

G-Regs™

Spain – LOPD, RLOPD: Public Sources



Full title: **LOPD: Law 15/1999 of December 13, Protection of Personal Data. ("BOE" no. 298 of 14/12/1999). Entry in force: 14/01/2000.** (*Ley Orgánica 15/1999 de Protección de Datos de Carácter Personal*) (**Abbrev. LOPD**)

And

RLOPD: Royal Decree 1720/2007 of 21 December, approving the Regulations on the Development of the Organic Law 15/1999 of 13 December on Personal Data Protection. ("BOE" No 17, of 19/01/2008). Entry into force: 19/04/2008. (*Real Decreto por el que se aprueba el Reglamento de desarrollo de la Ley Orgánica 15/1999, de 13 de diciembre, de protección de datos de carácter personal*). (**Abbrev. RLOPD**)

Title of relevant sections: Title I (RLOPD): General Provisions – Article 7: Sources available to the public.
Title I (LOPD): General Provisions – Art 3(j) – definitions.
Title IV (LOPD): Sectoral Provisions; Chapter II: Files in private ownership; Art. 28

Article 3(j) LOPD**Definitions**

Sources available to the public: those files which can be consulted by anyone, which are not subject to restrictive legislation, or which are subject only to payment of a consultation fee. Only the following shall be considered to be sources accessible to the public: the census publicity register (promotional census), telephone directories subject to the conditions laid down in the relevant regulations, and the lists of persons belonging to professional associations containing only data on the name, title, profession, activity, academic degree, address and an indication of his membership of the association. Newspapers, official gazettes and the media shall also be considered sources with public access.

Article 28 LOPD**Data included in sources available to the public**

3. Publicly accessible sources published in the form of a book or on any other physical support shall cease to be an accessible source when the new edition is published. If an electronic version of the list is obtained by telematic means, it shall cease to be a publicly accessible source within one year from the moment it was obtained.

4. Data contained in guides to telecommunications services available to the

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RLOPD: <http://www.boe.es/buscar/act.php?id=BOE-A-2008-979>

public shall be governed by the relevant legislation.

Article 7 RLOPD**Sources available to the public**

1. For the purposes of Article 3(j) of Organic Law 15/1999, only the following shall be deemed sources accessible to the public:

a) The promotional census, regulated pursuant to the provisions of Organic Law 15/1999, of 13 December.

b) Guides to electronic communications services, under the terms provided by the relevant legislation.

c) Lists of persons pertaining to professional groups only containing the following data: name, title, profession, activity, academic degree, professional address and indication of his membership of the group. The professional address may include data on the complete postal address, telephone number, fax number and e-mail address. Regarding professional associations, data regarding membership of the association may include the membership number, date of joining and professional practice status.

d) Official journals and gazettes.

e) The Media.

2. In any case, for the aforesaid sources to be considered sources accessible to the public, it is essential that they may be consulted by any person, that they are not subject to restrictive legislation, or only require the payment of a consultation fee.

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