regard to the rest of the personal data, the claim of access requires that it be subjected to a weighting judgment in accordance with the provision of article 24.2 of the LTC, that is to say, a weighting prior reasoning between the public interest in disclosure and the right of the affected persons in which all the circumstances affecting each specific case are taken into account with the aim of elucidating the prevalence between the right of access and the rights of the people affected, based on the different elements listed in the aforementioned article (purpose of access, the fact that it may affect the safety of people, etc.). This would affect both the data of the person making the claim, as well as the data of witnesses or other p

With regard to access to one's own data, as has already been advanced, the weighting must necessarily be decided in favor of the claimant's access to his own data under the terms of the article 15 GDPR.

On the other hand, with regard to the data of third parties, although article 18.2 of the LTC provides that the exercise of the right of access to public information is not conditioned on the fact that a personal interest is involved, as it does not remain subject to the motivation or invocation of any rule, knowing the motivation of the request can be a relevant element to take into account

As can be seen from the file sent, and in particular from what is presented by the complaining official, given the inactivity, or the discrepancy with the activity carried out, by the municipal administration, the purpose of the access intended is to prepare the legal strategy in the face of the alleged situation of labor harassment and union persecution suffered.

It should be borne in mind that in accordance with the provisions of article 24 of the Spanish Constitution, all people have the right to obtain the effective protection of judges and courts in the exercise of their rights, as well as, among others, have the right to use the evidentiary elements that are relevant for his defense.

From the perspective of the injured official, it is clear that access to a copy of the recordings of the sessions carried out by the commission of inquiry, insofar as they may contain the decisions taken or the actions taken by the commission, the appearances of witnesses, others involved and, in short, third parties who can help clarify the facts reported by the official, may be relevant to their claim in court, if applicable. In this way, in the face of the inactivity of the public administration, in accordance with what the aggrieved official has stated, it would be relevant for the defense of his rights in a jurisdictional way.

In the same way, it is also relevant to take into account that the agreement setting up the investigation commission incorporated, among other terms, the participation of the official himself in all sessions. This circumstance, from the perspective of the access intended by the official,

must necessarily be considered in the case at hand to the extent that, given that he has participated in the sessions of the commission of inquiry, any information that has been revealed or communicated in the course of it would be known by the official himself at the time of the access request.

With regard to the data of the perpetrators of the acts that would presumably be constitutive of workplace harassment and union persecution, it should be borne in mind that they would refer to events that have a direct impact on the injured official.

On the other hand, from the perspective of the witnesses or others involved who have appeared before the commission and whose statement has been recorded, if applicable, it means that it is not recorded that they have exercised their right of opposition. In any case, although their statements, and their authorship, would be relevant for the defense of the rights of the injured person, especially considering that article 15 RGPD includes in the content of the right of access foreseen in the data protection regulations obtaining information on the origin of the data, it would be advisable to comply with the hearing procedure provided for in article 31 of the LTC to verify if there may be reasons that can justify, if applicable, the limitation of the right.

For everything that has been stated, taking into account that the applicant is the injured person, and given the need to provide the necessary evidence to obtain effective judicial protection by the claiming official, before the action or lack of municipal action, it does not seem that the right to data protection of the alleged perpetrators or witnesses should prevail over the official's right of access, insofar as this information could be relevant to the purpose for which access is requested.

#### conclusion

In accordance with data protection regulations, the aggrieved official's access to a copy of the recorded videos relating to the sessions, in which he participated, of the commission of inquiry into facts allegedly constituting labor harassment and union persecution by his boss and a Councillor, would be justified in the need to be able to exercise his right to effective judicial protection.

Barcelona, July 1, 2021