

## **Report issued at the request of the Commission for the Guarantee of the Right of Access to Public Information in relation to the claim presented against a professional association for denial of access to information on the designations and invoicing of the office shift**

The Commission for Guaranteeing the Right to Access to Public Information (GAIP) is asking the Catalan Data Protection Authority (APDCAT) to issue a report on the claim filed against a professional association for denying access to information on designations and invoicing of the office shift.

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

### **Background**

1. On November 23, 2022, a registered person addresses, by means of an email, a request to his professional association in which he requests access to public information in the following terms:

*"According to what Mrs. Dean of our College in the Ordinary Assembly of the TOAD on 22-11-22, I ask you to send me:*

*Copy of all documents that were displayed on the screen in the meeting room consisting of:*

*Invoicing table for the period 2018-2022.*

*Table of the guards given to the fellow alluded to.*

*Table of transfers of duty to the aforementioned colleague.*

*Record book of distribution and incidents of all civil, criminal and other cases from the year 2018 until now.*

*And in accordance with the commitment assumed by Mrs. Dean, please provide me with information on all TOAD's annual invoices from 2018 until now so that it can be checked, without the need for the names of the colleagues receiving the subscriptions to be recorded, not just the amounts obtained by each colleague annually, but also the guards/assistances and the civil and/or foreign terms that he may have had."*

2. On December 23, 2022, the professional association resolves the aforementioned request for access to public information by agreeing *"to the rejection of all requests for access to public information submitted."*

**3.** On January 26, 2023, the applicant filed a claim with the GAIP against the professional association for denying access to the requested public information.

The claim is accompanied by a written statement in which the applicant, among other issues, sets out in detail the facts that occurred before and during the Ordinary Assembly of the Office Shift and Assistance to the Detainee ( hereinafter, TOAD) that motivated your request for information from the professional association, as well as the specific reasons why you are interested in accessing each of the requested information.

**4.** On February 16, 2023, the GAIP forwards the claim to the professional association, informing it of the processing of the mediation procedure at the express request of the complaining party, and requiring it to issue report in which they base their positions, as well as the complete file relating to the request for access to public information, the identification of the third parties who are affected by the requested access, as well as the person or persons who they will represent them in the mediation session.

**5.** On March 22, 2023, the professional association sends to the GAIP a copy of the file relating to the request for access that is the subject of this claim. I am also sending you the report issued by the Dean on the position of the professional association in this regard, which is based on a report issued by its Data Protection Delegate, a copy of which is also attached.

In the report of the professional association, the association bases the denial of access, in short, on the fact that the persons to whom the requested information refers, for reasons beyond the control of the ICASBD itself, could be identifiable by the person now claiming.

**6.** On June 30, 2023, the GAIP requests this Authority to issue the report provided for in article 42.8 of Law 19/2014, of December 29, on transparency, access to public information and good government, in relation to the claim presented.

## **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 the LTC, which regulates the complaint against resolutions regarding access to public information, establishes that if the refusal is based on the protection of personal data, the Commission must request a report to 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 (article 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 repeals Directive 95/46/EC (General Data Protection Regulation, hereafter RGPD).

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.

## II

As a preliminary matter, it is necessary to make some considerations in relation to the subject of the present claim.

The person who is now claiming alleges in his claim before the GAIP the denial of access to the *"documentation related to designations and remuneration of the office shift"*.

In the letter that accompanies said claim, the claimant details and lists this information about the designations and remuneration of the office shift that he would have requested from the professional association in the following terms (point 6):

*"The requested information has to do with TOAD billings, a public service by its very nature, as well as the information that was presented at the TOAD Assembly on November 22.*

*Specifically, the following information was requested:*

- *Copy of the recording and minutes of the Assembly of November 22, 2022.*
- *Copy of the data that were shown in the Assembly, ie;*
  - *the 2018-2022 billing table.*
  - *the table of the number of guards and portfolios of clients assigned to the companion to whom allusion was made.*
- *Copy of all on-duty transfers made to the companion referred to (article 26 of the TOAD Regulation).*

- *Book-registry of distribution and incidents of all civil, criminal and other cases since 2018 (article 24 of the TOAD regulation).*
- *List of the invoices made in the TOAD, by year, from 2018 to 2022, with due protection of personal data, with indication only of the 4 central numbers of the DNI and broken down by guards/assistances, TOAD invoices, and total*

*In confirmation of the above, I refer to DOCUMENT NUMBER 7, which contains the request for information - by email - to the ICASBD."*

However, according to the request for public information, which appears in the file sent, the documentation initially requested by the now claimant from the professional association included:

*"Copy of all documents that were displayed on the screen in the meeting room consisting of:*

*Invoicing table for the period 2018-2022  
Table of the guards given to the fellow alluded to  
Table of transfers of duty to the aforementioned colleague  
Record book of distribution and incidents of all civil, criminal and other cases from the year 2018 until now.*

*And (...) all the annual TOAD invoices from 2018 until now so that it can be checked, without the need for the names of the members receiving the subscriptions to be recorded, not only the amounts obtained by each member annually, but also the guards/assistance and the civil and/or foreigner terms that he may have carried."*

From the mere reading of both letters it can be seen that the claim presented to the GAIP refers to certain public information that was not initially requested before the professional association and that, consequently, cannot be considered the subject of claim We refer specifically to obtaining a copy of the recording and minutes of the TOAD Ordinary Assembly. As for the rest of the information, although the terms used are not fully identical in one and the other writing, we understand that it would be the same public information.

On the other hand, according to the documentation contained in the file sent, on May 18, 2023, the first mediation session would have taken place between the claimant and a representative of the professional association, without that a copy of the corresponding minutes has been attached to said file.

If we follow the professional association's letter addressed to the GAIP of June 5, 2023, in which it is said verbatim that "(...) *claim 096/2023 concerns the invoices made by our colleagues ·registrants (...)*", it does not seem that it can be ruled out that an agreement has been reached between the parties in relation to the delivery of part of the requested public information.

However, given that, at the date of preparation of this report, there is no record of this possible agreement between the parties, and given the discrepancies between the access request letter and the complaint letter, considers the object of the claim - and

therefore the object of analysis of this report - the set of public information indicated in the request for access by the person now making the claim.

### III

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"*.

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 it can only be considered based on this legal basis of article 6.1.c) of the RGPD when this is 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 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 (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"*.

For its part, article 53.1 of Decree 8/2021, of February 9, on transparency and the right of access to public information (RLTC), specifies that it is public information subject to the right of access *"all the information, any data or documents that the public administrations have drawn up, possess, or can legitimately demand from third parties as a result of their activity or the exercise of their functions."*

Article 3.1.b) of the LTC expressly includes within the scope of application of the LTC professional associations and public law corporations in what affects the exercise of their public functions.

According to article 39 of Law 7/2006, of 31 May, on the exercise of qualified professions and professional associations, the public functions of professional associations are:

*"a) Guarantee that the professional practice complies with regulations, ethics and good practices, and that the rights and interests of the recipients of the professional performance are respected. For this purpose, the professional associations must regulate the exercise of the professions in the area of their competence in accordance with the applicable legal framework, ensuring that the duties and obligations of the members are fulfilled, for professional dignity and for the respect of citizens' rights, and to propose to the Administration the adoption of measures in relation to the organization and regulation of access and the exercise of the profession.*

*b) Ensure the rights and the fulfillment of the duties and obligations of the members and that no acts of intrusion, unfair competition or other irregular actions occur in relation to the member profession, adopting, where appropriate, the measures and actions established by the legal system.*

*(...).*

*m) The other functions of a public nature attributed to them by current legislation .*

In turn, the Statutes of the professional association state that it is a public function of the association *"to organize, manage and provide free legal assistance, legal guidance, mediation guidance and other services of a similar nature that can be created in the scope and with the extent that at any time is agreed with the competent administration "* (article 6.1.f)).

The information requested by the person making the claim is related to the organization, management and provision of the duty shift service by the professional association, so it is public information for the purposes of article 2 .b) of the LTC and, therefore, remains subject to the access regime provided for in this regulation, which establishes, as a general criterion, that the right of access to public information can only be denied or restricted by the causes expressly established by law (article 20 et seq. LTC).

Specifically, and with regard to the right to the protection of personal data, it is necessary to take into account what is established in articles 23 and 24 of the LTC, as well as the principles of the personal data protection regulations.

#### IV

The claimant requests from the professional association the information that was projected during the TOAD Ordinary Assembly on November 22, 2022, of which he was part, and which consists of the information that has, in three tables with aggregated information on (1) the invoices submitted for the period 2018-22, (2) the

number of guards transferred to a certain lawyer and (3) the number of portfolio transfers made to the same lawyer, whose his identity would not have been provided.

From the point of view of data protection, a priori there would be no inconvenience in handing over these tables to you as it is public information that would not include personal data (Article 4.1) RGPD) and that, in any case, he would have already had access by virtue of his participation in said Assembly. This is evidenced by the fact that in the letter of claim the claimant attaches a photograph of one of the tables in respect of which he now claims access.

However, the claimant's request goes beyond this aggregate information and also requests, in order to be able to compare the data shown in said tables, information from the register-books of the distribution of matters among the attached lawyers at the service of the TOAD for all matters, as well as the invoices presented by these lawyers, from the year 2018 to 2022.

Article 23 of the LTC provides that requests for access to public information *"must be denied if the information sought contains particularly protected personal data, such as those relating to ideology, the trade union affiliation, religion, beliefs, racial origin, health and sex life, and also those relating to the commission of criminal or administrative offenses that do not entail a public reprimand to the offender, unless the affected party expressly consents to it by means of a written document that must accompany the request."*

In similar terms, article 15.1 of Law 19/2013, of December 9, on transparency, access to public information and good governance (LT), in its wording given by the eleventh final provision of the LOPDGDD, has the following:

*"1. If the requested information contains personal data that reveal the ideology, trade union affiliation, religion or beliefs, access can only be authorized if there is the express and written consent of the affected person, unless said affected person had made it manifestly public the data before access was requested. If the information includes personal data that refers to racial origin, health or sex life, includes genetic or biometric data or contains data related to the commission of criminal or administrative offenses that did not lead to a public reprimand to the offender, access only it may be authorized if the express consent of the affected person is counted or if the latter is covered by a rule with the force of law."*

A priori it does not seem that the requested information, to which mention has been made before, should contain data of special categories or specially protected by article 23 of the LTC.

However, in the professional association's letter addressed to the GAIP (5/6/23) it is stated that the TOAD invoices, which are processed through the SIGA program, present peculiarities with respect to an invoice in the use. In this sense, it is noted that the following data are recorded on the invoice: identification data of the appointed lawyer; type of intervention that is justified with an indication of the procedure and shift (civil, general criminal, special criminal, minors, victims of violence against women,

foreigners or labor); number of the office that corresponds with the designation; identification data of the assisted person; invoice date; and, invoiced amount.

The information linked to the action carried out by the official lawyer that is intended to be justified is information that, in view of the procedure and/or shift to which it refers, should be considered as information relating, at the very least, to the possible commission of criminal and/or administrative offenses by the assisted person, to the extent that this person would be fully identifiable. In fact, it could also be information deserving of special protection, relating to said assisted person, when it comes to the special turn of victims of violence against women.

This would prevent access by the claimant to the full content of the invoices presented by the lawyers attached to the TOAD for the specified period, unless the express consent of the affected persons was provided with the request or if some other of the enabling circumstances provided for in article 15.1 of the LT, cited, of which there is no record.

This circumstance would not, however, prevent the claimant from being granted access to the rest of the invoice data that is not affected by the application of this limit, if it is considered that access to this information after the prior weighting required by article 24.2 of the LTC and which is mentioned in the following legal basis of this report.

Point out that partial access to public information is expressly provided for in article 25.1 of the LTC, which provides that *"if any of the access limits to public information established by the previous articles are applicable, the denial of access it only affects the corresponding part of the documentation, and restricted access to the rest of the data must be authorized."*

For its part, article 68.2 of the RLTC specifies that *"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. In cases where the information provided partially may be difficult to understand, in accordance with what is established in article 25.2 of Law 19/2014, of December 29, the partial estimate resolution must incorporate the public administration's offer of collaboration to provide elements of context that help the understanding of the information provided."*

Therefore, in a case like the one proposed, and always subject to a favorable outcome for access benefiting from the weighting of conflicting interests, the invoices presented by the lawyers attached to the TOAD could be provided to the person claiming, after hiding the data identifiers of the assisted person.

Point out that this concealment would not be necessary in relation to those invoices that the claimant may have presented as justification for his actions in the shifts in which he remains attached.

## V

In view of the above, the claimant's access to the rest of the data contained in the requested public information (books-registry and invoices) requires a prior reasoned



weighting between the public interest in the disclosure of this information and the rights of potential affected persons, as provided in article 24.2 of the LTC:

*"2. If it is other information that contains personal data not included in article 23, access to the information can be given, with prior weighting of the public interest in disclosure and the rights of the affected persons. 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.*
- (...)."*

For the purposes of said weighting, it is necessary to take into account all the circumstances that affect each specific case, with the aim of determining whether the claimant's right of access or the right to the protection of the persons' data should prevail affected, based on the different elements listed in the aforementioned article.

According to article 24.2.b) of the LTC, one of the circumstances that must be taken into account is the purpose of the access. In this sense, 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, it is not subject to motivation and does not require the invocation of any rule"*, knowing the motivation for which the person making the claim wishes to obtain the information, when it includes personal data, can be a relevant element to take into account.

In the particular case, the claimant states that the purpose of his request is to be able to verify the accuracy of the explanations given during the TOAD Ordinary Assembly regarding an alleged inequality in the invoicing of the lawyers attached to the TOAD and, fundamentally, to be able to know and evaluate the management of this service carried out by the TOAD Commission, including the economic side of this management, given that the remuneration they receive goes to public funds.

According to the claimant, in said Assembly it was recognized that the imbalance in the billings linked to the TOAD only affected a TOAD lawyer, whose identity was not provided, and that this imbalance would be motivated by an increase in the transfers of portfolios of lawyers who had been deregistered from TOAD and also due to an increase in changes of guards towards that lawyer.

The claimant maintains that the TOAD Commission had the power to have avoided this disproportionate increase in transfers of portfolios and guards, given that it is obliged to monitor them and ensure that the distribution of TOAD matters conforms to the criteria of transparency, equality and impartiality imposed by the applicable legislation.

The purpose of the access sought by the person claiming, therefore, would be in line with the purpose itself pursued by the transparency regulations, which is *"to establish a system of relationship between people and the Public Administration and other obliged subjects, based on the 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 words, to establish the possibility of offering tools to citizens for the control of the performance of public authorities.

Certainly, Law 1/1996, of January 10, on free legal assistance, establishes that *"professional associations will establish **systems of objective and equitable distribution** of the different shifts and means for the designation of ex officio professionals. Said systems will be public for all collegiates and may be consulted by applicants for free legal assistance"* ( article 24).

In accordance with this legal provision, the professional association has regulated, via regulations, the rules that must govern the organization and operation of the TOAD in its territorial scope.

It must be taken into consideration that this regulation expressly provides that the professional association *"is in charge of making the designations among all the lawyers attached to the different shifts of the ex officio defense service, in accordance with **transparency criteria, equality and impartiality** . In those cases in which the designation does not occur due to the assistance of the detainee in a detention center or judicial dependency, the distribution is made in accordance with a strict alphabetical order between the different members attached to the corresponding shift. (...)"* (article 9).

Although the distribution of matters must be equitable, following to that effect what is specifically established in said regulation for each of the different shifts, certain situations are also foreseen that would alter the initial distribution of matters, such as between others, the possibility of a lawyer to carry out changes of duty (article 14.10) and/or, in case of ceasing to belong to the service, to be able to propose a substitute lawyer (article 31). However, the same regulation provides that these situations (or incidents) must always be reported to the TOAD Commission, which is responsible for, among other functions, the timely monitoring of the TOAD service, the organization and control of distribution of matters, as well as the control of designated matters and the assistance provided remunerable from the TOAD service remuneration funds (article 46).

For the full effectiveness of all of this, the regulation states that the professional association *"manages a **Register** through which the designations and files of the office shift are **controlled** "* (article 9).

This Register would be made up of several register books, as can be seen from article 24 of the regulation, which provides that *"for the distribution, distribution and assignment of matters in the service of the office shift, as well as for to record the incidents that may occur, the following registers must be kept, which may be in paper or digital format: one for civil matters, another for criminal matters and the rest that are necessary."*

In addition to all this, it must be borne in mind that the lawyers attached to the TOAD are entitled to compensation for the provision of this service when the assisted person is granted the right to free legal assistance (article 30 Law 1/1996). In this sense, the regulations provide that *"each member assigned to the service must **present the***

*justifications and the relations of affairs and assistance to the detainee in which he has intervened, which are the only ones taken into account when "make the distribution of the public funds received for the remuneration of the members registered in the service" (article 37).*

Faced with the facts presented, in which the role of the TOAD Commission is questioned in the exercise of its public functions linked to the organization and management of the TOAD, and in view of the applicable regulations, it is evident the relevance that, from the point from the point of view of transparency, you can have knowledge of the information relating to the management of this service, both with respect to the actual distribution and distribution of matters (book-register), since this must conform to criteria of 'equity, equality and transparency, as in the part of economic management (invoices), insofar as the service is remunerated to the lawyers attached to public funds.

To this relevance it is necessary to add, in the case at hand, that the information could also be relevant to satisfy a personal interest of the person making the claim (Article 22 LTC), such as the defense of their rights and interests, given that, to the extent that he is attached to the TOAD, the alleged irregularities detected in the distribution of matters could have caused him a grievance in his economic interests.

From the point of view of the data protection of the lawyers affected by the access request, the disclosure of the information requested in an individualized way, that is in such a way that they are identified, could have an impact on their privacy , since it would involve revealing occupational and economic data linked to the exercise of their profession. And, to the extent that they are applying for a 4-year period (2018 to 2022), it could easily allow us to get an economic profile of these people.

If we adhere to the terms of the request, the intended control objective in the present case would not have the sole purpose of knowing the way in which the TOAD is organized and how matters are distributed (an objective that could be achieved with anonymized information ), but it would go further and be related to the detection of any irregular action by the TOAD Commission in the distribution of these matters among the lawyers assigned to it, in the sense that they are not seen benefited or harmed certain lawyers, with a clear repercussion in the use of public funds.

For the purposes of achieving this type of control, it would be necessary to be able to correlate the decisions made in relation to each lawyer throughout successive financial years (2018 to 2022), so a valid option would be to deliver the requested information after pseudonymisation of the data ( article 70.6.b) RTLC).

In terms of article 4.5) of the RGPD, pseudonymization consists of *"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"*.

As can be seen from the request for access and also from the letter of claim, the person making the claim would agree to this option. At least this is how he states it regarding the invoices, given that he initially requests them *"without the need for the*

*names of the colleagues receiving the subscriptions" and subsequently "with the due protection of personal data, with only indication of the 4 central ID numbers and broken down by guards/assistances, TOAD invoices and totals", although the pseudonymisation should also be extended to the information in the register books.*

Thus, in the present case, the person making the claim could be given the information relating to the distribution of the matters and incidents linked to this distribution contained in the register books and the invoices presented by the lawyers attached to the TOAD corresponding to the years 2018 to 2022 related with said division, introducing a coding system that preserves the identity of the people affected (a fixed numerical code for each lawyer - not including, therefore, names and surnames or other identifying data -, known only to the professional association ), so that they are not identifiable by third parties.

To point out in this regard that, in the case of collegiate members, the use of their collegiality number could not be considered a suitable means for pseudonymization , given that it is a numerical code that can easily be known, without disproportionate effort, by third parties and, in the specific case, by the person requesting the information (it would only be necessary to consult the register of members to obtain their identification). For the same reason, it would also not be advisable to use the DNI number, despite the fact that it was only partially facilitated, given, until recently, its widespread use - and, on many occasions, together with the first and last name - in the publication of certain information

In addition to all this, the professional association maintains that at least 10 lawyers attached to the TOAD with the highest billing figures could be easily identified, given that, for various reasons, the identity of these people would be common knowledge among the collegiate members.

Certainly, the risk of identifying the persons to whom a certain request for access to public information refers is not something foreign in those cases in which the person requesting and the persons affected converge in the same entity. However, considering that the request comes from a lawyer attached to the TOAD; that the applicable legislation expressly provides for an equitable distribution of matters between the different lawyers attached to the TOAD, with 367 people forming part of it; that the remuneration to be received for the provision of the service by each lawyer is closely linked to this distribution; that said amount goes to public funds; and that it would in any case be information linked to the professional activity and exercise of the profession as lawyers of the TOAD, with which the affect would be minor, the weighting of conflicting interests should lead to admit that in the particular case, the public interest in knowing this information must prevail and, therefore, the possibility of providing it in a pseudonymized manner to the person making the claim, even though some of the people affected may be identifiable. That is, unless there is some other limit that prevents it.

All this, without prejudice to the convenience that at the time of delivery it is convenient to remind the person claiming the duty of confidentiality regarding this information imposed by the data protection regulations (article 5.1.f) RGPD and article 5 LOPDGDD ).

pseudonymized data , unlike anonymized data, are for all purposes personal data (Article 4.1) RGPD), so the principles and obligations of the data protection regulations are fully applicable (recital 26 of the RGPD).

And also remember that, as has been pointed out in the previous rationale, the data relating to the assisted persons that may be contained in the information on the distribution of matters and invoices should be omitted prior to their delivery (article 70.5 RLTC) .

## **conclusion**

The right to data protection would not prevent the claimant from accessing the requested public information that contains only aggregated data. Likewise, in view of the concurrent circumstances in the specific case, it would be justified to provide you with pseudonymised information on the distribution of cases between the lawyers attached to the TOAD, with an indication of the associated incidents, as well as on the invoices presented by these lawyers, for the period between 2018 and 2022. However, the information on the people assisted by the TOAD lawyers that may be included should be omitted, in any case.

Barcelona, July 20, 2023

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