apdcat
Autoritat Catalana de Protecció de Dades

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File identification

Resolution of sanctioning procedure no. PS 36/2021, referring to the Department of Health.

Background

1. On 06/30/2020, the Catalan Data Protection Authority received a letter from a person who filed a complaint against the Department of Health, on the grounds of an alleged breach of the regulations on protection of personal data.

In particular, the complainant stated that at 11:07 a.m. on 06/25/2020 he received a phone call from a hidden number, in which he was told that he was calling "from the Department of Health". According to the complainant, in this call they informed him that they knew his first and last name, the number of affiliation to the Public Health System, and "data about my relationship with the COVID19", in addition to the telephone number they called Next, they asked him for his ID number and date of birth in order to verify that it was indeed him, at which point the complainant asked them to identify themselves, but from the entity they limited themselves to point out that it was a company that was working for the Department, without identifying itself, at which point the complainant told them that he was opposed to having his data, especially considering that he did not know what data they had and what was the purpose of the treatment.

2. The Authority opened a preliminary information phase (no. IP 187/2020), 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 were capable of motivating the initiation of a sanctioning procedure.

3. In this information phase, on 02/17/2021 the Department of Health was required to report on whether the call received by the person reporting on 06/25/2020 was made by an entity on behalf of this Department, and in such a case it was required to identify it, and to point out the purpose of the call and the legal basis that in its opinion would enable the reported treatment. This requirement was reiterated on 03/15/2021.

4. On 03/24/2021, the Department of Health responded to the aforementioned request through a letter in which it stated the following:

"We confirm that the call received by the reporting person on 06/25/2020 was made by the staff of the company Ferroser Servicios Auxiliares SA, as the awarded company of the entity Sistema d'Emergències Médiques SA for to the provision of the contact tracing service of COVID cases.

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The calls that have been made for the management of cases and monitoring of COVID contacts are covered by the Epidemiological Surveillance treatment, which aims to exchange health information and epidemiological surveillance through communication with the affected people and their contacts and the communication between the care network of Catalonia and the epidemiological surveillance services, with the purpose of collecting, analyzing, interpreting, researching and disseminating information related to the appearance and extent of diseases and problems of health and its determinants, in order to achieve effective control and provide a rapid response to public health alerts and emergencies.

The authorization for the treatment is protected in the Organic Law 3/1986, of April 14, of special measures in matters of public health; Law 18/2009, of October 22, on public health and Decree 203/2015, of September 15, which creates the Epidemiological Surveillance Network and regulates the notification systems for infectious diseases and epidemic outbreaks."

5.- By letter dated 03/31/2021, the Authority required the public company Servei d'Emergències Médiques, SA (hereafter, SEMSA) and the Department of Health to provide a copy of the contractor's contract of the treatment signed by the company Ferroser Servicios Auxiliares, which covered the reported treatment (the telephone call made to the reporting person on 06/25/2020), and which identified the person responsible for the reported treatment.

6.- On 04/26/2021, the Authority received a letter signed on the same date by the SEMSA manager, accompanied by various documentation, stating the following:

"In compliance with your request and with reference to the hiring by the SEM of FERROSER SERVICIOS AUXILIARES, SA for the service of tracking contacts of positives through scouts, we inform you that a data controller contract was not signed nor regulated the assignment in the contract, since the person responsible for the treatment is the Department of Health.

On June 3, 2020, the Board of Directors of the Catalan Health Service approved the modification of the program contract with Sistema d'Emergències, SA, instructing it, among others, to hire a monitoring structure for COVID-19 contacts. The computer tools and protocols used by the managers are from the Department of Health, with no processing or access to personal data by the SEM.

We attach the contract signed with the company Ferroser Servicios Auxiliares, SA, the supporting report of the service included in the modification of the program contract and the aforementioned protocol."

The letter was accompanied by the documentation cited.

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7.- On 04/27/2021, the Authority received a letter signed on the same date by the secretary general of the Department of Health, through which he stated the following:

"(...) In a context of a covid-19 pandemic and with the need to monitor and study the contacts of positive people, as a fundamental public health measure to control contagions, the contract with Ferroser.

The award of the contract was carried out through the emergency procedure within the framework of the Agreement of the Government of the Generalitat of March 12, 2020 which declared the procurement of supplies and services as an emergency within the framework of response strategy to the SARS-CoV-2 epidemic, which includes among the authorized services those relating to the provision of "technological resources and other services to guarantee attention to the citizen and services associated with the emergency and consultancy medical, as well as all related services and supplies".

The actions that are the object of the contract in relation to the field of data protection are linked to the procedures established by the Department of Health in the monitoring of contacts, specifically, in the "Procedure of action against cases of infection by the new SARS coronavirus -CoV-2 in the deconfinement phase. Monitoring indicators", prepared and published by the General Sub-Directorate for Surveillance and Response to Public Health Emergencies of the Department of Health on May 9, 2020, based on the document "Strategy for diagnosis, surveillance and control in the transition phase of the covid-19 pandemic monitoring indicators", published on May 6, 2020 by the Ministry of Health, ISCIII, agreed within the framework of the State Epidemiological Surveillance Network.

The aspects presented show that the legal relationship between the parties was formalized by the contractual procedure appropriate for the situation raised. However, the Department of Health, responsible for the processing of the data, as the subject that determines the purpose and essential elements of the processing in accordance with the contact tracing procedure that it developed, did not raise in the contractual procedure the subscription of a specific agreement for the processing of personal data.

Therefore, a legal relationship was formalized between the parties in accordance with the emergency contracting procedure provided for in the regulations for the case of monitoring and studying the contacts of positive cases of Covid-19, a legal relationship for which the Protocols for calls to contacts of a positive case of Covid-19, drawn up by the Sub-Directorate General of Surveillance and Response to Public Health Emergencies of the Department of Health.

However, the lack of formalization of a processing order document does not mean that the processing of the personal data involved in contact tracing has been disregarded. As has been shown, the Department of Health, as responsible for the treatment, drew up and adopted the action protocol for the calls

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carried out in the monitoring of contacts, with the participation of the technological and data protection units, as well as with the Data Protection Delegate, in which the requirements of the regulations in relation to the processing of personal data were observed , such as, for example, the fulfillment of the right to information, the incorporation of authentication tools or the provision of exercising the rights of the interested party in carrying out the monitoring of contacts. The protocol, called "Protocol first call to contact of positive case Covid-19" is attached to this writing.

In this sense, the collection of personal data by Ferroser Servicios Auxiliares SA, was incorporated directly into the epidemiological surveillance treatment of the Department of Health, which is included in its Register of treatment activities.

From everything that has been set out, it can be seen that, although the task was not formalized, the processing of personal data planned for the monitoring of the contacts of positive cases by the staff to whom this task was attributed, was carried out respecting data protection regulations, without violating the privacy of the affected persons or improper access to the data provided."

The Department of Health accompanied this document with the document entitled "Protocol first call to contact of positive case Covid 19 (20/05/2020)", which had also been provided by SEMSA, and to which reference was made in the previous antecedent (6th).

8.- As part of the research activities, on 2/06/2021 and 3/06/2021 several searches for information were made on the internet, with the following result:

- On the corporate website of the Department of Health, section Department, sub-section data protection, information is provided on the data protection delegate, and on the Register of processing activities (RAT), which includes the processing of Surveillance epidemiological, which indicates that its purpose is: "The exchange of health information and epidemiological surveillance through communication with the affected people and their contacts (...)", and which collects the rest of the information in the which the arts refer to. 13 and 14 GDPR.

- On 29/12/2020, the Government of the Generalitat announced the approval of a new contact tracing program for cases of COVID-19 from the Department of Health, which provided for direct recruitment by the Department of Health of workers to carry out this monitoring, and that these would be attached to the Public Health Agency of Catalonia.

9. On 22/06/2021, the director of the Catalan Data Protection Authority agreed to initiate a sanctioning procedure against the Department of Health for an alleged violation provided for in article 83.4.a) in relation to article 28, both of Regulation (EU) 2016/679 of the European Parliament and of the Council, of April 27, relating to the

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protection of natural persons with regard to the processing of personal data and the free circulation thereof (hereafter, RGPD). This initiation agreement was notified to the Department of Health on 06/23/2021.

10. The initiation agreement explained the reasons why no imputation was made with respect to the facts reported relating to the legitimacy of the data processing carried out by the company Ferroser Servicios Auxiliares, SA and the duty of information provided for in the articles 13 and 14 of the RGPD. Reference is made below to what is considered most relevant and which may have a doctrinal interest. Regarding this, the following was set out in the section of reported events not imputed in the initiation agreement:

> "1. Regarding the legitimacy of the data processing carried out by the company Ferroser Servicios Auxiliares, SA, should point out the following:
>
> Article 3 of Organic Law 3/1986, of April 14, on Special Measures in Public Health Matters, establishes that: "In order to control communicable diseases, the health authority, in addition to carrying out general preventive actions , will be able to adopt the appropriate measures to control the sick, the people who are or have been in contact with them and the immediate environment, as well as those considered necessary in case of risk of a transmissible nature."
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> Article 6.3 of Law 18/2009, of 22 October, on public health, establishes that the following are public health benefits, among others:
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> "a) The surveillance of public health, including the monitoring of health and its main determinants, in order to have an updated analysis of the health situation of the population with a minimum level of territorial disaggregation, and also preparedness and organized response to face public health emergencies, including outbreaks, pandemics. the epidemics i
> (…)
> c) The prevention and control of communicable infectious diseases and epidemic outbreaks and the deployment of systematic vaccination programs."
>
> Article 55 of Law 18/2009, relating to administrative intervention in health protection and disease prevention, establishes the following:
>
> 1. The health authority, through the competent bodies, can intervene in public and private activities to protect the health of the population and prevent disease. To this end, you can:
> (...)
> j) (...) adopt measures for the control of people who are or have been in contact with the sick or the carriers."

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Article 62 of Law 18/2009 establishes that:

"1. Notwithstanding the provisions of this chapter, inspection, surveillance and control activities in the field of public health may be entrusted to duly authorized entities (...)."

By virtue of the aforementioned regulations, as well as the resolutions, government agreements and action protocols mentioned in points 6 to 8 of the background section, the Department of Health commissioned SEMSA to contract the monitoring service of close contacts of people who had been confirmed to be infected with the SARS-CoV-2 coronavirus. In compliance with this order, SEMSA on 05/29/2020 signed a contract with Ferroser Servicios Auxiliares, SA, entrusting it with the provision of this service, from 06/01/2020.

The exposition allows us to conclude that the data processing of the reporting person carried out by Ferroser, to the extent that it acted as data processor in the provision of a service to the Department of Health - within the framework of the previously indicated recruitment - is based on the legal basis provided for in article 6 of the RGPD, the
which provides that a treatment will be considered lawful when: "the treatment is necessary for the fulfillment of a legal obligation applicable to the person responsible for the treatment", in connection with article 9.2.g) ii) of the same rule.

2. Regarding the fulfillment of the duty of information provided for in the arts. 13 and 14 RGPD, the following should be noted:

The Department of Health and SEMSA have provided a copy of the document entitled Protocol for the first contact of a positive case of Covid 19 (20/05/2020)", which in the first point - transcribed in background 6.3 - contains certain information on protection of data, which would comply with the basic information - or first layer -, referred to in article 11.2 and 11.3 of the LOPDGDD. In any case, with regard to the basic information regarding the purpose of the treatment, it would be advisable to inform more clearly about it.

And with regard to the rest of the information referred to in articles 13 and 14 of the RGPD, it follows from the results of the research actions carried out (precedent 8th) that this information appears in the section of the website corporate of the Department of Health, regarding data protection.

This conclusion does not contradict the complaint made by the complainant, who complained, as far as is concerned, of the fact that the company that claimed to act "on behalf of the Department of Health" did not identify itself, and this because, still that providing this information would have been advisable in

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in the interest of greater transparency in the processing of data, articles 13 and 14 RGPD do not provide for the obligation to inform the affected/interested person about the identity and status of the data controller (in this case, Ferroser Servicios Auxiliares , SA), but only about the identity of the person responsible for the treatment (the Department of Health), the latter information that the complainant has acknowledged was provided to him."

11. On 07/08/2021, the Department of Health made objections to the initiation agreement.

12. On 07/23/2021, the person instructing this procedure formulated a proposed resolution, by which it was proposed that the director of the Catalan Data Protection Authority admonish the Department of Health as responsible for an infringement provided for in article 83.4.a) in relation to article 28, both of the RGPD.

13. The resolution proposal was notified to the Department of Health on 23/07/2021, and in it a period of 10 days was granted to formulate allegations, which has been exceeded by far without having presented no allegation

proven facts

The Department of Health, as responsible for the treatment (precedent 8), commissioned the public company Sistema d'Emergències Mèdiques, SA (hereafter SEMSA) to hire the necessary resources for the control and monitoring of COVID-19 contacts , through a centralized service with the action protocols and processes established by the Department of Health itself.

As a result of that order, on 29/05/2020 SEMSA signed a contract with the private company Ferroser Servicios Auxiliares, SA (hereinafter, Ferroser) for the provision, through scouts, of the monitoring service of these close contacts, with start date 01/06/2020. According to SEMSA, the computer tools and protocols used by the managers were from the Department of Health, without SEMSA processing or accessing personal data. In this same sense, the Department of Health reported that the personal data collected by Ferroser were incorporated directly into the Department's databases; end which is also included in the supporting report of the service (background 6.3).

The provision of this service by Ferroser, which entailed the processing by this company of personal data for which the Department of Health was responsible, was carried out without having signed a data processor contract, in accordance with the provisions established in article 28 of the RGPD. On 06/25/2020, an employee of the Ferroser company called the complainant requesting various information, highlighting the access to his personal data.

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Fundamentals of law

1. The provisions of the LPAC and article 15 of Decree 278/1993 apply to this procedure, according to the provisions of DT 2a of Law 32/2010, of October 1, of 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 Department of Health has not formulated allegations in the proposed resolution, but it did so in the initiation agreement. Regarding this, it is considered appropriate to reiterate below the most relevant part of the motivated response of the instructing person to these allegations.

Thus, the Department of Health recognized that it did not sign a data controller contract with Ferroser Servicios Auxiliares, SA, as follows:

"The Department of Health, responsible for the processing of the data, as the subject that determines the purpose and essential elements of the processing, in accordance with the contact monitoring procedure that it developed, did not raise in the contractual procedure the subscription of a specific agreement for the processing of personal data, which motivates the initiation of this sanctioning procedure."

However, the Department pointed out that it had not committed an infringement of data protection regulations, since:

"Despite the lack of formalization of the processing order document, this fact did not mean that the processing of the personal data involved in carrying out contact tracing had been neglected."

And as a basis for this statement, it pointed out, in essence and on the one hand, that the data processing carried out by Ferroser Servicios Auxiliares, SA was protected by the legal basis provided for in article 6 of the RGPD in connection with the Article 9.2.g) ii) of the same rule; also that: "in the monitoring of contacts, the requirements of the regulations in relation to the treatment of personal data were observed - which were determined with the participation of the technological and data protection units, as well as with that of the data protection representative of the Department of Health - such as, for example, the fulfillment of the right to information, the incorporation of authentication tools or the provision of the exercise of the rights of the interested party in carrying out the monitoring of contacts", and with regard specifically to the duty of information referred to in articles 13 and 14 of the RGPD, stated that the "Protocol first call to contact of positive case covid-19", together with the published information on the Department's website, they complied with the obligation of information provided for in these precepts, so that, he concluded, the

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The Department of Health has not "committed an infringement in terms of data protection, neither with regard to the legitimacy of the treatment nor with regard to the duty of information. The contact tracing call, the subject of a complaint before the APDCAT, was appropriate, legitimate and with all the necessary information."

As the instructing person pointed out in the proposal, the set of allegations made by the Department cannot be favorably received, since they refer to extremes different from the facts imputed in the present procedure, where the fulfillment of the duty is not questioned of information nor the legitimacy of the data processing carried out by Ferroser Servicios Auxiliares, as was already evident in the initiation agreement when referring to the reported facts not imputed, and as it has been transcribed in the preceding 10th .

The imputation that was made in the initiation agreement, which is maintained here, refers solely to the lack of a data processor contract (or specific contractual clauses), which contained the terms required by the article 28 of the RGPD. The concurrence in the present case of a legal basis that protected the data processing carried out by Ferroser, did not exempt the Department from the duty to comply with the obligation to sign the data processor contract.

Having said that, the Department has expressly recognized the lack of regulation of the assignment, which leads to the conclusion that it has committed an infringement regulated in article 83.4.a) of the RGPD, which typifies as such the violation of " the obligations of the person in charge and of the person in charge pursuant to articles 8, 11, 25 to 39, 42 and 43", among which there is that provided for in article 28 RGPD, relating to the obligation to sign a contract of order or equivalent legal act, which contains the information mentioned in section 3 of this precept.

Finally, the Department states that: "(...) currently, the contact tracing service is no longer carried out by the company Ferroser Servicios Auxiliares SA, but is implemented by the Department of Health's own staff contracted through a specific program approved by the Government. Consequently, the fact that gave rise to the initiation of this file has already ceased to exist." This fact does not affect the imputation of the infringement, given that it took place at a later date than the imputed events, but it is relevant in the assessment of the need to adopt corrective measures, as analyzed in the legal basis 4th

In accordance with the above, it is necessary to confirm the rejection of the allegations made by the Department against the initiation agreement, given that they do not distort the imputed facts or their legal qualification.

3. In relation to the facts described in the proven facts section, it is necessary to refer to article 28 of the RGPD, which provides for the following:

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"1. When a treatment is to be carried out on behalf of a person responsible for the treatment, he will only choose a person in charge who offers sufficient guarantees to apply appropriate technical and organizational measures, so that the treatment complies with the requirements of this Regulation and guarantees the protection of the rights of the interested party.

2. The person in charge of the treatment will not resort to another person in charge without the prior written authorization, specific or general, of the person in charge. In this last case, the person in charge will inform the person in charge of any change envisaged in the incorporation or substitution of other persons in charge, thus giving the person in charge the opportunity to oppose said changes.

3. The treatment by the manager will be governed by a contract or other legal act in accordance with the Law of the Union or the Member States, which binds the manager with respect to the manager and establishes the object, duration, nature and purpose of the treatment, the type of personal data and categories of interested parties, and the obligations and rights of the person in charge. Said contract or legal act will stipulate, in particular, that the manager:

a) will treat personal data solely following the documented instructions of the person in charge, including with respect to the transfer of personal data to a third country or an international organization, unless it is obliged to do so by virtue of the Law of the Union or of the Member States that applies to the person in charge; in such a case, the manager will inform the manager of that legal requirement prior to the treatment, unless such
The law prohibits it for important reasons of public interest;
b) will guarantee that the persons authorized to treat personal data have committed to respect confidentiality or are subject to a confidentiality obligation of a statutory nature;
c) will take all the necessary measures in accordance with article 32;
d) will respect the conditions indicated in sections 2 and 4 to resort to another treatment manager;
e) will assist the person in charge, taking into account the nature of the treatment, through appropriate technical and organizational measures, whenever possible, so that he can comply with his obligation to respond to requests aimed at the exercise of the rights of the interested parties established in chapter III;

f) will help the manager to ensure compliance with the obligations established in articles 32 to 36, taking into account the nature of the treatment and the information available to the manager;
g) at the choice of the person in charge, will delete or return all personal data once the provision of treatment services is completed, and will delete existing copies unless the conservation of

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personal data pursuant to the Law of the Union or Member States;

h) will make available to the person in charge all the information necessary to demonstrate compliance with the obligations established in this article, as well as to allow and contribute to the performance of audits, including inspections, by the person in charge or another auditor authorized by said responsible

In relation to what is provided in letter h) of the first paragraph, the person in charge will immediately inform the person in charge if, in his opinion, an instruction infringes the present Regulation or other provisions in the area of data protection of the Union or the Member States. (...)

4. When a person in charge of treatment uses another person in charge to carry out certain treatment activities on behalf of the person in charge, they will be imposed on this other person in charge, by means of a contract or another legal act established in accordance with the Law of the Union or of the Member States, the same data protection obligations as those stipulated in the contract or other legal act between the person in charge and the person in charge referred to in section 3, in particular the provision of sufficient guarantees of the application of appropriate technical and organizational measures so that the treatment is in accordance with the provisions of this Regulation.
If that other data controller fails to comply with its data protection obligations, the initial data controller will continue to be fully responsible to the data controller in respect of compliance with the obligations of the other data controller.

(…)

9. The contract or other legal act referred to in sections 3 and 4 shall be in writing, including in electronic format."

During the processing of this procedure, the fact described in the proven facts section has been duly proven, given that the Department has recognized, both in the preliminary information phase and in the framework of the sanctioning procedure, that the hiring of the 'private company Ferroser Servicios Auxiliares, SA for the provision of the monitoring service of close contacts of people who had been confirmed to be infected with the SARS-CoV-2 coronavirus, was carried out without signing the corresponding contract of the person in charge of the treatment. It is worth noting that the manager of SEMSA - to whom the Department entrusted the contracting of the service - also stated in a letter dated 04/26/2021 that he had not signed a data controller contract with Ferroser, nor had he regulated the order entrusted to said company.

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This fact constitutes an infringement according to the provisions of article 83.4.a) of the RGPD, which typifies as such the violation of "the obligations of the person in charge and of the person in charge pursuant to articles 8, 11, 25 a 39, 42 and 43", among which there is the one provided for in article 28 RGPD.

The conduct addressed here has been included as a serious infringement in article 73.k) of Organic Law 3/2018, of December 5, on the protection of personal data and the guarantee of digital rights (hereinafter, LOPDGDD), in the following form:

> "k) Entrust the processing of data to a third party without the prior formalization of a contract or other written legal act with the content required by article 28.3 of Regulation (EU) 2016/679."

4. Article 83.7 of the RGPD provides that each Member State may establish rules on whether administrative fines can be imposed on authorities and public bodies, without prejudice to the corrective powers of the control authority under art. 58.2 of the GDPR. And article 84.1 of the RGPD adds that the member states must establish the rules regarding other sanctions applicable to the infractions of this Regulation, in particular those that are not sanctioned with administrative fines, in accordance with the article 83. In this sense, the art. 77.2 of the LOPDGDD provides that, in the case of infractions committed by those responsible or in charge listed in article 77.1 of the 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 similar terms 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 accordance with the indicated precepts, the Department of Health should be warned.

With regard to the adoption of corrective measures, from the research actions carried out in the preliminary information phase it has been established that the company Ferroser Servicios Auxiliares SA no longer provides the service of monitoring contacts with positives covid-19, an extreme that has been confirmed by the Department of Health in its statement of allegations dated 07/08/2021, where it has pointed out that: "(...) currently, the monitoring service of

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contacts is no longer carried out by the company Ferroser Servicios Auxiliares SA, but is implemented by the Department of Health's own staff hired through a specific program approved by the Government." That is why it is not considered necessary to adopt one corrective measure

For all this, I resolve:

1. Admonish the Department of Health as responsible for an infringement provided for in article 83.4.a) in relation to article 28, 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 4th legal basis.

2. Notify this resolution to the Department of Health.

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 Department of Health 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 Department of Health can file any other appeal it considers convenient to defend their interests.

The director,