

Complaint regarding non-compliance with a request to exercise a right as well as regarding the existence of a possible infringement of data protection.

Organisme

Codi GVA 22094

Codi SIA 2842005

Estat Obert

Termini de sol·licitud Obert

INFORMACIÓ BÀSICA

Què és i per a què serveix?

To deal with complaints from individuals whose request to exercise their right to access, rectify, erase and transfer personal data, limit and oppose processing and to not be subject to automated individual decisions regarding personal data registered with the Generalitat has not been correctly dealt with, or due to the existence of a possible infringement of data protection by the Administration of the Consell or its public sector instruments.

Interessats

It may be exercised by the person concerned, proving their identity.

When the person concerned is incapacitated or is a minor and cannot exercise

these rights in person, they may be exercised by their legal representative, in which case it will be necessary for the representative to provide proof of their status.

These rights can also be exercised through a voluntary representative, expressly appointed for the exercise of the right.

In this case, the following must be clearly accredited: the identity of the person represented, by means of a copy of their National Identity Document or equivalent document; and the representation conferred by the person represented.

Proof of representation may be provided by any legally valid means that provides a reliable record, or by means of a statement made by the person concerned in person.

The complaint will be rejected if the application is made by a person other than the person concerned and if it is not proven

that the person applying is acting on behalf of the person concerned.

Observacions

The persons affected may lodge a complaint, either with the supervisory authority or with the Generalitat's Data Protection Delegate, in those cases in which their request to exercise their rights has not been dealt with or in which there has been a possible infringement of the provisions of the data protection regulations by the administration of the Consell or its public sector instruments.

When a complaint is lodged with the Data Protection Delegate, in accordance with Article 37.1 of Organic Law 3/2018, dated 5 December, the latter must notify the complainant of the decision taken within two months.

Once the complaint has been answered by the Data Protection Delegate, in the event of disagreement, the person concerned may lodge a complaint with the competent supervisory authority, under the terms established under Title VIII of Organic Law 3/2018, dated 5 December.

BASIC INFORMATION ON DATA PROTECTION

We hereby inform you of the characteristics of the processing that will be carried out on the personal data that you provide through the complaint request.

- Name of the processing activity: Complaints to the Generalitat Data Protection Delegate.
- Purposes or uses of the processing: Management of complaints to the Generalitat Data Protection Delegate.
- Data controller: Conselleria (Regional Ministry) for Participation, Transparency, Cooperation and Democratic Quality.
- Legal basis lawfulness or legitimacy: Under Article 6.1.c) of the GDPR, the processing is necessary in order to comply with a legal obligation applicable to the data controller. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), which repeals Directive 95/46/EC, and Organic Law 3/2018 dated 5 December on Personal Data Protection and the guarantee of digital rights.

Retention period: The data will be kept for the time necessary to fulfil the purpose for which they were collected and to determine any possible liabilities that may arise from this purpose and from the data processing, without prejudice to the provisions of the regulations applicable to the Generalitat with regard to archives and documentation.

- Type or categories of personal data: a) Identification: Name and surnames; DNI/NIF/NIE/Passport), address (postal or electronic); telephone (fixed or mobile); signature; digital fingerprint; electronic signature; access or identification credential. b) Other data: those that may be provided in the application.

Categories of interested or affected parties and origin of the data: a) Applicants; legal representative or volunteer. b) Origin: directly from the person concerned or their representative.

- Security, technical and organisational measures: the security measures implemented correspond to those set out in Appendix II (Security measures) to Royal Decree 3/2010, dated 8 January, which regulates the National Security Scheme in the field of e-Government.

Normativa general

- [Normativa] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, which repeals Directive 95/46/EC (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=es>)
- [Normativa] Organic Law 3/2018, dated 5 December, on Personal Data Protection and the Guarantee of Digital Rights (<https://www.boe.es/buscar/act.php?id=BOE-A-2018-16673>)
- [Normativa] Law 39/2015, dated 1 October, on Common Public Administration Administrative Procedures (<https://www.boe.es/buscar/act.php?id=BOE-A-2015-10565&tn=2&p=20221019>)

SOL·LICITUD

Termini de presentació

Open all year round, the complaint can be submitted at any time.

Formularis i documentació

The complaint may be lodged by means of a standard application addressed to the Generalitat Valenciana Data

Protection Delegate, which may be found in the section "associated forms", which must contain the request the complaint is related to and be accompanied by the documents accrediting the complaint being made, if appropriate.

· COMPLAINT REGARDING NON-COMPLIANCE WITH A REQUEST TO EXERCISE A RIGHT AS WELL AS REGARDING THE EXISTENCE OF A POSSIBLE INFRINGEMENT OF DATA PROTECTION

Forma de presentació

Presencial

- a) In the registries of the administrative bodies to which the complaint is addressed.
- b) In the registries of any administrative body belonging to the General State Administration, to any Autonomous Community Administration, to any Administration of the Provincial Councils or Island Councils, to the Town Councils of the Municipalities referred to in Article 121 of Law 7/1985, dated 2 April, regulating the Bases of the Local Regime, or to the other entities that make up the Local Administration if, in the latter case, the appropriate agreement has been signed.
- c) At post offices, in the legally established manner.
- d) In the diplomatic representations or consular offices of Spain abroad.
- e) At any other location established by the current provisions.

And, preferably, in:

CONSELLERIA FOR PARTICIPATION, TRANSPARENCY, COOPERATION AND DEMOCRATIC QUALITY-
València

Telemàtica

People who wish to submit applications electronically must click the Process with Certificate icon.

To access online, the applicant must have available any of the electronic signature systems accepted by the Generalitat's online portal, including the certificate issued by the Comunitat Valenciana Certification Authority, as well as the Valencian key-signature system (https://sede.gva.es/en/sede_certificados).

Accés amb autenticació

https://www.tramita.gva.es/ctt-att-atr/asistente/iniciarTramite.html?tramite=DGM_GEN&version=4&idioma=en&idProcGuc=22094&idSubfaseGuc=SOLICITUD&idCatGuc=PR

Enllaços

- [Normativa] See Organic Law 3/2018 (<https://www.boe.es/buscar/act.php?id=BOE-A-2018-16673>)
- Spanish Data Protection Agency (<https://www.aepd.es/>)
- GVA Data Protection Delegation (<https://participacio.gva.es/es/web/delegacion-de-proteccion-de-datos-gva>)
- Conselleria for Participation, Transparency, Cooperation and Democratic Quality Data Processing Activities Register. (<https://participacio.gva.es/es/registre-de-tractament-de-dades>)
- [Normativa] See Regulation (EU) 2016/679 (<https://www.boe.es/doue/2016/119/L00001-00088.pdf>)

[Normativa] See Law 39/2015 (<https://www.boe.es/buscar/act.php?id=BOE-A-2015-10565&tn=2&p=20221019>)

TRAMITACIÓ

Informació de tramitació

The complaint may be processed in person or online.

Individuals affected by data processing for which the Generalitat Valenciana is the data controller may contact the Generalitat Valenciana's Data Protection Delegate prior to lodging a complaint against the Generalitat Valenciana with the Spanish Data Protection Agency (Article 37 of Organic Law 3/2018 dated 5 December on personal data protection and the guarantee of digital rights).

Under this circumstance, the Generalitat Valenciana's Data Protection Delegate will inform the person concerned of the decision adopted within a maximum period of two months from receipt of the complaint.

Preferential processing may be given, expediting the processing of the procedure, when the urgent attention to the request is related to a situation of special vulnerability (minors, women victims of violence, victims of terrorism, people with disabilities, people in risk of social exclusion, etc.), which must be duly accredited/declared.

Under all circumstances, the Data Protection Delegate will invite the claimant to seek the protection of the Spanish Data Protection Agency, the procedure being that established under Title VIII of Organic Law 3/2018, dated 5 December on personal data protection and the guarantee of digital rights.

Òrgans tramitació

The Generalitat Valenciana's Data Protection Delegate

CONSELLERIA FOR PARTICIPATION, TRANSPARENCY, COOPERATION AND DEMOCRATIC QUALITY

RESOLUCIÓ

Observacions

Once this period has elapsed without an express response to the complaint lodged, the person concerned may lodge the complaint provided for in Article 63 of Organic Law 3/2018, dated 5 December on personal data protection and the guarantee of digital rights, with the Spanish Data Protection Agency.

Òrgans resolució

CONSELLERIA FOR PARTICIPATION, TRANSPARENCY, COOPERATION AND DEMOCRATIC QUALITY

Esgota via administrativa Sí

AJUDA

On consultar dubtes sobre el tràmit

Problemes informàtics

· [Formulari de consulta](#)