

Legal report issued at the request of the Commission for the Guarantee of the Right of Access to Public Information in relation to the claim against the denial by a Department of the request for access to information relating to students and teachers of the educational system of Catalonia

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 a claim submitted in relation to the denial by a Department of request for access to information relating to students and teachers in the Catalan education system.

Having analyzed the request, which is accompanied by a copy of the administrative file processed before the GAIP, this Legal Advice reports the following:

Background

1. On July 7, 2022, an application is submitted to a Department in which the following information is requested:

- The data of the teacher exchange of Catalonia. In particular, it requests access to *"all the professors who are part of the teaching staff, both temporary ones, those with fixed positions, and those who have been on the staff for years without working. Of these teachers I want to know their history of schools they have been to and I also want to know their marks in the examinations, their academic training, specialties and courses they have, apart from gender and age. I want the data anonymous and for as long as possible. In other words, the more academic courses the better.*
- The student census of all public schools, from pre-school to university. In particular, he requests to know *"their age, course and school they go to, and academic records. I want to have all the history available for each student during the different academic years"*.
- The applications of families in public schools. In particular, *"to which schools have families applied to send their children, the list and the one that has been finally awarded. I want it for children's, primary and secondary education"*.
- And, *"the applications that high school graduates make about which university to study at and which degree to take"*.

According to the applicant, the reason for the request is to carry out a doctoral thesis in the field of economics and education in Catalonia, specifically, to analyze to what extent the interaction between teachers and students improves academic performance and what is the effect on the different neighborhoods and socio-economic incomes in this process.

2. On July 21, 2022, the Department decides to deny the access request on the basis of article 24.2 of Law 19/2014, of December 29, on transparency, access to public information and good governance, understanding that *"the delivery of the requested information about*

history academic of all the students and the work history and file of the teachers on an individual basis , even if it was given anonymously without identifying the owner of the data (name and surname , personal code , etc.), it would not allow to guarantee the total anonymization of the data, since the owner can be indirectly identified from the requested data . this poses a risk a lot high and can affect a very large number high number of people who, in the case of information about students , are in their majority minors of state Therefore , necessarily , it is necessary to weigh in defense and in favor of the right fundamental to the protection of everyone 's personal data the third parties affected to the detriment of the right of access to public information exercised by the applicant " .

3. On July 26, 2022, the applicant submits a claim to the GAIP in which he claims access "to the academic records and information of the students of the Catalan education system. Also to the professional information of the teaching staff, to know in which center they worked".

The person making the claim refers to the fact that the requested information has been made available to other people for scientific purposes (he lists different studies, and contributes one of them to the claim), and defends that he also has the right to access it information

4. On July 29, 2022, the GAIP will send the claim to the Department, requesting a report setting out the factual background and substantiating its position in relation to the claim, as well as the complete file and, where appropriate, specifying the third parties who are affected by the claimed access.

The GAIP informs in this communication that the person making the claim has requested the mediation procedure, and requests that they inform the identification and contact details of the person or persons who will represent the Department at the mediation session.

5. On August 3, 2022, the Department informs the people who will attend the mediation sessions.

6. On August 10, 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 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 complaints against resolutions regarding 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 "*.

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* .

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

In the case we are dealing with, access is requested to certain information that affects students and teachers in the Catalan education system . This information must be considered public in accordance with article 2.b) of the LTC as it is information held by the Department as a result of the exercise of its 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

Before the analysis of the substantive issue, it is appropriate to make a point on an issue that affects the information that is the object of the claim.

The person making the claim is requesting access to various information that affects the students and their families, as well as the teaching staff of the Catalan education system.

Please note that in the request for access sent to the Department, the claimant requests in detail the information he wishes to access in relation to the teaching staff, students and their families in the Catalan education system. However, in the claim submitted to the GAIP, the claimant merely indicates, on the one hand, the claim of access "*[...] to the academic records and information of the students of the Catalan education system*" and, on the other on the other hand, "*[...] to the professional information of the teaching staff, to know in which center they worked*".

Based on the information available, taking into consideration that according to the person claiming the Department has not given him the information he requested on July 7, 2022, we can understand that the person claiming continues to request all the information alone initially requested, even if it is not expressly referred to in the complaint.

For this reason, the object of analysis of this report will cover all the documentation that the claimant requested from the Department on July 7, 2022, that is to say:

- The data of the teacher exchange of Catalonia. In particular, the information relating to *"all the professors who are part of the teaching staff, both temporary and those who have a fixed position, and those who have been on the staff for years without working. Of these teachers I want to know their history of schools they have been to and I also want to know their marks in the examinations, their academic training, specialties and courses they have, apart from gender and age. I want the data anonymous and for as long as possible. In other words, the more academic courses the better.*
- The student census of all public schools, from pre-school to university. In particular, *"their age, course and school they go to, and academic record. I want to have all the history available for each student during the different academic years".*
- The applications of families in public schools. In particular, *"to which schools have families applied to send their children, the list and the one that has been finally awarded. I want it for children's, primary and secondary education".*
- And, *"the applications that high school graduates make about which university to study at and which degree to take".*

Once it is established what the object of the claim is, it is considered that the analysis of the possibility of accessing this information must be done separately for the different groups of information requested, that is to say, in the first place, the information related to the teaching staff, secondly, the information related to students and, finally, the information related to the applications of families in public schools and those of high school graduates.

IV

A priori, with respect to the categories of data that may be affected by the access request, it means that given the nature of the information requested, it does not appear that particularly protected data is affected 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 infractions 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.

In principle, the analysis of the claim for 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."

As can be seen from the request for information, it does not seem that among the information provided there should be data of administration personnel (leaving aside the data of the teaching staff), which the article refers to 24.1 LTC, that is, data relating to civil servants or other administration personnel who have intervened in the preparation, approval or transmission of the requested documents. Despite this, in the event that there is, the possibility of access to this type of information should be taken into account under the terms of article 70 of the RLTC, unless some special circumstance occurs (manifest following the hearing procedure provided for in article 31 LTC or in the communication provided for in article 70.4 RLTC) of any of the affected persons who justifies limiting their access.

Article 70 of Decree 8/2021, of February 9, on transparency and the right of access to public information (hereinafter, RLTC), develops the provisions of article 24 of the LTC in the following sense:

"2. For the purposes of what is provided for in article 24.1 of Law 19/2014, of December 29, personal data consisting of the name and surname, the position or position held, body and scale, the functions performed and the telephone number are purely identifying personal data and the addresses, postal and electronic, of professional contact, referred to the staff in the service of the public administrations, senior positions and managerial staff of the public sector of the public administrations.

In cases where the publication or access to an administrative document requires the identification of the author, the location data, the number of the national identity document or equivalent document must be removed in particular and the handwritten signature. If the signature is electronic, the electronically signed document must be published in such a way that the properties of the electronic certificate used for the signature cannot be accessed.

The location data must be deleted in the event that it is not merely identifying data of the author in his position of position or staff in the service of public administrations."

v

With regard to the data relating to the teaching staff of the Catalan education system, the person making the claim requests to know about all the teaching staff - including interim staff, and people listed on the job board who have never worked as teachers - the history of educational centers in which they have provided services, the score in the tests for access to the teaching staff, their academic training, specialties and courses, gender and age.

The person making the claim requests that this information be anonymous, and that it cover as long a period of time as possible. In particular, the person making the claim refers to the fact that the information is related to *"[...] the more courses the better"*.

Although the information relating to the teaching staff may be partially related to the organization and functioning of the Catalan education system, especially with regard to the information relating to the educational centers where the teaching staff has provided or provides services, it is clear that the scope of all information exceeds the request for merely identifying data referred to in article 24.1 of the LTC and 70.2 of the RLTC.

For this reason, the analysis related to the possibility of access must be carried out in accordance with the provision of article 24.2 of the LTC, that is, the need to make a reasoned weighting between the 'public interest in the disclosure and the rights of the persons affected, taking into consideration, among others, the time elapsed, the purpose of the access, the guarantees offered, if there are minors affected or the fact that the intended access may affect the safety of people.

In the case at hand, the first element to take into account is the fact that, in accordance with the terms of the request, the information to which access is sought is not requested with respect to a specific period or defined. In fact, the person making the claim expressly refers to the information covering as much time as possible.

Thus, the large number of people affected, and the length of the period for which data on their professional life is requested must be an element to be taken into account for the purpose of weighting.

Another element that must be taken into consideration in the particular case is the purpose of the request. Although article 18.2 of the LTC provides that the exercise of the right of access is not conditional on the concurrence of a personal interest, and is not subject to motivation nor does it require the invocation of any rule, know the motivation for which the claimant wishes to obtain the information may be a relevant element to take into account in the weighting.

The claimant refers in his application, as well as in the subsequent claim, that he requires this information to carry out a doctoral thesis in the field of economics and education in Catalonia. In particular, as he explains, the aim of the thesis is to analyze how the interaction between teachers and students improves academic performance and what is the effect between different neighborhoods and socio-economic incomes.

In accordance with the provisions of Royal Decree 99/2011, of January 28, which regulates official doctoral courses, it is understood that the doctorate is the third cycle of official university studies, which has as objective is the acquisition of skills and abilities related to

quality scientific research (art. 2.1). At the same time, in relation to the doctoral thesis, article 13 of this decree provides that it will consist of an original research work prepared by the candidate in any field of knowledge.

Thus, the preparation of a doctoral thesis can be framed within the scientific purpose referred to in article 24.2.b) of the LTC.

Taking these circumstances into consideration, it seems clear that from the perspective of the person making the claim, accessing information relating to the teaching staff can be useful for preparing the doctoral thesis in the field of education in Catalonia. This information can allow the claimant to establish lines of inquiry with the objective he has set out, and reach one conclusion or another, depending on the information he has.

By way of example, having the information relating to the academic training of the teaching staff, sex and age can be useful to the person claiming to know aspects related to the functioning of the Catalan educational system, in particular, in relation to the teaching staff beyond the initial training that guarantees the aptitude for teaching (art. 109 of Law 12/2009, of July 10, on education, or LE) and how it can influence interaction with students and academic performance, classified by age or sex.

However, it is clear that having the information in the terms that have been requested allows the person making the claim to develop a professional profile that can harm different areas of teaching in general, especially in the professional field, specifically to the career and professional reputation.

For this reason, and taking into account that article 89 RGPD requires the adoption of adequate guarantees, the anonymization mechanism should be applied, given that the purpose intended by the person making the claim (elaboration of the doctoral thesis) can be achieved without need to sacrifice the protection of teacher data. For this reason, it is considered that access can be facilitated as long as the data is anonymized.

In fact, the same person making the claim requests the data of the teaching staff in an anonymized way.

In this sense, it should be noted that the anonymization of information means the elimination of any data relating to natural persons contained in the documentation or any other information that may allow them to be identified directly or indirectly, without disproportionate efforts. It is appropriate to refer to the provision of Recital 26 of the RGPD:

" To determine whether there is a reasonable probability that means will be used to identify a natural person, all objective factors must be taken into account, such as the costs and time required for identification, taking into account both the technology available at the time treatment and technological advances. Therefore, the principles of data protection should not be applied to anonymous information, that is, information that is not related to an identified or identifiable natural person, nor to data converted into anonymous data in such a way that the interested party is not identifiable, or to be Consequently, this Regulation does not affect the treatment of said anonymous information, including for statistical or research purposes ."

In the particular case, given the volume of information related to the teaching staff that is requested, and the categories of data requested, it is important to select and apply an appropriate anonymization technique. The omission of names and surnames, for example, may not be sufficient to understand that the information is anonymized, given the wide period analyzed and the ease of linking a certain person with some movement that may have occurred in a certain school center.

For this reason, it is appropriate to apply the aggregation technique referred to in Opinion 5/2014 on anonymization techniques of the Data Protection Working Group of Article 29. According to this opinion, the aggregation is an anonymization technique that must prevent "*... that an interested party is singularized when it is grouped together with at least a number k of people. To achieve this, the values of the attributes are generalized to the point that all people end up sharing the same value. For example, by reducing the granularity of a place (city or region), many interested parties will share those values ...*"

Transferred to the case at hand, it is considered that, in order to make effective the right of access to public information and guarantee the protection of teaching staff data, effective anonymization must go through the application of the technique of the aggregation of information, to avoid the singularization of the teaching staff. In particular, in small municipalities, the aggregation by population center may not be sufficient, for the reasons stated above, but possibly it would be effective to aggregate the information at county level, so that it does not allow identifying specific teachers.

VI

With regard to the information relating to the students, the claimant requests information ranging from the stage of early childhood education to access to university. In particular, it requests the records of the students, the age, the course and the educational center in which they are studying, as well as their academic record. The person claiming requests to know all the available history of the student during all academic years.

The analysis of the possibility of access to this information must take into account the content of the academic file. Without intending to be extensive, the student's academic file constitutes the collection of documents that, cumulatively, refer to the evaluation results obtained by the student throughout each educational period (infantile, primary, secondary school...) and contains all relevant personal and academic data, such as school identification data, student personal data, student enrollment data and documentation at each stage, the results of the final evaluations, the decisions to pass the course and degree, the observations that the teaching team considers appropriate to include, the data and the documentation of completion or exit from the stage and any administrative resolution of a singular nature that affects the student, if applicable, the individualized plans.

Taking into consideration the information that may be contained in the academic files, it cannot be ruled out that among the information it contains there may be data referred to in article 23 of the LTC, especially health data, in cases of special educational needs (students affected by physical, mental or sensory disabilities).

Thus, from the outset, in accordance with the provisions of article 23 of the LTC, access to this information must be excluded, and the request for access must be denied.

When in the rest of the cases not affected by the limit of article 23 of the LTC, the analysis of the possibility of access must be carried out through the weighting referred to in article 24.2 of the LTC.

In addition to taking into account, as elements in the weighting, the temporal scope of the information requested and the purpose to which the data is intended (for the preparation of a doctoral thesis), in this in this case, the fact that the information relates, for the most part, to minors is relevant.

Without prejudice to the fact that, from the perspective of the person making the claim, access to the requested information may allow the intended purpose to be achieved and may even be useful to monitor the performance or effectiveness of the policies of the administrations competent in education, from the point of view of the students, it is clear that having the academic record of the entire census of students in Catalonia is information that must be considered of special protection insofar as the consequences that can be derived from it for the people affected can particularly harm their academic development, their professional future and even their free development, especially considering that the majority will be minors.

For these reasons, it is considered that the right to the protection of student data must prevail. However, it is necessary to bear in mind the provision of article 25.1 of the LTC by which *"if any of the limits of access to public information are applicable [...] the denial of access only affects the corresponding part of the documentation, and restricted access to the rest of the data must be authorized"*. Article 68.2 of the RLTC is pronounced in similar terms, according to which *"partial access must be given to information that is not affected by the restriction as long as it does not reveal information that has been legally hidden.[...]"*

Thus, both in the cases in which the limit of article 23 of the LTC applies, as in the rest of the cases, in order to make effective the right of access to public information and guarantee the protection of student data, it would be necessary to give access to the claimant through anonymized aggregated data (Opinion 5/2014, of the Article 29 Working Group, to which we refer).

In short, it is considered that, in order not to single out students, the information must be aggregated in such a way as to guarantee non-identification. In the same way that it has been analyzed with respect to the information relating to the teaching staff, in this case it is considered that given the plurality of assumptions that may arise, the aggregation by regional area can guarantee effective anonymisation. However, if this segmentation allowed the identification of the students, it would be necessary to analyze what is the appropriate level of aggregation.

VII

Lastly, the person making the claim requests to know *"the applications of families to public schools. I want to know which schools the families have applied to send their children to, the list and the one that has finally been awarded. I want it for preschool, primary and secondary education. Finally, I also want to see the applications that high school graduates make about which university to study at and which degree to take."*

At the outset, it is necessary to take into account the sectoral regulations that regulate the pre-registration and enrollment process at the centers of the Catalan education service. For the purposes of this report, reference will be made to the provisions of Resolution EDU/464/2022, of February 24, which approves the rules for pre-registration and enrollment of students in the centers of the Education Service of Catalonia and other educational centers, in the various courses supported with public funds, for the 2022-2023 academic year (henceforth, the Resolution)

It is worth highlighting the following provisions of this Resolution:

" 6.4 In accordance with the provisions of the annex corresponding to each course, the centers publish the following lists of the pre-registration and registration process:

- a) List of pre-registration requests at the center with the provisional score.*
- b) List of pre-registration requests at the center with the score, once the complaints have been resolved.*
- c) Ordered list of pre-registration requests at the center.*
- d) List of admitted students: pre-registration requests with the assigned center and requests assigned to the center, indicating the center requested in the first request.*
- e) Waiting list.*
- f) List of students enrolled in the center from the pre-registration and admission process, and number of vacancies resulting once the process has been completed.*

In the second cycle of infant education, primary education and compulsory secondary education, the municipal offices of schooling also make these lists public, except for the last one.

6.5 The publication of the list of pre-registration requests at the center with the provisional score opens a deadline for presenting, where appropriate, complaints to the center, attaching the necessary supporting documentation. At the end of this period, the corresponding body of the center resolves them.

6.6 If at any level of the second cycle of infant education, primary education or compulsory secondary education, the center has not been able to admit all the students who had requested it, a waiting list is published, which contains the requests that have requested that center in first choice or subsequent ones, as long as they have not been assigned a request of a previous order and, therefore, prioritized by the applicant. Requests on the waiting list are sorted by order of request, corresponding priority, score and tiebreaker number. Extended requests, which have been reported in the request extension period in requests that are assigned ex officio, do not remain on the waiting list. For the baccalaureate, the waiting list is ordered in the same way and only contains applications that have requested the center in first choice.

For the cycles of professional training and those of plastic arts and design, the waiting list is ordered according to each access route, in accordance with the order of request, the priority criteria and the tie-breaking number, and contains only the requests that have been requested by the center in first choice.

6.7 These lists, and any others containing personal data, can only be published by electronic means if they have been anonymised. Otherwise, they can only be published within the premises of the center”

On the basis of these forecasts, and for the purposes of the weighting referred to in article 24.2 of the LTC, the sectoral regulations include the obligation to publish the lists referred to in point 6.4 of the Resolution. However, it is necessary to emphasize point 6.7 of the Resolution whereby although the lists must be published, access by electronic means requires that they be anonymized, and otherwise, they can only be published within the dependencies of each center

In the case at hand, it is clear that the claim of access to all the lists to which we have referred and which relate to the entire educational system of Catalonia entails a much more significant interference than the advertising regime that entails publishing the lists in the dependencies of each center (where the recipients or potential recipients of the information are much smaller).

Thus, taking into consideration that although the requested information may be useful for the purpose of preparing the doctoral thesis by the person making the claim and, even from the perspective of the transparency regulations, it may allow control and evaluate the management of the pre-registration and matriculation processes in educational centers, it is clear that access to this information can allow the elaboration of family profiles that include not only identifying data, but even financial or patrimonial information.

For these reasons, and given that the purpose pursued could also be achieved by having information grouped at the level of registration requests received for each center and the degree or percentage in which the families' options have been satisfied, it is considered that access to this information relating to the pre-registration and matriculation process is only possible if it is delivered in an aggregated and anonymized manner.

The same conclusion must be reached regarding the information of high school graduates regarding the selection of university and degree for the reasons that we will explain below.

In accordance with the terms in which the claim is formulated, the person making the claim requests to know the selection of universities of the students who graduated from high school and which are the chosen degrees.

In accordance with the provisions of article 32 of Law 1/2003, of February 19, on universities in Catalonia, access to the public university system of Catalonia must respect the principles of publicity, equality, merit and capacity. However, the sectoral regulations do not regulate the publication of the documentation to which the claim refers, that is to say, the selection or preference of the student's university and the chosen degree.

Given the elements that come together in the particular case, and taking into consideration the impact that knowing the selected university (or those selected during the university access process) and the chosen degree can mean for students, it is considered that the purpose intended by the claimant - preparation of a doctoral thesis - can be achieved without the need to know the personal data of the students, that is, by aggregating the data at the level of the number of students who have opted for each of the degrees offered by Catalan universities.

conclusion

Access to information relating to the teaching staff and students of the Catalan education system is possible to the extent that the information is aggregated and anonymised , in the terms that have been set out.

Barcelona, September 16, 2022

Machine Translated