IAI 57/2021

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 for a City Council's lack of response to the request for access to information relating to City Council staff's overtime hours

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 presented in relation to the lack of response of a City Council to the request for access to information relating to City Council staff overtime.

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 September 20, 2018, a trade union section presented an instance to a City Council requesting, among other issues:

"That we be provided in writing and in response to this instance the details of the number of hours to which each amount expressed in the following resolution transfers corresponds, and in others from 2018 corresponding to the same concept, if there are any .

> **Transfer of Resolution no. 001393-2018 of 02-03-2018 Transfer of Resolution no. 002539-2018 of 04-16-2018 Transfer of Resolution no. 004135-2018 of 06-06-2018 Transfer of Resolution no. 005941-2018 of 07-31-2018"**

It bases the request by referring to GAIP resolution 190/2018 which provides, in summary, that "The information on the total number of overtime hours worked is undoubtedly public information, since it is in the hands of the City Council , more than to fulfill the obligation imposed on companies by article 35.5 ET to inform their employees of what they are paid for this concept; moreover, it is information of obvious public interest, as it is indicative of something as relevant as the proper management of resources and personnel in the public sector and labor policies, which must be accessible not only to the union claimant, but any person."

2. On February 17, 2021, the trade union section presents a new request to the City Council in which it informs that on several occasions it has requested information regarding overtime from the Joint Commission for monitoring, study and interpretation of the agreement, such as the request on September 20, 2018, without having received a response. He states that his trade union rights and access to information are being violated.

3. On June 16, 2021, the union section presents a claim to the GAIP in which it makes clear that the City Council has not responded to its request, nor has it delivered the information and, in particular, claims access information relating to "[...] overtime from 2018 to the date of the resolution. With names (or place of work) and their motivation for doing them".

4. On June 23, 2021, the GAIP requests the accreditation of the representativeness of the trade union section, both in the case of requests and in the claim, and at the same time requests that it identify the request of 'access to information in relation to which the complaint is presented, "[...] either confirming that the object of the Complaint is the request submitted on September 20, 2018 with entry registration 70807, or well, by providing a copy of the request for access to public information that is the subject of your claim, which includes the corresponding entry document certifying its presentation to the City Council [...]".

On the same date, the trade union section attached the documentation relating to representativeness, from which it is clear that the request made before the City Council was addressed by who was president of the trade union section in 2018, and the claim before the GAIP for who holds the position of president in 2021. And in relation to the information that is sought to be accessed and that is being claimed, he explains that the claim submitted to the GAIP was accompanied by the request addressed to the City Council in date February 17, 2021 "[...] where the request for access to the information in relation to which we presented our claim was identified. And another instance was also attached, with registration from the

5. On July 1, 2021, the GAIP informs the trade union section "[...] that the claim cannot be considered amended in the sense of identifying the access request in relation to which you present the claim given that none of the documents provided actually contains a request for access to information aimed at obtaining the "Information on overtime from 2018 to the date of the resolution. With names (or place of work) and their motivation for doing them". In this sense, it should be clarified that the instance of September 20, 2018 limits its object to obtaining the number of hours to which the amounts expressed in 4 resolutions of the year 2018 and others corresponding to the same year correspond to the same concept. With regard to the instance of February 17, 2021, it does not properly contain a request for access to information but consists of a complaint against the neglect of the instance of September 20, 2018 and the requests (entem than oral) formulated during the sessions of the Joint Commission for Monitoring, Study and Interpretation of the Agreement."

On July 7, 2021, the trade union section states the following: "[...] it is correct that the years we wanted the information were not specified. We made it clear to you in the GAIP in the previous letter but not in the initial letter to the town hall".

6. On July 8, 2021, the GAIP will send the claim to the City Council, asking for 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.

7. On July 30, 2021, the City Council sends a report from the head of the HR Administration Service and Risk Prevention in which it is transmitted that it considers that the information

requested must be communicated "[...] with the preservation of the anonymity of the affected public employees.

[...] Finally, in the provision of the requested information, all the people who have been remunerated for the remunerative concept object of the request are affected and, as indicated above, the preservation of their rights requires the anonymization of their identification".

8. On August 4, 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 the public information and good governance.

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 request a report from 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 RGPD, 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".

The data available to the City Council, which identify and refer directly to staff, as well as other data that may refer more specifically to the workplace they occupy, but which can be associated or can be linked to a specific worker, and which therefore identify you, are personal data and are protected by the principles and guarantees established by the RGPD.

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. In this sense, the RGPD establishes the need for one of the legal bases of article 6.1, among which section c) foresees the assumption that the treatment "is necessary for the fulfillment of a legal obligation applicable to the responsible of the treatment".

As can be seen from article 6.3 of the RGPD 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 RGPD when so established by a rule with the rank of law.

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 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 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 (hereinafter, 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 the 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). In similar terms it is

pronounces State Law 19/2013, of December 9, on transparency, access to public information and good governance (hereinafter, LT), in its articles 12 (right of access to public information) and 13 (information public).

In the case at hand, in which the trade union section requests access to information relating to overtime hours, it can be concluded that it must be considered public information for the purposes of article 2.b) of the LTC, 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 regar

III

At the outset, before the analysis of the substantive issue, it is appropriate to touch on certain issues that affect the information subject to the claim, as well as the person who exercises the right of access to public information.

According to the information sent, the claim of the trade union section aims at access to "[...] overtime from 2018 until the date of the resolution. With names (or place of work) and their motivation for doing them", that is, an individualized list of overtime hours worked and what reasons would have justified their need.

In relation to the temporal scope of the claim, when it refers to "[...] from 2018 until the date of the resolution", it is understood that it is referring to the date on which the City Council had to dictate the resolution of the access request.

On the other hand, it is not clear to what extent information on overtime is requested for all staff, or only for working staff. This doubt stems from the fact that, both in the request and in the claim, the trade union section states that it has previously directed this request for access to the joint Commission for monitoring, studying and interpreting the collective agreement of the 'City Council, without it having given an answer. Taking into account that, in accordance with the first clause of the preamble of the collective agreement relating to the personal scope of application, the agreement is applicable to the City Council's workforce, it could be understood that it only has an interest in know this information regarding the working staff.

In any case, the considerations that can be made, from the point of view of the personal data protection regulations, would be applicable to both the working staff and the official staff of the City Council.

In relation to the person who exercises the right of access to public information, it must be taken into account that both the requests (one from 2018, and the other in 2021) and the claim presented to the GAIP lists the trade union section as applicant, represented by the respective president in each case. This information may be relevant for the purpose of carrying out the analysis of the case at hand to the extent that the rights recognized to unions, or union sections, are different from those corresponding to union delegates and representatives of workers or staff , according to what will be analyzed below.

Trade union delegates are recognized with the same legally established guarantees for members of company committees or representative bodies established by public administrations. In particular, for the purposes that interest us in this report, article 10.3.1 of Organic Law 11/1985, of August 2, on Freedom of Association (LOLS), recognizes, among others, the right to:

"1.º To have access to the same information and documentation that the company makes available to the works committee, union delegates being obliged to keep professional secrecy in those matters in which they legally proceed.".

In the case at hand, although it has not been proven, it would seem that the president of the trade union section also holds the position of trade union delegate in the City Council. This is extracted from the signature of the e-mails that the president addresses to the GAIP at the time of providing the documentation certifying the representation of the trade union section.

However, it must be noted that both the requests and the claim are presented by the trade union section, and in accordance with article 10.3 of the LOLS, the right to information and documentation is recognized to trade union delegates, and not in the union section. To this end, it should be borne in mind that the trade union section can be made up of both union members and workplace delegates in accordance with the provisions of its statutes, and therefore, the trade union section is not necessarily made up only of trade union delegates, to whom the aforementioned rights are recognized.

Consequently, the union section, as a legal entity or person, would not have the rights recognized by the LOLS in article 10.3 of the LOLS, being exclusive to the union delegates, regardless of whether they are part of the works committee.

However, in the case at hand, although the requests for access and the complaint to the GAIP have been submitted by the trade union section itself, represented by its president, the fact that the president holds at the same time the position of trade union delegate as is clear from the file sent. Taking this circumstance into consideration, it is considered that the case raised must be analyzed from the point of view of the possibility of the trade union delegates to access the information requested to the extent that they are the holders of the right to the information collected by the article 10.3 of the LOLS, and not the union itself.

In accordance with what has been explained, article 10.3 of the LOLS recognizes union delegates as equal, in terms of access to information and documentation, to members of the works committee or the bodies of representation in public administrations, in cases that do not form part of these representative bodies.

The analysis of the access request made by a union delegate, or by those who are part of the specific bodies representing the staff, in accordance with the first additional provision of the LTC, requires recourse to the regime of access to information established by Royal Legislative Decree 5/2015, of October 30, which approves the revised text of the Law on the Basic Statute of the Public Employee (hereafter EBEP) as well as the revised text of the Workers' Statute Law, approved by Royal Legislative Decree 5/2015, of October 23 (hereinafter, ET). And this without prejudice to the fact that the provisions of the transparency regulations must additionally be taken

These rules attribute to the boards or staff delegates (art. 39 EBEP), as well as to the staff delegates or Company Committee (art. 62 and 63 ET), as specific bodies representing civil servants and public workers with employment contract respectively, certain functions for the exercise of which it recognizes the right to access certain information, which could include personal data of the workers.

Article 40.1.a) of the EBEP provides that the Personnel Boards and personnel delegates must receive information on the personnel policy, as well as data relating to the evolution of remuneration, probable evolution of the employment in the corresponding field, and on performance improvement programs. However, there is no specific regulation in the EBEP that would enable individual access to the requested information.

For its part, article 64.1 of the ET provides that "the works committee will have the right to be informed and consulted by the employer on those issues that may affect the workers, as well as on the situation of the company and the employment evolution in the same, in the terms provided for in this article". And, he adds that information is understood as "the transmission of data by the employer to the company committee, so that he is aware of a certain issue and can proceed to its examination (...)."

Next, sections 2 to 5 of this article 64 of the ET contain specific forecasts in relation to the questions or matters on which the works councils have the right to receive information on a quarterly basis (article 64.2 ET), annual (article 64.3 ET) and others when appropriate (article 64.4 and 5 ET).

All this for the purpose of exercising, among others, the function of "monitoring compliance with the current labor, social security and employment standards, as well as the rest of the agreements, conditions and company practices in force, formulating, in his case, the appropriate legal actions before the employer and the competent bodies or courts" (article 64.7.1.a) ET).

At the same time, it is also necessary to take into account in the case at hand article 34.9 of the ET, section introduced by Royal Decree-Law 8/2019, of March 8, which recognizes the workers' representatives the possibility of accessing to the daily records of the workers' day, when it establishes th

"9. The company will guarantee the daily work register, which must include the specific start and end time of each worker's working day, without prejudice to the flexible hours established in this article.
Through collective bargaining or company agreement or, failing that, the employer's decision prior to consultation with the legal representatives of the workers in the company, this day record will be organized and documented.
The company will keep the records referred to in this provision for four years and they will remain at the disposal of the workers, their legal representatives and the Labor and Social Security Inspectorate."

In accordance with this provision, the representatives of the workers subject to the ET can have access to the daily record of the working day of each working person and, consequently, also to the record of overtime hours with the corresponding identification of the affected workers .

However, as a result of the regime of entry into force provided for in the sixth final provision of Royal Decree-Law 8/2019 (which does not provide for it to be retroactive), the measure is applicable only to the data of the records made from May 12, 2019, which is the date it entered into force. Therefore, it could only be applicable to the part of the access request made in respect of information after that date.

In short, even though the trade union section as a legal entity does not have the right of access to the information and the requested documentation recognized in the current regulations, the regulations do provide that the trade union delegates can access the information relating to the overtime hours performed by public workers with an employment contract, and which correspond to the records drawn up from May 12, 2019, in accordance with the pr

Therefore, the trade union representative would have the right, in this way, to access the list of overtime hours worked from May 12, 2019 (but not including the reason for doing it).

IV

In relation to the rest of the requested information to which the regime of article 34.9 of the ET analyzed in the previous legal basis does not apply, the possibility of accessing it through the transparency regulations. This would affect the ratio of overtime hours worked by civil servants from 2018 to the date of the resolution, as well as the overtime hours of public workers with employment contracts worked from 2018 to May 12, 2019.
This analysis must also refer to access to the reasons for the performance of all overtime hours worked, given that, as we have seen, the duty of information derived from article 34.9 ET would not include this information.

Given the nature of the information requested, it does not appear that there should be particularly protected data in the terms provided for in Article 23 of the LTC, that is, data relating to ideology, trade union affiliation, religion , beliefs, racial origin, health and sex life, and also those relating to the commission of criminal or administrative offenses that do not entail a public reprimand to the offender. In the event that there is information of this type and in the absence of the owner's express written consent, access should be limited.

Beyond the specially protected data referred to in article 23 of the LTC, and in accordance with article 24.2 LTC, a weighting must be done between the public interest in the disclosure of information and the right to data protection of the affected persons:

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

Thus, the access to the personal information that we previously referred to must go through a prior reasoned weighting between the public interest in disclosure and the right to data protection of the affected persons who, in this case, it would be City Hall staff.

In this weighting it is necessary to take into account all the circumstances that affect each specific case with the aim of determining whether the claimant's right of access or the data protection right of the affected persons should prevail, taking as based on the different elements listed in the aforementioned article.

As can be seen from the terms in which the access request is formulated, the purpose of the claim is access to the number of overtime hours worked by the workforce, on an individual basis, from 2018 to the date in which the City Council had to dictate the resolution of the access request, and what are the reasons that would have justified its need.

With regard to the legal regime applicable to overtime for public workers with employment contracts, it is regulated, mainly, in article 35 of the ET as well as in the collective agreement of the City Council's labor staff. Based on these articles, it should be noted that, in addition to defining what is considered overtime, the regulations regulate the maximum number of overtime hours that can be worked per year, their calculation, the way to compe

At the same time, with regard to the regime of personnel subject to the regulations of the civil service, the regulation of overtime hours is found in article 24.d) of the EBEP, in article 103 of Legislative Decree 1/1997, of 31 October, which approves the recasting in a single text of the precepts of certain legal texts in force in Catalonia in the field of public service and, in particular in the case at hand, in article 160 of Decree 214 /1990, of July 30, which approves the Regulations for the staff at the service of local entities.

In general, it is clear that knowing the number of overtime hours worked by the staff during a period of time, and even knowing what was the need or justification for carrying them out, allows you to know information about the management of resources and staff of the City Council. At the same time, this purpose would be in line with the objective of the transparency regulations, that is to say, "to establish a system of relationship between the people and the public administration and the other obliged subjects, based on the knowledge of the public activity , the encouragement of citizen participation, the improvement of the quality of public information and administrative management and the guarantee of accountability and responsibility in public management" (article 1.2 LTC), or in other terms, establish the possibility of offering citizens tools for monitoring the performance of pu

It should be noted that this Authority has spoken on several occasions in relation to access to certain information on overtime, such as the IAI 27/2019 report or the IAI 1/2020 report. And we can advance that the conclusions of those reports are fully applicable to the case we are dealing with now.

From the point of view of the people affected, knowing the number of overtime hours in an individualized way entails knowing information that can be part, according to each case, of the complementary remuneration or related to time compensation, which are essentially linked not to the place of work but to the physical person who occupies it. This informatio

may refer to the income of a natural person, may facilitate the obtaining of an economic profile of the affected person which may end up causing damage both in the professional field and in front of financial institutions, socially etc., especially if this information is cross-referenced with other information referring to the base salary, and supplementary remuneration of the jobs held by public employees, for example via publication of the RLT and the corresponding Budget Law or via the basic copy of the contract.

With regard to the information relating to supplementary remuneration, it should be borne in mind that the specific amount received by each employee for this concept is not part of the employment ratio (RLT).

On the other hand, depending on the number of hours worked, this is data that can offer, with a greater or lesser degree of certainty, information on the hours worked or that can be predicted to be worked.

Having said that, it is worth remembering the provisions regarding active advertising established for remuneration in article 11.1.b) of the LTC. According to this precept, the remuneration received by senior local officials must be published on the portal individually for each job and for any type of remuneration, compensation or allowance. Regarding this, article 4.2.b) of the LTC provides that, for the purposes of what is established by law, they are considered to be high-ranking officials, in the service of the local administration, "local representatives and the holders of superior bodies and managers, in accordance with what is established

This must lead to recognizing the right of access to the remuneration information of these senior positions, including overtime hours worked. This same criterion can be extended with respect to access to the remuneration of personnel who occupy positions of trust, of special responsibility within the organization, of free appointment, or which entail a high level of remuneration.

Thus, although in these cases the law does not provide for the publication of their remuneration on the Transparency Portal, with regard to requests for access to this information, it must be borne in mind that these are sites that their uniqueness and also due to the level of remuneration they are usually associated with, knowledge of their remuneration can be relevant for the control of the use of public resources. In these cases, it would be justified to provide individualized remuneration information, even identifying the people affected, and which could include overtime hours worked.

With regard to the rest of the workforce, article 25 of Decree 8/2021, of February 9, on transparency and the right of access to public information (RLTC), in relation to article 11.1. e) of the LTC, provides that "information must be given on the overall gross annual remuneration of the different bodies and levels, with details of the basic remuneration and the supplements that correspond according to the regulations, and the agreement or agreements outside of agreement that are applicable. In this sense, the remuneration tables of the personnel in the service of the public administrations must be published, with an indication of the basic and complementary remunerations, in the case of civil servants, and with an indication of the basic remunerations, complement of seniority, extraordinary payments and other supplements and specific bonuses according to the agreement or outside of the agreement, in the case of labor personnel".

The request for access does not specify a specific purpose, but is limited to pointing out that, to the extent that the City Council has not provided the information, it would be infringing its trade union rights and access to information. Although it is not clearly stated, it can be inferred that the purpose of the intended access may be the control of legality with regard to o

However, this purpose can also be fulfilled without the need to sacrifice the privacy of the affected workers, because an individualized relationship can be facilitated, without including the identity of the staff.

In relation to this, it is relevant that the claim itself refers to the fact that the information relating to overtime hours is requested in such a way that the names or place of work are recorded from the point of view of the principle of minimization of data provided for in article 5.1.b) of the RGPD whereby the data will be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimization"). In this case, it does not seem to be of particular interest to have the identity of the people affected, to the extent that it requests to know the jobs in a broad sense.

Therefore, in this case, the purpose of transparency can also be achieved by applying pseudonymization mechanisms. According to the RGPD, pseudonymization is considered "the treatment of personal data in such a way that they can no longer be attributed to an interested party without using additional information, provided that said additional information appears separately and is subject to technical and organizational measures aimed at guarantee that the personal data are not attributed to an identified or identifiable natural perso

To this end, this Authority considers that the list with the extraordinary services performed by the staff could be facilitated, replacing their first and last names with a code assigned to each of them. It should be noted that in order for this to be carried out, it is necessary to deal with jobs that have a sufficiently large number of personnel to prevent their re-identification.

In order for these codes to be effective from a data protection perspective, it is necessary to ensure that the identity of the staff is known only to the person who attributes the code, so that the worker or official is not identifiable to anyone else. So, for example, use the no. of ID or another code that can be known by third parties would not be a good option.

At the same time, this code should only be used to monitor overtime work, and not to provide any other information other than this specific treatment, since, if it were to be used in a general way for all actions carried out in the workplace, it would be easy for the crossing of various data to make their identification possible.

Finally, in relation to the claim to know the reasons that justified the performance of overtime hours, it is worth saying that it is not clear whether the claim refers to the reasons that would justify its performance in a general sense, from the point of view organizational, or the reasons why overtime was attributed to the people affected.

In the first case, given its nature, it is very likely that this information refers to the organizational needs of the City Council (such as excess volume of specific work or not

foreseeable, absences of other workers etc.), related to the activity of the local corporation and its powers, so a priori it should not affect personal data, given that the justification would not refer to the person who has completed the hours Therefore, all this information could be provided outside of the list we have referred to.

However, with regard to the specific reasons why overtime has been attributed to the people affected, and not to other workers, it is clear that this information directly affects personal data. In this case, in line with what has been explained, the purpose of control could be achieved in the same way without the need for this information to be communicated identifying the affected personnel. In this case, the information could not even be offered in an individualized way through pseudonymisation, given that it is foreseeable that the exposure of the specific reasons in some cases could make the person to whom it refers identifiable. For this reason, in this case it would only be necessary to provide information on the general criteria taken into account when attributing the completion of the hours. This is without prejudice to the fact that in specific cases where the attribution made does not meet these criteria, the affected persons may have the right to obtain additional information.

conclusion

The data protection regulations do not prevent the trade union representative from accessing information relating to the overtime of managers, senior officials and staff who occupy positions of trust, of free appointment, of special responsibility within the organization or that involve high levels remuneration, as well as the list of overtime hours of workers with a labor contract that appears in the daily work registers drawn up from May 12, 2019.

Regarding the list of overtime hours of civil servants from 2018 to the date of the resolution, as well as those made before May 12, 2019 by workers with employment contracts, the pseudonymized information must be provided.

In relation to the reasons that justified the execution of overtime hours, general information can be provided on the criteria used by the City Council for their attribution, without individualizing them.

Barcelona, September 2, 2021