

File identification

Archive resolution of the previous information no. IP 18/2022, referring to Juneda City Council.

Background

1. On 01/14/2022, the Catalan Data Protection Authority received a letter from a person who filed a complaint against Juneda Town Council (hereinafter, the Town Council), on the grounds of an alleged breach of the regulations on personal data protection .

Specifically, the person making the complaint stated that, when he was registered in the municipality, on 14/02/2020, the City Council did not inform him that he had to put the receipts for sewerage and garbage collection fees in his name corresponding to the home he had acquired. Then, he complained that, subsequently, a neighbor of the same block informed him that he had taken charge of anticipating the payment of his pending receipts for sewerage and garbage collection fees for the years 2020 and 2021, since the City Council had informed him that both the complainant and (...) and two other neighbors had not satisfied them. Likewise, the complainant stated that he never authorized the City Council to disseminate his data to third parties.

The reporting person provided the following documentation relating to the events reported: the recording of a telephone call with the neighbor who would have anticipated the payment of his outstanding receipts, the recording of a telephone call with the Autonomous Organization for Management and Tax Collection Locals (hereinafter, OAGRTL) of the Borges Blanques, a WhatsApp capture and two letters from the City Council with information on municipal taxes.

2. The Authority opened a preliminary information phase (no. IP 18/2022), in accordance with the provisions of article 7 of Decree 278/1993, of November 9, on the sanctioning procedure applied to 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 were susceptible to motivate the initiation of a sanctioning procedure.

3. In this information phase, on 03/06/2023 the reported entity was required to confirm whether it would have notified the person who owns several homes in the building where the reporting person resides that other residents of the same block did not they would have satisfied the sewerage and garbage rates for the years 2020 and 2021 that corresponded to them . He was also asked, if he answered affirmatively to the previous question, to report on the circumstances in which the facts would have occurred and the legal basis that would allow this communication of data to a third person; and, if the first question is answered in the negative, to indicate how the person who effected the payment of the unpaid receipts was able to know the identity of the persons to whom they corresponded. Finally, the reported entity was asked to indicate the date on which the receipts in question corresponding to the home of the reporting person were paid, as well as which natural or legal person was included as a liable subject in these receipts and which make your payment effective.

4. On 03/15/2023, the City Council responded to the aforementioned request through a letter in which it set out, in summary, the following:

- That, in November 2021, a person contacted the City Council to report that he had acquired several floors of the property in question and it had been found that there were outstanding debts with the OAGRTL which corresponded with the sewerage and garbage fees of several years, and that he had satisfied the fingers received, despite the fact that they were in the name of the company promoting the building.
- That said person informed them that the receipts he had paid were separated by concepts and exercises, but not by flats, so he asked the City Council to detail the properties to which said receipts corresponded, since he was not the owner of all those houses, but of a part.
- That, in accordance with the previous request, the City Council sent him a detailed breakdown of the corresponding amount by rate and housing without indicating any personal data of the owners of the aforementioned properties.
- That, as a result of these events, the City Council updated the municipal tax database with cadastral information and issued the 2021 garbage tax settlements with receipts in the name of each new holder, to which notified individually.

The reported entity attached the following documentation to the letter: an email addressed to the person who contacted the City Council to request information on municipal rates, an attached document corresponding to information on municipal sewerage rates and garbage broken down by housing and a receipt from the OAGRTL in the name of a developer that includes in one document several fees and taxes for the building in question.

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 Catalan Authority of Data Protection, and article 15 of Decree 48/2003, of February 20, which approves the Statute of the Catalan Data Protection Agency, the Director of the Authority is competent to issue this resolution Catalan Data Protection Authority.
2. Based on the background story, it is necessary to analyze the reported events that are the subject of this archive resolution.

The complainant stated that the Juneda City Council had provided her personal data to a third party, to whom she would have informed that the complainant, among other owners of different homes in the same building, would have several receipts for the fees pending payment sewage and garbage for the years 2020 and 2021.

In relation to this, the City Council provided the documentation that it would have provided to the person referred to by the complainant. From its content, however, it cannot be inferred that he had been given any personal data that would allow the complainant or others to be identified, but that it was a breakdown of the individualized rates - of the same amount for each apartment - for each of the homes that would make it up, taking into account that said person was interested in the matter and that, because the receipt issued by the OAGRTL was not individualized, he had had to satisfy it completely.

On the other hand, in the mentioned receipt issued by the OAGRTL, in relation to the tax debts corresponding to the company promoting the building in question, there is also no personal data that could allow the identification of the people linked to each of the units of said multi-family building, since it is limited to listing the different fees and taxes pending at that time.

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 accredited, in relation to the facts that have been addressed in this resolution, no fact that could be constitutive of any of the infractions provided for in the legislation on data protection, should be archived.

Article 10.2 of Decree 278/1993, of November 9, on the sanctioning procedure applied to the areas of competence of the Generalitat, provides that "(...) *no charges will be drawn up and the dismissal of the file and the archive of actions when the proceedings and the tests carried out prove the non-existence of infringement or responsibility. This resolution will be notified to the interested parties*". And article 20.1) of the same Decree determines that the dismissal proceeds *b) When there are no rational indications that the facts that have been the cause of the initiation of the procedure have occurred; (...)*"

Therefore, I resolve:

1. Archive the previous information actions number IP 18/2022, relating to the Juneda Town Council.
2. Notify this resolution to the Juneda City Council and the person making the complaint.
3. Order the publication of the resolution on the Authority's website (apdcat.gencat.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 persons interested parties may file, as an option, an appeal for reinstatement before the director of the Catalan Data Protection Authority, within one month from the day after their notification, in accordance with what provided for in article 123 et seq. of Law 39/2015. An administrative contentious appeal can also be filed directly 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, governing the contentious administrative jurisdiction.

Likewise, interested parties may file any other appeal they deem appropriate to defend their interests.

The director,