

**Authority:**

Consejo de Transparencia y Protección de Datos de Andalucía

**Country / State:**

Spain

**Case Title**

Transparency of Institutional Advertising Expenditure and Media Payments

**Official citation:**

Resolution No. 733/2024, Consejo de Transparencia y Protección de Datos de Andalucía

**Date of decision:**

16 September 2024

**Relevant law:**

Spanish Transparency, Access to Public Information and Good Governance Act (Ley 19/2013)

Applicable regional transparency regulations of the Autonomous Community of Andalusia

**Decision:**

The claim was upheld. The public authority was ordered to grant access to the requested information concerning the amounts paid to each media outlet for an institutional advertising campaign.

**Key words:**

Public expenditure; institutional advertising; access to information; economic interests of companies; transparency of public funds

**Case Summary****1. Facts**

The case concerned a request for access to public information relating to an institutional advertising campaign funded with public money. The applicants requested disclosure of the amounts paid individually to each media outlet participating in the campaign.

The public authority disclosed the total expenditure of the campaign but refused to provide a breakdown by media outlet. The refusal was based on the argument that disclosure of individual payments could adversely affect the economic and commercial interests of the media companies involved.

**2. Disagreement / Argument**

The applicants challenged the partial refusal, arguing that:

- Institutional advertising involves the allocation and use of public funds, which must be subject to full transparency.
- Disclosure of aggregate figures alone is insufficient to ensure effective public oversight.

Knowledge of the amounts paid to each media outlet is necessary to assess whether public resources were distributed objectively, proportionately, and without preferential treatment.

The requested information was limited to financial amounts and did not include operational or strategic details that could reasonably be considered commercially sensitive.

The central legal issue was whether disclosure of individual payments constituted a legitimate risk to the economic interests of private companies, and whether such risk outweighed the public interest in transparency.

### **3. Resolution**

In Resolution No. 733/2024, the Consejo de Transparencia y Protección de Datos de Andalucía upheld the claim and ordered disclosure of the requested information.

The Authority reasoned that:

The information requested referred exclusively to the amounts of public money paid to each media outlet.

Disclosure did not include details such as the number of advertisements, placement strategy, duration, or contractual conditions, which could reveal confidential or commercially sensitive information.

The public authority failed to demonstrate, in a concrete and reasoned manner, how disclosure of payment amounts alone would cause real or specific economic harm.

Transparency obligations are particularly strong where information concerns the use of public funds, especially in the context of institutional advertising, which may have implications for media pluralism and public trust.

The Authority concluded that the public interest in accountability and transparency clearly prevailed over the alleged economic interests, and that access to the information must therefore be granted.

#### **Note (Optional):**

This case reinforces the principle that economic interests of private entities must be interpreted restrictively when public funds are involved. It also highlights the importance of transparency in institutional advertising as a safeguard against favoritism and as a tool for democratic oversight.

#### **Resource:**

Resolution 733/2024 – Consejo de Transparencia y Protección de Datos de Andalucía

<https://www.ctpdandalucia.es/buscar-resoluciones-sobre-reclamaciones/res-7332024>