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In this resolution, the mentions of the affected population have been hidden in order to comply with art. 17.2 of Law 32/2010, given that in case of revealing the name of the affected population, the physical persons affected could also be identified.

#### File identification

Archive resolution of the previous information no. IP 182/2018, referring to the School (...) of (...).

#### Background

1. On 12/07/2018 the Catalan Data Protection Authority received a letter in which a person filed a complaint against the School (...) of (...) (hereinafter, the 'School'), on the occasion of an alleged breach of the regulations on Protection of personal information.

In particular, the complainant stated that on 05/21/2018 at 11:38 p.m., the then head of secondary studies of this school sent an email from her private address with the subject "communicated " to all mothers and/or fathers with children enrolled in school -including those in the infant and primary education stages-, in order to communicate and justify that he had submitted his resignation as head of studies at the beginning of the month of February 2018. The reporting person deduced that, in order to send the aforementioned email, the then head of studies had access to the contact details of all these mothers and/or fathers.

The complainant provided a copy of the email sent by the head of studies.

2. The Authority opened a preliminary information phase (no. IP 182/2018), in accordance with the provisions of article 7 of Decree 278/1993, of November 9, on the sanctioning procedure of application to the areas of competence of the Generalitat, and article 55.2 of Law 39/2015, of October 1, on the common administrative procedure of public administrations (henceforth, LPAC), to determine whether the facts they were likely to motivate the initiation of a sanctioning procedure, the identification of the person or persons who could be responsible and the relevant circumstances involved.

3. In this information phase, by official letter dated 07/23/2018, the School was required to report on the facts reported.

4. On 09/25/2018, the school's written response was received, in which it stated the following:

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"1. In the school (...) of (...) there are different levels of permissions or access granted depending on the position held by each natural person and the function they hold in the school.

(...)

d.- The members of the Management Team, as the highest collegiate body in pedagogical matters at the school, have access to the personal and academic data of students and families. In the permissions assigned, no distinction is made between the Director, Assistant Director and heads of studies.

(...)

2.- Members of the Management Team can send announcements to the entire educational community (teachers, families and students). The heads of studies are part of the Management Team.

#### B.- EVACUATION OF POINT 1 OF THE REQUIREMENT

1.- In the scope of her duties, the head of studies notified the entire educational community that her resignation had already been submitted and accepted by the management team.

2.- The decision to communicate it personally was exclusively the responsibility of the Head of Studies in the strict scope of his duties, even if, if he had asked for it, the Management Team would have also sent the notification to the members themselves, all of them, of the Educational Community. The Management Team does not see any harm in the content of the message.

3.- Although, perhaps, it would have been more elegant if this communication had been made by the Ownership or Management of the school, at the end of the year and without having intervened in the events, we see it as an act of good will and the willingness to defend his integrity as a professional in front of the families due to the attacks he was suffering from some parents and other cases until the Education Inspectorate intervened, ending with the express support of the Inspectorate to the Head of Studies and the apparent refusal to undertake the actions repeatedly announced by these families.

4.- The school has not intervened in the events and the Head of Studies has acted within the limits of her powers without exceeding them at any time. The act of notifying the educational community would also have had to be done by the management in the event that the head of studies, personally, had not done it on May 21, 2018.

SECOND.- confirmation of the email address.-

The Head of Studies was authorized to use the email address "(...) (...) .cat."

#### Fundamentals of law

1. In accordance with the provisions of articles 90.1 of the LPAC and 2 of Decree 278/1993, in relation to article 5 of Law 32/2010, of October 1, of the Authority Catalan Data Protection Agency, and article 15 of Decree 48/2003, of February 20, which approves the Statute of the Catalan Data Protection Agency, the director of the Catalan Data Protection Authority.

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2. Based on the account of facts that has been presented in the background section, it is necessary to analyze the reported facts.

The complainant focused his complaint on the fact that, when on 21/05/2018 the then head of secondary studies of the school sent the controversial email, "he was able to access the data of all the parents of the educational center".

In this regard, it should be noted, first of all, that the Authority does not have any elements that suggest that the Head of Studies accessed other personal data of the mothers and fathers of the students enrolled in the school, beyond the your email address, and in any case the considerations made here are based on this premise.

Well, in the letter of 09/21/2018 in response to the Authority's request for information, the school's data protection officer stated that members of the school's management team - including the head of studies who sent the email - have access to the email addresses of students and families . Consequently, access by the Head of Studies to the electronic addresses of the parents of students enrolled in the school did not require prior authorization. It is worth saying, however, that the possibility of accessing this data would not in itself justify any subsequent use, but that these uses would be delimited by the principle of purpose. This principle is contained in article 5.1.b) of Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27/4, relating to the protection of natural persons with regard to the processing of personal data and the free circulation of these (hereafter, RGPD), in which the following is determined: "Personal data will be: (...) b) collected for specific, explicit and legitimate purposes, and will not be subsequently treated in an incompatible manner with said ends; in accordance with article 89, section 1, the further processing of personal data for archival purposes in the public interest, scientific and historical research purposes or statistical purposes will not be considered incompatible with the initial purposes ("limitation of the purpose")".

Regarding this, from the content of the message sent by the head of studies it can be inferred, on the one hand, which was done with the purpose of informing the parents of the school about the decision not to continue in the position of head of secondary studies, at a time when some parents would have started a collection of signatures support for a request requesting the revocation of her appointment, so that the information that the head of studies wanted to convey would be of interest to the educational community.

In the response of the school's data protection delegate to this Authority's request for information, he referred to the intervention of inspection staff from the Department of Education in the face of the same problem referred to by the head of studies in his mail, which confirms that there was a relevant controversy in the field of the educational community.

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Also relevant are the considerations made by the data protection delegate in his written response to the request for information, when he pointed out, on the one hand, that if the then head of studies "had asked for it, the Management Team had also sent the notification to the members themselves, all of them, of the Educational Community", and on the other hand, that "The act of notification to the educational community would also have had to be done by the management in the event that the head of studies, personally, I would not have done it on May 21, 2018". That is to say, that the entity responsible for the treatment (the School) expresses its conformity with the informative e-mail addressed to all the mothers and fathers of the enrolled students.

From these manifestations of the school it is inferred that the mail that was sent contained information of interest to the entire educational community, which could justify its sending to all the people who were part of it. Indeed, it cannot be considered that with the disputed message the electronic addresses had been used for a purpose incompatible with the purpose pursued originally with the collection of these addresses, which was to serve for the communication of information of interest to the educational community.

3. In accordance with everything that has been set out in the 2nd legal basis, and since during the actions carried out in the framework of the previous information it has not been proven that there are rational indications that allow any fact to be imputed that may constitute any of the offenses provided for in the applicable legislation, it is necessary to agree on the archive of these performances

4.

Article 89 of the LPAC, in accordance with articles 10.2 and 20.1 of Decree 278/1993, foresees that the actions should be archived when the following is highlighted in the instruction of the procedure: "c) When the proven facts do not manifestly constitute an administrative infraction".

resolution

Therefore, I resolve:

1. File the actions of prior information number IP 182/2018, relating to the School (...) of (...).
2. Notify this resolution to the School (...) of (...) and communicate it to the person making the complaint.
3. Order the publication of the resolution on the Authority's website ([www.apd.cat](http://www.apd.cat)), in accordance with article 17 of Law 32/2010, of October 1.

Against this resolution, which puts an end to the administrative process in accordance with article 14.3 of Decree 48/2003, of 20 February, which approves the Statute of the Catalan Data Protection Agency, the denounced entity can file, with discretion, an appeal

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of replacement before the director of the Catalan Data Protection Authority, within one month from the day after its notification, in accordance with the provisions of article 123 et seq. of the Law 39/2015. You can also directly file an administrative contentious appeal before the administrative contentious courts, within two months from the day after its notification, in accordance with articles 8, 14 and 46 of Law 29/1998, of July 13, regulating the administrative contentious jurisdiction.

Likewise, the reported entity can file any other appeal it deems appropriate to defend its interests.

The director,

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