

## **Report on the Draft Decree on the Register of Consumer Organizations of Catalonia and the status of the most representative organization**

### **Background**

A letter from the Director of the Catalan Consumer Agency is submitted to the Catalan Data Protection Authority, requesting that the Authority issue a report on the Draft Decree on the Register of Consumer Organizations of Catalonia and the status of the most representative organization .

Having analyzed the Preliminary Project, taking into account the current applicable regulations, and in accordance with the report of the Legal Counsel, I issue the following report:

### **Legal Foundations**

I

(...)

II

The Preliminary Project that is being analyzed has as its object the regulation at regulatory level of the registration, suspension and deregistration of consumer organizations in the Register of Consumer Organizations of Catalonia, its control and the procedure for granting and revoking the status of the most representative consumer organization in Catalonia.

In accordance with the definition of consumer organizations established in article 127-2 of the Consumer Code of Catalonia, approved by Law 22/2010, of July 20, the regulations for the protection of personal data will not be application to the data relating to these organizations since they will always be legal entities.

In this regard, it should be remembered that, as can be seen from article 4.1 of the EU Regulation 2016/679, of April 25, 27, general data protection (RGPD), and as stated in recital 14, the regulations of data protection does not apply to data relating to legal entities.

On the other hand, it also does not apply to information relating to natural persons that does not allow them to be identified. Thus, to the various references contained in the Preliminary Draft to the need to certify the number of people associated with the organizations (art. 20, additional provision two and annexes 1 and 2), the regulations of data protection since it is aggregated information that does not allow identifying specific people, in a manner fully

consistent with the principle of data minimization (art. 5.1.c) RGPD). It would be a different matter if the Preliminary Project had provided for the identification of these people, given that then the data protection regulations would apply to the data of the associated people who can be identified and which should lead to questioning its proportionality.

However, the Preliminary Project does involve the processing of certain personal data. For this reason, both the reference contained in Article 8 of the Draft to the personal data protection regulations is appropriate, as well as the fact that information on personal data protection is provided for among the common content of the registration forms.

We refer to the data of:

- Names and surnames of the people who occupy the presidency and secretary of the organization , and period of mandate , which must be included in the report ( Annex 2).
- The contribution periodical , and its record in the leaves registries , of the first and last name of the management members ( Annex 1 and 3.2.2).
- Name , NIF and address of the representative and contact person of the organization ( Annex 3.1).

### III

The forecast of the publication of the name of the person who holds the presidency and secretary of the organization, which must be published in the memory, as well as the periodic contribution and its record in the registration sheets of the name and surnames of the management members constitute treatments that find coverage in the provisions of article 19 of Organic Law 3/2018, which allows the treatment and, therefore, the communication of the identification and professional contact data of natural persons who provide services in a legal person, as long as it is for their professional location and to maintain any type of relationship with the organization where they provide services.

Just indicate that, by virtue of the principle of minimization (art. 5.1.c) RGPD), and in the same way as in annex 2.b), it would be convenient for annex 3.2.2.b to indicate expressly that the data to be provided of the management members are only those relating to the first and last name and the position.

Taking into account these forecasts and the fact that no other personal information is expected to be included in the register (Appendix 1), from the point of view of the personal data protection regulations, it does not pose any problems that access to the registration is public (art. 18.1 of the Draft).

With regard to the data of the representatives of the organizations and the contact persons provided for in annex 3.1, the collection of this information finds the legal basis in the exercise of the mission in the public interest (art. 6.1. e RGPD) linked to the registration functions of consumer organizations provided for in Law 22/2010.

The information collected (name, NIF, and address) would conform to the principle of minimization, if taking into account the obligation to relate by electronic means, instead of referring only to the " *address* ", it is predictable that other data must also be collected, so it would be advisable to refer to the " *professional contact data* ".

## **Conclusions**

examined the Draft Decree on the Register of Organizations of Consumers in Catalonia and the status of the most representative organization, is considered adequate to the data protection regulations.

Barcelona, August 31, 2022

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