

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 lack of response by a Regional Council to the request for access to information on remuneration and training supplements from 2019 to 2022, both inclusive.

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 claim against the lack of response by the Regional Council to the request for access to information on remuneration and training supplements from 2019 to 2022, both inclusive.

Having analyzed the request, which is accompanied by a copy of the administrative file processed before the GAIP, in accordance with the report of the Legal Counsel, the following is reported:

Background

1. On November 10, 2022, the claimant requests from the Regional Council (...), access to the documentation on the workers and amounts that have received productivity supplements, bonuses or some other supplement that have been granted to the entity in the last 4 years (2019-2022) and of all requests for payment of training that the entity has received from workers, as well as elected or trusted positions, in the last 4 years (2019 – 2022).

2. On December 22, 2022, the applicant submits a claim to the GAIP in which he states that the Regional Council (...) has not provided him with the information and claims the information again, specifically :

"1. Information on the list of people and amounts who have received productivity supplements, bonuses or some other form of compensating/supplementing the salary of workers that have been awarded to the body in the last 4 years (2019-2022). As well as the criteria by which granted and its corresponding calculation.

2. Information on all requests for payment of training that the body has received from workers, as well as elected or trusted positions, in the last 4 years (2019 – 2022). How the training budget has been distributed, how many requests have been attended to, how many have been resolved, how many have been refused and how many have not been answered. As well as the criteria with which this item has been distributed and its corresponding amounts."

3. On January 12, 2023, the GAIP forwards the claim to the Regional Council (...) and requests a report outlining the factual background and the foundations of its position in

relation to the claim, as well as the complete file and, if applicable, specifying the third parties affected by the requested access.

4. On February 23, 2023, 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.

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.

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 complaint to the GAIP is lodged against the County Council's lack of response to the request for access to information submitted by the person making the claim, representing the workers of the County Council, by which he sought to obtain access to the information in list

of people and amounts who have received productivity supplements, bonuses or some other form of compensating/supplementing the salary and training payment requests that have been granted to the body in the last 4 years.

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."*

The RGPD provides that all processing of personal data must be lawful (Article 5.1.a)) and, in this sense, establishes a system of legitimizing data processing based on the need for one of the legal bases to be met established in its article 6.1. Specifically, section c) provides that the treatment will be lawful if it is necessary for the fulfillment of a legal obligation applicable to the person responsible for the treatment.

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 Member States that applies to them in order to reconcile public access to official documents with the right to the protection of personal data under this Regulation."*

Law 19/2014, of December 29, on transparency, access to public information and good governance (hereafter, LTC), aims to regulate and guarantee the transparency of public activity.

Article 18 of the LTC recognizes the right of people to *"access public information, referred to in article 2.b, in an individual capacity or in the name and representation of any legally constituted legal person"* (section 1).

Article 2.b) of the LTC defines "public information" as *"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"*.

The information related to the remuneration and training of the County Council workers to which the claimant refers, is public information for the purposes of article 2.b) of the LTC and, therefore, remains subject to the right of access (article 18 LTC).

This right, however, is not absolute and can be denied or restricted for the reasons expressly established in the laws. Specifically, and with regard to the right to the protection of personal data, it is necessary to take into account the limitations and criteria provided for in the transparency legislation (articles 23 and 24 LTC).

The person making the claim requests access to the following information:

"1.- List of people and amounts who have received productivity supplements, bonuses or some other form of compensating/supplementing the salary of workers that have been awarded to the body in the last 4 years (2019-2022) . As well as the criteria by which it has been granted and its corresponding calculation.

In advance, it must be said that the person making the claim presents the claim as a member of the Works Committee, and from the file provided by the GAIP, it appears that he represents the workforce and specialists and unqualified staff of the County Council.

For this reason, this report will focus on the request for information referring only to the public workers with employment contracts referred to. On the other hand, given this condition of the person making the claim as a representative of the workers, it is necessary to take into account its specific regulations.

In this way, the first additional provision of the LTC, provides in section 2 that *"Access to public information in subjects that have established a special access regime is regulated by their specific regulations and, additionally, by this law."*

According to labor regulations, it is the Works Committee (art. 63 of the Workers' Statute, Royal Legislative Decree 5/2015, of October 30, ET), the specific body for public workers with employment contracts , respectively, and as such they exercise the functions granted to them by the corresponding regulations (art. 64 ET), among others, the function of monitoring compliance with the regulations, which grants them the right to obtain certain information

The specific regulations provide that the representatives of the workers must be able to access information for the development of their functions of negotiation and defense of the rights of the workers, including certain information on retributive matters.

Thus, article 64.1 of the ET, provides, among others:

" 1. The company committee will have the right to be informed and consulted by the employer on those issues that may affect the workers, as well as on the situation of the company and the evolution of employment in it, in the terms provided for in this article Information is understood as the transmission of data by the employer to the works council, so that it is aware of a certain issue and can proceed with its examination. (...)"

Indirectly, article 64.5.f) of the ET when it establishes that the works council has right to issue a report, before the employer executes a decision, on *" the implementation and review of work organization and control systems, studies of times, establishment of bonus and incentive systems and job evaluation de trabajo"*, recognizes the right to receive information about the productivity supplement to the extent that it is included in a bonus and incentive program for workers. And in order to issue this report, it can collect from the employer the information it requires in the terms established in article 64.1 and 6 of the ET.

With regard to the powers of the works council, article 64.7 includes, among others, the following:

"c) Collaborate with the management of the company to achieve the establishment of how many measures seek to maintain and increase productivity, as well as the environmental sustainability of the company, if this is agreed in the collective agreements."

From the above, it follows that the legal representatives of workers have a right of access to the information they need in order to negotiate their working conditions of the workers. This right is framed or derived from the right of employees in collective bargaining, representation and institutional participation for the determination of their working conditions.

Thus, as a general rule, the person representing the workers has the right to access information on salary supplements of the workforce represented in to the extent that you request this information in the exercise of any of the functions legally provided for, but does not seem justified, given the principle of data minimization, that access to this information must allow each of them to be identified workers.

At this point, it is necessary to highlight the STS of February 9, 2021, relating to the communication to trade union delegates and workers' representatives of their personal data, based on the regulatory framework that regulates the right to information of these representatives.

According to the sixth FJ of the said STS of February 9, 2021:

"(...) It is relevant, therefore, that it mediates the proper relationship between the personal data of the statutory staff that are requested, with the important trade union function that is carried out. so that only when these personal data are necessary for the exercise of trade union work, they could be considered exempt from consent, but not when they are disconnected or their relationship is unknown, as their connection with said trade union functions has not been made clear.

(...).

Consequently, the mere invocation, without justification, of the trade union representation cannot serve as an excuse to access all types of documentation, if it is not wanted by this means to empty the content of the fundamental right to data protection, when the holder de los mismos ignore the use that is made of their data, losing their power of disposal, in cases where the occurrence of any of the legally established exceptions is not justified."

Taking into account the aforementioned STS, the provisions of the specific regime applicable to the right of access to information of workers' representatives in the applicable regulations, and that the claimant requests the information alleging his status as a representative of public workers with the employment contract of the Regional Council, without further specification regarding the need or relevance to access the individualized information of the affected workers, it does not appear that based on this regulation the person representing the workers must access the information requested with direct identification of the affected workers, in the terms of the claim.

However, it must be noted that this does not exhaust the possibilities that workers' representatives may have to access this information.

In this sense, to analyze the possibility of communicating the information in the terms requested by the person making the claim, it will be necessary to take into account the provisions of the transparency legislation.

IV

Given that what is being requested is the remunerative personal data of the labor workers of the county council, it is necessary to assess whether the right to data protection of these people can justify or not, the limitation of the right of access to public information recognized in the article 18 LTC.

In principle, given the nature of the information requested, it does not appear that it is particularly protected data in the terms established by article 23 LTC. However, in the event that there is information of this type and in the absence of the owner's express written consent, access should be limited.

Beyond the specially protected data referred to in article 23 of the LTC, it will be necessary to weigh in accordance with the provisions of article 24.2 of the LTC, according to which:

"2. If it is other information that contains personal data not included in article 23, es can give access to the information, with the previous reasoned weighting of the public interest in the disclosure and the rights of the people affected. 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, i the guarantees offered.*
- c) The fact that it is data relating to minors.*
- d) The fact that it may affect the safety of people."*

In this case, access to the requested information goes through a prior reasoned weighting between the public interest in disclosure and the right of the affected persons which, in this case, would be the workforce, more specifically, the staff labor and specialists and unqualified staff of the Regional Council.

In the terms in which the claim is made before the GAIP, the claimant requests access to the list of workers who have received the productivity supplement, the bonuses or some other form of supplementing the salary for the last 4 years and the its *amount* Therefore, you want this information individually for each employee, and therefore to identify the affected workers.

In this sense, the Regional Organic Regulation (...), in its article 9.1.k), provides that it is up to the Plenary of the Council, among others, to set the amounts of the complementary remunerations.

With regard to the productivity supplement, article 54.1.b) of Decree 214/1990, of July 30, which approves the Regulation for the service of local entities, establishes the competence of the maximum corporate body of the local entity *"Determine in the budget the overall amount intended for the allocation of the productivity supplement and gratuities"* . And, article 55.t)

provides that it corresponds to the president of the local entity *"Carry out the individualized allocation of the productivity supplement and gratuities, in accordance with the state regulations governing the remuneration of personnel in the service of the local entities."* In the same terms it is regulated in articles 172.4 and 5 and 173 of the said Decree.

Thus, although the productivity supplement has a markedly personal character, in accordance with the legal prescriptions, its appreciation must be carried out based on objective circumstances directly related to the development of the workplace and the objectives assigned to it, and its quantification must conform to the criteria approved by the Plenary.

Likewise, with regard to the advertising of the productivity supplement, article 172.3 of the aforementioned Decree declares that *"The amounts that each official receives for this concept will be public knowledge, both of the other officials of the corporation and of the union representatives."*

In this case, if the aforementioned regulations expressly provide that the amounts received by each official are public knowledge for the rest of the officials, in addition to the union representatives. In the case we are dealing with, it is understood that they buy all the employees of the County Council, as well as the works committee as a representative of the workers.

Thus, the legislator makes the interest in obtaining said information prevail over the right to privacy of the affected workers, and therefore, the expectations of privacy that the workers may have are limited. These people must have the possibility that the rest of their colleagues know the amounts they may have received for this concept.

For all this, the data protection regulations would not oppose the access of the person representing the workers to the information on the amounts received by each of the workers as a productivity supplement.

With regard to the other bonuses that may be received by the workers of the Regional Council, article 11.1 of the LTC, regarding the active advertising in terms of remuneration, establishes that they must be made public:

"b) The remunerations, compensations and allowances, the activities and assets of the members of the Government, of the senior positions of the Public Administration and of the management staff of the public bodies, societies, foundations and consortia, and the compensations that have to be perceived when ceasing to hold office."

According to article 31 of the RLTC:

"1. For the purposes of letter b) of article 11.1 of Law 19/2014, of December 29, the annual remunerations of the high positions of the public administrations and the management staff of the entities of the public sectors of these, in accordance with the remuneration tables of the current year, such as the compensations and per diems that they have effectively received."

According to article 7.1 of the LTC, they have the status of senior officials and local management personnel referred to in article 3 LTC, "in any case, *the elected officials and the holders of the bodies that exercise functions of management or execution of a superior nature, adjusting their performance to the guidelines set by the governing body of the corporation, in accordance with the provisions of the local regulations*".

With respect to these positions (management, high level of remuneration or responsibility, or freely appointed), there are elements that would favor the weighting in favor of access to the remuneration information requested by the person making the claim.

At this point, it should be remembered that this Authority has already supported the criterion (IAI 3/2019, IAI 33/2019, IAI 44/2019, IAI 1/2020, or IAI 1/2021), that the transparency obligations of the Article 11.1.b) LTC can be extended with respect to requests for access to information that affect personnel who occupy positions of special trust or special responsibility within an organization, positions of free appointment, or that they carry a high level of remuneration. This criterion should also be taken into account in relation to sites that involve a certain margin of discretion in terms of their provision. Although the law does not expressly provide for the publication on the transparency portal of the remuneration of this type of employee, in the weighting of the rights that must be made with respect to requests for access to information, it is considered that in the assumptions of the posts that, due to their uniqueness and also due to the level of remuneration they usually carry associated, or due to the fact of being freely appointed, the knowledge of their remuneration may be relevant for the control of the use of public resources, for which so the result would be the prevalence of the public interest in its disclosure. In these cases, it would be justified to provide information, that is to say, regarding this staff, the aforementioned regulatory provisions would justify the delivery of the information requested by the person making the claim.

Therefore, there can be no doubt that, for this type of employees and positions of managerial, trust or high degree of responsibility given the functions they can perform in the County Council, it is justified from the perspective of data protection, provide individualized information for the remuneration concepts referred to by the person making the claim.

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As for the rest of the workers, in the case of the productivity supplement, as explained in the previous legal basis, the aforementioned regulations expressly provide that the amounts received by each official are public knowledge for the rest of civil servants, in addition to union representatives. In the case we are dealing with, it is understood that they buy all the employees of the County Council, as well as the works committee as a representative of the workers. Therefore, the data protection regulations would not oppose the access of the person representing the workers to the information on the amounts received by each of the workers as a productivity supplement.

With regard to the rest of the remunerative supplements claimed, specifically, the bonuses and other supplements, article 11.1.e) of the LTC establishes that they must be made public in the following terms:

"General information on remuneration, compensation and allowances received by public employees, grouped according to levels and bodies."

For the purposes of article 11.1.e) of the LTC. article 25.1.a) of the RLTC: provides:

"(...) The remuneration tables of the staff in the service of the public administrations must be published (...) with an indication of the basic remuneration, seniority supplement, extraordinary payments and other supplements and specific bonuses according to the agreement or out of agreement, in the case of labor personnel".

In line with these forecasts, this Authority has been maintaining that, in accordance with the transparency legislation (art. 11.1.e) LTC), with respect to this staff, the individualized disclosure of the remuneration received is not considered justified. In this sense, with regard to remuneration information that is directly related to the natural person who holds a job, it is necessary to take into account the criterion supported by this Authority in previous reports, among others, IAI 28/2016, IAI 4/2018, IAI 45/2018, IAI 27/2019, IAI 54/2019, IAI 2/2020, IAI 42/2021, IAI 39/2022 available on the Authority's website.

However, it must be remembered that the claimant requests specific bonuses according to the agreement or outside the agreement or other types of supplements, without further specification. These salary supplements can be old; due to the characteristics of the job that has been attributed (the so-called job supplements) the fixing of other extraordinary services or supplements established outside of the agreement. In this sense, in the cases of personal supplements or "ad personam " which, by definition, are linked to the person and not to the workplace, it would be necessary to know the identity of the working person receiving the supplement to be able to verify if they concur in he the requirements that have founded the granting of the supplement.

In this case, in order to properly exercise the functions of monitoring compliance with current regulations, which, as has been explained, are attributed to the representatives of the workers, it could be relevant to have an individualized list of the remuneration supplements that can be obtained by the workers of the County Council . This would allow them to make effective this control of discretion in the granting of supplements and, in short, control of the use of public funds.

By way of example, a certain degree of discretion may exist in the assignment or authorization of the shifts and working days that give the right to receive these supplements. This discretion would have effects on the management and destination of public funds, the control and knowledge of which by the public is, as has been said, one of the objectives of the transparency legislation. Therefore, the need to make effective this control of discretion in the granting of supplements and, in short, control of the use of public funds, is an element of weighting in favor of access to the requested information.

Thus, providing information on the complementary remunerations received (overtime allowances, etc.) on an individual basis, could be necessary for the purposes of the person representing the workers being able to control whether the forecasts established regarding the working day and staff schedules are being respected , the procedure established for that purpose to assign shifts to workers, and to ultimately detect any irregular actions that may have occurred in relation to these assignments.

On the other hand, it must be taken into account that, the fact of giving access to the identification data of the working person who receives these supplements as well as the amount thereof, together with the information published in compliance with the obligations of

active advertising , makes it easier to obtain an economic profile of the affected person that may end up causing damage both in the professional and personal spheres.

However, it is precisely in those areas where administrative action could have a greater degree of discretion in which the prevalence of the right to information over the right to data protection is most justified. This would be the case of the personal complements that we are dealing with. Therefore, given the above considerations, the prevalence of the right of access over the right to data protection will be justified.

However, from the perspective of data protection, it should be noted that this purpose could also be fulfilled without the need to sacrifice the privacy of the affected workers, because an individualized relationship could be facilitated, without including the identity of the workers.

It should be remembered that according to article 5.1 b) of the RGPD *"the data will be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("minimization of data")*.

Therefore, in this case, the purpose of transparency can also be achieved through the pseudonymization of the information, that is to say : *"the treatment of personal data in such a way that they can no longer be attributed to an interested party without using additional information, provided that said additional information appears separately and is subject to technical and organizational measures aimed at ensuring that personal data are not attributed to an identified or identifiable natural person;"* (article 4.5 RGPD).

To this end, this Authority considers that information could be provided on the productivity supplement and specific bonuses according to agreement or outside of agreement or other types of supplements requested by the person making the claim, perceived by each worker, without indicating the professional category and replacing their first and last name with a code assigned to each of them.

It should be noted that according to the list of staff for the year 2022 published on the county council's website, the total number of fixed and non-fixed staff positions is 79 people, and 5 more temporary staff. In this sense, it must be remembered that in order for pseudonymization to be carried out, it is necessary to deal with jobs that have a sufficiently large number of workers to prevent their re-identification .

Thus, in order for these codes to be effective from the perspective of data protection, it is necessary to ensure that the identity of the worker is known only to the person who attributes the code, so that the worker is not identifiable by any other person, among d others, by the person representing the workers who will receive this information. So, for example, use the no. ID or another code that could be known by third parties would not be a viable option, given that the person representing the workers will have been able to access, in the terms indicated, a list with the identity and numbers of the workers' ID.

The code should remain in the communication made in this regard to the claimant, for the purposes of being able to see the remuneration received in each case, and not for any other information different from this communication, since, if was used in a general way for all actions carried out in the worker's workplace, it would be easy for the crossing of various data that could be obtained by the workers' representative, making their identification possible and ending up with the same result as the which can identify workers with their ID number.

From all the above, it is considered that the option of providing a list with the requested remuneration information, without identifying by professional categories and with a numerical code in place of the identity of the working people (except for those with special responsibility which we referred to in the previous Legal Basis) would be the most suitable, in order to find in this case the right balance between the right to the protection of personal data of the affected workers and the right of access to public information of the requesting

VI

The person representing the workers requests, in the second place, access to information on **training** , specifically, requests:

*"2. Information on all **requests for payment of training** received by the body from workers, as well as from elected or trusted positions, in the last 4 years (2019 – 2022). How the **budget item for training** has been distributed , how many requests have been attended to, how many have been resolved, how many have been refused and how many have not been answered. As well as the criteria with which this item has been distributed and its corresponding **amounts** .*

In this case, and as already mentioned, the workers' representatives have a specific right of access to information provided for in articles 40 of the TRLEBEP and 64 of the ET, and consequently it is these rules that are necessary apply with priority, without prejudice to the supplementary application of the access regime provided for in the transparency legislation.

With regard to labor personnel, article 64 of the ET gives the Works Council the right to be informed about certain issues, without there being a specific mention of the information requested in the case that we occupy

Article 64.5.e) of the ET provides that " *The company committee will have the right to issue a report, prior to the execution by the employer of the decisions adopted by this, on the following questions: e) the plans of the company's professional training*".

Section 7 of this same precept also attributes to the representative bodies the function, among others, of "*monitoring compliance with the current rules in labor matters, Social Security and employment, as well as the rest of the pacts , conditions and company practices in force, formulating, as the case may be, the appropriate legal actions before the employer and the competent bodies or courts .*"

These forecasts may give the right to receive information on the planned training actions, and on the result thereof , such as aggregated data on participation, etc.) but the right of the workers' representatives to receive this information does not cover receiving all the individualized information requested.

Beyond these forecasts, the collective agreement of the labor staff of the county council (...) and in the absence of a more recent one, article 22, when it regulates training, study and recycling, it does not expressly provide that the workers' representatives must receive a detailed list of all the workers who have requested aid to carry out any training activity promoted by the county council.

However, it will be necessary to determine whether the transparency regulations would enable access to this data.

Due to the type of information being treated, it does not refer to particularly protected data, on which access should be limited, in accordance with the provisions of article 23 LTC. Starting, then, from the premise that this is not information of special protection and in application of article 24 LTC it is necessary to make a reasoned weighting between the different rights and interests at stake.

In principle, the person making the claim requests *information on all "the training payment requests received by the body from workers, as well as elected or trusted positions, in the last 4 years"*. Thus, among the information requested will be information on the identification data of the people responsible for the administrative units involved in the procedure for awarding training aid.

Regarding this data, it is necessary to take into account article 24.1 of the LTC when it states that *"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 the protection of personal data or other constitutionally protected rights must prevail."*

Article 70.2 of the RLTC specifies what is understood as merely identifying personal 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"*. And he adds that *"in cases in which the publication or access to an administrative document requires the identification of the author, the location data, the number of the national identity document must be removed, in particular or equivalent document 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."*

According to this precept, there would be no disadvantage, from the point of view of data protection, in providing certain merely identifying information (name and surname and position or position held) of public employees who intervene because of their functions in the different procedures or public actions carried out by the Administration, unless there are specific circumstances that justify the prevalence of the right to data protection of the person or persons affected. In this specific case, it would be the name and surname of the person in charge of the unit that informs about the granting of training aid.

Regarding the rest of the data, it should be noted that the claimant is requesting information on each of the employees who have applied for training payment assistance that they applied to the county council from 2019 to 2022, both included, without specifying whether it refers to training organized by the county council or by third parties. Therefore, it must be considered that they can be both training organized by the county council, and training organized by third parties and in which the county council has granted some type of financial aid to attend.

Starting from this premise and with regard to the training given by the county council, it should be taken into account that in terms of transparency in the organization and administrative structure, article 9.1.g) of LTC, requires administrations to publish:

"g) The lists that may eventually be created to access the training and promotion processes."

According to this precept, the list of people registered to participate in a training process should be information available on the transparency portal.

Article 22 of the RLTC specifies:

"1. For the purposes of letter g) of article 9.1 of Law 19/2014, of December 29, lists that may be created to access the training and promotion processes are understood to be lists that contain personnel in the service of public administrations admitted to non-mandatory training activities directly related to internal, economic or professional promotion, organized by each of the public administrations.

2. For these purposes, the lists must publish the data relating to the identification of the names and surnames of the persons admitted, the workplace they occupy and the organic unit in which they are integrated, the unit that manages the activity and a description of the training activity, which must include its code, year and start and end dates.

3. The information must be published on the Transparency Portal of Catalonia on the start date of the training activity, and must remain there for a period of two months from the end date of the activity training."

It is clear that during the period referred to in article 22.3 of the RLTC, if any citizen can access this information, with more reason the person representing the workers should be able to access it.

In the case at hand, information is requested on the training activity of the last four years (period from 2019 to 2022, both inclusive) therefore, providing this information through the right of access may lead to an interference with the right to data protection greater than that resulting from the publication in this period, given that the information must be kept on the transparency portal during the period from the start date of the training activity up to two months from the date of completion of the training activity.

From the perspective of the people affected, it is clear that this information involves an interference with the right to data protection, to the extent that it reveals academic information. However, without prejudice to the fact that the access involves the dissemination of attendance at a certain training, it is considered that a priori this information should not significantly harm your rights.

On the other hand, access to this information would make it possible to carry out the control function referred to in the transparency regulations in relation to public funds that are allocated to training and, from the perspective of working conditions, also contribute to ensure the effectiveness of the staff's right to receive training, without any discriminatory situation occurring.

In short, in the case of non-mandatory reception training activities directly related to internal, economic or professional promotion, and organized by the public administration, it does not

seem that from the perspective of the protection of personal data being prevented from accessing the information relating to the lists of admitted personnel, which contain the identification of the names and surnames of the admitted persons, the workplace they occupy and the organic unit in which they are integrated, the unit that manages the activity and a description of the training activity, which must include its code, the year and the start and end dates (article 22.2 of the LRTLC).

Therefore, it seems clear that in the case of the courses organized by the Regional Council itself, there can be no inconvenience, from the point of view of the right to data protection, in delivering this information, including also the information relating to how many have resolved, how many denied and how many resolved and the favorable or unfavorable direction of the reports that have been issued for their award.

Conversely, training activities that are not organized by the County Council are excluded. However, in this case, the conclusion should not be different with regard to the right of access given the functions of representative of the workers, the possibility of carrying out a control of the use of public resources and the fact that the interference for the people affected it would be no different than in the case of training organized by the administration itself and related to internal, economic or professional promotion.

Conclusions

1.- Regarding the list of people who have received productivity supplements in the last four years, as well as their amount, criteria and requested calculation, data protection regulations do not prevent access to this information of all the labor employees of the County Council.

2.- With regard to the list of people who have received bonuses and/or other salary supplements in the last four years, access is only justified with respect to labor personnel who hold high positions, managerial positions, positions of trust, free designation, of special responsibility, or that involves high levels of remuneration.

On the other hand, with regard to the rest of the workforce, access is justified only if this information is provided without identifying categories and replacing the first and last names of the working people with a code that does not allow them to be identified.

3.- Regarding the information on the training of the workers in the last four years, the personal data protection regulations do not prevent access .

4.- It must be remembered that the person representing the workers is subject to the duty of professional secrecy and secrecy.

Barcelona on April 3, 2023