

File identification

Resolution of sanctioning procedure no. PS 25/2023, referring to Vallgorguina Town Council.

Background

1. On 01/24/2022, the Catalan Data Protection Authority received a letter from a person who, on behalf of the (...) of Catalonia in Vallès Oriental, made a complaint against the Vallgorguina City Council for an alleged breach of the regulations on the protection of personal data .

The complainant stated that the City Council had installed a series of video surveillance cameras in different parts of the municipality in 2019. In relation to this, he complained about the following:

- 1.1. That the body of municipal guards does not have direct access to the images captured through the video surveillance system, and that when they have to "gather the information they needed to perform their duties, they had to communicate it and request it from the councillor (...) who was in charge of accessing the data recorded by the video surveillance devices to respond to the requests."

The complainant indicated that the person authorized to view and process the images was the councillor (...) of the City Council, who did not hold any position as a public employee or an agent of the authority, but as a councillor. For this reason, it could be a person not authorized to carry out the processing of "data related to public security."

- 1.2. That the video surveillance camera installed in the building where the CAP is located and the dependencies of the body of guards, which focuses on the public road ("on the public road, on the road, on the sidewalk, in a children's park and the public parking lot where the official vehicle with the logo of the municipal security forces is parked") was operating "without any authorization or communication to the competent authorities and without any type of signage/warning to the public."
- 1.3. That the video surveillance cameras installed in the municipality could be operating "without the corresponding legalization and authorization of the competent authorities."

The reporting person provided various documentation about the events reported, including the following:

- Different photographs of the video surveillance cameras installed in different parts of the municipality, with the corresponding information posters.
- Photograph of the video surveillance camera installed in the CAP building and the offices of the vigilantes, without any informational poster.
- Copy of the request submitted by the complainant to the City Council on 09/11/2021, in which he requests information on the installation and authorizations of the video surveillance system.

- Copy of the claim submitted by the complainant to the GAIP, on 14/12/2021, due to the City Council's failure to respond to the request dated 09/11/2021.
 - Copy of the Secretary's report dated 03/01/2022, issued by the City Council in response to the claim presented to the GAIP. A copy of mayoral decree no. is attached to the report. (...) (04/01/2022), in which it is decided to give access to the approval files of the "Implementation project of a video surveillance camera system with license plate recognition in Vallgorguina" and of the "Agreement administrative collaboration between public administrations-police video surveillance agreement with councils."
 - Copy of the request submitted by the complainant to the City Council on 21/01/2022, in which he requested information about the person from the entity who accesses the images captured by the video surveillance system.
2. The Authority opened a preliminary information phase (no. IP 25/2022), 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 (LPAC), to determine whether the facts were likely to motivate the initiation of 'a sanctioning procedure.
3. On 03/23/2022, the Authority received a new letter submitted by the complainant, which complements his first letter of complaint.

In this letter he states that, following a second claim presented to the GAIP, with mayoral decree no. (...) (17/03/2022) the City Council has confirmed that the person who accesses the images recorded by the video surveillance cameras is the councilor (...) of the City Council.

In this regard, provide a copy of the aforementioned decree, approved by the City Council as a response to the claim before the GAIP, in which it is indicated that:

"SECOND.- By Mayor's Decree (...) dated 06/28/2019 it was made in favor of the councilor Mr. (...)delegation of attributions (according to the municipal register) in the following areas of action: (...).

The scope of the functions of the delegations includes both the power of direction and management of the area, without decision-making powers which are held by the mayor's office.

THIRD.- The Regulation of the Vigilance Service of the Vallgorguina City Council, definitively approved by the Plenary on July 29, 2020, establishes in its article 8 the following:

"The mayor exercises the highest command of the municipal watchdog service, and can delegate management, organization and operation functions to a councilor during this legislature. This document is currently delegated to the Alderman (...)".

Therefore, the management of the municipal surveillance and security services is carried out jointly by the mayor and the councilor of (...)."

This decree ends by deciding that the councilor "acts by delegation of the exercise of the powers of the Mayor of the Corporation, that of exercising the prefecture of the Local Police (in this case, of the Municipal Surveillance Service) - powers of management direction of the area - in accordance with Law 7/1985, of April 2, Regulating the Bases of Local Government and the Regulation of the Vigilance Service of the Vallgorguina City Council."

4. On 10/25/2022, as part of the preliminary information phase, the reported entity was required to report the following:
- Confirm whether the councilor (...) of the City Council had access to the images captured by the video surveillance cameras installed in the municipality, and what would be the legal basis that would legitimize the data processing carried out by the councilor.
 - What is the purpose of the treatment pursued with the installation of the video surveillance system, and whether the authorization issued by the Directorate General of Security Administration of the Department of the Interior was available to capture images of public roads.
 - If in relation to the installation of the video surveillance system the entity exercised the right to information and, especially, for the case of the camera installed in the building where the CAP and the body's dependencies are located of watchmen
5. On 09/11/2022, the City Council responded to the aforementioned request through a letter in which it stated the following:
- That " There is no record that the councilor (...) of the City Council has access to the images recorded by the video surveillance cameras installed in the municipality."
 - That " The purpose of the police video surveillance system pursued by the cameras placed at the entrances to the town's housing developments (in Canada Park, in Can Puidemir , in Baronia de Montseny and in Collsacreu) is public safety because they are license plate reading cameras . These cameras were installed at the entrance to Vallgorguina as part of a pilot program for municipalities that did not have Local Police to be able to install them. On June 14, 2022, the collaboration agreement was signed between the Department of the Interior of the Generalitat of Catalonia and the Vallgorguina City Council for the execution of a pilot project in the field of video surveillance by of the Police of the Generalitat-Mossos d'Esquadra ."
 - That " The purpose of the camera placed in the Ctra. de Mataró, 23, where the Health Center and the Municipal Vigilantes building are located, is merely a deterrent. No authorization has been requested for this simulated camera because it is not suitable for capturing any images. It was chosen to place this device which is not connected to any system and which does not capture or record any images at the request of the guards themselves following a series of incidents of vandalism and graffiti on the service car vigilance There is no information sign because the installation of fake

cameras for deterrent purposes does not involve the processing of personal data because no processing of personal data is carried out and, therefore, the simulated cameras are not subject to the regulations of protection of personal data."

- That "Regarding cameras for the purpose of public security, there is a collaboration agreement between the Department of the Interior of the Generalitat of Catalonia and the City Council of Vallgorguina for the execution of a pilot project in the matter of video surveillance by the Police of the Generalitat-Mossos d'Esquadra."
- That "there is a resolution authorizing the installation of a fixed video surveillance system at the entrances to the municipality of Vallgorguina from the General Directorate of Security Administration of the Department of the Interior of the Generalitat of Catalonia."
- That "The right to information regarding public security cameras is enforced by means of posters that clearly and permanently inform of the existence of fixed video cameras, without specifying their location, as well as the responsible authority of the treatment before which they can exercise their rights. (...)Regarding the camera in the public parking lot where the municipal security forces park the official vehicle, as already mentioned, it does not have an information sign because it is a dissuasive camera that is not fit to capture any image."
- That "The rest of the information on data processing can be found in the data protection section of the municipal website (<https://www.vallgorguina.cat/altrescontinguts/proteccio-de-dades>) and in the Data Protection Register Treatment Activities (RAT) published by media electronic documents in the Transparency Portal ."

The reported entity attached various documents to the letter, including the following:

- Copy of the collaboration agreement between the Department of the Interior of the Generalitat of Catalonia and the Vallgorguina Town Council for the implementation of a pilot project in the field of video surveillance by the police of the Generalitat-Mossos d' Squad, formalized on 14/06/2022 and with an expected validity of 1 year from its signature, with the possibility of a single extension of 6 months.

In this agreement it is indicated that its object is "collaboration between the Vallgorguina City Council and the Department of the Interior, through the Police of the Generalitat - Mossos d'Esquadra, for the execution of a pilot project consisting in the installation and use of a police video surveillance system in order to guarantee public safety in this municipality."

In the clause relating to the general conditions, reference is made to the fact that the City Council is the owner of the "fixed video surveillance devices", and that "the installations have been completed on April 22, 2022." In the clause relating to the obligations of the Department of the Interior of the Generalitat of Catalonia, it is indicated that the "Department of the Interior will process the administrative authorization provided for in article 7 of Decree 134/1999, of 18 May, of regulation of video surveillance." In the clause relating to the ownership of the data, it is stipulated that "The General Directorate of the Police is the owner of the data obtained through

video surveillance devices. The police of the Generalitat - Mossos d'Esquadra is the only one in charge of viewing the images recorded by the video surveillance device."

- Copy of the resolution authorizing the installation of a fixed video surveillance system at the entrances to the municipality of Vallgorguina, issued on 07/11/2022 by the General Directorate of Security Administration.

In this resolution, the following is indicated:

" Background

First.- On June 20, 2022, this General Directorate received the documentation in which the (...) of the Police of the Generalitat-Mossos d'Esquadra requested authorization for the installation of a virtual video surveillance system, consisting of six number plate reading cameras, at the entrances to the municipality of Vallgorguina.

The documentation presented includes a collaboration agreement between the municipality of Vallgorguina and the Generalitat Police - Mossos d'Esquadra, (...).

In this sense, the agreement is signed due to the existence of a reasonable risk for public safety, and given that the municipality does not have local police and that Organic Law 4/1997, of August 4, which regulates the use of video cameras by the forces and security forces in public places, and Decree 134/1999, of 18 May, regulating video surveillance by the Police of the Generalitat and the local police of Catalonia, reserve the use of video surveillance systems to security forces and bodies.

Second.- The Video Surveillance Devices Control Commission of Catalonia, meeting on July 20, 2022, after analyzing the documentation provided, has issued a favorable report in relation to the authorization request for the planned installation.

Legal foundations

First.- (...)

second - In accordance with paragraph 1 of article 9 of the aforementioned Decree 134/1999, of May 18, the authorization resolution will be motivated and will contain the specific and particular conditions for the use of video surveillance devices and the specific limitations that affect it. Specifically, it must be specified:

1.- Physical area liable to be taxed. (...)

3.-The body responsible for the operations of the video surveillance system subject to authorization is the (...) of the Police.

Third.- (...). In this sense, the use of fixed devices requires the existence of a reasonable risk to public safety.

(...)

RESOLVED

First.- Authorize the installation and use of a fixed video surveillance system in the municipality of Vallgorguina, integrated by the number plate reading cameras indicated in the annex to this resolution.
(...)"

- Images of the installation of several video surveillance cameras, all of them with the corresponding information sign indicating that it is a "Surveillance area within a radius of 500 meters", together with the pictogram symbolizing a camera and the name of the City Council, as provided for in the Order of the Minister of the Interior of June 29, 2001.

6. On 11/18/2022, also during this preliminary information phase, a second request for information was made to the reported entity.

On this occasion, the City Council was required to report on the date on which the video surveillance cameras were put into operation within the municipality and, specifically, if they worked before 07/11/2022 - date of the resolution from the General Directorate of Security Administration for authorization to install a fixed video surveillance system - and, in this case, whether the City Council had prior authorization. Testimony was also required from the councilor of (...), to indicate clearly whether or not he accesses the images recorded by the video surveillance cameras installed in the municipality.

7. On 11/30/2022, the City Council complied with this request by means of a letter through which, among others, it stated the following:

- That by mayoral decree 2022-337, dated 07/08/2019, it was resolved:

"First.- Notify the (...) of Citizen Security of the Generalitat of Catalonia the installation of an active alarm system by license plate reader in the municipality of Vallgorguina, (...);"

Second.- Send the (...) of Citizen Security of the Generalitat of Catalonia the questionnaire and the corresponding documentation to request reports on traffic video surveillance installations to the Commission for Control of Video Surveillance Devices of Catalonia (CCDVC).

Third.- Notify the Catalan Data Protection Authority, in accordance with Regulation (EU) no. 2016/679, (...);

Fourth.- Authorize the Council of (...) to carry out the necessary actions to complete the file."

- That "the General Directorate of General Administration (exp. 194/19.) communicated the following to the City Council : The Control Commission of Catalonia's Video Surveillance Devices , **in the meeting of September 18 , 2019**, and in relation with the request of report on the installation of a video surveillance system fixed consisting of six cameras for the control and regulation of traffic at four points of access to the municipality of Vallgorguina , **the Commission** agreed as follows :(...) **takes knowledge of the** authorization request **for** the installation of a video surveillance system , (...)"
- That "The Video Surveillance Devices Control Commission of Catalonia, meeting on July 20, 2022, after analyzing the documentation provided, (...), **authorized the**

installation and use of a video surveillance system fixed in the municipality of Vallgorguina, integrated by the license plate reading cameras."

- That " on 28/04/2022 the Department of the Interior of the Generalitat of Catalonia and the MMEE send to the town hall of Vallgorguina a proposal for a collaboration agreement in the field of video surveillance, when our municipality enters the project pilot consisting of the installation and use of a police video surveillance system in order to guarantee public safety in this municipality that had been requested by the City Council 1 year before."
 - That "on 03/06/2022 the Collaboration Agreement was signed between the Department of the Interior of the Generalitat of Catalonia and the City Council of Vallgorguina for the execution of a pilot project in the field of video surveillance by of the police of the Generalitat - Mossos d'esquadra."
 - That "Currently all the cameras installed that record images in the municipality (6 number plate reader cameras at the entrances of the municipality of Vallgorguina) have the corresponding authorization in accordance with the Resolution dated 07/11/2022 of the General Directorate of Security Administration of the Generalitat of Catalonia. The management of the data is carried out by the MMEE according to the signed agreement (...)."
 - That "The cameras are known to have been installed since 07/08/2019, according to the report of receipt of the works and the testimony of the Councilor of (...) they have also been in operation since that date, when they were put to the knowledge of the General Directorate of Citizen Security of the Generalitat de Catalunya (...)."
 - That, according to the testimony of the Alderman (...) of Vallgorguina City Council:
 - " That the management of the municipal security and surveillance services is carried out jointly by the mayor and the Councilor of (...), in accordance with the Regulation of the City Council's Surveillance Service, approved by the Municipal Plenum of 29/07 /2020 and according to the Mayor's Decree dated 06/28/2019 on the delegation of powers, the Alderman of (...) is Mr. (...)
 - That once the Agreement was signed with the Police, they were the only ones in charge of viewing the images that the video surveillance devices record"
- 8.** On 04/19/2023, the Director of the Authority Catalan Data Protection Agency agreed to initiate disciplinary proceedings against the Vallgorguina Town Council , for an alleged offense provided for in article 59. a in relation with article 6.1. to , all they of the Law organic 7/2021, of May 26 , on the protection of personal data treated with purposes of prevention , detection , investigation and prosecution of violations criminal and execution of sanctions penalties (LO 7/2021). Like this same , he appointed Mrs. (...), an employee of the Authority , as the investigator of the file Catalan Data Protection Authority . This agreement of initiation was notified to the imputed entity on 04/20/2023.
- 9.** the deal initiation explained the reasons by none of which was carried out imputation with respect to others facts denounced _

First of all, it is considered that it cannot be included among the facts imputed to the City Council the fact that a municipal councilor was the one viewing the images captured through the video surveillance system installed in the municipality, given that the mayor, who is the City Council's maximum responsible for municipal security, with the decree of the mayor's office dated 28/06/2019 attributed to the aforementioned councilor the delegated functions of security. This provision for the delegation of functions was also incorporated into the Regulation of the surveillance service (art. 8), subsequently approved by the municipal council.

The fact that the video surveillance camera installed in the building where the CAP and the vigilante body's offices are located is also not included among the imputed facts is in operation without any authorization or any type of signaling. Regarding this, the City Council informed that this camera, despite being installed, was not in operation and that it is a "merely deterrent" camera. In the absence of other elements to the contrary, everything indicates that this video surveillance camera had a purely deterrent purpose and therefore did not record images and therefore did not process personal data. It is for this reason that this reported fact is archived in the resolution, since the installation of a camera that is not suitable for capturing images is outside the competence of this Authority.

10. On 05/05/2023, the accused entity submitted a letter in which it acknowledges its responsibility for the alleged facts and "renounces the exercise of any action or administrative challenge."

proven facts

During the period between 07/08/2019 and 07/11/2022, the Vallgorguina Town Council had an external video surveillance system installed and operating in order to guarantee the public safety of the municipality, without having of the mandatory authorization for the installation and use of a fixed video camera system, issued by the General Directorate of Security Administration of the Department of the Interior.

Fundamentals of law

1. LPAC and article 15 of Decree 278/1993 apply to this procedure, according to the provisions of DT 2a of Law 32/2010, of October 1, of the Authority 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. In accordance with article 85.1 of the LPAC, and in accordance with what is indicated in the agreement initiating this procedure, this resolution should be issued without a previous resolution proposal, since the entity accused has acknowledged his responsibility in the facts that were imputed in the initiation agreement.
3. In relation to the facts described in the proven facts section, you must go to article 6.1. a of LO 7/2021, which provides that personal data will be treated "lawfully and fairly."

As a premise, before continuing it is necessary to indicate that in this case the illegal conduct that is considered to constitute an infraction - having the controversial video surveillance cameras in operation without the authorization issued by the General Directorate of Security Administration of the Department of the Interior - started when LO 7/2021 was not yet in force, but was maintained over time and ended in full force of this law (entry into force: 06/16/2021) .

In this sense, it is necessary to point out the jurisprudential criterion established by the Supreme Court (STS of 17/12/2020, no. 1776/2020), according to which "is the moment in which the calculation of the prescription period can be started - in the specific case of continued infractions, when the infraction ceases-, which determines the rule and, therefore, the applicable statute of limitations whose passage extinguishes the responsibility, because only from that moment the Administration can exercise its sanctioning powers. " In accordance with this jurisprudential criterion, it is necessary to consider that the rule of application in this procedure is LO 7/2021 and not the previous one (Organic Law 15/1999, of December 13, on the protection of personal data , LOPD), given that the infringing behavior is permanent and, therefore, the limitation period did not start to count until the infringing behavior ceased (07/11/2022).

Regarding this, it must be said that the rules on video surveillance that establish that for the installation and use of a system of fixed video cameras it is necessary to have the authorization issued by the Directorate General of Security Administration of the Department of the Interior , following a report from the Commission for the Control of Video Surveillance Devices (CCDVC), have remained in force throughout the period from when the infringing conduct began until it ended. Therefore, they were also applicable when the LOPD governed, as will be explained below.

Regarding this, it should be noted that LO 7/2021 dedicates the second section of chapter II (articles 15 to 19) to the processing of personal data from the images obtained through the use of video surveillance systems by the security forces and bodies, context in which we find ourselves. In this sense, the rule regulates both the installation of fixed systems (art. 16) and mobile devices (art. 17), and enables the ability to capture images of public roads. However, it limits it to video surveillance systems managed by police forces, and for some of the purposes referred to in article 15.2 of LO 7/2021, among which "the protection and prevention against threats against public security."

Consequently, the City Council would have authorization to capture images on public roads for the purpose of protection and prevention of threats to public safety (art. 2 and 15.2 LO 7/2021), provided that the capture was carried out the local police (in this case, the person to whom they have delegated the powers of head of the body of municipal vigilantes), and comply with the other conditions and requirements established in LO 7/2021 and specific applicable regulations.

Well, in this sense it should be noted that LO 7/2021 has not provided for the express repeal of Organic Law 4/1997, of August 4, which regulates the use of video cameras by the Forces and Bodies of Citizen Security in public places (hereinafter , LOVFCs), deployed in Catalonia by Decree 134/1999, of 18 May, regulating video surveillance by the police of the Generalitat and the local police of Catalonia (of hereinafter, Decree 134/1999) and by the Order of June 29, 2001, regulating the means by which the

existence of fixed video cameras installed by the Generalitat police and local police are reported of Catalonia in public places.

Therefore, as previously stated, the previous normative block that regulated the video surveillance regime continues to apply, as long as it does not apply or contravene what is established in LO 7/2021.

These rules only allow the Security Forces and Bodies to capture images in public places - open or closed - with the following purpose: "to ensure public coexistence, the eradication of violence and the peaceful use of public roads and spaces, as well how to prevent the commission of crimes, misdemeanors and infractions related to public security." (art. 1 of the LOVFCS). This, as long as and when authorization has been obtained from the competent body (Directorate General for Security Administration of the Department of the Interior), prior to a favorable report from the Video Surveillance Devices Control Commission (CCDVC) (art. 3 LOVFCS).

Regarding the authorization regime for fixed recording devices by the Police of the Generalitat-Mossos d'Esquadra and the local police, article 7 of Decree 134/1999 provides the following:

"1. The permanent installation and use of recording devices by the Generalitat police and local police requires prior administrative authorization, which will be granted by the director general of Citizen Security.

2. In order to be authorized, the installation request requires the prior favorable report of the Video Surveillance Devices Control Commission provided for in article 3 of this Decree, in accordance with the procedure regulates the following article."

In turn, article 8, sections 6 and 7, of Decree 134/1999, relating to the procedure for granting prior administrative authorization, establishes that :

"8.6 The fact that the Commission does not issue the report within the maximum period of one month will not prevent the processing of the authorization file. In this case, the decision-making body will assess that the report has not been issued and will issue a resolution.

8.7 The installation request will be considered denied if, after three months have passed, counting from the day after the request, the general director of Citizen Security has not issued an express resolution."

In this sense, the third section of the third additional provision of Decree 320/2011, of April 19, on the restructuring of the Department of the Interior (in force at the time of the events reported), provides that "References to the Secretary of Security and the Director General of the Police contained in Decree 134/1999, of 18 May, regulating video surveillance by the police of the Generalitat and the local police of Catalonia and in Decree 78/2010, of June 22, on the installation of video surveillance devices in the police departments of the Generalitat, are understood to be carried out by the Director General of Security Administration."

From the actions of the prior information phase, it has been established that, although the City Council started the procedures in 2019 to obtain the authorization issued by the

General Directorate of Security Administration of the Department of the Interior , as well as the previous favorable report of the CCDVC, the fact is that it did not obtain authorization until the Resolution authorizing the installation of a fixed video surveillance system at the entrances to the municipality of Vallgorguina, issued on 07/11/2022. Therefore, the entity installed and kept the video surveillance system in operation for a long period of time, without complying with this requirement.

The conduct addressed here has been included as a serious violation in article 59. a of LO 7/2021, as follows:

"a) The treatment of personal data when the principles of article 6 or the legal conditions of the treatment of article 11 are breached, provided that it does not constitute a very serious infraction."

4. Article 62.1 of LO 7/2021 provides that for the commission of the offenses specified by this Organic Law, the following sanctions must be imposed:

" 1. In the event that the responsible subject is one of those listed in article 77.1 of Organic Law 3/2018, of December 5, the sanctions will be imposed and the measures established in said article will be adopted. "

In this sense, article 77.2 of the LOPDGDD provides that, in the case of infractions committed by those responsible or in charge listed in article 77.1 of the LOPDGDD, among which "the entities that make up the local administration" (art. 77.1. c), the competent data protection authority:

"(...) must issue a resolution that sanctions them with a warning. The resolution must also establish the measures to be adopted so that the conduct ceases or the effects of the offense committed are corrected.

The resolution must be notified to the person in charge or in charge of the treatment, to the body to which it depends hierarchically, if applicable, and to those affected who have the status of interested party, if applicable."

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

"2. In the case of violations committed in relation to publicly owned files, the director of the Catalan Data Protection Authority must issue a resolution declaring the violation and establishing the measures to be taken to correct its effects . In 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."

In this case, however, it is not appropriate to require any corrective measures, given that the City Council has already certified that it has the authorization to install a fixed video surveillance system, issued on 07/11/2022 by the General Directorate of Security Administration.

resolution

For all this, I resolve:

- 1 . Admonish the City Council of Vallgorguina as responsible for an infringement provided for in article 59. a in relation to article 6.1. a , both of LO 7/2021.

It is not necessary to require measures to correct the effects of the infringement, in accordance with what has been set out in the legal basis 4rt.

2. Notify this resolution to Vallgorguina City Council.
3. Communicate the resolution to the Ombudsman, in accordance with the provisions of article 77.5 of the LOPDGDD.
4. Order that this resolution be published on the Authority's website (apdcat.gencat.cat) , in accordance with article 17 of Law 32/2010, of October 1.

Against this resolution, which puts an end to the administrative process in accordance with articles 26.2 of Law 32/2010 and 14.3 of Decree 48/2003, of February 20, which approves the Statute of the Catalan Agency of Data Protection, the accused entity can file an appeal before the director of the Catalan Data Protection Authority, within one month from the day after its notification , in accordance with the provisions of article 123 et seq. of Law 39/2015. An administrative contentious appeal can also be filed directly before the administrative contentious courts of Barcelona, within two months from the day after its notification, in accordance with articles 8, 14 and 46 of the Law 29/1998, of July 13, regulating 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 under 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