

□ Procedure No.: PS/00411/2020

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

*** LOCATION.1 (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/07881/2020, transfer of

said claim to the claimed party, on October 5, 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 January 29, 2021, the Director of the Spanish Agency for

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

in accordance with the provisions of articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations (hereinafter,

LPACAP), for the alleged infringement of article 13 of the RGPD, typified in article

83.5 of the GDPR.

FOURTH: Having been notified of the aforementioned initiation agreement, the respondent submitted a written

allegations in which it states that the ownership of the website is INSTALACIONES Y GYA PROJECTS S.L.

FIFTH: On February 23, 2021, the instructor of the procedure agreed to the opening of a period of practice tests, considering incorporated the previous investigative actions, E/08018/2020, as well as the documents provided by the claimant

Of the actions carried out in this procedure and the documentation in the file, the following have been accredited:

C/ Jorge Juan, 6

28001 – Madrid

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PROVEN FACTS

FIRST: A claim is filed for the alleged breach of the regulations of data protection on the website ***URL.1.

SECOND: Allegations are presented on February 12, 2021, stating that the

On November 26, 2020, he became aware of this complaint and told the

AEPD that the domain object of the complaint was acquired for the husband of a friend who

has a company called POCEROS HADES, located at the address: C/

***ADDRESS.1 ***LOCATION.2 – Madrid.

In the present allegations, it also states that the ownership of the aforementioned

site is INSTALACIONES Y PROYECTOS GYA S.L. with CIF B85149375 and address

at ***ADDRESS.2 - ***TOWN.2.

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 you the owner of the website <https://avisos24h.com/>, which breached the data protection regulations by not having a privacy policy, which It entailed the infringement of article 83.5 b) of the RGPD.

III

On February 12, 2021, the respondent provided documentation proving no be responsible for the reported facts, since the ownership of the aforementioned site is INSTALACIONES Y PROYECTOS GYA S.L. with CIF B85149375 and address at ***ADDRESS.2 - ***TOWN.2.

In addition, it has been verified that the ***URL.1 website currently includes to the person in charge of said page and coincides with the one indicated in the allegations of the reclaimed.

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, the

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

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Against this resolution, which puts an end to the administrative process as prescribed by art. 114.1.c) of Law 39/2015, of October 1, on Procedure Common Administrative Law of Public Administrations, and in accordance with the established in arts. 112 and 123 of the aforementioned Law 39/2015, of October 1, the Interested parties may optionally file an appeal for reconsideration before the Director of the Spanish Agency for Data Protection within a month from counting from the day following the notification of this resolution or directly contentious-administrative appeal before the Contentious-Administrative Chamber of the National Court, in accordance with the provisions of article 25 and section 5 of the fourth additional provision of Law 29/1998, of July 13, regulating the Contentious-Administrative Jurisdiction, within a period of two months from the day following 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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