

File identification

Resolution of sanctioning procedure no. PS 78/2020, referring to the Som Fontpineda municipal group of Pallejà City Council.

Background

1. On 17/12/2019, the Catalan Data Protection Authority received a letter from the Pallejà City Council in which it filed a complaint against the Som Fontpineda municipal group (hereinafter, the municipal group), on the grounds of an alleged breach of the regulations on personal data protection.

Specifically, the City Council explained that on 09/11/2019 the Municipal Group published through the website (www(...)) a news entitled "*New Metropolitan Transport Tax: Unfair and poorly managed by the City Council*". The publication contained five links to documents identified as "supplementary information". According to the reporting entity, two of the links referred to documents with personal data. In particular, they were the links entitled "*Intervention file WITH 2019 registers*" and "*Response report WITH Metropolitan Tax 2019 Pallejà*". Through these links you could download the two documents in PDF format.

The City Council also claimed that the first of the documents contained personal data of the municipal councilor (...), specifically the name and surname. As for the second document, it referred to an email sent from a generic mailbox of the Diputació de Barcelona to a City Council worker. The City Council provided a copy of the news with the links and a copy of the aforementioned documents.

This Authority, in the course of internet checks, found that the two documents had been deleted from the website (www(...)).

2. The Authority opened a preliminary information phase (no. IP 338/2019), 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. In this information phase, on 23/01/2020 the reported entity was required to report on how it would have accessed the documents attached to the news "*New Metropolitan Transport Tax: Unjust and poorly managed by the City Council*". In particular, about the circumstances and the people who provided the documents "*Intervention file AMB padrons 2019*" and "*Response report AMB Tribut Metropolità 2019 Pallejà*". It was also required to report on the legal basis that would legitimize the processing of personal data relating to access to this documentation and its subsequent publication.

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4. On 11/02/2020, the municipal group responded to the aforementioned request in writing in which it stated the following:

- In relation to the origin of the documentation with personal data published on the website (www. (...)), the reported entity stated that it would not inform the Authority about the origin of this documentation until it to rule on whether or not to initiate disciplinary proceedings against the municipal group.
- Regarding the legal basis that, according to the reported entity, would legitimize the processing of personal data, Article 6.1 e) of the RGPD and Law 19/2014 of December 29, on transparency, access to public information and good governance.
- That there was a public interest: "our right and obligation and undeniable public interest to convey that the City Council's governing team (...) failed to tell the truth in the Ordinary Plenary meeting of 28/11/ 2019, to the detriment of citizens' rights". In accordance with this, the reported entity considers it necessary and appropriate that *"the names and surnames of the people to whom they were addressed (the Alderman (...) and the municipal worker) appear."* Otherwise, doubts would arise as to whether this communication was not addressed to the staff of the Consistory, but to third parties".
- Regarding the publication of the alderman's data, he considers that it was public data that was published on the City Council's website.
- Regarding the publication of the data of the municipal worker, name and surname, which appeared in the email address, he considered that *"it must be taken into account that it is part of the organizational structure of the municipal administration "*. And he added: *"in our opinion, it means that the publicity given by those occupying the jobs of the administration is not an attempt against the protection of personal data"*.

The reported entity attached various documentation to the letter.

5. On 15/12/2020, the director of the Catalan Data Protection Authority agreed to initiate disciplinary proceedings against the Som Fontpineda municipal group of the Pallejà City Council for an alleged violation provided for in article 83.5. a), in relation to article 5.1.f); all of them from Regulation (EU) 2016/679 of the 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 movement thereof (hereinafter, RGPD). This initiation agreement was notified to the imputed entity on 12/27/2020.

6. The initiation agreement explained the reasons why no imputation was made regarding the publication of the document *"Intervention File AMB padrons 2019"* which contained the personal data, name and surname, of the Councilor (. ..) of the City Council.

Regarding this, in the section of reported facts not imputed in the initiation agreement it was stated that the information disseminated refers to the data of a political representative, who has the status of councilor of the City Council. It is necessary to take into account the doctrine of the Constitutional Court which establishes that public persons, in the exercise of public functions or involved in matters of public relevance, are obliged to bear a certain risk *"that their subjective rights of the*

personality are affected by opinions or information of general interest, because political pluralism, tolerance and the spirit of openness require it, without which there is no democratic society (STC 107/1988, of June 8, FJ 2)".

In accordance with this, and taking into account that the affected councilor's data only referred to first and last name and public position, considering that this data is also published on the City Council's website and, therefore, accessible to the public in general, it was not considered appropriate to make any imputation.

7. In the initiation agreement, the accused entity was granted a period of 10 working days, counting from the day after the notification, to formulate allegations and propose the practice of evidence that it considered appropriate to defend their interests.

8. On 12/01/2021, the accused entity made objections to the initiation agreement.

9. On 03/05/2021, the person instructing this procedure formulated a resolution proposal, by which he proposed that the director of the Catalan Data Protection Authority admonish the SomFontpineda Municipal Group of the City Council of Pallejà as responsible for an infringement provided for in article 83.5.a) in relation to article 5.1 f), both of the RGPD.

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

10. On 03/17/2021, the accused entity submitted a statement of objections to the resolution proposal.

proven facts

On 9/11/2019 the municipal group Som Fontpineda of the Pallejà City Council published on the website (www.(...)) a news entitled "*New Metropolitan Transport Tax: Unjust and poorly managed by the Town hall*". The post contained five links to documents identified as supplementary information. Through one of the links entitled "*Response report AMB metropolitan tax 2019*" you could download a PDF containing personal data. Specifically, it was a copy of an email sent from a generic mailbox of the Diputació de Barcelona to the email address of a municipal employee, with the following content: attached are the files corresponding to IBIS requested 2005, 2006 and 2018, without there being a public interest in disclosing this personal data.

On 17/12/2019 the Authority made a series of checks on the internet and found that the document had been deleted from the aforementioned website.

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.

Prior to the analysis of the allegations, it is appropriate to make a brief reference to the content of the news published on the website [www\(...\)](http://www(...)) in order to contextualize the facts and be able to conveniently address the allegations made.

On 09/11/2019, the news entitled *"New Metropolitan Transport Tax: unfair and poorly managed"* was published on the aforementioned website. In summary, its content was as follows: the news alluded to a meeting they had had with the AMB (Area Metropolitana de Barcelona) to request information about a newly created metropolitan tribute. First, the nature, elements and foundation of the tax were set out. Next, the City Council's inaction in the negotiation with the AMB was criticized, and it was stated: *"only by asking for the tax file in 2020, the City Council would have had the information, it seems that it did NOT, since the answer to the questions asked by SOM at the Plenary meeting of 01/31/2019 was that they had no information"* (the bold is ours). Then, a chart of the Tax by municipalities and the average liquid quota that they had to pay in each municipality was presented, some FAQs were provided which provided summarized and practical information on the impact of the tax on citizens, while questioning the managed by the City Council's governing team. Finally, it concluded by announcing that: *"the next Plenary meeting to be held on 28/11/2019 will be a good time to ask for explanations"* (the bold is ours). Next, some attached documents were displayed and then, by way of signature, the phrase: *"Grup Municipal SOM Fontpineda" appeared.*

2.1 About the authorship and publication of the news on the website ([www\(...\)](http://www(...)))

In the 1st section of its statement of objections to the initial agreement, the municipal group stated that the owner of the website where the controversial news was published is the political party Som Fontpineda (hereinafter, the party politician), which is a different legal entity from the Som Fontpineda municipal group. And he added, that the political party was the author and creator of the news and not the municipal group. He then explained: *"taking into account that the head of the municipal group is, at the same time, president of the political party, we will continue the allegations as a political party."*

According to the accused entity, the responsibility should not fall on the municipal group, but on the political party. He claimed that the news was published on the website of the political party and, moreover, that they are different legal entities. He also claimed that the president of the political party and the representative of the municipal group are the same person.

Regarding the issue of authorship, it must be made clear that in any case it was the municipal group that disclosed the information it knew by reason of its position. Even more, at the end of the publication of the news, by way of signature, the phrase "*Grup Municipal SOM Fontpineda*" is clearly specified, which highlights the authorship of the news. And as stated in his statement of objections, the president of the political party and the representative of the municipal group are the same person. It is for this reason that this plea is held to fail.

2.2 On the concurrence of public interest in the publication of the personal data of the municipal worker.

The municipal group alleged the existence of a public interest that is concrete in: *"our right and obligation and undeniable public interest to convey that the City Council's governing team (...) was lacking in the truth in the Ordinary Plenary of 28/11/2019, to the detriment of the rights of citizens (...) it was necessary and appropriate that the names and surnames of the people to whom they were addressed (the Alderman (...) and the municipal worker). Otherwise, doubts would arise on whether this communication was not addressed to the Consistory staff, but to third parties"*

The accused entity argued that the public interest covers the identification of the municipal employee who received the information via email, since it was a piece of data that served as unequivocal proof that the communication was directed to the staff of the Consistory and thus demonstrating that the City Council's governing team had missed the truth.

Well, the news was published on 9/11/2019, while the ordinary meeting to which the allegations refer is dated 28/11/2019. Therefore, when the news with the employee's email was published, the referred Plenary meeting had not yet been held and, therefore, it would not be justified by the statement that its publication was to demonstrate that *"the team of Government of the City Council (...) missed the truth in the Ordinary Plenary meeting of 28/11/2019"*. But, even if we consider that the date of the Plenary is wrong because, if we take into account the published news, it alludes to the Plenary on 31/01/2019, then the published mail is from a later date (13/02 /2019), which would also not prove that the City Council had failed to tell the truth on 31/01/2019, because at the time the Plenary was held, the mail did not yet exist.

In any case, with regard to the right to the protection of personal data, here it is analyzed whether the public interest alleged by the municipal group could justify the publication of the personal data of the municipal employee, as the entity claims imputed, for being a necessary requirement to demonstrate that the City Council's governing team had failed to tell the truth.

First of all, it is necessary to assess whether the publication of the *"Intervention File AMB padrons 2019"* alone would be sufficient to fulfill the intended purpose or if, on the contrary, it was necessary

the publication of the mail with the name and surname of the municipal employee. Well, the document "*Intervention file AMB padrons 2019*" is the City Council's response to a request for information issued by the AMB (remember that it has not been imputed for this fact) with a record of date 19/2/2019, and contains two attachments, one of them is the controversial email dated 13/02/2019. The text of the document is as follows:

"In accordance with your request in which you requested the necessary data to articulate the collection of the metropolitan tax, we are sending you the documentation that has been provided by the Tax Management Body, given that the management and collection of the property tax is delegated to this body.

With respect to the matter indicated, we inform you that the documentation provided to us by the Tax Management Body corresponds to the Tax on real estate of the years 2005, 2006 and 2018. The data corresponding to cadastral alterations subsequent to January 1, 2007, the Tax Management Body has informed us by email dated February 13, 2019 that it does not have this information

We attach the following documentation to this letter:

- Documentation corresponding to the 2005, 2006 and 2018 Real Estate Tax registers in digital format - Email from the Tax Management Body dated 02-13-2019 where we indicate the information provided to the City Council.

Signature of the Councilor (...)"

On the other hand, it should be emphasized that the e-mail was sent from the generic address NoRespongueu_(...)cat to the address (...) (name and surname of the municipal employee). The other details of the mail are: Sent: Wednesday, February 13, 2019, subject: sending files to the exchange area of the City Council. And the body of the mail: "Good morning! I am attaching files corresponding to IBI (...) so that you can send them to the contact person of the town hall, since they have been requested from us in order for the AMB to prepare the metropolitan tax register of in the year 2019". Attached below are the files corresponding to the requested IBIS.

In relation to the published news, it can be considered information of public relevance, given that the imposition of a new tax on citizens is a matter that directly affects the residents, since it is related to the tax burden they will have to bear as consequence of the establishment of a new tax. In addition, the news criticizes the lack of involvement of the City Council in the calculation of the tax and questions its calculation because it considers that it could be calculated more fairly and equitably. However, from the point of view of data protection, the question centers on determining whether, by virtue of the alleged public interest, it was necessary to publish the e-mail with personal data of the municipal employee.

On the part of the municipal group, the publication of the data of the municipal employee is justified by the fact that this would demonstrate that the municipal government team had missed the truth. This allegation was answered in the proposed resolution. In summary, it was argued that together with the email, the document "*Intervention File AMB padrons 2019*" had been published, which by itself would prove that from the council (...) arrangements were being made regarding the tax with the AMB and, therefore, would serve the same alleged purpose. In addition, the parliamentary group has not proven that the publication of the email provided any relevant data on this matter. Moreover, as will be justified below, the publication of the mail was not only unnecessary, but in no way substantiated what the municipal group claims.

Below are the allegations that the municipal group has formulated in the resolution proposal:

2.3. About the alleged confusion of the person instructing the procedure.

As alleged by the Municipal Group (first allegation), in the Municipal Plenum of 01/31/2019, they requested information on whether the documentation subject to the procedure had been provided to the AMB ("*Intervention File WITH 2019 forms*") and the government team informed them that this information had already been sent. Likewise, always in accordance with the manifestations of the municipal group, on 02/13/2019, the City Council sent this information by email. He considers that the publication of the email containing the name and surname of the municipal employee would demonstrate that what the City Council's governing team said at the Plenary Session on 01/31/2019 was not true, since the documentation was sent with

subsequently, specifically on 13/02/2019 and the City Council said it had done so before 31/01/2019. The municipal group concludes: "*For this reason, we considered it necessary to make a series of points clear, such as the dates of the mailings and who were the recipients of the mails, with the aim of keeping the general public informed of the actions of the government team, and that the right to transparency prevails over municipal actions*"

In this regard, it is necessary to refer to the minutes of the Municipal Plenum of 31/01/2019, in which it is not recorded that the Municipal Group asked any questions about whether the City Council had provided the AMB with the documentation that was the subject of the procedure. However, on this matter it is known that they go there formulate the following questions:

In the section "*Number 19. Requests and Questions from Members of the Corporation*", on page 56, a councilor from the Municipal Group of (...) formulated the following question:

"Mr. (...), representing the municipal group of (...), states that they have a request and a question (...). Regarding the question, it is that from January 1st Pallejà is in Zone 1 to travel by public transport, if they already know the percentages of impact that the residents will have to pay in the quota.

The Delegate Councilor (...), (...), replied that precisely this morning he made the request to the ORGT who has the data" (the bold is ours).

Well, the Municipal Group affirms that at the Municipal Plenum on 01/31/2019 information is requested on whether the documentation subject to the procedure had been provided to the AMB and that the government team reported that this information had already been sent. However, according to the minutes of the plenary session, contrary to what the municipal group claims, the question asked by the representative of the municipal group of (...) was: *"if they already know the percentages of contribution that will have to be paid by the neighbors in the quota"* and the Delegate Councilor's answer (...) is not the one mentioned by the municipal group, but the following: *"this morning he made the request to the ORGT who has the data"*. Therefore, it is not said that the documentation was sent to the AMB, but that it had been required from the ORGT, which is the one that had the data. It should also be clarified that the sender of the mail published by the municipal group dated 02/13/2019 is the ORGT and the recipient is the municipal employee (where her first and last names are recorded), contrary to what the Group alleges municipal which interprets that the mail was sent by the City Council to the AMB.

In accordance with this, all the signs point to the fact that on 31/01/2019 the City Council requested from the ORGT the data it had to provide to the AMB (values of the IBI) and this is precisely what is recorded in the minutes of the Plenary. Likewise, it is stated in the proceedings that on 02/13/2019 the City Council (specifically, the municipal employee) received an email from the ORGT with the files corresponding to the required documentation (this is the email that the group municipality published on the website of SomFontpineda). And that, on check-out date 02/19/2019, the Alderman (...) of the City Council sent a letter to the AMB to which he attached the documentation received from the ORGT (document that was also published on the SomFontpineda website). In short, the email dated 02/13/2019 published by the municipal group is the ORGT's response to the request of the Alderman (...) of the City Council, which according to the transcript of the plenary session the Alderman would have done on 31/01/2019 (date of the Plenary). Accordingly, the municipal group's contention that the governing team informed them that the information it had already been sent to the AMB, since what the councilor said was that the information had been requested from the ORGT.

There is no further reference to this issue in the minutes, except for a question from a resident of Fontpineda who wants to know how the City Council will deal with the cost of tariff integration. (Number 20. Prayers and Questions from the Attending Public, page 60). The councilor (...) gives an answer to this question.

2.4. About the publication in the electronic office and on the City Council's transparency portal of documents containing the first and last names and signatures of municipal employees.

In the second allegation in the proposed resolution, the Municipal Group makes the following statements:

That the City Council, when administrative files are submitted to public display (...) through the electronic headquarters and the transparency portal, the published documents include the first and last name and electronic signature of the municipal employee who prepared them. According to the municipal group, this does not violate data protection law

and its publication is protected by the Transparency Act. That this fact has led them to believe that the municipal group could publish the names and surnames of municipal workers on the website of the political party protected by the Transparency Law. The municipal group adds that in the event that the APDCAT decides to impose a penalty on them for publishing the name and surname of the municipal employee, a precedent would be created regarding the publication of the data of municipal workers in any document that be published and they would understand necessary to collect your consent. Finally, the municipal group warns that they will request the authorizations they consider appropriate and if they do not exist they will take them the appropriate legal actions. He adds that on 01/11/2021 documents relating to the approval of the modification of the Fiscal Ordinances for the year 2021 are still published on the City Council's Transparency Portal, which contain the name and surname of the municipal worker professional category and position.

In advance, it must be made clear that the facts analyzed here are strictly those proven in this sanctioning procedure, specifically those indicated in the "*Proven Facts*" section. Consequently, the facts invoked by the municipal group relating to the publications allegedly made by the City Council on the Transparency Portal or in the electronic headquarters, are not the subject of analysis in this procedure nor can they constitute the subject of the present resolution .

Nor is the legal consequence drawn by the municipal group correct when it states that if the APDCAT decides to impose a penalty on the municipal group for publishing the name and surname of the municipal employee, it would be creating a precedent with respect to the publication of the data of municipal workers in any document that is published and they would consider it necessary to collect their consent. As has been said, this procedure analyzes specific facts and circumstances, which in no case can be extrapolated to the concurrent facts and circumstances referred to by the Municipal Group in relation to the City Council's publications in the Transparency Portal, nor to other cases that should be analyzed case by case. Apart from this, from the point of view of data protection, it must be made clear that the publication by the Administrations and other subjects obliged by the LTAIPBG of personal data (for example, of municipal employees) will require carry out a reasoned weighting of the public interest in the disclosure of the data and the rights of the affected persons (article 24.2 LTAIPBG).

Having said that, below we focus on the specific allegations relating to the facts that are imputed in this procedure. The Municipal Group claims that it has not published any personal data that had not been published by the City Council itself.

In this regard, it is necessary to clarify that the publication of personal data of the municipal employee is data processing, as provided in article 4.2 of the RGPD: 2) "*treatment*": any operation or set of operations carried out on personal data or sets of personal data, whether by automated procedures or not, such as (...) dissemination or any other form of enabling access, (...). In addition, in accordance with article 5.1.a) of the RGPD, personal data will be treated lawfully. And the treatment will be lawful when any of

the circumstances included in article 6 of the same legal text. The processing of data consisting of the publication of the municipal employee's data cannot be defended by the fact that the City Council has published this data in relation to a specific purpose. Indeed, another data controller (in this case the municipal Group) will not be able to use this data for its own purpose, if it does not have a legal basis to do so. Consequently, the fact that the City Council has published the personal data of a municipal employee for specific purposes does not authorize the Municipal Group to process the employee's data. In addition, the Municipal Group published an email, a management document of the City Council, which is not known to have been made public by the City Council. Having not proven a legal basis that justifies the treatment, the publication of the mail would constitute a communication of personal data without legal protection.

Finally, the Municipal Group considers that it has been actively misled by the City Council itself, considering that since the City Council had published documents with data on municipal employees, this fact empowered it to publish the personal data of the municipal employee. However, this allegation cannot succeed, because as has been said before it is about the publication of an email, a document that is not published by the City Council, which in this case could not be verified the reasons why it was in the hands of the municipal group, given that it did not want to provide the Authority with this information. Which presumably could have been obtained by virtue of the right of access to information that corresponds to municipal groups. In this sense, it should not be forgotten that, although this right is recognized in articles 77.1 LRBRL, 164.1 of Legislative Decree 2/2003, of April 28, which approves the Revised Text of the Municipal and Regime Law local body of Catalonia (TRLMRLC), it should be emphasized that *"Members of the corporation must respect the confidentiality of the information to which they have access by virtue of their position if the fact of publishing it could harm the interests of the local entity or third parties"* (article 164.6 of Legislative Decree 2/2003).

Based on the above grounds, the allegations made cannot succeed.

3. In relation to the facts described in the proven facts section, relating to the principle of confidentiality, it is necessary to refer to article 5.1.f) of the RGPD, which provides that *"1. Personal data: f) Must be treated in such a way as to ensure adequate security, including protection against unauthorized or unlawful processing and against loss, destruction or accidental damage to data, through the appropriate technical or organizational measures (integrity and confidentiality)"*.

Article 5 of the LOPDGDD establishes the duty of confidentiality, in the following form:

- "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.*
- 2. The general obligation indicated in the previous section is complementary to the duties of professional secrecy in accordance with its applicable regulations.*

3. The obligations established in the previous sections remain even if the obligee's relationship with the person in charge or person in charge of the treatment has ended.

During the processing of this procedure, the fact described in the section on proven facts has been duly proven, which is constitutive of the violation provided for in article 83.5.a) of the RGPD, which typifies the violation of *"a) basic principles for treatment, including conditions for consent, in accordance with articles 5, 6, 7 and 9"*.

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

"1. Based on what is established in article 83.5 of Regulation (EU) 2016/679, infractions that represent a substantial violation of the articles mentioned in that article are considered very serious and are prescribed for three years and, in particular, the following: i) The violation of the duty of confidentiality established by Article 5 of this Organic Law."

4. 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 . (...)"

It is not necessary to require corrective measures to correct the effects of the infringement, given that the Authority in the prior information phase found that the document had been deleted from the website.

For all this, I resolve:

1. Warn Municipal group Som Fontpineda of Pallejà City Council. as responsible for an infringement provided for in article 83.5.a) in relation to article 5.1.f), both 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 legal basis 3r.

2. Notify this resolution to the Som Fontpineda Municipal Group of Pallejà 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 the provisions of 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,