

File identification

Resolution of sanctioning procedure no. PS 62/2022, referring to Tarragona City Council

Background

1. On 08/17/2021, the Catalan Data Protection Authority received a letter from a person who filed a complaint against Tarragona City Council, on the grounds of an alleged breach of the regulations on protection of personal data.

The person making the complaint stated that, on 05/29/2021, he had made a call to the telephone number of the Urban Guard of Tarragona City Council (specifically, at number 977 24 03 45), and that he had been asked the identification (name, surname and ID number) without providing information regarding the collection and processing of your personal data. The complainant also stated that the collection of the mentioned personal data was unnecessary "to comply with the service".

Likewise, the person making the complaint provided a letter of complaint presented to the Tarragona City Council on 04/06/2021 in which he stated that " *As a neighbor of the Skatepark of Parc Francolí, I often call the Urban Guard for communicate the inconveniences we suffer from the users of this space. Many times, the person who attends to me at the urban guard switchboard asks me to identify myself with my ID. In principle, I have never seen a problem with providing this data, but a few months ago, I had the experience of seeing how this data was misused: after a long time my partner called for reporting the uncivil behavior of several skaters and seeing that the urban guard was not present in the space, I called to expose the same case. I was asked to identify myself with my ID and later reprimanded for making the same complaint from the same property (...)*".

In response to the aforementioned complaint, the complainant submitted the letter from the City Council dated 06/29/2021, through which he was informed of the following (the underlining is from the Authority):

- " *Regarding the collection of personal data due to the complaint, the Urban Guard, by virtue of compliance with article 62.2 of Law 39/2015, of the Common Administrative Procedure of Public Administrations, must identify the complainants in the complaints/denunciations that initiate the administrative procedure. (...) In this same sense, article 268 of the Criminal Procedure Law, a complaint for the facts that initiate the criminal procedure also the Security Forces must identify the person making the complaint, whether the complaint is written or verbal For this reason, when the Guardia Urbana collects the personal data of reporting persons, it does so following the criteria of current legislation, and with the aim of being able to carry out the service correctly. (...) The data requested by the official who provides the service at the switchboard (agent of the authority) are minimal data (identity of the person, address and telephone number) in order to respond to a complaint about a related event (...)*"
- *When a person calls the switchboard, their data is entered into the Service Management program of the Urban Guard, without crossing data with the municipal register. The Management program, as part of its functions, allows the identification of complaints based on first and last name, ID, telephone number and address. For this reason, with the same complaint it is possible to check whether there are duplicate complaints at the same address.*

- *As determined by the Spanish Data Protection Agency (R/00836/2007 dictated in procedure AAPP/00080/2006; AEPD R/01411/2012 in procedure AP/00056/2011) as well as the Catalan Data Protection Authority (Opinion 17/2008), in cases of emergency care, the provision of information on data processing may have a negative impact on the correct care of the emergency. Indicating in these cases that the right to information by telephone is not mandatory. This is the case of your call to a City Council number which is an emergency number of the Urban Guard. (...)"*
- *The Urban Guard does not communicate data to unauthorized third parties. The collection of data is carried out to comply with the law, and to be able to provide the service in the best possible way, thus being able to detect repeated complaints as has been the case, to avoid system saturation. However, in this case, it was reported that there was a complaint from the same address, without the prudence of previously verifying that it was made by another person . This situation within the scope of the complaint - due to the purpose of the same - we understand that it does not entail a high risk for the intimacy and privacy of people, but we ask that you apologize in the event that it may have caused any inconvenience and, in any case, we will proceed to apply the appropriate measures to verify that the instructions and procedures of the Urban Guard are complied with and that this does not happen again".*

2. The Authority opened a preliminary information phase (no. IP 330/2021), 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 05/24/2022 the reported entity was required to, among others, identify the emergency telephone number of the Tarragona Urban Guard; confirm whether, in the calls made by citizens to the telephone number 977 24 03 45, the information provided for in the data protection regulations is provided; and, indicate what personal data is collected when a person makes a complaint by telephone.

4. On the same date, also during this preliminary information phase, the Authority's Inspection Area carried out a series of checks on the facts that were the subject of the complaint. Thus, it was found that by calling the telephone number 977 24 03 45 (the telephone number that the complainant would have called to make a complaint about uncivil behaviour), belonging to the Urban Guard of Tarragona, a pre-recorded message is received that informs the Next:

"Good morning, he has called the Urban Guard of Tarragona. For security reasons the call may be recorded. If you want to talk to planning and public roads, prize 1. With the office of mediation and/or public relations, prize 2. With traffic certificates, prize 3. With reception and lost objects, prize 4. For any other query, stay tuned".

Likewise, it was also verified that, if the call refers to any other matter listed by the automatic message, the call is diverted to a switchboard that does not report on the content of Article 13 of Regulation (EU) 2016/679 of the European Parliament and the Council, of April 27, regarding the protection of natural persons with regard to the processing of personal data and the free movement thereof (hereafter, RGPD).

5. On 06/02/2022, the Tarragona City Council responded to the above-mentioned request in writing in which it stated the following:

- That, " *there are two emergency telephone numbers: 092: to attend to emergencies from the Sala de la Guàrdia Urbana. 977 05 30 64: to answer only emergency calls from the 112 Room. These two telephone lines do not have prior access, as determined by the Spanish Data Protection Agency (R/00836/2007 dictated in the procedure AAPP /00080/2006; AEPD R/01411/2012 of the procedure AP/00056/ 2011) as well as the Catalan Data Protection Authority (Opinion 17/2008), in cases of emergency care, the provision of information on data processing may have a negative impact on correct emergency care . Indicating in these cases that the right to information by telephone is not mandatory*".
- That, " *The Urban Police of Tarragona has different telephone numbers for the attention of the public: - 977 24 03 45 – 977 25 24 40 The calls made by the public to these lines have the prior locution where informs the following: "For security reasons, the call may be recorded", as well as information on the administrative extensions to which citizens can be contacted according to the reason for their call.*"
- That, " *The personal data collected in calls to 977 24 03 45 are those related to the identification of the person making the call (Name, ID, telephone and address), as well as those related to the reason for the call , to be able to identify the person, attend to and provide an adequate response to the request*".
- That, " *When a person requests a specific police action, it is checked whether there are duplicate complaints or repeated calls for different reasons from the same address, if it is a different address or case-by-case, in order to be able to exercise the functions of the Urban Guard correctly and guarantee the provision of the request and public security powers*".

6. On 13/10/2022, the director of the Catalan Data Protection Authority initiated disciplinary proceedings against the Tarragona City Council for two alleged violations: one violation provided for in article 83.5.b) in relation with article 13; and another violation provided for in article 83.5.a) in relation to article 5.1 f); all of them from the RGPD. This initiation agreement was notified to the imputed entity on 10/14/2022.

7. The initiation agreement explained the reasons why no imputation was made with respect to other facts reported. Specifically, with respect to the complaint of the complainant, who stated that the collection of his name, surname and ID number, by the Tarragona Urban Guard, in the call made on 05/29/2021, was unnecessary, the Authority considered that the reported data processing was lawful given that it was carried out in the exercise of the functions attributed to the reported entity (article 6.1 e) RGPD), in accordance with the article 53 of the Organic Law 2/1986, of 13 March, on forces and security bodies and article 62.1 of the LPAC. Likewise, it also considered that the aforementioned collection of data did not violate the principle of minimization given that article 62 of the LPAC requires the identification of the person filing a complaint, identification that can only be verified by providing the name, surname and ID (article 9 LPAC).

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

9. On 28/10/2022, Tarragona City Council made objections to the initiation agreement, which are addressed in section 2 of the legal foundations.

The accused entity provided various documentation with its letter. Among other information, the City Council attached the transcript of the telephone conversation held by the complainant here with an agent of the Urban Guard which, due to its relationship with the proven facts, is reproduced below (the emphasis is ours) :

"Citizen: Hello, good night, look, I was calling because it turns out that I have a neighbor upstairs who I don't know what he's doing on the terrace, he's hitting me with a ball, I tried to talk to him and he sent me... .(...)

GU: Well, let's take note, because since we started at 10 at night we've had a lot of trouble and, well, let's take note and pass it on to the staff. Where is this?

Citizen: Look, this is on the street [...]

GU: Yes, at number [...] right?

Citizen: Yes, at number [...] yes

GU: Yes, yes I already have a call from that
(...)

GU: Miri let's leave your ID please

Citizen: Look [...]

GU: Wait a moment to see, a moment (pause) Yes, Well, your lady has already called me.

Citizen: Has my lady called, too?

GU: Sure

Citizen: [the citizen expresses that he does not live nor is he at that time at the address from where the complaint is made, it is deleted so as not to include information about his personal situation], OK?

GU: Okay, I agree, but I was already surprised because of course, looking at what your lady said that she also worked for the Tarragona city council and you are also registered with her, of course, don't worry, already the supply has been sent, okay?"

10 . On 26/01/2023, the person instructing this procedure formulated a proposed resolution, by which he proposed that the director of the Catalan Data Protection Authority admonish Tarragona City Council as responsible, first place, of an infringement provided for in article 83.5.b) in relation to article 13; and secondly, of an infringement provided for in article 83.5.a) in relation to article 5.1 f), all of them of the RGPD.

This resolution proposal was notified on 26/01/2023 and a period of 10 days was granted to formulate allegations.

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

proven facts

1. The Guàrdia Urbana of the Tarragona City Council records, among others, the calls made for administrative purposes to the telephone number 977 24 03 45, thus collecting the personal data provided by the person who calls (such as minimum, name, ID number, telephone number, address and voice). This collection and processing of personal data is carried out without informing the affected persons of the ends provided for in article 13 of the

RGPD. These facts would have occurred at least in the period between 29/05/2021 (date on which it collected and processed the data of the person reporting here) and 24/05/2022 (date on which it was carried out the inspection action indicated in precedent 4t).

2. In the context of a call that the complainant here made to the Tarragona Urban Police to complain about uncivil behavior in the street, the person who attended to him revealed that another person, from his same address, had already filed a complaint for the same facts. The complainant places the call in a few months prior to 04/06/2021, a date that the Tarragona City Council has not questioned.

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. The accused entity 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.

2.1 On the first section of the proven facts

As can be seen from the antecedents, the reporting person made a call to the telephone number 977 24 03 45, corresponding to the Urban Police of Tarragona, and their personal data relating to the name, ID number, number of telephone, address and voice.

In this regard, from the documentation that was attached to the complaint, the letter from the Tarragona City Council, dated 06/29/2021, addressed to the complainant here in response to a complaint that he would have presented, through which, he was informed that, the telephone number he called, corresponds to an emergency number of the Tarragona Urban Guard and that, in accordance with Decree 17/2008, of this Authority and with the criteria of the Spanish Data Protection Agency, it was not mandatory to offer the right to information as it could affect "*correct emergency care*".

Well, in the preliminary information phase that preceded this procedure, the accused entity specified to the Authority that the telephone number called by the person making the complaint here corresponds to a telephone number for the attention of the public, and not to an emergency service. And, in relation to this statement, this Authority was able to verify - antecedent 4th - that, indeed, the telephone number 977 24 03 45 corresponds to a service for citizens, and not related to emergencies but to different ones services (reception and search of lost objects, matters related to planning and public roads, consultations, among others).

Having established the above, in view of the allegations that the denounced entity presented in the agreement to initiate this procedure, it is necessary to analyze whether the Tarragona City Council satisfied the right to information of the here reporting when he called the referred telephone number for public assistance. For what is of interest here, the pre-recorded speech and the conversation held with the agent are transcribed in paragraphs 4 and 9 of this resolution.

In this regard, it should be borne in mind that, in accordance with article 13 of the RGPD, when personal data is obtained from the affected person himself, the data controller - in this

case, the Tarragona City Council -, has the obligation to provide you with all the information indicated below:

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

In relation to the above, article 12 of the RGPD adds the obligation of the data controller to provide the information provided for in article 13, in a concise, transparent, intelligible and easily accessible manner.

Having said that, the Tarragona City Council argued that the failure to comply with its duty to inform would only be partial given that, as it said, the phrase transcribed in the 4th antecedent of this resolution, informs of the identity of the data controller, as well as of the purposes of data processing. He thus affirmed that, to the extent that the Guardia Urbana's call service is a municipal service, there is no doubt that the person responsible for the treatment is the Tarragona City Council. And, on this, he added that the aforementioned statement informed *" of the different purposes for which the service is intended and motivation of the recording, according to the caller's own selection"*. Based on these statements, the City Council claimed that it would have partially provided the information contained in Article 13 RGPD.

Well, this Authority does not share the argument of the reported entity given that, although it is true that the aforementioned phrase informs who the receiver of the call is - in this case, the Urban Guard of Tarragona -, it does not make it clear that the person responsible for the processing of personal data is the Tarragona City Council, as required by article 13 of the RGPD. In this regard, it should be noted that the RGPD requires the affected persons to be explicitly informed of this end, and this information, as can be seen from the preceding 4th, is not provided by the Tarragona City Council to the citizens who call the public assistance telephone number (977 24 03 45).

In line with the above, it is also not plausible to state that through the aforementioned telephone conversation the interested person is informed of the purposes of the processing of his personal data. The locution only informs the citizen of the administrative extensions to which he can be addressed, depending on the reason for his call (4th and 5th antecedents). This information, in no case, makes it possible to know for what purpose the personal data of the person making the call is collected and processed, thus contravening the provisions of article 13 of the RGPD.

In accordance with the above, it must be concluded that the Tarragona City Council has not complied with its duty of information in the terms contained in article 13 of the RGPD. Thus, the accused entity had to provide not only the information relating to the identity of the person in charge of the treatment and the purposes of the treatment of the personal data - which, as we have seen, it did not provide - but in addition, it also had to inform the contact details of the person in charge of the treatment and the delegated person for data protection, the recipients or categories of recipients of the data, and the intention, if this is the case, to make international data transfers. And, from the literal transcription of the telephone conversation - antecedent 4 of the resolution - it is established that this information was omitted, thus contravening the data protection regulations regarding the duty to provide information.

2.2. About the 2nd section of the proven facts

The accused entity provided the transcript of the controversial telephone conversation - reproduced in the 9th precedent of this resolution -, in relation to which, it argued that no personal data had been disseminated, nor had the duty of confidentiality provided for in the RGPD and the Organic Law 3/2018, of December 5, on the protection of personal data and the guarantee of digital rights (hereinafter, LOPDGDD).

With respect to the specific circumstances of the events reported, the accused entity maintained that "*the second report was not made from the home or with direct knowledge of the events reported*" and that, assuming that the reporting person was at home, "*he would be aware of the situation and communicating that a verified complaint has been made from his address should not be considered a violation of confidentiality*".

Well, from the content of the conversation held by the complainant here with an agent of the Urban Guard, it is clear that the personal data of a third person was disclosed from the accused entity. Specifically, the accused entity informed the complainant here that "*her lady*" would have filed a complaint from a specific address, that she would be registered at the same address as him, and that she provides services to Tarragona City Council .

The statement of allegations of the accused entity reiterated that the verification of the identity and registration of the complainants obeys the principles of "*service and municipal competences*" and in this regard it transcribes part of the allegations presented to this Authority by means of a letter dated 02/06/2022. Along these lines, the entity maintained that, at the time of filing the aforementioned complaint, it was considered "*that what prevailed was to guarantee the correct provision of the service, as well as the safety and integrity of the people affected by the situation of complaint, wanting to confirm the reality of this complaint. For this reason, the person who made the complaint was informed that there was already a previous complaint made from the same address, without disseminating any personal data of third parties, with the sole purpose of conveying peace of mind (...)*".

Article 4 of the RGPD defines the concept of personal data, in the following terms:

"all information about an identified or identifiable natural person ("the interested party"); Any person whose identity can be determined, directly or indirectly, in particular by means of an identifier, such as a number, an identification number, location data, an online identifier or one or more elements of identity, shall be considered an identifiable physical

person physical, physiological, genetic, psychological, economic, cultural or social of said person”;

Pursuant to the said article, this Authority cannot be unaware that, with the action of the agent of the Urban Guard of Tarragona, consisting in revealing to the person making the complaint the data relating to the registration and workplace of " *his madam* ", as well as the fact that she would have filed a complaint about certain events, and from a specific address, personal data relating to an identifiable natural person was disseminated.

That being the case, it must be affirmed that the accused entity could exercise its powers and provide the reference service without disclosing said information to the person making the complaint, given that the dissemination of the data was not even necessary to guarantee the correct provision of the service, nor to guarantee the safety and integrity of people, as the City Council claims.

In accordance with what has been explained, it is estimated that the allegations presented by the accused entity, according to the agent of the Urban Guard who answered the call, did not reveal any personal data, cannot succeed.

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

For its part, article 13 of the RGPD, transcribed in the 2nd legal basis, provides what is the basic information that the person in charge of the treatment must provide to the affected person when he provides his own data.

In turn, sections 1 and 2 of article 11 of the LOPDGDD, regarding the information that must be provided to the affected person, provide the following:

"1. When the personal data is obtained from the affected person, the controller can comply with the duty of information established by Article 13 of Regulation (EU) 2016/679 by providing the affected person with the basic information referred to in section below and indicating an electronic address or other means that allows you to access the rest of the information in a simple and immediate way.

2. The basic information referred to in the previous section must contain, at least:

a. The identity of the data controller and his representative, if applicable.

b. The purpose of the treatment.

c. The possibility of exercising the rights established by articles 15 to 22 of Regulation (EU) 2016/679.

If the data obtained from the affected person must be processed for profiling, the basic information must also include this circumstance. In this case, the affected person must be informed of his right to object to the adoption of automated individual decisions that produce legal effects on him or significantly affect him in a similar way, when this right is given in accordance with the provisions of article 22 of Regulation (EU) 2016/679."

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

The conduct addressed here has been included as a very serious infraction in article 72.h) of the LOPDGDD, in the following form:

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

4. With regard to the fact described in point 2 of the proven facts section, regarding the disclosure of personal data relating to a third person, it is necessary to go to article 5.1 f) of the RGPD, which provides that personal data *" must be treated in such a way as to guarantee adequate security of personal data, including protection against unauthorized or illegal treatment and against accidental loss, destruction or damage, through the application of appropriate technical or organizational measures"*.

For its part, article 5 LOPDGDD regulates the duty of confidentiality in the following terms:

- "1. Those responsible and in charge of data processing as well as all the people who intervene in any phase thereof are subject to the duty of confidentiality referred to in article 5.1.f) of Regulation (EU) 2016/769.*
- 2. The general obligation indicated in the previous section is complementary to the duties of professional secrecy in accordance with its applicable regulations.*
- 3. The obligations established in the previous sections remain even if the obligee's relationship with the person in charge or person in charge of the treatment has ended."*

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 83.5.a) of the RGPD, which typifies the violation of *"the basic principles of treatment, including the conditions for consent pursuant to articles 5, 6, 7 and 9"*, among which, the principle of confidentiality is contemplated (art. 5.1.f RGPD) .

In turn, this behavior has been included as a very serious infraction in article 72.1.i) of the LOPDGDD, in the following form:

"i) The violation of the duty of confidentiality established by article 5 of this Organic Law"

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

*"(...) must issue a resolution that sanctions them with a warning. The resolution must also establish the measures to be adopted so that the conduct ceases or the effects of the offense committed are corrected.
The resolution must be notified to the person in charge or in charge of the treatment, to the body to which it depends hierarchically, if applicable, and to those affected who have the status of interested party, if applicable."*

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

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

By virtue of this power, the Tarragona City Council must be required to make available to the people who make calls to the telephone number 977 24 03 45, the information on the points provided for in article 13 of the RGPD, in relation to the processing of their personal data. This information must be provided in a concise, transparent, intelligible and easily accessible manner, as required by article 12.1 of the RGPD.

Once the corrective measure described has been adopted, within the period indicated, the Tarragona City Council must inform the Authority within the following 10 days, without prejudice to the Authority's inspection powers to carry out the corresponding checks.

With respect to the facts described in the 2nd point of the proven facts section, the adoption of corrective measures should be ruled out given that it is a one-time event that has already been completed.

For all this, I resolve:

1. Admonish the Tarragona City Council as responsible for two infringements: an infringement provided for in article 83.5.b) in relation to article 13; and another violation provided for in article 83.5.a) in relation to article 5.1.f), all of them of the RGPD.
2. To require the Tarragona City Council to adopt the corrective measures indicated in the 5th legal basis and to accredit before this Authority the actions taken to comply with them.
3. Notify this resolution to Tarragona City Council.
4. Communicate the resolution to the Ombudsman, in accordance with the provisions of article 77.5 of the LOPDGDD.
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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