



San Miguel Centre
Calle Lope de Vega 45,
San Miguel de Salinas
03193, Alicante –

Telephone: 966 723 733 (24 Hr Emergency Line)

Document Reference: HVB/IS15
Revised: January 2018

INFORMATION SHEET No 15

Making a complaint to the Spanish Ombudsman

Any person may present complaints to the **Sindic de Greuges** (the Ombudsman) but only against Public Organizations .

(For complaints against local or national companies, citizens should start at the Consumer's Office, which is a branch of the local Town Hall.)

If a person believes that their personal information has been used illegally (by big phone companies for instance), they can complain to the "Data Protection Spanish Agency".

<http://www.agpd.es/portalwebAGPD/index-ides-idphp.php>

The complaint or accusations **should be** addressed to the **Sindic de Greuges** (Ombudsman) and may be made provided a year has not passed since the claimant, who must be the interested party, became aware of the circumstances on which the complaint is founded. There are **two** types of procedures and both guarantee the confidentiality of any data, facts and circumstances alleged.

1. It is possible to make a complaint using the web page:

<http://www.elsindic.com/es/cuando-puede-intervenir-el-sindic.html>

Click on the button "present claim" and then complete the form that appears. Do not forget to press "send" once the form is completed.

2. It is also possible to present a written complaint, addressed to the **Sindic de Greuges** at his office, which is located at **Calle Pascual Blasco, No.1, 03001, Alicante**. The complaint maybe presented directly at this office, sent by post or faxed to the number **965 937 554**.

The requirements for a written complaint are straightforward. The complaint does not require any official layout or form (it may take the form of a letter) but should:

- a) Be handwritten or typed (either on a typewriter or PC).
- b) Be clear and as brief as possible
- c) Contain the full name of the claimant, your address, National Identity Card number and if possible, a telephone contact number.
- d) State the facts on which the claim is based clearly and concisely, with the reasons for the claim and any proceedings that have already been set in motion against the authorities by the claimant. The Ombudsman can commence an investigation to discover whether an administrative act or resolution has infringed any citizen's rights or liberties. Therefore, there must be an act or resolution against which to begin that investigation. However, the act may be express or not, that is, failure to reply by the Administration to an application, petition or appeal presented by a citizen may prompt an investigation.
- e) Be signed by the claimant



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- f) Attach any documents that may assist in resolving the complaint and that prove the alleged facts.
3. The Ombudsman will acknowledge receipt of the complaint and if there are any errors, will ask the claimant to rectify them (i.e. any missing details, documents etc). Afterwards, he will study the complaint and decide to allow it or not. This is completely free and no solicitor or legal representative is required.
4. There are certain cases when the Ombudsman will not allow the complaint. They are as follows:
- a) If the full name and signature of the claimant are missing.
 - b) If there are indications of bad faith, lack of legal grounds or if the complaint is not clear (that is if it is not clear exactly what is being asked for from the Ombudsman). It must be borne in mind that any claim presented to the Ombudsman has to be based on an alleged violation, by the public authorities within his area of responsibilities, of the rights and liberties recognised by Title I of the Spanish Constitution and the Statute of Autonomy.
 - c) If processing the complaint might prejudice legitimate rights of a third party.
 - d) The complaint may not lie within the Ombudsman's area of responsibilities. It must be taken into account that the Ombudsman may only hear individual complaints against the Public Administration and in particular, against the Autonomous Region authorities, whether Autonomous or Local, **thus he is not able to intervene in disputes between private individuals.**
 - e) If a judicial resolution is pending or has already been made in relation to the facts on which the complaint is based.
 - f) Similarly, if the Ombudsman has begun to investigate a complaint and during the course of the same, an interested party lodges a formal complaint, action or petition before the Courts, he will suspend the investigation. Nevertheless, he may continue to investigate the general problems raised in the complaint and to ensure that the Administration resolves, in time and in due form, any petitions and appeals that have been presented.
 - g) If the complaint is not allowed or its investigation is suspended, the Ombudsman will notify the claimant in writing, stating the reasons and he may advise the interested party of the procedures that may be followed to exercise his or her rights.
 - h) Correspondence between the Ombudsman and the claimant cannot be interfered with or controlled, not even when someone detained in prison has presented the complaint.

The Institution has a Citizens Advice **free phone number** available from Monday to Friday, open during office hours from 9.00 to 15.00 and from 17.00 to 19.00. On Saturday this number is attended from 10.00 to 12.00. **The free phone number is 900 210 970.** The telephone is answered by Institution staff, who will resolve any queries or questions raised, as well as, if possible, advising citizens of the procedures to follow should the matter not lie within the responsibilities of the Ombudsman.



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There is another telephone number, not free, which is the Institution's switchboard number. It is **965 937500**. This number is to channel calls not aimed at clearing up doubts or answering queries, or that are for specific personnel of the Institution. Citizens may use either of the two lines to obtain any information or guidance required.

This information has been downloaded from www.gva.es/sdg/ internet site.