

□ Procedure No.: PS/00386/2020

RESOLUTION OF PUNISHMENT PROCEDURE

Of the procedure instructed by the Spanish Agency for Data Protection and based on
to the following

BACKGROUND

FIRST: MUNICIPAL CONSUMER INSTITUTE OF THE CITY COUNCIL OF

MADRID (hereinafter, the claimant) on July 8, 2020 filed

claim before the Spanish Data Protection Agency.

The claim is directed against A.A.A. with NIF ***NIF.1 (hereinafter, the claimed one).

The reasons on which the claim is based are non-compliance with the regulations of
data protection on the website ***URL.1.

SECOND: In accordance with article 65.4 of Organic Law 3/2018, of 5

December, of Protection of Personal Data and guarantee of digital rights (in

hereinafter LOPDGDD), with reference number E/07894/2020, transfer of

said claim to the claimed party, on October 6, 2020, so that he could proceed with his

analysis and report to this Agency within a month, of the actions carried out

carried out to adapt to the requirements set forth in the data protection regulations,

with no reply to date.

THIRD: On February 4, 2021, the Director of the Spanish Agency for

Data Protection agreed to initiate a sanctioning procedure against the claimant, for the

alleged infringement of article 13 of the RGPD, typified in article 83.5 of the RGPD.

FOURTH: On February 13, 2021, the agreement to start this

procedure, becoming the same in resolution proposal in accordance

with articles 64.2.f) and 85 of Law 39/2015, of October 1, on Procedure

Common Administrative of Public Administrations (LPACAP), as no

claims within the specified period.

In view of everything that has been done, by the Spanish Data Protection Agency

In this proceeding, the following are considered proven facts:

FACTS

FIRST: The ***URL.1 website breaches data protection regulations.

SECOND: On February 13, 2021, the agreement to start this

procedure, becoming the same in resolution proposal in accordance

with articles 64.2.f) and 85 of Law 39/2015, of October 1, on Procedure

Common Administrative System of Public Administrations (LPACAP), by not carrying out

claims within the specified period.

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FOUNDATIONS OF LAW

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The Director of the Spanish Agency is competent to resolve this procedure.

Data Protection, in accordance with the provisions of art. 58.2 of the GDPR and

in the art. 47 and 48.1 of LOPDGDD.

II

The defendant was charged with the commission of an infraction for violation of article 13

of the RGPD, considering him the owner of the website ***URL.1, which breached the

data protection regulations by not having a privacy policy, which meant the

infringement of article 83.5 b) of the RGPD.

III

Although it has been found that the ***URL.1 website does not have a Privacy Policy Privacy or equivalent document, it has been verified that the facts denounced do not they suppose an infringement of article 13 of the RGPD because in said web page it is not collect personal data.

Therefore, after learning of these facts, the Director of the Agency

Spanish Data Protection RESOLVES:

FIRST: PROCEED TO FILE these proceedings.

SECOND: NOTIFY this resolution to the claimant and claimed.

In accordance with the provisions of article 50 of the LOPDGDD, this

Resolution will be made public once it has been notified to the interested parties.

Against this resolution, which puts an end to the administrative procedure as prescribed by the art. 114.1.c) of Law 39/2015, of October 1, on Administrative Procedure

Common to Public Administrations, and in accordance with the provisions of the

art. 112 and 123 of the aforementioned Law 39/2015, of October 1, interested parties may file, optionally, an appeal for reconsideration before the Director of the Agency

Spanish Data Protection Authority within a month from the day

following the notification of this resolution or directly contentious appeal

before the Contentious-Administrative Chamber of the National High Court,

in accordance with the provisions of article 25 and paragraph 5 of the provision

additional fourth of Law 29/1998, of July 13, regulating the Jurisdiction

Contentious-Administrative, within two months from the day after

to the notification of this act, as provided in article 46.1 of the aforementioned Law.

Sea Spain Marti

Director of the Spanish Data Protection Agency

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