

Carrer Rosselló, 214, esc. A, 1st 1st  
08008 Barcelona

## File identification

Archive resolution of the previous information no. IP 61/2019, referring to Esparreguera City Council

## Background

1. On 02/28/2019, the Catalan Data Protection Authority received a letter from a person making a complaint against Esparreguera City Council, on the grounds of an alleged breach of the regulations on Protection of personal information. Specifically, the person making the complaint stated that on 28/07/2018 he presented to the City Council, an instance by which he requested the deregistration of the political party (...), given that it had been dissolved (the which he documented).

Despite the above, the complainant complained about the fact that, following the dissolution of the political party, the Tax Management Body of the Barcelona Provincial Council (hereinafter, OGT) on behalf of Esparreguera City Council, had notified him of the payment request of 08/02/2019.

The reporting person provided various documentation relating to the events reported.

2. The Authority opened a preliminary information phase (no. IP 61/2019), 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.

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

In the present case, it is known that the complainant informed the Esparraguera City Council, by means of an instance presented on 07/26/2018, that the political party had been dissolved (...), regarding the which acted as representative.

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As explained in the background, subsequently and on behalf of Esparreguera City Council, the OGT notified the payment requirement of 02/08/2019, the subject of the complaint.

In relation to this request for payment, it should be noted that it is addressed to the political party and the address where it was domiciled, without any data relating to a natural person, and in particular the identification of the complainant is not recorded, as in representative

So things are, in the present case it must be concluded that with the payment request that has given rise to the present complaint, no data processing of a natural person has been carried out, but of a person legal (the political party).

In this regard, recital 14 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 movement of such (hereinafter, RGPD) determines that:

"The protection granted by this Regulation must apply to natural persons, regardless of their nationality or place of residence, in relation to the processing of their personal data. This Regulation does not regulate the processing of personal data relating to legal entities and in particular to companies established as legal entities, including the number and form of the legal entity and its contact details.

In turn, article 1.1 of the RGPD establishes that its purpose is to establish "the rules relating to the protection of natural persons with respect to the treatment of personal data and the rules relating to the free circulation of such data."

And in article 4.1 of the RGPD the concept of personal data is defined as "all information about an identified or identifiable natural person ("the interested party"); Any person whose identity can be determined, directly or indirectly, in particular by means of an identifier (...) shall be considered an identifiable natural person.

So things, as it has been progressed, the regulations on the protection of personal data do not apply to the processing of the data of legal entities, such as their name or contact details.

3. In accordance with everything that has been set forth in the legal basis 2, and given that during the previous information it has not been proven that there are rational indications that allow imputation of any fact that could be constitutive of any of the violations provided for in the legislation

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applicable, it is necessary to agree on the archiving of these actions. Article 89 of the LPAC, in accordance with articles 10.2 and 20.1 of Decree 278/1993, provides that it is necessary to file the actions when the following is highlighted in the instruction of the procedure: "c) When the proven facts do not constitute, in a manifest way, an administrative infraction".

resolution

Therefore, I resolve:

1. File the actions of prior information number IP 61/2019, relating to the City Council of Esparreguera
2. Notify this resolution to Esparreguera City Council and communicate it to the person reporting
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 for reinstatement before the director of the Catalan Data Protection Authority, within one month from the day after its notification, in accordance with the which provides for article 123 et seq. of 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,