

IAI 43/2021

Report issued at the request of the Commission for the Guarantee of the Right of Access to Public Information in relation to the claim against a city council's denial of a councilor's request for access to a municipal file

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 of a town hall of the request for access to an administrative file by a councillor.

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

Background

1. On April 6, 2021, a request is presented to the City Council, in which a councilor, spokesperson for a municipal group, requests access to file XXX/2020 in order to develop their tasks.

Although the nature of the file requested is not clear from the request, according to what is clear from the City Council's resolution, the file would include different registration procedures in the Municipal Register of Inhabitants

2. On April 9, 2021, the City Council notifies the councilor of the denial of his request on the understanding that, although the councilor has the right to obtain from the mayor the background, data or information held by the services of the Corporation and that are necessary for the performance of its function, access to the controversial file may violate the constitutional right to honor, personal or family privacy or one's image, given that it would mean knowing special categories of data from article 9 of Regulation (EU) 2016/679 of the Parliament and of the Council, of April 27, 2016, relating to the protection of natural persons with regard to the processing of personal data and the free movement of these data and by which Directive 95/46/EC is repealed.

3. On May 26, 2021, the councilor presented a claim to the GAIP in which he states that the City Council, although it has responded to his request, has not provided the requested information.

4. On May 31, 2021, the GAIP will send 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.

5. On June 9, 2021, the City Council sends GAIP a report in relation to the aforementioned claim in which it states that:

- The file with number XXX/2020 is an administrative file on the processing of different procedures for applications for registration in the Population Register without right or authorization.
- This is a file where there is a plurality of people who would be affected by the access that is claimed and where the social services of the Corporation intervene to deal with cases of special vulnerability.
- Indiscriminate access to information related to special categories of data in Article 9 of Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) would not be justified, as it is information that can seriously affect the privacy of the interested parties.
- For this reason, it is considered that indiscriminate access to file XXX/2020 by the councilor must be denied, without prejudice to the fact that some specific document can be provided to him, which he should specify in his request and state the justified reasons that demonstrate the need to obtain such information.
- The resolutions of each specific procedure of the requested file XXX/2020 can be consulted by the councilor through the Book of Decrees to which he has access on the occasion of the celebration of each ordinary Municipal Plenum.

6. On June 15, 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.

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 by means of 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 identity 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 movement of such data and which repeals the Directive 95/46/CE (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

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.

The first additional provision, section two, of this Law establishes that "access to public information in matters that have established a special access regime is regulated by their specific regulations and, additionally, by this law. "

In the case at hand, the person making the claim holds the status of a councillor, acting on behalf of a municipal group, and the information he requests is part of the Municipal Register of Inhabitants, which means that they belong to application of the provisions established by the local regime legislation, fundamentally, Law 7/1985, of April 2, regulating the bases of the local regime (LRBRL) and Legislative Decree 2/2003, of April 28, by which approves the revised Text of the Municipal and Local Regime Law of Catalonia (TRLMRLC), regarding both councillors' access to municipal information and the access regime for the municipal re

This without prejudice to the fact that the complaining councillor must be granted at least the same guarantees in terms of access to information - including the possibility of lodging a claim with the GAIP - as the rest of the citizens who do not have this condition of elected position, given the supplementary application of the LTC (DA1a. section 2).

III

As this Authority has agreed on previous occasions (among others, in opinions CNS 10/2017, CNS 29/2018 or CNS 2/2021, as well as in reports IAI 48/2019, IAI 52/2019, IAI 27 / 2021 or IAI 36/2021, available on the website <https://apdcat.gencat.cat>), local regime legislation recognizes a right of access to all elected positions, regardless of whether they are in the government team or well in the opposition, to the information that their local corporation has and that may be necessary for the exercise of the functions that correspond to them.

Thus, article 77.1 of the LRBRL establishes that "all members of local corporations have the right to obtain from the Mayor or President or the Government Commission any background, data or information held by the services of the Corporation and are necessary for the development of their function".

For its part, article 164 of the TRLMRLC provides for the following:

"164.1 All members of local corporations have the right to obtain from the mayor or mayoress or the president, or from the governing commission, all the background, data or information that is in the possession of the corporation's services and are necessary for the development of their function.

164.2 Corporation services must provide information directly to corporation members when:

a) Exercise delegated functions and the information refers to matters of their own responsibility. b) These are matters included in the agenda of the sessions of the collegiate bodies of which they are members. c) It is about access to information or documentation of the local corporation that is freely accessible to citizens.

164.3 In the other cases, the request for information is understood as accepted by administrative silence if a negative resolution is not issued within four days from the date of presentation of the request. In any case, the negative decision must be motivated, and can only be based on the following assumptions:

a) When the knowledge or dissemination of the information may violate the constitutional right to honor, personal or family privacy or one's image. b) When it comes to matters affected by the general legislation on official secrets or summary secrecy.

(...)

164.6 The members of the corporation must respect the confidentiality of the information to which they have access by virtue of their position if the fact of publishing it may harm the interests of the local entity or third parties."

In the same sense, the Municipal Organic Regulation of the City Council, published in the BOPB on January 17, 2007, modified and published on July 14, 2017, regulates the right to information of municipal councilors in article 65 (section 1.d), section 2 and 3). It also recognizes this right of information to municipal groups in article 61.1.b), which provides that they have the right to "obtain from the Mayor all the records: data, information and copies that are in the possession of municipal services and are necessary for the development of their function".

The right to obtain all the antecedents, data or information that are in the possession of the services of the local corporation and that are necessary to exercise their functions, in accordance with repeated jurisprudence on this issue (STS 27 of June 1988, 27 of September 2002, June 15, 2009, among others), is part of the fundamental right to political participation enshrined in Article 23.1 of the Spanish Constitution, according to which "citizens have the right to participate in the public affairs, directly or through representatives, freely elected in periodic elections by universal suffrage."

It should be borne in mind that the elected officials participate in a public action that manifests itself in a wide range of specific matters, such as the right to audit the actions of the corporation, the control, analysis, study and information of the necessary antecedents, which have the services of the City Council, for their control task and to document themselves for the purposes of adopting decisions in the future (among others, STS of March 29, 2006). In relation to this, the STS of June 27, 1998 already stated that "[...] To be able to carry out this supervisory and controlling function, it is necessary to know beforehand the data and background that are needed for this purpose, which implies the need to have access to all the data, antecedents and information [...] to then select those that can be useful in the fulfillment of the function entrusted to the councilors [...]"

In the same way, it should be noted that the local regime legislation does not require councilors that, in order to access municipal information, they must explain or justify the purpose of their request, given that the reason for their request is 'must be understood as implicit in the exercise of their functions that correspond to them as councilors (among others, STS of November 5, 1999).

However, it must be borne in mind that the regulations set out provide that although the right of access of the members of local corporations operates on all the background, data and information that are in

power of the corporation's services, these must be necessary for the development of its function. Therefore, it is relevant to take into consideration whether the information to which the councilor intends to access is necessary for the performance of his duties.

On the other hand, it should also be borne in mind that the councilors' right to information is not an absolute right. If it conflicts with other rights, it is necessary to weigh the different rights at stake, in order to decide which one should prevail and to what extent.

This has come to be recognized by the local regime legislation itself. The aforementioned article 164 of the TRLMRLC, in regulating the conditions for the exercise of the right of access to municipal information by the members of the corporations (sections 2 and 3), establishes, as a possible basis for denying the request with reasons 'information, that "the knowledge or dissemination of the information could violate the constitutional right to honor, personal or family privacy or one's own image" (section 3, letter a), but obviously access could also be denied- se when other fundamental rights may be affected such as the right to the protection of personal data (Article 18.4 CE).

In the case at hand, the City Council alleges that the councilor's request for access may violate the constitutional right to honor, personal or family privacy or one's image considering that the administrative file in the which the councilor intends to access contains particularly sensitive data.

But in addition, given that the exercise of the councilor's right of access could lead to a limitation of the fundamental right to the protection of personal data, it will be necessary to determine whether it is a proportional limitation, given that, according to repeated doctrine of Constitutional Court, the limitation of fundamental rights can only occur proportionately (SSTC 11/1981, 57/1994, 66/1995, 11/2006, 206/2007, among others).

It is therefore necessary to examine the circumstances in the particular case taking into account the intended purpose, whether this information is necessary to achieve said purpose, the possible people affected and whether it requires special protection.

IV

The councilor has requested from the City Council access to an administrative file with the aim of being able to exercise the functions that the regulations attribute to him as an elected member.

According to the submitted file, this municipal file covers various registration procedures in the Municipal Register of Inhabitants.

Article 16.1 of the LRBRL defines the Municipal Register in the following terms:

"1. The municipal register is the administrative register containing the residents of a municipality. Your data constitutes proof of residence in the municipality and of habitual residence in the same. The certifications that are issued of said data will have the character of a public and binding document for all administrative purposes. (...)".

The LRBRL (and, in the same sense, the TRLMRLC) establishes the obligation of every resident to register in the Register of the municipality where he has established his residence with a triple purpose: to determine the population

of a municipality, be required to acquire the status of resident and serve to prove residence and usual address (articles 15 and 16 LRBRL).

Point out that these purposes are clearly included in Sentence 17/2013, of January 31, of the Constitutional Court, where the Municipal Register is defined as:

"The administrative register containing the residents of a municipality, a register managed by the local councils through computerized means (art. 17.1 LRBRL) in which the persons residing in a municipality must be registered with a triple purpose, according to the arts. 15 and 16 LRBRL, determine the population of the municipality, acquire the status of neighbor and accredit residence and usual address. In addition to these functions, the electoral regime legislation provides for the preparation of the electoral census based on the data contained in the Register, which also serves to prepare official statistics subject to statistical secrecy. So, from the regulation of the LRBRL itself we can conclude that the register contains an organized set of personal data referring to identified physical persons, the residents of a municipality, being therefore a personal data file to which the regulations provided for in the LOPD."

Regarding access to the data contained in the Register, article 16.3 of the LRBRL provides that:

"3. The Municipal Register data will be transferred to other public administrations that request it without prior consent of the affected person only when they are necessary for the exercise of their respective powers, and exclusively for matters in which the residence or the domicile are relevant data. They can also be used to prepare official statistics subject to statistical secrecy, in the terms provided for in Law 12/1989, of May 9, of the Public Statistics Function and in the statistics laws of the autonomous communities with competence in the matter."

For its part, article 40 of the TRLMRLC provides:

" 40.2 The data contained in the municipal register are confidential. Access to this data is governed by the rules governing citizens' administrative access to archives and public records and by Law 5/2002, of April 19, of the Catalan Data Protection Agency.

40.3 Without prejudice to the provisions of section 2 and without requiring the consent of the person concerned, the data of the register may be communicated to other public administrations that request it, when they are necessary to exercise the respective powers, and exclusively for the matters in which it is relevant to know the residence or address."

Based on these forecasts, this Authority considers (among others, CNS 19/2019, CNS 20/2019, CNS 2/2020, CNS 6/2020 or CNS 32/2020) that, given that the regime legislation itself local accepts the communication of data from the Municipal Register to other public administrations that request them when they are necessary for the exercise of their powers and exclusively for matters in which residence or address are relevant data - possibility also endorsed by the Constitutional Court (STC 17/2013, of January 31)-, with greater reason it can be admitted that the different units or administrative bodies of the same town hall can access these data when they are necessary for the exercise of their functions and when the given residence or address is relevant.

Specifically, we have referred to the exercise of the powers that the local regime legislation attributes to the town councils, mainly following the provisions of articles 25 and 26 of the LRBRL (and, in similar terms, articles 66 and 67 of the TRLMRLC), considering that the data of the Register would be processed for purposes that are compatible with that of the Register (article 5.1.b) RG

In line with this criterion, therefore, it is also necessary to admit that councilors, as an integral part of the town council (article 19.1 LRBRL), must be able to access the data of the Municipal Register whenever access to this data is necessary to carry out the functions of control and supervision of the performance of the governing bodies that the LRBRL expressly attributes to them (article 22.2.a)).

At this point, it should be remembered that the local regime legislation does not require elected officials that, in order to access the information held by the corporation, they must explain or justify the purpose of their request, given that the reason for their request must be understood as implicit in the exercise of said control and inspection functions.

However, from the data protection point of view, and for the purposes of weighing the interests at stake and not communicating data that is unnecessary or excessive, it is advisable that councilors, when making the request for access to the information that contains personal data, specify the purpose for which they are requesting this access and/or the terms of their request.

In the present case, the councilor does not present a motivation that justifies the interest to be satisfied by obtaining the disputed file, beyond alluding to the exercise of his functions.

Given this, and in view of the nature of the file in question (registration procedures in the municipal Register), it can be assumed that the request for information would be related to the control of the own management of the Register, the formation, maintenance, review and custody of which corresponds to the City Council (article 17.1 LRBRL).

In this context, it would seem clear that, in order to carry out this control over municipal action, the councilor should be able to access certain information about it, which may include personal data.

The City Council declares that the councilor has the possibility to consult the resolution of the different registration procedures in the Register that make up the requested municipal file through the decree book, to which he has access on the occasion of the celebration of each ordinary plenary session.

The Mayor's obligation to give accounts to the Plenary of the decrees or resolutions adopted by the municipal governing bodies is part of the ordinary sessions of the Plenary, and the notification of the decreed resolutions allows the councilors to inspect them, and control- them, formulating in that same session or in the following one, questions, requests and interpellations, as an indispensable control mechanism of the activity of the municipal administration and therefore, directly connected with the exercise of control functions and control they have attributed, recognized in article 22.1.a) LRBRL.

For the purposes of making this control and supervision effective, in the course of the ordinary functioning of the plenary sessions, the members of the corporation must be able to know all the relevant aspects of the decisions adopted by the governing bodies, and this includes not only the object

the resolution, but also, to note, the identity of the people who have been affected by it, as well as the reasons or foundations that justify the decision taken in each specific case, even accessing the full text of the resolutions. Only in this way can the effective control of the activity of the municipal administration be guaranteed.

In this sense, it does not seem that the right of the councilor to obtain from the City Council direct access to the information contained in these resolutions can raise doubts, from the perspective of the personal data protection regulations.

Point out, however, that this direct access has the specific purpose of allowing the councilor to know all the necessary elements to be able to control or supervise the actions of the governing bodies in the Plenary where they are discussed. Hence it makes sense to be able to access it prior to its completion.

Therefore, it must be borne in mind that, after the Plenary Session, the specific purpose of the access provided for in the case of letter b) of article 164.2 of the TRLMRLC would lapse, without prejudice to the fact that this is an element to be taken into account in the time to decide on subsequent access by a councilor for the purposes of being able to control and supervise government action.

In any case, it must be taken into account that the access requested by the councilor goes beyond the direct access provisions of article 164.2 of the TRLMRLC, cited, given that he requests full access to a municipal file of the year 2020.

v

Regarding full access to the disputed file, it should be remembered that, in application of the principle of data minimization (Article 5.1.c) RGPD), access to municipal information that includes personal data must always refer only to the personal data that are necessary to provide a satisfactory response to the legitimate right exercised by the councillors.

To point out, at this point, that it is unknown what the specific content of this municipal file is, beyond the fact that, according to the City Council, it refers to the processing of different registration application procedures in the Municipal Register of Inhabitants and that "social services of the Corporation intervene in cases of special vulnerability".

In accordance with article 16.2 of the LRBRL, registration in the Municipal Register must contain only the following data as mandatory:

"a) Number and surnames.

b) Sex. c) Usual address.

d) Nationality. e) Place and date of birth. f)

Number of national identity

document or, in the case of foreigners: – Number of the valid residence card issued

by the Spanish authorities, or failing that, number of the valid identity document or passport issued

by the authorities of the country of origin, in the case of national citizens of Member States of the

European Union, of other States party to the Agreement on the European Economic Area or of States to which, by virtue of a

international agreement extends the legal regime provided for the citizens of the aforementioned States.

- Foreigner's identification number contained in a valid document issued by the Spanish authorities or, failing that, because they do not hold these, the valid passport number issued by the authorities of the country of origin, in the case of citizens nationals of States not included in the previous paragraph of this paragraph, unless, by virtue of an International Treaty or Agreement, they enjoy a specific regime of visa exemption in the matter of small border traffic with the municipality in which registration is sought, in which case, the corresponding visa will be required. g) School or academic certificate or title that is presented. h) Any other data that may be necessary for the preparation of the Electoral Census, provided that respect for the fundamental rights recognized in the Constitution is guaranteed."

Apart from these data, article 57.2 of the Regulation of Population and Territorial Demarcation of Local Entities, approved by Royal Decree 1690/1986, of July 11 (RPDTEL), states that in the Municipal Register they can be collected with the following data are voluntary:

"a) Designation of the persons who can represent each neighbor before the municipal administration for land use purposes. b) Telephone number."

Based on what has been explained, in principle the administrative file on which the councilor has requested access will contain, at least, identification and contact data, personal, academic and/or representational characteristics, of the persons referred to in the various registration procedures in the Municipal Register.

For the purposes of carrying out the registration or registration in the municipal register and by virtue of article 59.2 of the RPDTEL, the City Council "will be able to verify the veracity of the data provided by the residents, requiring the presentation of the national identity document or residence card, the family book, the title that legitimizes the occupation of the ho

Therefore, apart from the data mentioned, the claimed file may also contain other personal information, not only of the applicant but also of third parties, which can be derived from the documents required for the purpose of processing the discharge .

In addition to all this, as we have seen, the City Council maintains that there is also data that requires special protection, as these are files where the social services intervene when referring to people who are in situations of vulnerability

Taking as a reference the Resolution of February 17, 2020, of the Presidency of the National Institute of Statistics and of the General Directorate of Regional and Local Cooperation, by which technical instructions are given to the Town Councils on the management of the Municipal Register , you can verify that, among the special cases of registration, mention is made of the registration of sub-housing and homeless people, in relation to which the regulations provide for the intervention of municipal social services.

Thus, section 3.3 of this Resolution provides that:

"3.3 Enrollment in housing estates and people without a home. As previously indicated, the Register must reflect the domicile where each resident of the municipality actually lives and in the same way that the register registration is completely independent of legal-private controversies over the ownership of the home, it is also of the circumstances physical, hygienic-sanitary or other types that affect the home. Consequently, sub-dwellings (shacks, caravans, caves, etc. and even the total absence of a roof) can and must appear as valid domiciles in the Register.

The most extreme situations can raise doubts about the provenance or not of its constancy in the municipal register. The criterion that must preside over this decision is determined by the possibility or impossibility of sending the registered person a communication to the address that appears in his registration. In the event that it is reasonable to expect that communication to reach the recipient's knowledge, it must be registered in that address.

The correct application of this criterion determines, on the one hand, that any address where the neighbors actually live must be accepted as a domicile, and, on the other hand, that a "fictitious domicile" can and must be used in cases where a person who homelessness usually resides in the municipality and is known by the corresponding Social Services.

The conditions that should be fulfilled for this type of registration are the following: - That the Social Services are integrated into the organic structure of some Public Administration or under its coordination and supervision.

- That those responsible for these Services report on the regularity of residence in the municipality of the neighbor who intends to be registered.
- That the Social Services indicate the address that must be included in the registry and undertake to attempt the practice of notification when a communication from a Public Administration is received at that address.

In these conditions, the registration address will be the one indicated by the Social Services: the address of the Service itself, that of the Municipal Hostel, that of the specific geographic point where that neighbor usually spends the night, etc. (...)."

In view of these forecasts, it cannot be ruled out that in the disputed file there may also be special categories of data (Article 9 RGPD) or other data deserving of a special reservation or confidentiality in view of the concurrence of certain circumstances qualified, such as situations of social vulnerability, minors' data, the possibility of drawing up socio-economic profiles, among others.

Beyond this, the possibility cannot be ruled out that, in relation to some of the registration files in the Register that make up the claimed municipal file, there may also be data related to gender violence.

In summary, the administrative file to which the councilor intends to access, according to the information analyzed, it seems that it will contain at least identifying, contact, personal, academic and representative data, and in some cases perhaps also data deserving of special protection, which could even include data relating to minors, and which would affect, according to the city council, a fairly large group of natural persons. In any case, it is clear that, given the concurrent circumstances, we would be faced with information

which may reveal the existence of situations of special need, which in itself is deserving of a special reserve or confidentiality.

It is clear that the disclosure of this information can lead to a significant interference in the right to the protection of personal data of the persons affected, to the extent that the fact of revealing the existence of a situation of special need (situation of risk of exclusion or social vulnerability), as a result of the intervention of social services in the registration procedure in the Register, can significantly affect the personal, intimate or social spheres of these persons.

Being a councilor who, according to the information available, has no management responsibilities attributed to him in this area of municipal action and in the absence of more information about the need to have this type of information for the 'exercise of its functions of inspection and control of the municipal action, it does not seem that full access to the registration files in the Municipal Register that make up the information requested could

The desire of the councilor in the present case to have complete access to said file in order to be able to control and supervise the actions of the city council is not sufficient reason to justify indiscriminate access to all the personal information that may be contained therein, which can seriously affect the privacy of the people affected.

However, this does not mean that the councilor cannot access certain information about said registration procedures in the Register for the purposes of supervising the management carried out by the town hall. To reach this conclusion, it is necessary to take into account not only the already examined possibility that councilors may have access to certain information through the examination of mayoral decrees prior to each plenary session, but also that it is of a specific file and relating to a recent time period (file XXX/2020).

Thus, for the purposes of verifying whether certain people have been registered in the Register, that is to say, to verify that these registrations correspond to reality and not to other arbitrary criteria, a detailed list of the registrations in the Register linked to the requested file in which, for each registration, the date on which it occurred, the justification for the registration was indicated (based on the information provided to justify the registration, and that in the case of files where the social services have intervened it could simply be a mention of the date of the report), the address and the identification data of the persons registered. This, of course, as long as, at the time of the collection of the information, the affected persons have been informed of the possibility of exercising the right of opposition and that they have not done so alleging some personal situation that justifies the d

This without prejudice to the convenience that, at the time of delivering the information, it is convenient to remind the councilor of the duty of confidentiality regarding this information imposed by both the local regime legislation (article 164.6 TRLMRLC) and the RGPD (article 5.1.f)), so that the processing it does must always be linked to the exercise of its functions of control and supervision of the municipal action.

conclusion

The right to the protection of personal data prevents the full access of the councilor to the file he requests regarding various registration procedures in the Register of vulnerable persons, although, for the purposes of controlling and supervising the management of the Register carried out by the City Council, you can be given certain information about these registrations (date, address and justification in the terms indicated), including the identification data of the people affected

Barcelona, July 12, 2021

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