



CONSTITUTIONAL COURT OF SPAIN
Office of the President
Press Office

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RELEASE OF THE OPERATIVE PART

THE PLENARY OF THE CONSTITUTIONAL COURT UNANIMOUSLY DECLARES THE UNCONSTITUTIONALITY OF ARTICLE 58 BIS. 1 OF THE GENERAL ELECTORAL LAW, WHICH ALLOWED POLITICAL PARTIES TO COLLECT PERSONAL DATA ON THE POLITICAL OPINIONS OF CITIZENS

The Plenary of the Constitutional Court unanimously resolved to declare the unconstitutionality and invalidity of the first paragraph of article 58 bis contained in Organic Law 5/1985 (dated 19 June, on the General Electoral System). The challenged provision allowed political parties to collect personal data relating to the political opinions of citizens.

The judgment of the Court, whose rapporteur was Magistrate Cándido Conde-Pumpido, has upheld the appeal of unconstitutionality (*“recurso de inconstitucionalidad”*) filed by the Spanish Ombudsman on 5 March 2019.

The operative part of the judgment reads as follows:

“In view of the foregoing, the Constitutional Court, by the authority conferred to it by the Constitution of the Spanish Nation, has decided:

To uphold the instant appeal of unconstitutionality and, consequently, to declare contrary to the Constitution and invalid the first paragraph of article 58 bis of Organic Law 5/1985 (dated 19 June, on the general electoral system) incorporated by virtue of the third paragraph of the final provision nº2 contained in Organic Law 3/2018 (dated 5 December) on the protection of personal data and the guarantee of digital rights”.

The judgment will be notified in the following days and a more detailed press release will be issued.

Madrid, 22 May 2019