

File identification

Archive resolution of previous information no. IP 299/2022, referring to the Catalan Football Federation.

Background

1. On 30/08/2022, the Catalan Data Protection Authority received a complaint against the Catalan Football Federation (FCF), made by a person who claimed to be acting on behalf of Club Esportiu Futsal Tortosa 2014, due to an alleged breach of the regulations on the protection of personal data .

In particular, the complainant stated that the Tarragona Indoor Futsal Territorial Delegation of the FCF communicated the personal data relating to the name, surname and license code of sixteen players from the Tortosa 2014 Futsal Club to the Vinallop CFS Sports Club , which that contravened data protection regulations. In addition, he pointed out that, in the case of players with Spanish nationality, the license code corresponds to their ID number. He also added that the communication was made to a sports club that "is not created or legally, and to people who are no longer part of our club."

The complainant provided a copy of the email that the FCF sent to Club Esportiu Futsal Tortosa 2014 on 08/19/2022, in response to a complaint that this same club submitted regarding this communication. Through this email, the FCF reported the following:

"A few days ago, a newly created club (Vinallop CFS), informed us at the Territorial Delegation - Futbol Sala de Tarragona, that it could not start registering players, since when it went to link them, the intranet computer system, it gave as a message that the player had a link with another club.

These players were almost the entire team (...) that had Futsal Tortosa 2014 CE last season. He was informed that he had to contact the club that the player was linked to and that this club should deregister the player and subsequently unlink him, and that once these actions were done, he could link the players at your club

Later, the same club informed us that having spoken to the other club involved (Futsal Tortosa 2014 CE), the answer they received was that the players were not listed on their intranet. It was explained to the Vinallop CFS club, that it was possibly happening that since the equipment was not registered, it was not visible and had to be looked for in another section.

Being a new club and having no knowledge of the intranet software used at the FCF, he was sent some screenshots to guide him. In these captures, the names of the players who played with the CE Futsal Tortosa team last season appeared (...).
(..)."

2. The Authority opened a preliminary information phase (no. IP 299/2022), 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 (LPAC), to determine whether the facts were likely to motivate the initiation of 'a sanctioning procedure.

3. In this information phase, on 03/21/2023 the FCF was required to report the following:

- The date on which he communicated the personal data of sixteen players from Club Esportiu Futsal Tortosa 2014 to Club Vinallop CFS.
- The date of establishment of the Club Vinallop CFS.
- If Club Vinallop CFS, at the time the data was communicated to it, already knew this information.
- The reasons that justified the transmission of the personal information of sixteen players to the aforementioned club.

4. On 04/18/2023, the FCF responded to the request in the following terms:

- That "The information sent by the FCF to Club Vinallop CFS regarding the players of Club Esportiu Futsal Tortosa 2014 was made through a single screenshot sent via Whatsapp . (...) The communication took place on August 13 or 14. Can't remember the exact date. (...) The Vinallop CFS Club was established on July 25, 2022."
- That "The information provided was as follows: name, surname and license code. The license code for players with Spanish nationality corresponds to their ID number and for foreign players to the code assigned by the FCF."
- That the personal data was communicated to the person responsible for Club Vinallop CFS, who already had this information because during the 2021/2022 season he was (...) of Club Esportiu Futsal Tortosa 2014 (...), and she was in charge of giving the sports licenses to the referees. In this regard, the FCF emphasized the friendship of the person to whom the data was sent with the sixteen players, and explained that (the bold is from the Authority):

"when processing the licenses of the players of the Vinallop CFS team, the system would not let him, as it indicated that the player had a license with another club. In this sense, it is essential to point out that **in order to reach this communication from the federative system with the Club, it is mandatory to enter all the player's data, without being able to omit any of these: name and surname, date of birth and license code.**"

- That the legal basis for this treatment is the consent expressed by the interested party at the time of registration. The FCF indicated that it complies with articles 6 and 7 of Organic Law 3/2018, of December 5, on the protection of personal data and guarantee of digital rights (LOPDGDD), and with articles 6.1. a and 7.1 and 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council, of April 27, 2016, relating to the protection of natural persons with regard to the processing of personal data and the free movement of these data (RGPD), in relation to article 12 of the Statutes of the FCF , which provides for the registration process of the federations. Likewise, it also maintained that the aforementioned treatment is necessary to satisfy legitimate interests pursued by the person responsible for the treatment, in the terms of article 6.1. f of the RGPD.

- That the terms and conditions that federated persons must accept in order to register on the federated portal stipulate the purposes for which the FCF collects personal data. Among these purposes, the following stands out: "administrative management, execution and development of all activities belonging to the FCF and the management of the user in the different services made available to him."

The reported entity attached the following documentation to its letter:

- The act of incorporation of the Club de Futbol Sala Vinallop
- The license history of the person to whom the FCF communicated the data of the sixteen players.
- The Statutes of the FCF.
- The conditions associated with the federal license.
- The terms and conditions of your website.

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 facts that are the subject of this archive resolution.

The complainant complained that the FCF had sent personal information about sixteen players from Club Futsal Tortosa 2014 CE to Club Vinallop CFS, which it considered to be in breach of personal data protection regulations. The details of the players that the complainant claims were provided are: the name, surname and the license code of the players mentioned.

The letter of complaint is accompanied by the e-mail that the FCF sent to Club Futsal Tortosa 2014 on 19/08/2022 (precedent 1), by which it informed it that Club Vinallop CFS, which was a club newly created sport, contacted the FCF as it was having problems registering certain players through the federative intranet. Regarding this, the aforementioned club informed the FCF that, at the time of linking the players to their club, a message appeared informing them of the existing link of these players to another sports club. The FCF explained that Club Vinallop CFS reported that it had contacted the club involved (Futsal Tortosa 2014 CE) and that the response they received was "that the players were not listed on their intranet ." In accordance with the above, the FCF justified the communication of personal data of the players of Club Futsal Tortosa 2014 in the need to "guide" Club Vinallop CFS to link the aforementioned players to their club. In this regard, the FCF explained that the transmission of information did not violate data protection regulations.

In accordance with these antecedents, the Authority required the reported entity to provide more information on the reasons that would have justified the sending of this information. In response to this request, among other reasons, the FCF pointed out that the informative message displayed on the Intranet, regarding the impossibility of linking the sixteen players to Club Vinallop CFS, only appears if the club concerned has previously entered the players' personal data (name, surname, date of birth and license code).

Article 5.1. *f* of the RGPD provides that personal data must be " treated in such a way as to guarantee adequate security of personal data, including protection against unauthorized or illegal processing and against its loss, destruction or accidental damage, through the application of appropriate technical or organizational measures (" integrity and confidentiality ")."

Once the above has been established, it is necessary to analyze whether the transmission of the personal information of the sixteen players violated article 5.1. *f* RGPD and the duty of confidentiality, contained in the first section of article 5 of the LOPDGDD in the following terms:

"1. Those responsible and in charge of data processing as well as all the people who intervene in any phase thereof are subject to the duty of confidentiality referred to in article 5.1 *f*) of Regulation (EU) 2016/679. (...)"

It should be noted that the incident that Club Vinallop CFS communicated to the FCF did not refer to the lack of personal information of the players it wanted to register with its club, but to the impossibility of linking them to its club, due to of a problem with the federated website.

For its part, the FCF has stated that the warning about the impossibility of linking players if there is a link with another club only appears if the following personal data have previously been entered: name, surname, date of birth and license code.

Thus, everything seems to indicate that when the FCF sent the personal data of the players linked to Club Futbol Tortosa 2014 to Club Vinallop CFS , the recipient of the data already had this information. And this because, as the FCF has argued, the message that the intranet appeared precisely because Club Vinallop CFS previously entered the personal data of the players.

The previous idea is reinforced by the fact that Club Vinallop CFS at no time requested the personal data of the players either from the FCF or from Club Futbol Tortosa 2014, but rather, as set out in the background, the communications between the FCF and the aforementioned club took place as a result of the Vinallop CFS Club's lack of knowledge about the operation of the intranet.

In accordance with what has been presented, apart from the statements of the person making the complaint, this Authority does not have any evidence that allows the FCF to be charged with the violation of the principle of confidentiality, in relation to the communication of personal data of sixteen players at Club Vinallop CFS. And this because the recipient of the communication already knew the players' information, which

the Vinallop CFS Club itself would have provided because they were interested in signing up for this club.

3. 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 liability. This resolution will be notified to the interested parties." And article 20.1) of the same Decree determines that the dismissal proceeds: "a) When the facts do not constitute an administrative infraction."

In accordance with everything that has been set forth in the 2nd legal basis, and given that during the actions carried out within the framework of the previous information, no fact has been proven that could constitute any of the violations provided for in the legislation on data protection in relation to the facts that have been addressed in this resolution, it is necessary to agree on their archiving.

resolution

For all this, I resolve:

1. Archive the actions of prior information number IP 299/2022, relating to the Catalan Football Federation, given that during the actions carried out in the framework of the previous information it has not been established that any act has taken place that could be constitutive of any of the infractions provided for in the legislation on data protection.
2. Notify this resolution to the Catalan Football Federation and communicate it to the complainant.
3. Order that the resolution be published 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 articles 26.2 of Law 32/2010 and 14.3 of Decree 48/2003, of February 20, which approves the Statute of the Catalan Agency of Data Protection, with discretion, the reported entity can file an appeal 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 Law 39/2015. An administrative contentious appeal can also be filed directly before the administrative contentious courts of Barcelona, within two months from the day after its notification, in accordance with Law 29/1998, of July 13, regulator of administrative contentious jurisdiction.

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

The director