

File identification

Resolution of sanctioning procedure no. PS 26/2022, against PREVING CONSULTORES, SLU (absorbing entity of ICESE PREVENCIÓ, SLU).

Background

1. On 12/11/2020, the Catalan Data Protection Authority received a letter in which a person filed a complaint against Excelencia y Garantía para la Salud en el Trabajo SLU (hereinafter, EGARSAT), on the grounds of 'an alleged breach of the regulations on the protection of personal data.

Specifically, the person reporting stated that he worked in the Department of the Interior of the Generalitat, and that as part of the medical examination of the Department's workers scheduled for 2020, on 16/10/2020 he received an email electronic with the title "EGARSATSP-Exàmens de Salut-communication of appointments for health exams- 12-11-2020", from the address (...)@icese.es, in which the following was indicated :

"Dear client, We hereby inform you of the appointments for the health examinations of the workers in your center at the following address: (...) [Ref - Int DEPARTMENT OF THE INTERIOR - LOT (...) BARCELONA DGP]".

In this email, there was a table that contained the name and surname of the person making the complaint, along with their ID number, the identification or the administrative unit of their workplace ("(...)"), the day (12/11/2020), the time (9:30 a.m.) and the address of the center where he had to go for the medical examination.

Next to this table, the following was indicated: *"Remember that these appointments are added to the previously planned ones"*, and then a second table with information on these other planned appointments appeared. Specifically, this second table contained the same type of personal data as in the previous table, but referring to two other Department workers who had been assigned a medical visit on the same day as the one assigned to the person reporting (12/11/2020), but at an earlier time (9:00 a.m. to 9:15 a.m.). So that the working person receiving the mail, accessed these data of these two workers.

The email then included the following reminder about a form that workers had to hand in to the medical center on the day of the visit, to prevent the spread of the coronavirus:

"Important: Remember to distribute the following questionnaire to your workers so that they can print it, fill it out and hand it in to the healthcare staff on the day of the health examination."

The complainant stated that on the day of the medical visit she reported this incident to the assigned center, and that they confirmed to her that the incident had affected numerous workers, as well as that it had occurred due to the incorporation of new workers.

And in the email sent, the person who signed it was Ms (...), who corresponded to the user who sent the email ((...)@icese.es).

On the other hand, at the foot of the mail were the logos of the Preving Group and of EGARSAT, and two informative captions, the first of which pointed out that the mail had been issued by EGARSAT, as follows:

"This email has been issued by "EXCELENCIA Y GARANTÍA PARA LA SALUD EN EL TRABAJO, SLU". The information contained is CONFIDENTIAL, and its only recipients are the people designated in it (...)"

In the second informative legend that appeared in the mail, it was pointed out that the person responsible for the contact data was the Preving Group , as follows:

"EXCELLENCE AND GUARANTEE FOR HEALTH AT WORK, SLU, C/ Victor Hugo, 2-4 ground floor 08174 SANT CUGAT DEL VALLES (BARCELONA)

privacy Your personal data is included in the processing activity "Contacts" for which "Group Preving " is responsible, the purpose of which is to maintain contact with our interest groups. Purpose based on the legitimate interest to carry out this communication, as well as in its case the execution of a contract (...)"

2. The Authority opened a preliminary information phase (no. IP 341/2020), in accordance with the provisions of article 7 of Decree 278/1993, of November 9, on the sanctioning procedure for application to areas of competence of the Generalitat, and article 55.2 of Law 39/2015, of October 1, on the common administrative procedure of public administrations (henceforth, LPAC), to determine whether the facts were susceptible to motivate the initiation of a sanctioning procedure.

3. In this information phase, on 10/13/2021, EGARSAT was required to report on several points related to the events reported.

4. On 10/27/2021, EGARSAT responded to the aforementioned request in writing accompanied by various documentation, in which it set out, as far as is now relevant, the following:

- With regard to the participation of ICESE PREVENCIÓN, SLU (hereinafter, ICESE) in the sending of letters summoning the workers of the Department of the Interior for the periodic medical examination:

"Regarding the sender address of the mail, we confirm that it belongs to ICESE Prevención, SLU (ICESE) with CIF B-61271672, which is an Alien Prevention Service accredited by the Labor Authority, 100% involved on the date indicated by Egarsat , forming a "business group" in the terms established in recital (37) of the European Data Protection Regulation (...) the personal data were transmitted within the business group, by virtue of a legitimate interest to transmit personal data for internal administrative purposes, including the processing of personal data of customers or employees as established in recital (48) of the aforementioned European Regulation."

- Regarding the reasons why the mail was sent with data of third-party workers:

"The summonses were made by telephone directly to the interested person, but in some

specific cases it was requested if the appointment information could be sent by e-mail. Due to an isolated human error, identification data of other employees of the Department of the Interior were included, making the cited staff aware of data reserved for the knowledge of the contact person, organizer, in the Department.

- Regarding the number of subpoena emails for the medical review that were sent with data from third-party workers, he stated that these emails were sent: "Only *in specific cases where the information was requested by email.* "
- Regarding the actions carried out by EGARSAT when it became aware of the facts reported here: "*Immediately, the error was detected, so no more emails were sent and the person concerned was only summoned by telephone (. . .) Given the nature of the error: individual human failure. The measures adopted are aimed at preventing new errors by requiring the worker to be more diligent and familiar with the Department's protocols, including those relating to confidentiality.*"

5. Following EGARSAT's response and the documentation sent, on 01/26/2022 EGARSAT was again required to provide certain documentation and to report on various aspects related to the events reported.

6. On 08/02/2022, EGARSAT responded to the aforementioned request in writing, in which it set out the following in relation to the number of emails sent by ICESE to employees of the Department of the Interior, with data from other employees:

"We have evidence of 4 e-mails sent in error, all of them on October 16, 2020."

EGARSAT accompanied its letter of 3 annexes with various documents, of which it is worth highlighting ANNEX I, corresponding to a document entitled "relation of erroneous e-mails", which contained a table in which information appeared on the 4 workers of the Department of the Interior regarding whose information would have been sent to other workers. From the information contained in this table, it appears that, on 16/10/2020, the same person from ICSE who sent the mail to the person making the complaint, sent mails to 3 other workers, and cited them for the review medical on 11/12/2020 at 9:00 a.m., 09:15 a.m., 9:30 a.m. and 09:45 a.m., respectively; the worker summoned for 09:45 hours received the information regarding him, together with the information regarding the 3 workers summoned in the hours preceding his (9:30 a.m., 9:15 a.m. and 9:00 a.m.); the worker summoned at 9:30 a.m. received the information regarding him, together with the information regarding the 2 workers summoned in the hours preceding his (9:15 a.m. to 9:00 a.m.); and the worker cited at 09:15 hours, received the information regarding him, together with the information regarding the worker cited at an hour before his (9:00 a.m.).

7. On 04/05/2022, the director of the Catalan Data Protection Authority agreed to initiate a sanctioning procedure against ICESE for an alleged infringement provided for in article 83.5.a) , in relation to article 5.1 .f) , both of 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 of such data (hereinafter, RGPD). This initiation agreement was notified to the imputed entity on 09/05/2022 .

On the date that the agreement to initiate disciplinary proceedings against ICESE was issued, an agreement to initiate disciplinary proceedings against EGARSAT was also issued.

8. In the initiation agreement, the accused entity was granted a period of 10 working days to formulate allegations and propose the practice of the tests it considered appropriate to defend its interests.

9. On 20/05/2022, PREVING CONSULTORES SLU filed allegations in the initiation agreement entered into against ICESE, stating its status as an absorbing company of ICSE.

He accompanied his writing with 8 documents for admission as evidence, of which the following should be highlighted:

- DOC no. 1: *II framework contract of Grupo Preving* , signed on 09/30/2019 by Preving Consultores, SLU , EGARSAT SLU, ICESE Prevención SLU, Prevenna SL and ASEM Visiones Competitivas SL.
- DOC. NO. 4: ISO 27001:2013 certification (information security management systems, SGSI), granted to the Preving Group on 11/11/2021 (valid until 11/10/2024), regarding the information system it provides support to, among others, other prevention services in the specialties of occupational safety, industrial hygiene, ergonomics and applied psychology and occupational medicine.
- DOC. NO. 7: Announcement published on 04/27/2021 in the Official Gazette of the Mercantile Registry (BORME), which makes it public that on 04/22/2021 the merger by absorption of Preving Consultores, SLU and ICESE Prevención , SLU, being the absorbing entity Preving Consultores, SL and the absorbed entity ICESE Prevención , SLU.

10. In the test phase, on 12/07/2022 the instructing person agreed to admit the documentary evidence provided by PREVING CONSULTORES SLU and incorporate it into the file, as well as require this company to certify the registration of the public deed of absorption in the competent Mercantile Registry, as well as the termination of ICES.

11. On 07/26/2022 the Authority received a letter from PREVING CONSULTORES SLU, through which they provided, among others and in compliance with the agreed proof, a copy of the public deed granted on 28 /05/2021 referring to the merger agreement by absorption and dissolution of ICSE, as well as a copy of the note from the Mercantile Registry of Badajoz, indicative of its registration in said Registry on 06/29/2021.

12. On 09/13/2022, the person instructing this procedure formulated a resolution proposal, by which he proposed that the director of the Catalan Data Protection Authority impose on PREVING CONSULTORES SLU the sanction consisting of a fine of 6,000 euros (six thousand euros), 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 09/23/2022 and a period of 10 days was granted to formulate allegations.

13. The deadline has been exceeded and no objections have been submitted.

14. On 17/10/2022 PREVING CONSULTORES has paid three thousand six hundred (3,600 euros) in advance, corresponding to the pecuniary penalty proposed by the investigating person in the resolution proposal, once the two reductions foreseen in the Article 85 of Law 39/2015.

proven facts

In the framework of the provision of the health monitoring service for the workers of the Department of the Interior awarded to EGARSAT on 06/08/2020 (service contract no. IT-2020-283), ICESE (entity absorbed by PREVING CONSULTORES SLU) sent, on behalf of EGARSAT, e-mails to several workers, summoning them for periodic medical examination.

Among others, on 16/10/2020 ICESE sent e-mails to 3 workers of this Department for the purpose indicated, which by mistake contained data of other workers, disclosing this data to all of them. These emails included the first and last name, the ID number, the identification or the administrative unit of assignment of the workplace, and the day, time and place of the summons of workers who had been summoned in an hour earlier than the one assigned to the worker receiving the mail. Specifically:

- The worker cited at 9:15 a.m. on 16/10/2020 received an email with information about his appointment, plus information about the worker cited at 9:00 a.m. that day.
- The worker called at 9:30 a.m. on 16/10/2020 received an email with information about his appointment, plus information about the workers called at 9:00 a.m. and at 9:15 a.m. that day.
- The worker summoned at 9:45 a.m. on 16/10/2020 received an email with the information regarding his appointment, plus the information regarding the workers summoned at 9:00 a.m., at 9:15 a.m. and at 9:30 that day.

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 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. As a preliminary matter, it should be noted that in its statement of objections to the initiation agreement, dated 05/19/2022, PREVING CONSULTORES SLU stated that (previous objection, p. 1): *"On the date of the date, the company ICESE Prevención SLU has been absorbed by the company PREVING CONSULTORES SL with CIF B0690241) with address at Avenida de Joaquín Sánchez Valverde 1-3-5- (CP 6006) Badajoz (...)"*.

In order to prove this, he provided a copy of the announcement published in the BORME on 04/27/2021, which makes public the agreement of 04/22/2021 for the merger by absorption of PREVING CONSULTORES SLU with ICESE PREVENCIÓN SLU, *" with dissolution without liquidation of the absorbed Company and universal transfer of all goods, rights and*

obligations that make up its assets to the absorbing Company, in accordance with the Merger Project approved by the organs of administration of both".

On the other hand, during the test phase and at the request of this Authority, PREVING CONSULTORES SLU provided a note of the registration of the public deed of absorption in the Mercantile Registry of Badajoz, in which it appears as the date of registration on 06/29/2021.

Thus, in accordance with the provisions of article 23.2 of Law 3/2009, of April 3, on structural modifications of commercial companies, PREVING CONSULTORES SLU acquires by universal succession the assets of the absorbed company, which includes, as a liability, the responsibility for infringements committed by the absorbed company (ICESE), including infringements that have not previously resulted in a sanction to the fusion. For this reason, the violations are attributed to PREVING CONSULTORES SLU.

3 . PREVING CONSULTORES SLU has not made allegations in the resolution proposal, 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. What is stated in this basis is issued for illustrative purposes, since, by accepting the maximum reduction of the proposed penalty, PREVING CONSULTORES has come to admit its responsibility for the alleged facts, as provided for in the article 85.3 of the LPAC .

In the statement of objections to the initiation agreement, PREVING CONSULTORES SLU admitted (seventh allegation, p. 14) that ICESE sent the controversial emails to several employees of the Department of the Interior, with data from other workers, in the same terms as indicated in the imputed facts section of the initiation agreement.

On the other hand, PREVING CONSULTORES SLU admitted that ICESE was subcontractor of the treatment, and argued that there was a contract of subcontractor, and that the fact that EGARSAT chose to subcontract to ICESE the provision of various tasks of the service entrusted to EGARSAT, did not require the prior authorization of the Department of the Interior . And by virtue of these considerations, it concluded the following (eighth *allegation* , pp. 15 and 16) : *the current regulations on the protection of personal data. Consequently, no bankruptcy would have occurred from the principle of confidentiality... said violation is incompatible with the existence of the subcontracting produced on the basis of the Framework Contract that linked EGARSAT with ICESE, without prejudice to the existing relations between the aforementioned EGARSAT and the Department of the Interior of the Generalitat, and which must be, as the case may be, elucidated in said contractual scope, but not in the context of personal data protection."*

In this respect, and as the instructing person pointed out in the resolution proposal , it should be noted that the issue of whether or not ICESE signed a subcontractor contract with EGARSAT is something that is not the subject of the present sanctioning procedure, since the facts that are imputed here to ICESE only refer to the violation of the principle of confidentiality due to the fact of having sent e-mails to employees of the Department of the Interior, in which the data of other employees was revealed. In other words, the imputation of the facts carried out in the present sanctioning procedure would remain the same even if the Authority considered that ICESE signed a contract of sub-processor in relation to the

treatment in question. This is why it is considered unnecessary to enter into the analysis of the extensive allegations made to justify that the treatment of the disclosed data was covered by the framework contract of the Preving Group .

On the contrary, what is relevant is that in the pleadings PREVING CONSULTORES SLU acknowledged the facts alleged in the initiation agreement (as did EGARSAT in the prior information phase).

With regard to the allegations referring to the consideration that the imputed facts obey an isolated human error, they cannot be favorably received, since the verified sending of 3 emails with data from third-party workers, shows that they are not it was a one-off mistake, but it was acted without the necessary diligence to avoid sending mails with data of workers other than the recipient of the mail. This consideration takes into account the fact that the processing by ICSE of workers' data in the framework of the provision of a foreign prevention service was something that formed part of its usual tasks, as can be seen from EGARSAT's statements about the fact that ICESE was a specialized entity as an alien prevention service (SPA). As a result, the utmost care was required when sending e-mails inviting medical visits, through the adoption of measures that guaranteed the protection of the personal data of these workers.

The allegations made by PREVING CONSULTORES SLU related to the grading criteria for the penalty are analyzed in FD 5.

4.- In relation to the conduct described in the proven facts section , relating to the disclosure of data by employees of the Department of the Interior to other employees of this Department called for a medical check-up, it is necessary to refer to article 5.1. f) of the RGPD, which provides that personal data will be processed: *" in such a way as to guarantee adequate security of personal data, including protection against unauthorized or illegal processing and against its loss, destruction or damage accidental, through the application of appropriate technical or organizational measures ("integrity and confidentiality"). "*

This disclosure of data from employees of the Department of the Interior violated the principle of confidentiality, which constitutes an infringement, as provided for in article 83.5.a) of the RGPD, which typifies as such the violation of: *" the basic principles for the treatment, including the conditions for consent pursuant to articles 5, 6, 7 and 9."*

The conduct addressed here has been included as a very serious infringement in article 72.1.i) of Organic Law 3/2018, of December 5, on the protection of personal data and guarantee of digital rights (hereinafter , LOPDGDD), in the following form: *"The violation of the duty of confidentiality established in article 5 of this organic law."*

5.- As ICESE is a private law entity, as is PREVING CONSULTORES SLU, the general sanctioning regime provided for in article 83 of the GDPR applies.

Article 83 of the RGPD foresees that the infractions provided for in its section 5, are sanctioned with an administrative fine of 20,000,000 euros at most , or in the case of a company, of an amount equivalent to 4% as a maximum of the global total annual business volume of the previous financial year, opting for the higher amount .

Having said that, the amount of the administrative fine to be imposed must be determined.

According to what is established in articles 83.2 RGPD and 76.2 LOPDGDD, and also in accordance with the principle of proportionality enshrined in article 29 of Law 40/2015, as indicated by the investigating person in the proposed resolution, the sanction should be **imposed of 6,000 euros (six thousand euros)** with respect to the proven facts.

This quantification of the fine is based on the weighting between the aggravating and mitigating criteria indicated below:

5.1. As mitigating criteria, the concurrence of the following causes is observed:

- The number of interested persons affected and the level of damages caused (art. 83.2.a RGPD).
- The previous infringements committed (art. 83.2.e RGPD), since it is not known that ICESE had previously been sanctioned for violations of the personal data protection regulations.
- The ISO 27001:2013 certification, relating to information security management systems (ISMS) (art. 83.2.j RGPD).
- The existence of a merger process by absorption subsequent to the commission of the infringement, which cannot be imputed to the absorbing entity (art. 76.2.e LOPDGDD).
- The specific nature of the infringement (art. 76.2.a LOPDGDD).
- The rights of minors have not been affected (art. 76.2.f LOPDGDD).
- The lack of profits obtained as a result of the commission of the offense (art. 76.2.c LOPDGDD).

5.2. On the contrary, as aggravating criteria, the concurrence of the following elements is observed :

- Negligence in the offense committed (art. 83.2.b RGPD).
- Linking the activity of ICSE (now PREVING CONSULTORES SLU) with the processing of personal data (art. 83.2.k of the RGPD and 76.2.b of the LOPDGDD).

With regard to the allegations made by PREVING CONSULTORES SLU related to the criteria for grading the sanction, and which are addressed here merely as an illustration for the reason indicated, first of all it should be noted that it cannot be taken into account consideration - for the purpose of mitigating the penalty - the lack of personalization of the Administration of the Generalitat in the present sanctioning procedure, given that the personalization of the entities affected by the imputed fact is not provided for in the regulations governing the procedure, by not having the consideration of interested persons.

On the other hand, the lack of adoption by this Authority of precautionary measures together with the initiation agreement that was issued on 04/05/2022, cannot be interpreted in the sense that its non - adoption highlights the absence of damage or prejudice, given that the

imputed facts refer to treatments carried out in 2020, which, in principle, and except for what is indicated in FD 7, would have exhausted their effects with the execution of the public contract awarded to EGARSAT, which is why it was not considered necessary to require the adoption of precautionary measures.

On the other hand, in the letter of allegations PREVING CONSULTORES SLU pointed out that: "*EGARSAT's reaction to the facts produced, consists in the direct performance by it of all the services covered by the Public Contract signed, which determines the adoption of the appropriate measures taken by me represented as the person in charge of the treatment to mitigate the damages and losses that the interested parties may suffer*".

As noted, these allegations do not enjoy plausibility, since they seem to contradict those formulated by EGARSAT during the prior information phase, who in a letter dated 10/27/2021 indicated that the measures that adopted when he became aware of the facts was: "to require the (ICESE) *worker to be more diligent and knowledgeable of the Department's protocols, including those relating to confidentiality*", with which statement he came to highlight that, with posterity upon sending the disputed mails, outsourced ICSE staff continued to carry out medical summonses for Home Department workers. Apart from this, it should be noted that an action by EGARSAT after the date that ICESE sent the controversial emails, would not have *alleviated* the damage already caused to the workers affected by the disclosure of their data.

PREVING CONSULTORES SLU also argued, as a mitigating circumstance, that "*the conduct of those affected could induce the commission of the facts on which the present proceedings are based, by requesting that the emails sent by ICESE Prevenció, SL be sent*". These manifestations cannot be favorably received, since the request to receive the medical summons by e-mail that would have been formulated by the workers of the Department of the Interior, does not lead to the disclosure of their personal data to other workers, since it is common practice that medical summonses are carried out individually, so in no case can it be considered that when workers requested to receive an email with the corresponding summons, they were implicitly admitting the disclosure of their data to other workers. In addition, in the preliminary information phase, EGARSAT itself recognized that the emails sent revealing the data of other workers were the result of human error.

at last, PREVING CONSULTORES SLU it also noted, as a mitigating circumstance, the fact that the Preving Group had appointed a Data Protection Officer (DPO), although not mandatory. This circumstance cannot be considered mitigating. If it is taken into account that ICESE had among its main functions the provision of external occupational risk prevention services, which included the functions of monitoring the health of workers (as would also be the case of PREVING CONSULTORES SLU), and that these functions entail the management of clinical labor histories, the appointment of a DPD was something mandatory for ICESE (now PREVING CONSULTORES SLU) as the person in charge or sub-in charge of the treatment, in accordance with the provisions of article 34.1 .I of the LOPDGDD.

6.- In accordance with article 85.3 of the LPAC and as stated in the initiation agreement, if before the resolution of the sanctioning procedure PREVING CONSULTORES SLU acknowledges its responsibility or makes the voluntary payment of the pecuniary penalty, a 20% reduction should be applied on the amount of the proposed penalty (therefore, the amount of the penalty would be 4,800 euros). If the two aforementioned cases occur, the

reduction is applied cumulatively (40%, therefore, the amount of the penalty would be 3,600 euros).

The effectiveness of the aforementioned reductions is conditional on the withdrawal or renunciation of any action or appeal through the administrative route against the sanction (art. 85.3 of the LPAC, in *fine*).

Well, as indicated in the antecedents, on 17/10/2022 PREVING CONSULTORES SLU has paid in advance three thousand six hundred euros (3,600 euros), corresponding to the amount of the resulting penalty once applied the 40% reduction, from which it is clear that he has chosen to make the voluntary payment of the pecuniary penalty and to recognize his responsibility for the facts that have been imputed to him.

7.- Given the findings of the violations provided for in art. 83 of the RGPD in relation to privately owned files or treatments, article 21.3 of Law 32/2010, of October 1, of the Catalan Data Protection Authority empowers the Director of the Authority so that the resolution declaring the infringement establishes the appropriate measures so that its effects cease or are corrected.

In the present case, it is necessary to require PREVING CONSULTORES SLU so that, within a maximum period of 10 days from the day after the notification of the sanctioning resolution, accredit (and if applicable, before carrying out) the deletion of personal data of the employees of the Department of the Interior who were the subject of the contract awarded to EGARSAT for the year 2020 (service contract no. IT-2020-283).

For all this, I RESOLVE:

1. Impose on PREVING CONSULTORES SLU the sanction consisting of a fine of 6,000 euros (six thousand euros), as responsible for an infringement provided for in article 83.5.a) in relation to article 5.1.f), both of the 'RGPD.
2. Declare that PREVING CONSULTORES SLU has made the advance payment of nine thousand six hundred euros (3,600 euros), which corresponds to the amount of the penalty imposed, once the percentage of deduction of 40% corresponding to the planned reductions has been applied in article 85 of the LPAC.
3. To require PREVING CONSULTORES SLU to adopt the corrective measures indicated in the 7th legal basis and to accredit before this Authority the actions taken to comply with them.
4. Notify this resolution to PREVING CONSULTORES SLU.
5. 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,

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