

**Question for written answer E-005850/2020
to the Commission**

Rule 138

Izaskun Bilbao Barandica (Renew)

Subject: Data protection in cases of persons suspected of 'subversive or anti-establishment' behaviour

The Spanish Guardia Civil keeps a record of persons who could be associated with 'subversive or anti-establishment' activities, in a file called SINVES-Aquila. Under Directive (EU) 2016/680, these records should only be used for the 'prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.' However, several groups have complained that in some cases the data collected is used as the basis for administrative actions such as those detailed in question E-005173/2018. Moreover, data subjects receive no response when they invoke their rights of access, rectification or deletion of data supposedly stored in these records – rights detailed in Chapter III of the Directive – even if it has been established that this data will not give rise to a criminal investigation under judicial control.

1. Is it right that data which is in nature more political than criminal on 'subversive or anti-establishment' activities should be kept in a file such as those governed by Directive (EU) 2016/680?
2. Can data from that file be used as a basis for administrative actions against a person whose name appears in it?
3. If the data is used for that purpose, can the competent authorities deny the data subject access to their file?