File identification

Resolution of sanctioning procedure no. PS 40/2022, referring to Barnaclínic , SA.

Background

1. On 02/19/2021, the Catalan Data Protection Authority received a letter from a person filing a complaint against Barnaclínic , SA (hereinafter, Barnaclínic) on the grounds of an alleged breach of the regulations on personal data protection .

Specifically, the person making the complaint stated that the administrative staff of the Barnaclínic assisted reproduction unit (IVF clinic) attended to patients in a corridor located next to the waiting room, which was an open outbuilding where the rest of patient people It added that while the administrative staff attended to the patient, personal data was disclosed, including health data (financial data of the treatment, visits and tests to be performed, procedures and status of the health care process, among others), which could listen to the other people who were in the waiting room. The complainant stated that she had been attended to on 19/02/2021 and that the reported entity had denied her the possibility of being attended to in a closed office.

On the other hand, the reporting person provided the testimony of her husband, who confirmed the facts reported.

2. The Authority opened a preliminary information phase (no. IP 76/2021), in accordance with the provisions of article 7 of Decree 278/1993, of November 9, on the sanctioning procedure applied to areas of competence of the Generalitat, and article 55.2 of Law 39/2015, of October 1, on the common administrative procedure of public administrations (henceforth, LPAC), to determine whether the facts were susceptible to motivate the initiation of a sanctioning procedure.

3. In this information phase, on 26/03/2021 the reported entity was required to report, among others, on the measures that had been adopted in order to prevent the people who were in the room waiting, they could not hear the conversation held by the patients who are attended by the administrative staff of the FIVclínic . Likewise, Barnaclínic was required to provide a copy of the risk analysis that had been carried out.

4. On 04/13/2021, Barnaclínic responded to the aforementioned request in writing in which it stated the following:

- IVF clinic patients, the demographic data contained in the system is reviewed, the payment conditions of the budgets are explained, appointments are scheduled, collection management is carried out, etc.
- That all the operations carried out there are framed within the strictest confidentiality and with what is related to your assistance.
- That during the month of December 2020 and the beginning of the month of January 2021, improvement works were carried out in the Unit (IVF clinic), which affected, among other things, the patient care desk.
- That the intention of the new administrative care space is to be able to attend to patients in a much more personalized way with two separate desks, instead of what could be done before with a single desk.

- included the provision of a public address system and music for the waiting room to create an ambient sound that would isolate the conversations held at the patient care tables. He was waiting to receive a quote for the model that would fit his facilities.
- That whenever there is a free office in the Unit, it is used to attend to patients. Unfortunately, there is not always availability and patients are attended to at the administration desk, as was the case with the patient.

The reported entity attached various documentation to the letter, but not the required risk analysis.

5. On 05/28/2021 and still within the framework of this prior information phase, the Authority carried out an inspection at the premises of the Assisted Reproduction Unit (IVFclínic) of Barnaclínic to verify certain organizational aspects in the field of patient care. In that face-to-face inspection , Barnaclínic representatives stated the following:

- That administrative care, whenever possible, was done in a closed office.
- That when there was no free office, that is when the patient care desk was used.
- That the information exchanged between administrative persons and patients is related to the process of assisted reproduction (such as in vitro fertilization). Visits, tests, analytics, ultrasounds, etc. are scheduled.
- That the measures implemented due to the pandemic situation had made it difficult to care for patients. In particular, the patient had to stand outside the red line (instead of sitting in a chair closer to the administrative person) and a screen had been placed, which means that raise your voice.
- That it was possible to attend to more than one patient at the same time at the patient care desk, since there were 2 places of care. The most common, however, is that only one patient was treated.
- That he was waiting to install a musical thread in the waiting room, to avoid listening to the conversations held at the patient care desk.
- That there was no record of whether a risk analysis had been carried out to determine the appropriate measures to guarantee the security of the data exchanged at the patient care desk.

Likewise, on this same date, the Authority's inspection staff verified the following:

- That the patient care area was made up of two tables. On the inner side of each table there was a space intended for the employee of the inspected entity and on the other side the patients were standing, outside the red line on the floor.
- That the patient care area was not closed. Between the two workstations located at the patient care desk there was a separation partition (there was, however, no separation between the space occupied by the patients being cared for, as can be seen in the photographs taken by the staff inspector).
- That the waiting room was located next to the patient care area. The waiting room was not an enclosed space either. In particular, there was no closure in the passage area between the corridor where the service desk was located and the waiting room.
- That the inspector was located in the waiting room, he was able to hear what the auditor from the Authority who accompanied him, who was located in the patient care area, was saying. The auditor read in a normal tone of voice (neither high nor low) a text, which the inspector fully understood. The inspection staff recorded this verification from the place where it was located.

The inspection staff made a photographic report of the patient care area and the waiting room.

Finally, the inspection staff required the inspected entity to provide the Authority with a copy of the risk analysis to determine the appropriate measures to ensure the security of the data exchanged at the patient care desk.

6. On 06/11/2021, Barnaclínic provided a copy of a risk analysis carried out on 06/10/2021.

7. On 16/06/2021, Barnaclínic confirmed that on 15/06/2021 a music system had been installed in the FIVclínic waiting room, which had been verified to be working correctly.

8. On 06/14/2022, the director of the Catalan Data Protection Authority agreed to initiate a sanctioning procedure against Barnaclínic for two alleged infringements, both provided for in article 83.4.a), in relation to article 32 ; 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 06/16/2022.

9. On 07/08/2022, Barnaclínic filed objections to the initiation agreement .

The accused entity provided various documentation with its letter.

10. On 09/22/2022, the person instructing this procedure formulated a resolution proposal, by which he proposed that the director of the Catalan Data Protection Authority impose on Barnaclínic the sanction consisting of a fine of 12,000.- euros (twelve thousand euros), as responsible for an infringement provided for in article 83.4.a) in relation to article 32.1; and secondly, the sanction consisting of a fine of 5,000.- euros (five thousand euros), as responsible for an infringement provided for in article 83.4.a) in relation to article 32.2, all of them of the 'RGPD.

This resolution proposal was notified on 09/23/2022 and a period of 10 days was granted to formulate allegations.

11. On 07/10/2022, the accused entity submitted a letter in which it acknowledges its responsibility for the alleged acts and attests to having made the voluntary advanced payment of the pecuniary sanctions proposed by the investigating person. In this letter, I also reported on the transfer of the FIVClinic offices to another location, in order to carry out improvement works and implement security measures to guarantee the privacy of patients. And, on 10/10/2022, he provided a copy of the new risk analysis carried out.

proven facts

1. The people located in the waiting room of the Barnaclínic Assisted Reproduction Unit (IVFclínic) could access the content of the conversations held between the organization's administrative staff and the patients who were treated in the space patient care close to the waiting room, as verified by the Authority's inspection staff on 05/28/2021. Between the

patient care space and the waiting room there was no enclosure separating these two spaces.

Also, when in the patient care space a patient person was attended to at the same time at each of the two available desks, the patient person attended at one desk could hear the conversation held by the other patient person attended at the other counter

2. Until 10/06/2021, Barnaclínic had not carried out a risk analysis to determine the appropriate technical and organizational measures to guarantee the security of data exchanged in the patient care area. This analysis did not take into account the existing risk when attending to more than one patient at the same time at the two counters available in the patient care area of the FIVclínic .

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. The imputed entity, Barnaclínic , is an entity included within the scope of action of this Authority in accordance with article 3.e) of Law 32/2010, of 1 October.

2. In accordance with article 85.3 of the LPAC, both the recognition of responsibility and the voluntary advanced payment of the proposed pecuniary penalty lead to the application of reductions. The effectiveness of these reductions is conditioned on the withdrawal or renunciation of any action or appeal through the administrative route against the sanction. For both cases, sections 1 and 2 of article 85 of the LPAC provide for the termination of the procedure.

Although it submitted objections to the initiation agreement, the accused entity has not made objections to the resolution proposal, since it has accepted to both options to reduce the penalty amount. However, it is considered appropriate to reiterate below the most relevant of the reasoned response that the instructing person gave to the allegations before the initiation agreement.

2.1. On the proven fact first.

From the 1st paragraph of its statement of objections to the initiation agreement, it was inferred that the accused entity specified that the staff of Barnaclínic who attended to the patients were not healthcare staff, but administrative staff, an assessment that it was collected in the proven facts section of the proposed resolution and which has also been collected in the same section of this resolution.

Having said that, it also indicated that in the framework of the previous information, it was not certified that the Barnaclínic staff who attended to patients at the help desk provided clinical information or other personal data. He added that healthcare information was only provided in medical offices.

Well, as the instructing person pointed out in the resolution proposal, apart from the fact that the complainant (client of the FIVClínic Unit) stated that while the administrative staff

attended to the patient, personal data was revealed, including health data; it was necessary to take into account that by means of a letter dated 04/13/2021, the accused entity admitted that in said desk the demographic data contained in the system were reviewed or summonses were scheduled, among others. Likewise, the people representing Barnaclínic in the face-to-face inspection carried out on 05/28/2021 at the FIVClínic Unit (among them, the person who signed the statement of objections to the initiation agreement) stated that the information exchanged between administrative staff and patients was related to the process of assisted reproduction (such as in vitro fertilization); and that visits, tests, analytics, ultrasounds, etc. were scheduled.

Also in its statement of objections to the initiation agreement, the accused entity indicated that the administrative management point managed the appointment calendar (visits and tests) or managed the care process (assisted reproduction). In turn, apart from the information provided by the FIVClínic staff , it should also be borne in mind that patients could provide personal data, including health data.

At this point, it is appropriate to refer to article 4.15) of the RGPD which defines data relating to health as personal data relating *"to the physical or mental health of a natural person, including the provision of care services sanitaria , which reveal information about you health status " .*

In turn, recital 35 of the RGPD provides the following in relation to data relating to health:

> *"Between the data personal related to health are due to include all data _ relating to the state of health of the interested party who provide information about him past , present or future state of physical or mental health . It includes the information about the natural person collected on the occasion of su registration for assistance purposes _ healthcare , or on the occasion of the provision of such assistance , in accordance with Directive 2011/24/EU of the European Parliament and of the Council (1); any number, symbol or data assigned to a natural person that uniquely identifies them for the purpose sanitary ; the information obtained from tests or examinations of a part of the body or a body substance , including data genetics and samples biológicas , y cualquier relative information , for example , to a disease , a disability , the risk of suffering diseases , the medical history , the treatment clinical or the state physiological or biomedical of the interested party , regardless of source , for example a doctor or other professional sanitario , a hospital, a device medical , or a test in vitro diagnostics ."*

In accordance with the above, as indicated by the instructing person, it must be concluded that the patients and the Barnaclínic staff who provide services at the counter of the FIVClinic Unit , exchanged data relating to the health of this . As an example, the scheduling of medical visits, tests, analytics or ultrasounds have such consideration of data relating to health.

Finally, it should be pointed out that although the accused entity denied that personal data was provided at the counter, it indicated that technical and organizational measures had been applied to safeguard the confidentiality of patient persons by minimizing risks and guaranteeing the privacy of personal references in accordance with privacy by design and by

default in article 25 and with the appropriate measures in accordance with article 32, both of the RGPD.

Therefore, as the instructor concluded, it cannot be accepted that personal data, including health data, was not exchanged at the help desk.

Likewise, it must be concluded that the conversations held between the staff at the desk and the patients could be heard both by the people in the waiting room and also by the person who could be treated simultaneously in the other service desk (the service desk consists of 2 service desks).

In this sense, in the resolution proposal it was noted that in its statement of objections to the initiation agreement, the imputed entity admitted that it had planned " *the installation of musical wire as technical measure so that it acts as an acoustic barrier preventing access to conversations from the waiting room".* So, Barnaclínic was aware that conversations could be heard from the waiting room and planned a measure to avoid this, which was not adopted until 15/06/2021 (after the act of face-to-face inspection of 05/28/2022).

2.2. On the second proven fact.

Subsequently, the accused entity admitted in its statement of objections to the initiation agreement that *"the risk analysis has been carried out, albeit not formally but de facto"* .

To this end, he invoked that he carried out a works project to improve the administrative attention spaces in relation to the waiting room, which contemplated " *a significant change in the arrangement and closure of the administrative attention points, the transfer of the nurse's box and the installation of musical thread as a technical measure so that it acts as an acoustic barrier preventing access to conversations from the waiting room."*

For obvious reasons, this work project could not be qualified as a risk analysis regarding the processing of personal data.

It is true, as the accused entity indicated in its statement of objections to the initiation agreement, that the data protection regulations did not establish a methodology for carrying out a risk analysis, but it is also true that the Article 5.2 of the GDPR, which regulates the principle of proactive responsibility, provides that the data controller is responsible for compliance with the principles established in Article 5.1 of the GDPR (among them, the principle of integrity) and that he must be able to prove it.

It is worth saying that as part of the prior information actions, on 03/26/2021, the accused entity was required to provide a copy of the risk analysis that had been carried out and that this was not provided.

Also, in the face-to-face inspection carried out on 05/28/2021, the people representing Barnaclínic (among whom, the data protection representative of Barnaclínic) stated that they had no evidence that it had been carried out a risk analysis to determine the appropriate measures to ensure the security of data exchanged at the patient care desk. Given this demonstration, the inspector staff required Barnaclínic to provide the Authority with a copy of the risk analysis. In response to this request, on 06/11/2021, the risk analysis carried out on 06/10/2021 was provided.

On the other hand, the accused entity claimed that it had a Good Practices Manual available to employees that adequately regulated the duty of confidentiality and that staff had been trained. In relation to this, as specified in the resolution proposal, it is sufficient to note that the infringement linked to the proven fact referred to the lack of a risk analysis to determine the security measures.

2.3. On the *"non bis in idem " principle* .

Barnaclínic also explained in his statement of objections that the legal qualification made in the letter of the initiation agreement *"leads to impute twice the same fact with two serious infractions, both under the same legal type of article 73.f) of the LOPDiGDD , for lack of adoption of technical and organizational measures to guarantee a level of security."* And he added that there was identity in the fact, since without analysis there would be no measurements, in the subject and in the foundation.

As the instructing person pointed out in the resolution proposal, in the present case the principle of *non bis in idem* or concurrence of sanctions is not violated. This principle constitutes one of the guarantees of sanctioning legality (art. 25 EC) and consists in preventing that it can be sanctioned twice when the identity of the subject, facts and grounds are assessed. The principle of *non bis in idem* is contained in article 102 of Law 26/2010, of August 3, on the legal regime and procedure of the public administrations of Catalonia, and in article 31 of Law 40 /2015, of October 1, of the legal regime of the public sector, which establishes that " *The facts that have been criminal or administrative cannot be sanctioned, in cases where the identity of the subject, fact and foundation."*

In the present case, there is no factual or fundamental identity between the two imputed sanctions. On the one hand, the failure to apply security measures to ensure that unauthorized third parties could access personal data is sanctioned, which infringes Article 32.1 of the RGPD, which establishes an obligation of result. And on the other hand, it is penalized not to have a risk analysis, which contravenes article 32.2 of the RGPD, which establishes a formal obligation.

2.4. About the sanctioning regime.

Finally, Barnaclínc explained in its statement of objections to the initiation agreement that it is an entity that is linked to the Hospital Clínic de Barcelona and that, if it is within the scope of action of the Authority, the sanctioning regime provided for in article 77 of Organic Law 3/2018, of December 5, on the protection of personal data and guarantee of digital rights (hereinafter LOPDGDD) must be applied.

Well, as the accused entity admitted, Barnaclínic is a private company, which is not altered by the fact that its capital may be publicly owned.

Given that private companies are not included among the entities listed in article 77.1 of the LOPDGDD, the sanctioning regime of warning provided for these entities cannot be applied. In the specific case of the entities of article 77.1.c) of the LOPDGDD (the General Administration of the State, the administrations of the autonomous communities and the entities that make up the local administration), which invoked the imputed entity, it is sufficient to point out that both article 2 of Law 39/2015, and article 2 of Law 40/2015,

differentiate the entities described in article 77.1.c) of the LOPDGDD, from private law entities linked or dependent on public administrations.

3. In relation to the facts described in the first point of the proven facts section, it is necessary to go to article 5.1.f) of the RGPD, which regulates the principle of integrity and confidentiality determining that personal data will be *" treated in such a way that security is guaranteed data adequacy _ personal , including the protection against unauthorized or illegal treatment and against it loss , destruction or accidental damage , through the application of measures technical or organizational appropriate ".*

For its part, article 32.1 of the RGPD, regarding data security, provides the following:

> *"1. Taking into account the state of the art , the costs of application , and the nature , scope , context and purposes of the treatment , as well as risks of variable probability and severity for the rights and freedoms of people físicas , the person in charge and the person in charge of the treatment they will apply measures technical and organizational appropriate to guarantee a level of security adequate to the risk , which may include , among others :*
> *a) pseudonymization and data encryption personal ;*
> *b) the ability to guarantee confidentiality , integrity , availability and resilience permanent treatment systems and services ; _ _*
> *c) the ability to restore availability and access to data personnel quickly in the event of an incident physical or technical ;*
> *d) a process of regular verification , evaluation and assessment of the effectiveness of the measures technical and organizational to guarantee the security of the treatment .*

During the processing of this procedure, the fact described in point 1 of the proven facts section, which is constitutive of the violation provided for in article 83.4.a) of the RGPD, which typifies as such as 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 are those provided for in article 32.1 and 32.2 of the RGPD.

The conduct addressed here has been included as a serious infraction in article 73.f) of the LOPDGDD, in the following form:

> *"f) The lack of adoption of technical and organizational measures that are appropriate to guarantee a level of security adequate to the risk of the treatment, in the terms required by article 32.1 of Regulation (EU) 2016/679."*

4. With regard to the fact described in point 2 of the proven facts section, it is also necessary to refer to article 5.1.f) of the RGPD, which regulates the principle of integrity and confidentiality .

Also, article 32.2 of the RGPD establishes that:

> *"2. When evaluating the adequacy of the security level they will be particularly in account of the risks presented by data processing , in particular as a consequence of the accidental or unlawful destruction , loss or alteration of*

data personal transmitted , stored or treated in another way, or unauthorized communication or access to said data ."

And article 28.1 of the LOPDGDD determines the following:

"1. Those responsible and in charge, taking into account the elements listed in articles 24 and 25 of Regulation (EU) 2016/679, must determine the appropriate technical and organizational measures that they must apply in order to guarantee and certify that the treatment is in accordance with the aforementioned Regulation, this Organic Law, its implementation rules and the applicable sectoral legislation. In particular, they must assess whether it is appropriate to carry out the data protection impact assessment and the prior consultation referred to in section 3 of chapter IV of the aforementioned Regulation."

In accordance with what has been stated, the fact collected in point 2 of the section on proven facts constitutes the infringement provided for in article 83.4.a) RGPD, previously transcribed.

In turn, this conduct has been included as a serious infraction in article 73.p) of the LOPDGDD, in the following form:

"p) The processing of personal data without carrying out a prior assessment of the elements mentioned in article 28 of this Organic Law."

5. As Barnaclínic is a private law entity, the general penalty regime provided for in article 83 of the RGPD applies.

Article 83.4 of the RGPD provides for the infractions provided for there, to be sanctioned with an administrative fine of 10,000,000 euros at most, or in the case of a company, an amount equivalent to 2% as a maximum of the global total annual business volume of the previous financial year, opting for the higher amount.

In relation to the conduct described in section 1 of proven facts, according to what is established in article 83.2 of the RGPD, and also in accordance with the principle of proportionality enshrined in article 29 of Law 40/2015, as indicated by the instructing person in the resolution proposal, a penalty of 12,000 euros (twelve thousand euros) should be imposed. This quantification of the fine is based on the weighting between the aggravating and mitigating criteria indicated below.

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

- The lack of intentionality (art. 83.2.b).
- The fact that it is not recorded that Barnaclínic had previously committed any infringement (art. 83.2.e RGPD).
- The proactive and cooperative attitude with the Authority in order to remedy the infringement and mitigate its possible adverse effects (art. 83.2.f RGPD). In this regard, it is worth noting that Barnaclínic adopted measures to remedy the infringement, such as installing a musical thread to prevent conversations being held at the reception desk from

being heard from the waiting room attention (and on 07/10/2022 he informed that said desk has ceased to be operational).
- The adhesion of Barnaclínic to the type code of the Catalan Union of Hospitals (art. 83.2.j RGPD).
- The lack of benefits obtained as a result of the commission of the offense (art. 83.2.k RGPD and art. 76.2.c LOPDGDD).

On the contrary, as aggravating criteria, the following elements must be taken into account :

- The infringement affected special categories of data (art. 83.2.g RGPD).
- Linking the activity of the offender (health center) with the practice of processing personal data (art. 83.2.k RGPD and art. 76.2.b LOPDGDD).

And, regarding the conduct described in the 2nd section of facts tested , as indicated the instructing person in the resolution proposal , where applicable impose the penalty of 5,000 euros (five thousand euros). This quantification of the fine is based on the weighting between the aggravating and mitigating criteria indicated below.

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

- The fact that it is not recorded that Barnaclínic had previously committed any infringement (art. 83.2.e RGPD).
- The proactive and cooperative attitude with the Authority in order to remedy the infringement and mitigate its possible adverse effects (art. 83.2.f RGPD). In this regard, it is worth noting that Barnaclínic adopted measures to remedy the infringement and, in particular, carried out a risk analysis on 06/10/2021.
- The adhesion of Barnaclínic to the type code of the Catalan Union of Hospitals (art. 83.2.j RGPD).
- The lack of benefits obtained as a result of the commission of the offense (art. 83.2.k RGPD and art. 76.2.c LOPDGDD).

On the contrary, as aggravating criteria, the following elements must be taken into account :

- Linking the activity of the offender (health center) with the practice of processing personal data (art. 83.2.k RGPD and art. 76.2.b LOPDGDD).

6. On the other hand, in accordance with article 85.3 of the LPAC and as stated in the initiation agreement, if before the resolution of the sanctioning procedure the accused entity acknowledges its responsibility or makes the payment voluntary pecuniary penalty, a 20% reduction should be applied on the amount of the provisionally quantified penalty. If the two aforementioned cases occur, the reduction is applied cumulatively (40%).

As has been advanced, 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, by means of a letter dated 07/10/2022, the imputed entity has acknowledged its responsibility. Likewise, on the same date he paid 10,200 euros (ten thousand two hundred euros) in advance, corresponding to the amount of the resulting penalties once the cumulative reduction of 40% has been applied.

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 for the resolution declaring the infringement to establish the appropriate measures so that its effects cease or are corrected.

Well, by means of a letter dated 07/10/2022, the accused entity states that it has temporarily closed the space where the IVF clinic was located (the service is provided in a different location), to carry out improvement works and implement security measures to guarantee patient privacy. He also points out that the project foresees personalized attention in offices. On the other hand, on 10/10/2022 it also provides a new risk analysis.

Given the above, no corrective measures should be required on the understanding that the patient care room of the IVF clinic subject to the present sanctioning procedure has ceased to be operational.

For all this, I resolve:

1. To impose on Barnaclínic , SA, in the first place, the sanction consisting of a fine of 12,000.- euros (twelve thousand euros), as responsible for an infringement provided for in article 83.4.a) in relation to article 32.1 ; and secondly, the sanction consisting of a fine of 5,000.- euros (five thousand euros), as responsible for an infringement provided for in article 83.4.a) in relation to article 32.2, all of them of the 'RGPD.

It is not necessary to require corrective measures to correct the effects of the infringement, in accordance with what has been set out in the 7th legal basis.

2. Declare that Barnaclínic , SA has made the advance payment of 10,200 euros (ten thousand two hundred euros), which corresponds to the total amount of the two sanctions imposed, once the percentage of deduction of 40% corresponding to the reductions has been applied provided for in article 85 of the LPAC.

3. Notify this resolution to Barnaclínic .

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,