

Report in relation to the Draft Decree approving the Regulation of the Law on Facilitation of Economic Activity

The Draft Decree approving the Regulation of the Law on Facilitation of Economic Activity is presented to the Catalan Data Protection Authority, so that the Authority issues its opinion on the matter.

The Draft Decree consists of a preamble, sixty-four articles, eight additional provisions, a repealing provision, a final provision and two annexes.

The Project is accompanied by the General Report.

Having examined the Project and the documentation that accompanies it, and having seen the report of the Legal Counsel, the following is reported.

Legal foundations

I

(...)

II

The purpose of the Draft Decree being examined is to deploy the provisions of Law 18/2020, of December 28, on the facilitation of economic activity (hereinafter, Law 18/2020), in order to "make effective the digital transformation that makes it possible to provide services to holders of economic activities and to update the operation and organization of the Business Management Office (OGE) as a body that promotes the Business Single Window" (article 1.1).

Specifically, with this decree it is intended (article 1.2):

"a) Specify the relationship model of the Catalan public administrations and the bodies and entities of its institutional public sector with the owners of an economic activity, their representatives and authorized persons. b) Specify the operating system of the technological tools of the single window. c) Specify the mechanisms to comprehensively manage the data that affect the processes necessary to develop an economic activity and specify the proactivity and unified processing services. d) Adapt the structure and functions of the OGE in its role as the processing front to the provisions of Law 18/2020 and this regulation.

e) Determine the procedure for designating a business project as strategic. f) Specify certain aspects that affect the regulation of economic activities and their subsequent control, including the sanctioning procedure and coercive measures.”

In view of this precept, it is clear that the application of the provisions contemplated in this Project will involve the processing of information of certain natural persons, which must comply with the provisions of Regulation (EU) 2016/679, of the Parliament and of the European Council, of April 27, 2016, General Data Protection Regulation (hereinafter, RGPD) and Organic Law 3/2018, of December 5, on the protection of personal data and guarantee of digital rights (hereinafter, LOPDGDD).

In this sense, the explicit reference made to the data protection regulations in article 12.3 of the Draft Decree should be positively assessed, without prejudice to the considerations that may be made in this regard later.

Having said that, those provisions of the Draft Decree that have a particular impact on the fundamental right to the protection of personal data are examined below, the perspective from which this report is issued.

At this point it should be noted that Law 18/2020, the implementation of which is the subject of this decree, was examined by this Authority in the PD 7/2019 report (available on the website <https://apdcat.gencat.cat/ca/inici/>).

Much of the considerations made in that report are equally applicable to the text that is now being examined. We refer, among others, to the considerations made regarding aspects such as:

- The need to comply with the principles of transparency (Article 5.1.a) RGPD) and data minimization (Article 5.1.c) RGPD) in the collection of personal information, both through the Business Single Window (FUE) and of the standardized forms or models accessible from this (FJ III);
- The need to ensure that any communication of personal information that is carried out between the various agents involved, in order to guarantee the right of the owner of the economic activity to provide only once the data and documents necessary to develop their activity, is always adapted, and among others, to the principles of legitimacy (Article 5.1.a) RGPD), limitation of purpose (Article 5.1.b) RGPD) and data minimization (Article 5.1.c) RGPD) (FJ IV); or,
- The need for greater transparency and concreteness in the offer of proactive and personalized services to the owner of the economic activity (FJ VI and VII).

This is without prejudice to the fact that, with respect to any of the issues indicated, it is appropriate to address them again in this report, with some added elements, if appropriate.

III

The Draft Decree that is being examined dedicates its Title II to specify and detail certain aspects of the operation of the relationship model of the holders of economic activities with the Catalan public administrations.

It should be remembered that this model is based on the FUE (Article 5 Law 18/2020), which acts as an "inter-administrative network with the purpose of facilitating access to information on administrative procedures that are the responsibility of public administrations and promote its management based on the data that the Administration already has and that the owner of the economic activity provides only once" (article 8 Law 18/2020).

Chapter 2 of this Title II specifies the role of the representatives of the users of the FUE and of the persons authorized by the holders of the economic activities to make certain transactions.

Article 6.3 establishes that "the information on the condition and scope of the authorized person is transferred to the Electronic Register of Representation of the Generalitat de Catalunya to facilitate consultation."

Remember that, from the aspect of the purpose principle (Article 5.1.b) RGPD), knowledge of this information must be limited to public employees of public administrations with competences in the field of economic activity that require it for the exercise of the functions entrusted to them. For this reason, it could be convenient to add the paragraph "for authorized public employees" at the end of this precept.

IV

Chapter 3 of Title II of the Draft Decree details the operation of the FUE's own instruments, that is, the single portal for economic activities (Business Channel), including the "guided search" tool, the private area and the directory of companies, establishments and records.

Article 9 details the operation of the "guided search" tool in the following terms:

1. The guided search tool must include all the administrative procedures of the FUE's catalog of procedures and the order in which they are processed depending on the activity to be carried out.
2. The result of the procedure guide search must necessarily agree with the provisions of the regulations applicable to the procedure and is binding at the time it is carried out, without prejudice to the urban specificities. In case of discrepancy with the applicable regulations, the holder or the entrepreneur can allege it in order to be able to amend it and so that the procedure can be completed correctly.
3. The identifier of the session of the guided search must be included in the electronic file of the unified processing."

In accordance with article 10.5 of the Draft Decree, the owner of the economic activity, his representative as well as the person he authorizes "can start and save guided search sessions for procedures and unified processing".

This action will allow the competent public administrations in the field of economic activity to offer the owner of the economic activity "personalized notices", as is clear from article 18.1.a) of the Project, to which we will mention again later on

As can be deduced from the text, through the guided search the interested person can ask for information on the procedures and requirements necessary to carry out a certain activity. It would be good, in any case, if article 9 of the Project expressly included a definition of the purpose.

From the aspect of data protection (articles 5.1.a and 13 RGPD) it is necessary to ensure that the person affected (the owner of the personal data) has knowledge prior to the action of saving the search sessions that have able to realize that this involves data processing by the competent public administration and also the consequences that derive from it (the receipt of information related to saved searches). On the other hand, it may be that once the result of the guided search is seen, the affected person is not interested in receiving personalized notices related to the search referred to in article 18.1.a) of the Project. For this reason, it would be good if it could be the affected person who, once informed, could decide on the possibility of receiving personalized notices related to the search. For these purposes, it is suggested to incorporate a new section 4 in this article with the following wording:

"4. Guided search can be used to send personalized notices if the affected person authorizes it.

On the other hand, the Project provides, in the article dedicated to the Unified Financing Service, which is not numbered, that "the data provided in the management of the products detailed in the previous point (subsidies, aid and loan lines that different public administrations make available to entrepreneurs or holders of economic activities) are incorporated into the Directory of Companies and Establishments with the aim that applicants provide the data only once" (section 2).

Articles 19.1 and 23 of the Draft Decree also mention the need to guarantee that the owner of the economic activity provides the competent public administration with the data or documents necessary for the procedure in question.

The one-time provision of data constitutes one of the three principles on which the model of relationship between the holders of economic activities and the Catalan public administrations is based (Article 6.c) Law 18/2020).

Point out that these forecasts must be interpreted in accordance with what is established in Law 39/2015, of October 1, on the common administration procedure of public administrations (LPAC), specifically, in its articles 28 and 53.1.d), so it must be borne in mind that said contribution of data once is, in any case, a right of the owner of the economic activity.

On the other hand, note that in some cases it does not seem that the single data criterion can be applied. For example, article 41.1 of the LPAC allows the citizen to indicate an electronic device or an email address for sending notification notices in each procedure; or article 41.3 of the LPAC provides that paper notifications must be made at the address indicated by the interested party in each case. It is clear that this address can be a specific address for a certain procedure that does not match the one that can be used in other procedures.

Section 1 of the aforementioned article 12 of the Draft Decree regulates the data model of the Directory of companies and establishments, provides that:

"1. The Directory of Companies and Establishments collects the generic data of the owners of economic activities and their establishments and the specific data of the registers in which they are registered through integration with different databases of the competent administrations.

Article 14.2 of Law 18/2020, which develops the transcribed precept, provides that:

"2. The Directory of companies, establishments and records must contain the basic data on economic activities and establishments, based on the unique identifier of the establishment, and also the specific data collected in the registers in which it is registered, so as to guarantee the security and performance of the system. It must also incorporate and consolidate the data contained in the registers of extraordinary grants related to economic activity and the data obtained, if applicable, in the prior registration procedure established by the applicable regulations, with the aim that interested persons provide the data only once."

It can be verified that the wording of article 12.1 of the Draft Decree does not fully coincide with what is established in article 14.2 of Law 18/2020, given that it has not been foreseen that the Directory of Companies and Establishments also must include "the data contained in the registers of extraordinary grants related to economic activity and the data obtained, if applicable, in the previous registration procedure established by the applicable regulations."

In any case, in order to avoid possible confusion, it would be advisable to use the same terminology as in the Law, so it is suggested to modify the term "generic data" for "basic data".

In addition to all this, given that we are dealing with a text that develops the provisions of article 14 of Law 18/2020, it would be preferable to specify, in as much detail as possible, the data included in the Business Directory and establishments as "basic data" and "specific data", given that, from the perspective of the principle of transparency towards the affected (Article 5.1.a) RGPD), it is important to clearly define which personal data are the treatment.

Section 3 of this article 12 of the Draft Decree provides that "the directory must guarantee total transparency on possible transformations of the data and its origin, as well as subjection to the applicable regulations on data protection of personal character".

As can be seen both from section 1 of this same article, and from the article that regulates the "Dictionary of FUE data" (without numbering in the Project) and from article 13 of the Project ("Adhesion in the directory"), the data transformations mentioned therein respond to the integration of the different databases of the competent public administrations, which becomes necessary to guarantee the single data criterion established by the legislator in Law 18/ 2020 (article 15.4).

In relation to this section, the reference to "subjection to the applicable regulations on the protection of personal data" is positively valued, which applied to this area will entail, among other aspects, that the purification of that information that is not correct, either because initially it was no longer correct, because it has become out of date with the passage of time or because of the appearance of new circumstances, which is required, from the point of view of data protection, by the principle of 'accuracy (Article 5.1.d) RGPD), may only, by application of the purpose principle, operate in areas in which the different data that you wish to purge have been collected for the same purpose (Article 5.1.b) RGPD) or for a compatible purpose (article 6.4 RGPD). We refer to this to the considerations we have already made about the impossibility of applying the concept of single data to certain data.

Regarding the need for "total transparency", this expression used by article 12.3 of the Project can lead to confusion. The transparency referred to in this section affects the possible transformations of data, as well as the origin of this data incorporated in the Directory of companies and establishments, but it must be borne in mind that this information must not be accessible to third parties people given the provision of article 14.4 of the

Law 18/2020, according to which this register or database "is not a public access directory".

Therefore, it is not appropriate to establish that the Directory of companies and establishments must guarantee "total" transparency. For this reason, it would be necessary to modify its wording in order to offer greater consistency with Law 18/2020 and also with article 14 of the Project. For these purposes, and to maintain consistency with article 15.2 of the Project, the following wording is proposed:

"3. The directory must guarantee the traceability of the transformations of the data carried out and their origin, as well as subjection to the applicable regulations on the protection of personal data."

In this sense, article 14 of the Draft Decree does regulate access to the information contained therein in a manner consistent with what is provided for in article 14.4 of Law 18/2020, limiting it to holders of economic activities, their representatives and authorized persons, as well as public employees of the competent administrations in the field of economic activity who require information for the exercise of their functions.

On the other hand, and also in terms of transparency, it would be good if article 19.5 of the Project clarified that the consultation of the owners of economic activities or the authorized persons must refer only to the data of their own activity.

Also still related to this issue, the Draft Decree foresees, in article 15.1, that the holders of economic activities "can consult at all times from the private area the access to their data and the updates that have been able to perform".

Remember that, although this possibility is expressly provided as a modality for exercising the right of access to one's own data (Article 15 RGPD and Article 13.2 LOPDGDD), the information that should be provided to the owner of the economic activity should cover all the aspects referred to in article 15 of the RGPD, it is not sufficient to inform you about the processed data, the transformations and the origin of the data or about the possible communications (accesses) that have been carried out from your data.

v

Chapter 4 of Title II of the Draft Decree - although in the transmitted text it is listed as a second chapter 3 - is dedicated to developing some issues linked to the management of data by public administrations with powers in scope of economic activity.

From the aspect of the protection of personal data, it is particularly interesting to highlight article 18 relating to the provision of proactive services, according to which:

"1. Public administrations must offer support and assistance services to people with economic activities linked to their current activity and must receive them at the time they are necessary or useful.

These pro activity services are: a)

Personalized notices in relation to information related to your activity, procedures already started, saved guided search sessions and procedures and services that are recommended or that need to be performed. b) Sending draft processing forms with the data already available to the Administration.

c) Transmission of personalized guided search results in order to initiate unified processing sessions. d) Communications on specific terms or deadlines related to pending procedures. e) Other services that may be useful at any time.”

This article develops article 19 of Law 18/2020, which provides that:

1. Public administrations can proactively offer the services available at any time that, based on the data they have available, they consider may be of interest to the owner of the economic activity or the entrepreneurs.
2. If, based on the data provided by the holder of an economic activity from the Single Business Window, it is detected that it is necessary to initiate new procedures necessary for the exercise of its economic activity, the Business Management Office and the other public administrations can proactively promote the relevant actions so that the holder validates the information or provides new information from the private area of the unique portal.
3. The Business Management Office and other public administrations are enabled to use the data for the provision of proactive and personalized services to the holders of economic activities and entrepreneurs, within the framework of the Single Business Window and with in relation to the facilitation of economic activity for the owners and entrepreneurs."

Given both precepts, it should be noted that article 18 of the Draft Decree goes beyond what is established in article 19 of the transcribed Law 18/2020, given that it establishes the obligation to offer proactive services to the holders of economic activities while the Law foresees this offer as a possibility on the part of the competent public administrations.

Having said that, with regard, specifically, to the processing of data involved in the provision of proactive services, it should be noted that in the PD 7/2019 report (FJ VII and VIII), to which mention has been made above, the Authority carried out a thorough examination of article 19 of Law 18/2020 (at that time, article 18) in order to check whether the authorization contained in said precept could be considered adjusted to the requirements of the data protection regulations (Article 6.3 RGPD in accordance with the jurisprudence of the Court of Justice of the European Union).

In this sense, it was concluded that it was appropriate to revise its wording in order to offer greater transparency on the circumstances and under which conditions the public authorities were empowered to carry out the intended data processing, this is the offering of proactive and personalized services. It was done due to the need to define what was meant by proactive and personalized service; to specify whether the offering of these services required the preparation of profiles of the owner of the economic activity; of, if so, specifying what information would be used, which should be associated with specific procedures or services in the field of economic activity; of, if it were the case, to exclude the special categories of data; and to foresee that the aspects to be assessed in the preparation of the profiles would be used to offer services related to the procedure or service from which the information would have been collected and, in any case, that they would be compatible with the requirements of the data protection regulations.

It has been noted that the final wording of the aforementioned article of Law 18/2020 incorporates some of the observations made at the time. Specifically, it has been clarified that the authorization granted to the administration for the processing of data for the provision of proactive and personalized services to the holders of economic activities operates "within the framework of the Single Business Window and in relation to the facilitation of economic activity for said owners and entrepreneurs" (article 19.3), in such a way that it would be necessary to rule out that the offer of these services covers any type of service from the private area of the unique portal.

public administrations, which was hardly justified, from the point of view of data protection, as was done in the PD 7/2019 report.

Article 18 of the Draft Decree provides more information on the conditions under which data processing will be carried out to provide the proactive services referred to in Article 19 of Law 18/2020. Although it would have been preferable for these provisions to be incorporated into the rule with the rank of law, this realization is positively valued.

Specifically, it establishes that the provision of proactive and personalized services in this area of the administration's action consists of offering "support and help to the holders of economic activity", it clarifies that they are, in any case, services "linked to your current activity" and, at the same time, includes a list of the types of services that can be offered:

"a) Personalized notices in relation to information related to your activity, to procedures already started, to saved guided search sessions and procedures and services that are recommended or that must be performed. b) Sending draft processing forms with the data already available to the Administration. c) Transmission of personalized guided search results in order to initiate unified processing sessions. d) Communications on specific terms or deadlines related to pending procedures. e) Other services that may be useful at any time."

It can be verified that, for the most part, it seems that these are services in some way related to the holder's economic activity and which are or may be necessary for its development.

The provision of letter a) may raise some doubts, according to which this type of service will consist of the receipt of personalized notices related to "procedures and services that are recommended or that must be carried out", without further specification in this respect. The same can be said of the provision of letter e), according to which "other services (proactive and personalized) will be offered that may be useful at any time". The drafting of both forecasts does not make it possible to know, in advance, whether these are services or procedures necessary or not for the owner of the economic activity to carry out his activity, but it must be borne in mind that, in view of what has both article 18 (first paragraph) of the Project and article 19.3 of Law 18/2020, it would in any case be services within the scope of economic activity that may be of interest to you.

Therefore, it seems that we would be faced with a proactive action by the administration that would fall within the reasonable expectations that the holder may have about the treatment of his data at the time when he addresses the administration to carry out a certain procedure linked to their economic activity. This is without prejudice to what has already been pointed out, in the comment made regarding article 9 of the Project, regarding the notices generated from saved guided searches.

It does not seem, in general, that the offering of these proactive services (letters a) to) should involve the creation of profiles on the person holding the economic activity, taking into account the information that seems to will be used to offer them and the consequences that would arise for the interested party, which do not seem to have legal effects on their person or to significantly affect them in a similar way (Article 22 RGPD) . Despite this, given the open nature established in letter e), it is not possible to rule it out in this case either.

In particular, what is established in article 28.2 of the Draft Decree seems to point to this, which provides that "the letter of services (of the OGE) incorporates the information relating to the parts of the administrative procedures that are based on automated decisions so that the holders of economic activities are aware of it".

Point out that, if this were the case, it would be necessary to comply with the requirements established in the data protection regulations (article 22 RGPD) and it should be taken into account that the inclusion of this information in the service letter is not sufficient because the interested, the owner of the economic activity can be considered informed. It is necessary, in this sense, to inform you of the conditions and circumstances relating to the processing of your data, such as the creation of profiles, in the terms established in article 13 of the RGPD.

On these issues, we refer to what we already set out in the report PD 7/2019 (FJ VIII), issued in relation to the draft Law 18/2020, to which we refer.

VI

Section 2 of Chapter 4 of Title II of the Draft Decree should also be mentioned, in which the operation of the unified processing is specified (articles 19 to 22).

Regarding the provisions established there relating to the procedure (article 20), remember that in the collection of personal information it is important to respect the principles of transparency (articles 5.1.a) RGPD), in the terms established in articles 13 and 14 of the RGPD and article 11 of the LOPDGDD, and data minimization (article 5.1.c) RGPD).

These considerations are extended to article 44 of the Project, located in its Title V, and which regulates, in its Chapter 2, the procedure for designating strategic business projects.

VII

Title III of the Draft Decree specifies the operation and organization of the OGE as the body responsible for promoting the FUE.

In view of the functions attributed to the OGE (article 25), it could be convenient, from the point of view of data protection, to incorporate an indent in section 1.d) to collect that staff training also must guarantee the protection of personal data.

In this sense, the following wording is suggested:

"d) Coordinate (...) the training of its staff in order to guarantee the correct provision of the service, the homogeneity of the treatment and the protection of personal data."

On the other hand, article 29.1 of the Draft Decree provides that "the OGE provides information, advice and processing services on the procedures under the jurisdiction of the different public administrations implemented in the FUE that are contained in the catalog of procedures provided for in the "article 3.2 of this Decree in the terms provided for in your service letter."

And article 29.2 adds that "so that the OGE can provide its services, the bodies responsible for administrative procedures related to economic activity they must ensure the correct maintenance of the information contained in the aforementioned catalog and

the guided search tool and, collaboratively, they must drive its revision and improvement in order to eliminate unnecessary administrative burdens.”

In relation to the provision of these services, article 30 of the Project specifies the degree of participation of the EMB in the following terms:

"1. The level of service provision for each of the procedures in the catalog is defined by the degree of participation of the OGE in its provision. Four levels of service provision are established, according to the competences assumed by the OGE and the body competent in the provision of the service.

2. The levels of service provision are as follows:

- a) Level 1: the OGE informs the owners of the economic activities of the procedures of their interest (forms, necessary data and documents, process and deadlines).
- b) Level 2: the OGE, in addition to the tasks of level 1, initiates the procedure (receives the form or the data provided by the owner of the economic activity and the necessary documents), makes the necessary checks and requirements of in accordance with the criteria of the competent body and manages the fee in its entirety including the decision to withdraw due to non-payment, if applicable. The competent body is responsible for carrying out the rest of the actions from its management tools.
- c) Level 3: the OGE, in addition to the tasks of levels 1 and 2, communicates or notifies, if so agreed, the completion of the procedure to its holder, the technical body being responsible for the resolution on the substance of the procedure
- d) Level 4: the OGE, in addition to the tasks of levels 1, 2 and 3, resolves the procedure and makes the communication or notification, as appropriate, to the owner of the economic activity.

3. The type of service associated with each procedure is agreed with the competent body of the procedure due to the subject matter.”

And article 39 of the Draft Decree provides that:

"1. From the entry into force of this Decree, the regulatory norm that regulates the procedures or newly created procedures related to economic activity must establish that the processing front is the OGE.

2. For the procedures that have not yet been implemented in the FUE, the OGE performs the frontal functions provided for in chapter 3 of this title, without prejudice to the fact that the body competent to resolve the procedure may order or delegate to the OGE other functions by incorporating them into the catalog of procedures.

3. The management task must be formalized through an agreement between the ordering body and the competent body of the Department to which the EMB is assigned, which must establish the conditions for the provision of the service. This agreement must have the following minimum content: a) Identification and design of the services to be provided, taking into account their peculiarities and indicating the degree of participation of the EMB in the provision of the service. b) Collaboration mechanisms to exchange the information on the files that each party requires and to exchange the data necessary to know the processing status of the administrative procedures. c) Type of training on the services to be provided. d) Quality control. e) Management of user complaints and suggestions. f) Duration of the agreement.

4. In the event that the OGE only initiates the procedure and addresses the file to the competent body due to the matter, this must inform the private area of the state of processing of the procedure, in the terms that establishes the collaboration agreement."

In view of these forecasts, it should be noted that the provision of the services in levels 2 to 4 indicated in article 30.2 by the OGE may entail the processing of personal data on behalf of the person responsible for this processing, that is, on behalf of the different bodies of the public administrations with powers in the field of economic activity. This being so, the OGE would assume the position of being in charge of the processing of the data linked to the provision of these services (Article 4.8 RGPD).

This, even when the OGE provides services at level 4 provided for in article 30.2.d). This level involves carrying out all the tasks established in levels 1 to 3 and also the resolution of the procedure in question, as well as, as appropriate, its communication or notification to the owner of the economic activity.

Although, in relation to these actions, it could be thought that the status of data controller is attributed to the OGE (Article 4.7 GDPR), in view of what is established in Articles 29.2 and 30.3 of the Project, which make it clear that it is the competent body due to the matter that, in any case, decides the degree of participation of the EMB in each procedure, it must be concluded that also at this level of provision the EMB acts as in charge of the treatment.

This would be consistent, on the other hand, with the provision of article 22.5 of Law 18/2020. According to this article, the management that the OGE carries out on behalf of the competent department involves the delegation of signature, in accordance with what is established by regulation.

Given the complexity derived from the operation of the FUE, it could be clarifying that the same text of the Project established the responsibilities of the different agents participating in the processing of personal data (responsible or in charge of the processing).

Thus, it could be gathered that the public administrations with powers in the field of the economic activity in question have the status of responsible for the treatment with respect to the data or information necessary for the exercise of the respective powers, even in the event that the OGE is entrusted with the provision of level 4 services. Assuming the OGE, in these cases, the condition of the person in charge of the treatment.

This without prejudice to the fact that, in accordance with what is established in article 22.6 of Law 18/2020, the OGE is considered responsible for the treatment with regard to the data derived from the use of the applications or technological solutions of the OGE, which is required for the provision of the FUE service.

For this reason, it could be convenient to include in the Draft Decree this dual status of the OGE as the controller with regard to personal data linked to the operation of the OGE's own technological applications or solutions, which is required by to the provision of the FUE service, and of the person in charge of the treatment with regard to the rest of the data necessary to process the procedure.

For these purposes, a section 2 could be included in article 21 of the Project with the following wording:

"2. The OGE is responsible for the processing of the data associated with the operation of the single portal, the applications, platforms and technological solutions necessary for the unified processing of the procedures by the OGE, without prejudice to the fact that the Department,

the entity or the competent body remains responsible for the treatment of the rest of the data necessary for processing the procedure."

This, without prejudice to having to formalize the corresponding treatment commissioning agreement with the competent body due to the matter in terms of article 28.3 of the RGPD. For these purposes it could be good to incorporate it as part of the agreement referred to in article 39.3 of the Project.

Conclusions

Having examined the Draft Decree approving the Regulation of the Law on Facilitation of Economic Activity, it is considered adequate to the provisions established in the regulations on the protection of personal data, as long as the considerations made in this report are taken into account.

Barcelona, October 1, 2021

Machine Translated