

## File identification

Resolution of sanctioning procedure no. PS 55/2020, referring to Reus City Council.

## Background

1. On 06/11/2019, the Catalan Data Protection Authority received a letter from a person who filed a complaint against Reus City Council, on the grounds of an alleged breach of the regulations on protection of personal data. In particular, the complainant explained that when he wanted to withdraw his vehicle from the municipal depot, he had to provide a series of personal data, without the right to information being effective. In turn, the person making the complaint asserted that although the staff of the municipal depot can verify that the requirements of "de facto or de jure possession of the vehicle are met and in the event that the vehicle must remain immobile, due to the lack of some regulated administrative requirement, the citizen has the right to be informed of this circumstance by an Agent of the Authority with authority and legitimacy." In the last one, he also pointed out that a video surveillance system had been installed in the municipal vehicle depot, without the City Council enforcing the right to information.

2. The Authority opened a preliminary information phase (no. IP 297/2019), 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.

3. On 11/22/2019, as part of this preliminary information phase, the reported entity was required to report, among others, on how the right to information was implemented in the reporting person in the collection of their data in order to be able to withdraw their vehicle from the municipal depot on 26/10/2019; in order to specify what was the legal basis that would legitimize the collection of data of the person who withdraws a vehicle; in order to certify the location of the information posters of the existence of the cameras installed in the municipal vehicle depot; as well as in order to indicate how the persons affected by the processing of their image through said cameras were provided with the information on the rest of the points provided for by the data protection regulations, in the terms required by the article 12.6 of Instruction 1/2009, of February 10, of the Catalan Data Protection Authority, on the processing of personal data through video surveillance cameras (hereinafter, Instruction 1/2009).

This requirement was reiterated on 07/01/2020.

4. On 01/24/2020, the Reus City Council responded to the above-mentioned request in writing, in which it set out, among others, the following:

- That the data protection delegate (hereinafter, DPD) of the City Council carried out, on 01/22/2020, an inspection at the vehicle depot to review the procedure and forms given to the people who go to collect the vehicles and the video surveillance system.
- That the DPD found that the form given to people who removed their vehicle from the municipal depot did not include any information clause on data protection.
- That the DPD brought this fact to the attention of the person in charge of the vehicle depot management application so that he could incorporate the information clause on the protection of personal data to ensure that the right to information is effective for the affected persons in the process of withdrawing the vehicle.
- That the form was modified on 01/23/2020.
- That the legal basis that legitimizes the treatment is the exercise of a public power based on the following rules:
  - Royal Legislative Decree 6/2015, of 30 October, approving the revised text of the Law on Traffic, Circulation of Motor Vehicles and Road Safety (hereafter, RDL 6/2015).
  - Royal Decree 1428/2003, of November 21, approving the General Regulations for the circulation of vehicles on motorcycles and road safety, approved by Royal Legislative Decree 339/1990, of March 2, revised in force on January 29 of 2019.
  - Municipal Traffic Ordinance.
  - Fiscal Ordinance number 13 regulating the fee for the removal of vehicles from the public road and their deposit.
- That these rules enable the processing of the identification data of people affected by traffic penalties and traffic violations in order to manage the corresponding penalties, withdrawal of card points and other sanctioning actions.
- That the identification of the person who withdraws the vehicle from the deposit and who is responsible for the payment of the withdrawal and guardianship fee for the vehicle, is mandatory under the provisions of article 3 of Fiscal Ordinance no. 13 which establishes that natural and legal persons, in whose name the vehicle is registered on the driving permit, are obliged to pay the fee.
- That the payment of the fees and expenses as a result of the withdrawal must be paid in the branches authorized for this purpose or guarantee their payment, as a prerequisite to the return of the vehicle, as stated in the article 8 of Tax Ordinance no. 13.
- That in order to be able to create the payment instrument, it is necessary to display the data of the owner of the vehicle.
- That inside the municipal vehicle depot there was a video surveillance system that captured images.
- That in the deposit office there was no poster or additional system, aside from the information posters, that reported on the processing of video surveillance data carried out.

- That on the transparency website of the Reus City Council, in the institutional and organizational information section, the record of treatment activities was published where you can consult all the information on video surveillance treatment (<https://transparencia.reus.cat/ajuntament-de-reus/informacio-institucional-i-organizational/rat-registredactivatis-de-treatment-de-datas>).

The City Council of Reus provided with its written response, the letter of payment given to the person making the complaint; the new payment letter model that incorporated an informative clause on the processing of personal data; as well as a photo report of the following:

- From the camera (1) and information poster (1) placed inside the depot offices municipal of vehicles.
- From the camera (1) and information poster (1) placed outside the deposit offices municipal of vehicles.

Regarding the information clause that the City Council had incorporated on 01/23/2020 into the payment letter model, it should be noted that it did not comply with all the requirements established in article 13 of Regulation (EU) 2016/679 of European Parliament and of the Council, of April 27, relating to the protection of natural persons with regard to the processing of personal data and the free circulation thereof (hereafter, RGPD),

In this sense, in the first layer of information that is provided to the affected persons, it is reported that the legal bases of the treatment (art. 13.1.c RGPD) are 5 (legal obligation, public interest, execution of a contract, legitimate interest and consent) although this treatment would only be based on the fulfillment of a mission in the public interest or the exercise of public powers (art. 6.1.e RGPD) and that the right of portability can be exercised (although the affected person would not have the right to exercise it in accordance with article 20 of the RGPD).

And in the second layer to which the said informative clause is referred (<https://serveis.reus.cat/rgpd/>), the right to submit a claim to the Authority is reported only in the event that exercise one of the rights provided for in articles 15 to 22 of the RGPD (art. 13.d RGPD), it is not indicated what is the retention period of the data or criteria to determine it (art. 13.2.a RGPD), nor that providing the data is a legal requirement (art. 13.2.e RGPD).

On the other hand, the City Council specified in its written response to the request for information, that there were "other cameras inside the premises focused towards the interior and the vehicles for the surveillance of the premises which are away from the areas accessed by the people removing the vehicles and have not been attached to this report."

5. In this information phase, on 01/30/2020, the Authority's Inspection Area made a series of checks via the Internet on the information provided by Reus City Council through of the link to which the informative clause of the new is referred

version of the payment letter (<https://serveis.reus.cat/rgpd/>); as well as on the content of the treatment activities -document of 76 pages-

(<https://transparencia.reus.cat/ajuntament-de-reus/informacio-institucional-i-organizational/rat-registre-dactivitas-de-tractament-de-dades>) in relation to the treatment activities called "video surveillance Guàrdia Urbana " (number 18.2) and "police management" (number 18.3).

6. On 05/20/2020 and still within the framework of this preliminary information phase, the Authority's Inspection Area carried out a series of checks via the Internet on the facts subject to the complaint linked to the video surveillance system installed in the municipal vehicle depot. Thus, through the "Google Street View" service of Google Maps, the following was verified:

- That according to the images captured by Google during the month of July 2019 at the height of the main access to the Reus municipal vehicle depot on Carrer de Víctor Català, from the public road you could see that outside of the offices of the municipal vehicle depot (on the wall facing the inside of the facilities) an information poster had been installed. The content of this poster and its location coincided with the photographs provided by Reus City Council together with its letter of 01/24/2020.

According to the images, this sign could be visible (despite being placed inside the facilities) by people who access the municipal deposit from the roundabout located at the intersection of Víctor Català and Francesc Ferrer streets and Guard

- That also according to the images captured by Google during the month of July 2019, at the level of the main access to the municipal vehicle depot of Reus on Carrer de Víctor Català, it can be seen from the outside (given that the access door is glass) that inside the offices of the municipal vehicle depot there was an information poster installed on the partition installed inside the offices, which protects the employee of the deposit.

The content of this poster and its location also coincided with the photographs provided by Reus City Council together with its letter of 01/24/2020.

This sign is only visible from the outside when the person who wants to access the offices stands in front of the glass door that allows access to them, so the affected person would only see this sign once they have already entered in the field of focus of the camera installed inside the said offices (located above the sign) and which, according to the images provided by Reus City Council, focused on the glass access door.

7. On 06/04/2020, also during this preliminary information phase, the reported entity was again required to inform, among others, what the basis was

specific legal provision that would legitimize the deposit staff being able to require the person who wants to withdraw a vehicle to show the vehicle's insurance.

8. On 18/06/2020, the Reus City Council responded to the previous request in writing in which it set out, among others, the following:

- That the depot staff does not have the status of an agent of the Urban Guard, but that the service is always provided with the support of the Reus Urban Guard.
- That the service is provided by a certain company with which it was subscribed corresponding data processor contract.
- That any vehicle to be able to circulate within Spanish territory must have a contract a compulsory civil liability insurance.
- That if a vehicle drives without the corresponding mandatory insurance, it should be immediately immobilized and could not drive on public roads.
- That the staff of the municipal depot do not request that the vehicle insurance be shown, while the Urban Guard carries out the search using the interoperability tools to consult the database of the General Directorate of Transit ( hereinafter, DGT) and once completed, the Urban Guard indicates in the relevant file that the vehicle has insurance and it is not necessary to request this information.
- That the insurance is only requested from the user by the staff of the depot and always at the request of the Urban Guard, in the following exceptional cases:
  - i. In the event that the application for querying the DGT database does not work, and therefore the Urban Guard cannot obtain the corresponding information. In this case, the Urban Guard instructs the staff at the depot to request information on the vehicle's compulsory insurance in order to be able to remove it.
  - ii. In the event that, for any other reason, the Urban Guard has not been able to make the corresponding query in the DGT database and this information is necessary to be able to remove the vehicle.
  - iii. In the event that the result of the search in the DGT database by the Urban Guard, indicates that the vehicle does not have insurance and that, therefore, it cannot circulate on public roads, except that s provide the document certifying that the compulsory insurance has been contracted.
- That the deposit staff does not keep a copy of the document relating to the compulsory insurance. It only checks the validity of the same and no data is collected.
- That the legal basis that legitimizes the treatment is the exercise of a public power and the compliance with a legal obligation based on the following rules:
  - i. RDL 6/2015 (art. 104.1.e).
  - ii. The Royal Legislative Decree 8/2004, of October 29, which approves the revised text of the Law on civil liability and insurance in the circulation of motor vehicles - henceforth, RDL 8/2004- (art. 3.1.b).
  - iii. The Municipal Traffic Ordinance (art. 16).
- That said rules enable the request for documentation relating to compulsory insurance, in that if a vehicle does not have it, it cannot drive on the road

public, in accordance with article 104.1 e) of RDL 6/2015 and in accordance with article 3.1 b) of RDL 8/2004.

- That the driver's requirement of the compulsory insurance certificate is also regulated in article 16 of the Municipal Traffic Ordinance of the Reus City Council.
- That the depot staff is authorized to request this documentation, upon request from the Urban Guard, and in accordance with the administrative contract for the provision of services signed between the City Council and the company that manages the municipal vehicle depot .

9. On 06/11/2020, the director of the Catalan Data Protection Authority agreed to initiate disciplinary proceedings against the Reus City Council for 3 alleged infringements: two infringements provided for in article 83.5.b) in relation to articles 12 and 13; and a third violation provided for in article 83.5.a) in relation to article 5.1.c), all of them of the RGPD. This initiation agreement was notified to the imputed entity on 11/12/2020.

10. On 26/11/2020, Reus City Council made objections to the initiation agreement. The accused entity provided various documentation with its letter.

11. On 05/03/2021, the person instructing this procedure formulated a proposed resolution, by which it was proposed that the director of the Catalan Data Protection Authority reprimand the Reus City Council as responsible for two violations provided for in article 83.5.b) in relation to articles 12 and 13 , all of them from the RGPD.

Regarding the conduct described in proven fact 2, the instructing person considered that it did not constitute an infringement.

This resolution proposal was notified on 09/03/2021 and a period of 10 days was granted to formulate allegations.

12. On 03/23/2021, the accused entity submitted a statement of objections to the resolution proposal.

The accused entity provided various documentation with its letter.

proven facts

1. Until 23/01/2020, Reus City Council did not provide people who removed a vehicle from the municipal vehicle depot, when collecting their data, any information on the processing of personal data.

2. The Reus City Council gave instructions to the company that manages the municipal vehicle depot, so that its staff (who do not have the status of an agent of the authority) require the documentation proving that they have the compulsory insurance of

vehicle to be able to remove a vehicle from the deposit, in those cases in which the Urban Guard had previously established this, such as:

- When the application to consult the DGT database does not work, and therefore the Guàrdia Urbana cannot consult this information.
- When the Urban Guard has not been able to make the corresponding query in the database of the DGT and this information is necessary to be able to withdraw the vehicle.
- When the result of the search in the DGT database by the Guard Urbana means that the vehicle does not have insurance.

3. In relation to the video surveillance system installed in the municipal vehicle depot, although the Reus City Council had placed an informative poster of the existence of the cameras both inside and outside the depot offices, had not placed a sign at the access to the video surveillance area through the public road, in a clearly visible location before entering the field of focus of the cameras.

In turn, the posters installed did not indicate how to obtain the information referred to in article 12.6 of Instruction 1/2009 (the information provided for in clauses "b", "c" and "e" of art. 13.1 RGPD and in clauses "a", "b" and "d" of article 13.2 RGPD).

In this regard, the Reus City Council indicated by means of a letter dated 24/01/2020 that the record of treatment activities had been published on the transparency website where information on the [transparencia.reus.cat/departament-de-vides-surveilla](https://transparencia.reus.cat/departament-de-vides-surveilla) was not considered easy to read and understand (document with 76 pages), there was no information about the rights that the affected person can exercise, nor about the possibility of submit a claim to the Authority. Likewise, in the record of treatment activities it was indicated that the legal bases that legitimize the video surveillance treatment were 4 (legal obligation, public interest, legitimate interest and consent, although the only basis that would legitimize the treatment was compliance of a mission in the public interest or the exercise of public powers - art. 6.1.e RGPD) and the criterion for determining the retention period of the data ("The legal provision that obliges to keep them to have-those at the disposal of a judicial body and of the State Security Forces and Bodies") was generic and did not allow the affected person to anticipate what this term would be.

#### Fundamentals of law

1. The provisions of the LPAC, and article 15 of Decree 278/1993, according to the provisions of DT 2a of Law 32/2010, of October 1, of the Catalan Data Protection Authority. In accordance with articles 5 and 8 of Law 32/2010, the resolution of the sanctioning procedure corresponds to the director of the Catalan Data Protection Authority.

2. The accused entity has made allegations both in the initiation agreement and in the resolution proposal. The first ones were already analyzed in the proposed resolution, but even so it is considered appropriate to mention them here, given that they are partly reproduced in the second ones. The set of allegations made by the accused entity are then analysed.

2.1. About the facts proven 1st and 3rd.

In its statement of objections to the proposed resolution, the Reus City Council states, in summary, that it has modified the information on data protection included in the payment letter in the terms indicated in the proposal of resolution (fact proven 1st). In particular, it indicates that it has added the criteria to determine the conservation of the data (art. 13.2.a RGPD) and the right to present a claim before this Authority (art. 13.2.d RGPD).

Well, it should be pointed out that, with this latest modification, the information clause included in said payment letter incorporates all the information required by sections 1 and 2 of article 13 of the RGPD.

On the other hand, with regard to proven fact 3, the accused entity states in its statement of objections to the proposed resolution that it has replaced the informative posters of the existence of the cameras both inside , as outside the depot's offices municipal vehicles; and that he has also placed another sign at the access to the video-surveillance area through the public road, in a clearly visible location before entering the field of focus of the cameras, which proves by medium of a photograph.

In these posters, it is clear that the City Council already indicates how to obtain the information referred to in article 12.6 of Instruction 1/2009 (the information provided for in sections "b", "c" and "e" of Article 13.1 RGPD and in clauses "a", "b" and "d" of Article 13.2 RGPD). In particular, it is certified that this information can be accessed through the privacy policy of the Council's website (<http://www.reus.cat/politica-de-privacit>).

Having said that, as pointed out by the instructing person in the proposed resolution, the action of the Reus City Council to implement measures aimed at correcting the effects of the two imputed infringements and linked to the right to information should be positively assessed, both in relation to the data collected through the payment letter, as well as the processing of images through the cameras installed in the municipal vehicle depot.

Having established the above, it is also necessary to point out that the adoption of measures to correct the effects of the infringements do not distort the imputed facts, nor do they modify their legal classification. It is for this reason that the suspension of the present sanctioning procedure, as requested by the accused entity in its statement of objections, is not appropriate.



Apart from the previous actions, it should also be noted positively that the City Council reports that an audit has been carried out in the field of data protection, which has modified the record of processing activities in relation to "video surveillance" activities and of "police management", and that the modification of the remaining treatment activities collected in said register, is in the "management phase".

In accordance with everything that has been set out, the allegations made by the Reus City Council against the proposed resolution must be dismissed.

## 2.2. On the proven fact 2nd.

In relation to the second proven fact, the Reus City Council has not made any allegations against the proposed resolution, taking into account that the investigating person considered in the proposed resolution that this fact did not constitute an infringement. In this regard, the instructing person pointed out that it could not be maintained that the staff of the company that manages the auxiliary services at the municipal vehicle depot cannot request the insurance of the vehicle from the person who wants to withdraw it in those cases in which the Urban Guard has indicated this to him. And in this sense, the City Council of Reus has stated that it gave instructions to the said company to only request this information (to have the compulsory insurance of the vehicle) in those cases stipulated by the Urban Guard.

So, although the staff of the company that provides auxiliary services to the municipal vehicle depot, do not have the status of agent of the authority, the truth is that they complied with the previous instructions of the agents of the Urban Guard, the which do have the status of agent of the authority and the power to check whether or not the vehicles have compulsory insurance.

This circumstance, as stated by the instructing person in the resolution proposal, has prevented maintaining the imputation of the minimization principle that was initially carried out in the initiation agreement regarding these facts.

3. In relation to the facts described in point 1 of the proven facts section, it is necessary to go to article 12 of the RGPD, which provides that "The person responsible for the treatment will take the appropriate measures to provide the interested party with all the information indicated in articles 13 and 14, as well as any communication in accordance with articles 15 to 22 and 34 relating to treatment, in a concise, transparent, intelligible and easily accessible form, with a clear and simple language (...)."

And sections 1 and 2 of article 13 of the RGPD establish the following:

"1. When personal data relating to an interested party is obtained, the data controller, at the time it is obtained, will provide all the information indicated below:

- a) the identity and contact details of the person in charge and, where appropriate, of their representative;
  - b) the contact details of the data protection officer, if applicable;
  - c) the purposes of the treatment for which the personal data is intended and the legal basis of the treatment;
  - d) when the treatment is based on article 6, section 1, letter f), the legitimate interests of the person in charge or of a third party;
  - e) the recipients or the categories of recipients of the personal data, as the case may be;
  - f) in its case, the intention of the person in charge to transfer personal data to a third country or international organization and the existence or absence of an adequacy decision by the Commission, or, in the case of the transfers indicated in articles 46 or 47 or article 49, section 1, second paragraph, refers to the adequate or appropriate guarantees and the means to obtain a copy of these or the fact that they have been provided.
2. In addition to the information mentioned in section 1, the controller will provide the interested party, at the time the personal data is obtained, the following information necessary to guarantee a fair and transparent data processing:

- a) the period during which personal data will be kept or, when not possible, the criteria used to determine this period;
- b) the existence of the right to request from the person responsible for the treatment access to the personal data relating to the interested party, and its rectification or deletion, or the limitation of its treatment, or to oppose the treatment, as well as the right to the portability of the data ;
- c) when the treatment is based on article 6, section 1, letter a), or article 9, section 2, letter a), the existence of the right to withdraw consent at any time, without it affecting the legality treatment based on consent prior to its withdrawal;
- d) the right to present a claim before a control authority;
- e) if the communication of personal data is a legal or contractual requirement, or a necessary requirement to sign a contract, and if the interested party is obliged to provide personal data and is informed of the possible consequences of not providing such data;
- f) the existence of automated decisions, including the creation of profiles, referred to in article 22, sections 1 and 4, and, at least in such cases, significant information on the logic applied, as well as the importance and expected consequences of said treatment for the person concerned."

During the processing of this procedure, the fact described in point 1 of the proven facts section, which is constitutive of the violation provided for in article 83.5.b) of the RGPD, which typifies the violation, has been duly proven of "the rights of interested parties pursuant to articles 12 to 22", among which is the right to information provided for in articles 12 and 13 RGPD.

The conduct addressed here has been included as a very serious infraction in article 72.1.h) of the LOPDGDD, in the following form:

"h) The omission of the duty to inform the affected person about the processing of their personal data in accordance with the provisions of articles 13 and 14 of Regulation (EU) 016/679 and 12 of this Organic Law."

4. With regard to the fact described in point 3 of the proven facts section, it is also necessary to refer to articles 12 and 13 of the RGPD, previously transcribed.

For its part, article 22.4 of the LOPDGDD, relating to treatments for video surveillance purposes, provides that:

"4. The duty of information provided for in article 12 of Regulation (EU) 2016/679 is understood to be fulfilled by placing an information device in a sufficiently visible place with the identification, at least, of the existence of the treatment, the identity of the person responsible and the possibility of exercising the rights provided for in articles 15 to 22 of Regulation (EU) 2016/679. A connection code or an Internet address with this information may also be included in the information device.

In any case, the data controller must keep the information referred to in the aforementioned Regulation at the disposal of those affected."

Regarding the processing of personal data using cameras for video surveillance purposes, sections 3, 4 and 6 of article 12 of Instruction 1/2009, referring to the right to information, determine the following:

"12.3 Information posters must be placed in clearly visible locations before entering the recording field of the cameras. The specific location of the posters will depend, in each case, on the nature and structure of the video-surveillance areas and spaces. However, the following conditions must be taken into account:

For video surveillance cameras in buildings or facilities, an information poster must be placed at each of the accesses to the video surveillance area. (...)

12.4 The content and design of the information poster must conform to what is established in the annex to this Instruction, without in any case requiring the location of the cameras to be specified. (...)

12.6 The person responsible for the treatment, or whoever designates in their place, must also provide the affected persons with information about the rest of the points provided for in article 5.1 of the LOPD through printed materials or through their website or headquarters electronic, where the specific purpose of the surveillance must be stated, as well as the rest of the information established in sections a), d) and e) of article 5 of the LOPD."

And the annex to Instruction 1/2009 to which article 12.4 of the same rule refers, regarding the content and design of the information poster, states that:

"1. In the information poster referred to in article 12 of this Instruction, the following information must be clearly visible, from top to bottom, at least:

(...) Indication of the site or website where the information referred to in article 12.6 of this Instruction can be obtained. (...)"

In accordance with what has been stated, the fact collected in point 3 of the section on proven facts it also constitutes the infringement provided for in article 83.5.b) of the RGPD.

The conduct addressed here has also been included as a very serious infraction in article 72.1.h) of the LOPDGDD, previously transcribed.

5. Article 77.2 LOPDGDD provides that, in the case of infractions committed by those in charge or in charge listed in art. 77.1 LOPDGDD, the competent data protection authority:

"(...) must issue a resolution that sanctions them with a warning. The resolution must also establish the measures to be adopted so that the conduct ceases or the effects of the offense committed are corrected.

The resolution must be notified to the person in charge or in charge of the treatment, to the body to which it depends hierarchically, if applicable, and to those affected who have the status of interested party, if applicable."

In terms similar to the LOPDGDD, article 21.2 of Law 32/2010, determines the following:

"2. In the case of violations committed in relation to publicly owned files, the director of the Catalan Data Protection Authority must issue a resolution declaring the violation and establishing the measures to be taken to correct its effects. In addition, it can propose, where appropriate, the initiation of disciplinary actions in accordance with what is established by current legislation on the disciplinary regime for personnel in the service of public administrations. This resolution must be notified to the person responsible for the file or the treatment, to the person in charge of the treatment, if applicable, to the body to which they depend and to the affected persons, if any".

In the present case, however, no corrective measures should be required from Reus City Council, given that it has already implemented the appropriate measures to correct the effects of the two violations linked to the principle of transparency, as set out in legal basis 2.1 of this resolution.

For all this, I resolve:

1. Reprimand the City Council of Reus as responsible for two violations provided for in article 83.5.b) in relation to article 12 and 13, all of them of the RGPD.

It is not necessary to require corrective measures to correct the effects of the infringement, in accordance with what has been set out in the 5th legal basis.

2. Notify this resolution to Reus City Council.

3. Communicate the resolution to the Ombudsman, in accordance with the provisions of article 77.5 of the LOPDGDD.

4. Order that this 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, of October 1, of the Catalan Data Protection Authority, and 14.3 of Decree 48/2003, of February 20, by which the Statute of the Catalan Data Protection Agency is approved, the imputed entity can file, with discretion, an appeal for reinstatement before the director of the Catalan Data Protection Authority Data, within one month from the day after its notification, in accordance with what they provide article 123 et seq. of the LPAC. 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.

If the imputed entity expresses to the Authority its intention to file an administrative contentious appeal against the final administrative decision, the decision will be provisionally suspended in the terms provided for in article 90.3 of the LPAC.

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

The director,