



Autoritat Catalana de Protecció de Dades

Legal report issued at the request of the Commission for the Guarantee of the Right of Access to the Public Information in relation to the claim against the denial by a City Council of the request for access to information related to the Municipal Urban Planning Plan

The Commission for the Guarantee of the Right of Access to Public Information (GAIP) asks the Catalan Data Protection Authority (APDCAT) to issue a report on the claim submitted in relation to the refusal by a City Council of the request of access to information related to the municipal planning plan.

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 April 1, 2022, a request for access to information related to the processing of the Municipal Urban Development Plan (hereinafter, POUM) will be submitted to the City Council.

The access request is made by a person who claims to act in the name and representation of the successors of Mr. V., owners of a property located in the municipality. For this reason, it states that it holds the status of an interested party referred to in the regulations of the common administrative procedure.

In particular, access to the following information is requested:

"I.1) all written pleadings formulated as a result of the processing of said POUM 2021 - obtaining the corresponding digital copies and I.2) all reports issued to date regarding the aforementioned flat; expressly indicating whether one or some reports that have been requested have not yet been issued – also obtaining the corresponding digital copies.

Likewise, access is requested to all the information contained in this City Council, with respect to the urban classification and qualification, urban use - permitted uses, volume and alienations and levels of: I.1) the property owned by the successors of Mr. . V. [...] and II.2) of the adjoining (nearest) farms/properties, specifically: [...].

And that all this information be specified by indicating: a) that which corresponds to the subsidiary urban planning rules – still in force and ib) that which foresees/ corresponds to the new POUM 2021 – in process."

2. On April 29, 2022, the City Council decides to deny access on the basis that the administrative file relating to the POUM is being processed for its provisional approval and the request affects rights of a personal nature.

Without prejudice to this, the City Council informs the applicant that when the POUM is provisionally approved, the report with the resolution of the allegations presented will be available on the council's website, a document which will be collected by the content of the sectoral reports issued.

In relation to the classification, qualification, use, permitted uses, volumetrics and alignments and urban levels of the properties being requested, the City Council provides the person requesting the links where they can find this information.

Finally, the City Council informs the applicant that if he needs documentary urban planning information for the plots indicated in his application for access, he must request an urban plan certificate.

3. On May 31, 2022, the applicant submits a claim to the GAIP in which he reiterates the terms of his application.

The person making the claim states that the information provided by the City Council does not allow access to the allegations and reports issued regarding the municipality's new POUM 2021.

In relation to the City Council's arguments for denying the request, on the one hand, considers that the fact that the file is pending is no reason to prevent access to public information. On the other hand, it also does not share the fact that the request has been denied to affect personal data, and states that access to the requested information could be granted by limiting access to unnecessary personal data.

With regard to the information relating to the urban classification and qualification, urban development, permitted uses, the volumes and levels of the nearest estates, the claimant considers that the mere indication of where to find the subsidiary rules currently in force or the rules of the new POUM in process, or indicating that a certificate of urban use is requested.

The claimant requests the mediation procedure.

4. On June 7, 2022, the GAIP sends the claim to the City Council and requests a report setting out the factual background and the foundations of its position in relation to the claim, as well as the complete file and, if where applicable, specifying the third parties affected by the claimed access.

5. On June 9, 2022, the GAIP informs the claimant of the provisional admission of the claim and informs of the call for the mediation session. He also requests the contribution of the request for access to public information that he presented to the City Council.

On June 14, 2022, the claimant presented the requested documentation to the GAIP, and attached another letter, of which it is worth highlighting the statement that *"this party [...] is not interested in accessing unnecessary personal data, it only aims to access data that should be fully available to any person given its nature – urbanism"*.

5. On June 29, 2022, the City Council presents a report in which it bases the denial of the requested access on the basis of the arguments set out below.

First of all, the City Council informs that it has carried out checks in relation to the registration of the property on which the successors of Mr. v - according to what the claimant states - and there is no evidence that any procedure has been carried out to regularize the ownership of this property. On the other hand, he continues, the claimant has not presented any title of representation of the successors of Mr. V. Consequently, the City Council considers that the person making the claim is not an interested party in the procedure, and does not have the right to access a copy of the entire file, but that his request must be processed based on the regulations of transparency

Secondly, in relation to the request for access to a copy of the allegations in the POUM, the City Council argues that the allegations have been submitted by both legal entities and natural persons, which is why data is affected personal

It also refers to the fact that it has not been justified that the public interest in access to said public information is greater than the protection of the data of the people who have submitted allegations, and recalls that with the provisional approval of the POUM any citizen can be familiar with this information.

The City Council reiterates that the POUM is in process, that is to say, in the preparation phase, and it is information that will have to be made public, which is why there is a reason for the application not to be accepted in accordance with article 29.1.c) of Law 19/2014, of December 29, on transparency, access to public information and good governance (henceforth LTC).

The City Council also refers to the fact that access affects professional secrecy and intellectual and industrial property rights, since there are technical aspects in the allegations that have not been prepared by the City Council but are documents issued and prepared by third parties.

Thirdly, regarding the request for access to the classification, qualification, utilization, permitted uses, volumetrics and alignments and urban levels of two properties facing each other, the City Council states that this information remains published in its entirety on the municipal website . On the other hand, it also refers to the right of citizens to access certain information, in accordance with article 5 Royal Legislative Decree 7/2015, of October 30, which approves the revised text of the Law of soil and urban rehabilitation.

The person making the claim can apply for a certificate of urban planning for the two plots referred to in their application. However, the City Council considers that the issuance of this certificate is not part of the right of access to public information, as it requires express preparation and, in this sense, it must be subject to re-elaboration and competition a case of inadmissibility.

6. On July 4, 2022, 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 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, will be considered an identifiable natural person*

elements of the physical, physiological, genetic, psychological, economic, cultural or social identity of said person".

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".*

Consequently, there must be no inconvenience from the perspective of data protection regulations in providing the person claiming the information that affects people legal that may be contained in the requested documentation and/or information.

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

As can be seen from article 6.3 of the 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".*

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 its activity or the exercise of its functions, including that supplied by the other obliged subjects in accordance with the provisions of this law" (article 2.b) and 18 LTC)*. State Law 19/2013, of December 9, on transparency, access to public information and good governance (hereinafter, LT), is pronounced in similar terms, in its articles 12 (right of access to public information) and 13 (public information).

In the case we are dealing with, access is requested to certain information that affects the Municipal Planning Plan (POUM), in process, and planning information related to three properties, one of which the person making the claim declares to be a representative of the successors in their ownership, and two confrontations. This information must be considered public in accordance with article 2.b) of the LTC as it is information in your possession at

consequence of the exercise of their powers, and subject to the right of access provided for in article 18 of the LTC.

It must be noted, however, that this right of access is not absolute and can be denied or restricted for the reasons expressly established in the laws, as is the case with the limits of articles 23 and 24 of the LTC regarding personal data.

III

The claimant requests access to:

"I.1) all written pleadings formulated as a result of the processing of said POUM 2021 - obtaining the corresponding digital copies and I.2) all reports issued to date regarding the aforementioned flat; expressly indicating whether one or some reports that have been requested have not yet been issued – also obtaining the corresponding digital copies.

Likewise, access is requested to all the information contained in this City Council, with respect to the urban classification and qualification, urban use - permitted uses, volume and alienations and levels of: I.1) the property owned by the successors of Mr. . V[...] and II.2) of the adjoining (nearest) farms/properties, specifically: [...].

And that all this information be specified by indicating: a) that which corresponds to the subsidiary urban planning rules – still in force and ib) that which foresees/corresponds to the new POUM 2021 – in process."

Thus, the object of the claim is access to public information on urban planning.

Regarding the issue of whether the person making the claim has the status of interested party, under the terms of the regulations on the common administrative procedure (Law 39/2015, of October 1, on the common administrative procedure of public administrations, or LPAC), it is worth saying and we advance that in matters of urban planning, the right of access to information has special relevance given the recognition of public action, from which any citizen can demand before the administrative bodies and before the administrative contentious jurisdiction the compliance with the legislation and urban planning, an exercise that must be adjusted to what is established by the applicable legislation (art. 12 of Legislative Decree 1/2010, of August 3, by which s approves the revised Text of the Urbanism Law (from now on, TRLU).

Consequently, the public action can allow anyone to access the various regulatory instruments, as well as their implementing acts and, ultimately, access public information for that purpose.

Having said that, with regard to the analysis of the case at hand, with respect to the categories of data that may be affected by the access request made by the person making the claim, it is worth saying that given the nature of the information requested, it does not appear that the information includes specially protected data in the terms provided for in Article 23 of the LTC, that is, data relating to ideology, trade union affiliation, religion, beliefs, origin racial, health and sexual life, and also those relating to the commission of criminal or administrative offenses that do not

entail a public reprimand to the offender. 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.

The analysis of the claim of access must be carried out in accordance with the provisions of article 24 of the LTC, which provides the following:

"1. Access to public information must be given if it is information directly related to the organization, operation or public activity of the Administration that contains merely identifying personal data unless, exceptionally, in the specific case it has to prevail over the protection of personal data or other constitutionally protected rights.

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

3. Requests for access to public information that refer only to the applicant's personal data must be resolved in accordance with the regulation of the right of access established by the data protection legislation staff."

This article establishes the need to make a reasoned weighting between the public interest in the disclosure and the rights of the people affected, taking into consideration, among others, the time that has passed, the purpose of the access, the guarantees that are offered, if there are minors affected or the fact that the intended access may affect the safety of people.

With regard to the information that affects the Municipal Urban Development Plan (or POUM), as can be seen from the file, in process, the person claiming requests a copy of the allegations made and a copy of all the reports issued, requesting that it be indicated if any of the reports requested by the City Council have not yet been issued.

Article 69.1 of Law 7/1985, of April 2, regulating the bases of the local regime (LBRL), and in similar terms article 154 of Legislative Decree 2/2003, of April 28, by which approves the Consolidated Text of the Municipal and Local Regime Law of Catalonia (TRLMRLC), provide that local corporations must provide the most extensive information about their activity and the participation of all citizens in local life.

In turn, article 12 of the LTC foresees, in matters of planning and programming, the active publicity by the administrations of the annual and multi-year plans and programs, of a general or sectoral nature, that establish the strategic guidelines of the public policies, and in particular, section 4 establishes the need to make municipal planning plans public.

On the other hand, article 10.1.d) of the LTC establishes the obligation to make public, among others, the relationship and assessment of the documents originated by the public information procedures and

citizen participation, which must include documents that, in accordance with the applicable regulations, must be submitted to a period of public information during processing (art. 10.2 of the LTC).

In relation to this, reference should be made to article 8 of the TRLU, which regulates advertising and participation in urban planning and management processes:

"1. The rights of initiative, information and participation are guaranteed and must be encouraged citizens in urban planning and management processes.

[...]

3. Urban planning and management processes, and the content of planning figures and management instruments, including agreements, are subject to the principle of publicity.

[...]

5. Citizens have the right to consult and be informed about the content of urban planning and management instruments and, for these purposes:

a) In the public information of the urban planning instruments, it is necessary that, together with the plan, a document covering the following extremes is exposed:

first Delimitation plan of the areas subject to license suspension and processing of procedures, and specification of the suspension period and the scope of the licenses and procedures that are suspended.

second A summary of the scope of their determinations and, in the case of the review or modification of an urban planning instrument, a map identifying the areas in which the proposed arrangement alters the current one and a summary of the 'scope of this alteration.[...]'".

At the same time, Decree 305/2006, of 18 July, which approves the Regulations of the Planning Law (RLU), dedicates title II, specifically article 21 et seq., to the regulation of rights information and citizen participation in urban planning activity, including citizen participation and public information on urban planning instruments.

Special attention must be paid to the provision of article 23.5 of the RLU:

"During the period of public information all individuals, natural or legal, can:

a) Consult the written and graphic documentation that makes up the instrument or file and obtain a copy. For these purposes, the competent administrations are obliged to guarantee, from the beginning of the public information period, consultation and obtaining copies of the documentation.

b) Present allegations or suggestions, as well as the reports or documents they consider appropriate to provide in relation to the instrument or file subject to public information".

Once the legal framework has been established, it must be remembered that in matters of urban planning the right of access is particularly relevant given the recognition of public action by any citizen (art. 12 TRLU).

Regarding the affectation of the data of natural persons, it should be borne in mind that article 23.5 of the RLU establishes the possibility of consulting the documentation that makes up the instrument or file and obtaining a copy of it, and establishes the fact that the 'competent administration is obliged to guarantee its consultation and the obtaining of copies of the documentation.

Although article 23 of the RLU establishes the possibility that any person can make allegations or suggestions, as well as provide reports or documents that he considers appropriate, it does not make any reference regarding the treatment to be given to this information.

It is clear that the access sought by the claimant to the allegations made entails a sacrifice to the right to data protection of the persons who have submitted allegations, given that not only their identity would be revealed, but their positioning in front of a certain urban model or in front of a specific problem that may affect your personal situation or your relationship with your neighbors.

It should be borne in mind that the purpose of the transparency regulations is *"to establish a system of relations between people and the public administration and other obliged subjects, based on knowledge of 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, the purpose of participation is to offer citizens tools to control the actions of public authorities, and to participate in their decision-making, and not to create means for the control of the citizens themselves.

For this reason, it is considered that in order to achieve this purpose, a priori, it can be fully justified, in relation to what is provided for in article 10.1.d) of the LTC, that a list of the allegations presented in a public information process, as well as the assessment that has been made, without the need to identify the natural persons who have made the allegations or the information that may be included in the allegations that allows them to be identified.

In fact, guaranteeing the non-publication of the identity of the people making the allegations can be a mechanism to encourage participation, given that, predictably, citizen participation will be greater if confidentiality is guaranteed, at least to people who want it. From this point of view, it may be good practice for the complaint forms to ask the affected person whether or not they wish their identity to be disclosed. In any case, in the case at hand we are not aware that such a mechanism has been implemented.

In fact, it does not seem that the person making the claim has an interest in knowing the personal data that may contain the allegations made in the POUM, given that on June 14, 2022 he stated that *"he is not interested in accessing unnecessary personal data, he only intends to access data that should be fully available of any person given their nature – urbanism"*.

As stated by this Authority in opinion CNS 22/2015, *"the option of publishing the allegations and their assessment without identifying the natural persons who have formulated them allows to better guarantee the protection of personal data. On the other hand, in those cases where the allegations may include data that go beyond merely identifying data, or that reveal third-party data, it would also be necessary to eliminate*

this other personal information whose disclosure is not justified from the point of view of the purpose pursued by the rule, that is, that any citizen can be aware of the POUM, participate in its preparation and evaluate and control the performance of the City Council".

In short, it is considered that, from the perspective of data protection regulations, with regard to access to the allegations made in the POUM, when it affects natural persons, access should be granted anonymously.

IV

Regarding the request for access to all reports issued up to the time of the request of access, and knowing those that have not yet been issued, in relation to the POUM, it means that it is understood that the person making the claim is referring to the reports referred to in article 85.5 of the TRLU, whereby:

"5. Simultaneously with the public information procedure of a municipal urban development plan or a derived urban plan, a report must be requested from the bodies affected by reason of their sectoral competences, which must issue within one month, unless a provision authorizes a longer one."

Among others, and without being exhaustive, these reports may include the report referred to in article 22.3 of Royal Legislative Decree 7/2015, of October 30, which approves the revised text of the Law of the land and urban rehabilitation, in relation to water resources, on the delimitation and protection of the maritime and terrestrial public domain, if applicable, or in the matter of roads and other affected infrastructures, or the report referred to in article 29.2 .d) of Law 12/1985, of 13 June, on natural areas, etc..

On the basis of article 24.1 of the LTC, in principle there would be no problem in accessing the identification of public employees who have intervened by reason of their position in the preparation of the reports.

To this end, it is necessary to take into account the provision of article 70.2 of Decree 8/2021, of February 9, on transparency and the right of access to public information (from now on, TRLC), which foresees that for the purposes of article 24.1 of the LTC, it is merely identifying data consisting of the name and surname, the position or position held, body and scale, the functions performed and the telephone and addresses, postal and electronic, of professional contact, referring to staff in the service of public administrations, senior positions and managerial staff in the public sector of public administrations.

This article also provides that the location data, the number of the national identity document or equivalent document and the handwritten signature must be removed.

In principle, these reports will not contain information relating to other third parties. However, in the event that there was, it would also be necessary to anonymize this information, in the terms that have already been set out in the previous legal basis.

v

The person claiming also requests access to all the information related to the urban classification and qualification, urban use, permitted uses, volume and alignments and levels with respect to the property owned by the successors of Mr. V and two properties adjacent to it. It also requests that the City Council indicate with respect to this information, which corresponds to the urban planning rules still in force and which to the POUM in process.

The analysis of the right of access to this public information must also be carried out from the perspective of Article 24 of the LTC, in particular, weigh between the public interest in disclosure and the rights of the people affected.

Article 9 of the TRLU establishes that the administrations with competences in matters of urban planning must ensure that the determinations and execution of urban planning allow the achievement, for the benefit of the safety and well-being of people, of adequate levels of quality of life, environmental sustainability and preservation against natural and technological risks.

In accordance with the provisions of articles 24 and 25 of the TRLU, the urban planning regime of the land is determined by the classification, the qualification in zones or systems and the inclusion in a derived urban planning sector or in a polygon of 'urban planning action, and it is through the urban planning plans that the land in the territory is classified between urban, non-developable and developable land.

At the same time, it is appropriate to refer to article 103.4 of the TRLU by which:

"Everyone has the right to be informed in writing by the relevant town council, within one month of the request, of the urban development regime applicable to a property or a sector of land, through the issuance of certificates urban regime. Holders of the right of initiative in urbanization actions exercise the right of consultation through the request for the corresponding certificates of urban planning or, in the case of land that cannot be delimited, through the consultation procedure established by the article 75."

For its part, article 105 of the TRLU, relating to town planning regime certificates, provides for the following:

"1. Anyone can request reports related to urban development or, in general, to the urban determinations applicable to one or more specific properties, from the competent town hall, which must notify the certificates within one month of presentation of the request in the general register of the town hall.

2. The urban planning certificate referred to in section 1, if the property subject to consultation is buildable, is valid for six months, from the date of notification to the interested parties. Without prejudice to the prescriptions of the sectoral legislation, it is mandatory to grant the building licenses that are requested in the form established by the local regime legislation within this period of validity and that lack irreparable defects, provided that the project conforms to the rules in force at the time of the certificate request, in accordance with its content. In this case, the request of

the license is not affected by the optional suspension of licenses regulated by article 73.1.

3. The town planning regime certificates, in case they refer to estates that are not capable of obtaining a license directly, and also the reports referred to in article 75 are valid for six months, and the alteration, within of this term, of the determinations and forecasts that are recorded in these documents, may entitle the holders of the right of initiative to compensation for the expenses they have incurred for the preparation of the projects that become useless. "

And, article 20 of the RLU, also includes provisions in relation to certificates of urban use:

"20.1 Interested persons may request the issuance of certificates of urban development of one or more specific properties to the competent town hall, which must notify the relevant certificate, signed by the secretary of the town hall, in the period of one month from the submission of the request in the general register of the town hall. In the case of non-contiguous properties, a certificate must be requested and issued for each of them.

20.2 The certificate of urban use referred to in the previous section must state which is the urban regime applicable to the estate or estates at the time of its application, indicating:

- a) The applicable urban planning and management instruments, as well as whether any of them are in process or subject to review or modification procedures and, in this case, whether the suspension of processing and the granting of licenses has been agreed which regulates article 71 of the Planning Act.*
- b) The classification and qualification of the soil, with indication of the applicable parameters with respect to the use of the soil, the building conditions and the use of the subsoil.*
- c) If applicable, the planning sector or urban development area in which the property is included.*
- d) The other significant planning determinations that condition the exploitation and use of the land.*

20.3 The urban use certificate referred to in the previous sections, in the event that the property is buildable and capable of obtaining planning permission directly and immediately, is valid for six months, counting from the notification to the people interested Without prejudice to the prescriptions of the sectoral legislation, it is mandatory to grant the licenses that are requested in the form established by the local regime legislation within this period of validity and that do not have irreparable defects, as long as the project is comply with the rules in force at the time of the certificate request. In this case, the license application is not affected by the optional suspension of the licensing procedure regulated by article 71.1 of the Planning Act, unless the suspension agreement had been adopted prior to the request for the certificate.

20.4 The lack of notification of the certificate of urban use, after a period of one month has elapsed since its application, has the same effects as provided for in section 3, in the sense that the urban licenses that are requested during the period of six months from the end of the said period of one month established in section 1, they must be granted if the project conforms to the rules in force at the time of the request from

certificate, and in the sense that the license application is not affected by the discretionary suspension regulated by article 71.1 of the Planning Act, unless the suspension agreement had been adopted prior to the certificate request."

On the basis of these articles, any person can request from the competent City Council information in relation to the classification, qualification and use of any property without the need to prove or substantiate a particular interest.

Therefore, to the extent that the regulations themselves in the field of urban planning expressly provide for the possibility of accessing this information, the weighting referred to in article 24.2 of the LTC must be decided by the interest public in its dissemination.

conclusion

Access to the allegations that have been presented in the public information procedure of the approval procedure of the POUM and to the reports that have been issued during this procedure, must be done after anonymizing the data of natural persons (except for the merely identifying data of public employees that may appear there).

The regulations for the protection of personal data do not prevent access to information relating to the classification, urban qualification and urban use of the estates on which this information is requested.

Barcelona, July 22, 2022