

Procedure No.: PS/00345/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

FACTS

FIRST: On June 29, 2020, it had entry in this Spanish Agency of
Data Protection a document presented by Don A.A.A. (*hereinafter, the claim)
mante) and another, through which it formulates a claim against ***COMUNIDAD.1 with NIF
***NIF.1* (hereinafter, the claimed one), for the installation of a video surveillance system
installed in ***URBANIZATION.1, ***ADDRESS.1, with indications of a po-
possible breach of the provisions of the data protection regulations.

The reasons that support the claim are the following;

“[...] That, as can be seen in the photos and documentation attached to this document
there are the following security cameras located in pedestrian spaces, areas
common areas such as swimming pools and work areas:

1º Inside the gatehouses of the community of owners, 2 chambers have been installed.
video surveillance cameras, one in each security checkpoint with the option of sound, said
cameras do not have a mandatory warning sign, this is where we dress and
it is our dining room since we lack separate facilities such as changing rooms and
break to eat [...].

Besides, these cameras that are installed inside the sentry boxes have audio, violating
thus our rights to privacy and secrecy of communications, [...]

I enclose quadrants of the workers that we appear in the attached photos, for
that they can thus verify the reported facts such as work shifts, schedules in which
that we are recorded without our consent etc., since we have not been informed

that we were going to be recorded, I inform you that there is a complaint filed with the labor inspection [...] and I also inform you that there is an inspection by the national police of Malaga, department of private security DATED 19-FEBRUARY.2020, [...], the inspection records of the agents verify part of the reported boys.

2º That there is a camera pointing towards the pool, where they collect images of the same more and users, thus violating the right to privacy and honor of the persons nas and that of the minor.

3º That for the urbanization there is placement of video surveillance cameras, of which four several of them are equipped with an audio collection mechanism, lacking of warning signs.

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4º That the cameras of the entrances to the urbanization, visualize part of the public road, such as roads, sidewalks, pedestrian crossings which said facilities mentioned they are foreign to urbanization [...].

5º The company that has set up the cameras apparently lacks the pertinent permits. components for mounting video surveillance cameras [...]

6º That in the entire urbanization there are no signs advising of the installation of videovigilancia [...], who is responsible for the data file [...]

[...] neither address nor person before whom you can exercise your ARCO rights.

That there is no evidence of the existence of any security document that regulates, among other aspects, the functions and responsibilities of those who exercise the treatment of

the recorded data.

[...]"

Attach a photographic report of interior and exterior cameras and quadrants of tur-
us work claimants.

SECOND: Prior to admitting this claim for processing, the

Subdirector General for Data Inspection directed, on July 10, 2020, a

request for information to the respondent in which he was informed that the Agency of

Data Protection had been aware of the existence of security cameras

video surveillance located at the address indicated in the first event that could be

violating the data protection regulations and in which it was requested that, in the

period of one month, accredit the conformity of the aforementioned facility with the aforementioned
normative

Given the rejection of the electronic notification because ten days have elapsed since

made available, a new request for information was reiterated on July 23

of 2020 by mail. In this reiteration, the respondent was reminded that, in compliance with

compliance with article 14.2 of Law 39/2015 of October 1, of the Administrative Procedure

Common Taxation of Public Administrations (hereinafter, LPACAP), the people

legal entities and entities without legal personality, as well as those who represent

obligated subjects, among others, will be obliged to relate to the Administrations

public relations through electronic means. The notification of the reiteration was

returned by Sobrante (not picked up at the office) on August 10, 2020

A second reiteration of the request for information was made on August 13,

2020, being returned again by Sobrante (not picked up at the office) on the 11th of

September.

THIRD: The claim was admitted for processing by means of a resolution dated September 29,

tember of 2020.

FOURTH: On April 22, 2021, it is entered in the Registry of the Spanish Agency.

Claimant's written Data Protection Sheet with the following content:

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“The Labor Inspection reports attached to this document are admitted as evidence.

this writing and whose file was already notified in the complaint that we filed, and ad-

mimic as evidence the inspection carried out by the territorial unit of the National Corps

Police Private Security Unit which we attach to this letter, where it is

reflected in the actions of the agents, that the public thoroughfare is being recorded.

In said reports, they will be able to verify the veracity of the facts denounced by

our people before this Agency, and we request that the presidency be taken into account

community denounced, Doña [...] residing [...] as a non-autonomous person

authorized to view live from your personal mobile phone and from your computer.

personal monitor the video surveillance cameras that we have been denouncing, and so

signs the attached Labor Inspection report. [...]”

Pages 1, 2 and 3 of the report on the actions of the Institution are attached to this document.

Work inspection (exit registration date 04/08/2021) and the Police report

National.

FIFTH: On June 18, 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 32 of the RGPD, Article 5.1.c) of the RGPD, typified in the

Article 83.5 of the RGPD.

SIXTH: On 05/13/21, the change of Instructor of the

present procedure. Consisting as "Notified" in the computer system of this Agency.

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 facts bring cause of the claim dated 06/29/20 through the which denounces the presence of various cameras "in pedestrian spaces, areas common (such as swimming pools and work areas)" –folio nº 1--.

Second. It is identified as the main responsible ***URBANIZATION.1(...)

Third. The presence of video-surveillance cameras inside is accredited. of the Garitas where the claimants proceed to change, without there being another place enabled for this purpose, lacking the same informative poster informing of their presence.

Fourth. It is proven that the President has access to the content of the recordings tions through your mobile device.

Fifth. It is not possible to determine an excessive capture of public space by virtue of the evidence available in this sanctioning procedure.

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FOUNDATIONS OF LAW

Yo

By virtue of the powers that article 58.2 of Regulation (EU) 2016/679 (Regulation-General Data Protection Regulation, hereinafter RGPD), recognizes each Authori-

Control Authority, and as established in articles 47, 48.1, 64.2 and 68.1 of the Law

Organic 3/2018, of December 5, on the Protection of Personal Data and guarantee of

digital rights (hereinafter, LOPDGDD), the Director of the Spanish Agency

Data Protection is competent to initiate and resolve this procedure.

Article 63.2 of the LOPDGDD determines that: «The procedures processed by the

Spanish Data Protection Agency shall be governed by the provisions of the Regulations

to (EU) 2016/679, in this organic law, by the regulatory provisions

dictated in its development and, as long as they do not contradict them, on a subsidiary basis, by

the general rules on administrative procedures.”

II

The physical image of a person, in accordance with article 4.1 of the RGPD, is a personal data.

and its protection, therefore, is the subject of said Regulation. In article 4.2 of the

GDPR defines the concept of "treatment" of personal data.

It is, therefore, pertinent to analyze whether the processing of personal data (image of the

natural persons) carried out through the reported video surveillance system is

in accordance with the provisions of the RGPD.

III

Article 6.1 of the RGPD establishes the assumptions that allow the treatment to be considered lawful.

processing of personal data.

For its part, article 5.1.c) of the RGPD, regarding the principles of treatment, provides

states that personal data will be "adequate, relevant and limited to what is necessary"

ary in relation to the purposes for which they are processed ("data minimization")." East

article enshrines the principle of data minimization in data processing

personal. It assumes that said treatment is adjusted and proportional to the purpose to be

which is addressed, and the treatment of excessive or excessive data must be restricted.

give in to their suppression.

The relevance in the processing of the data must occur both in the field of collection of the data as well as in the subsequent treatment that is carried out on them.

For its part, article 22 of the LOPDGDD, whose rubric is "Treatments for of video surveillance" establishes that:

"1. Natural or legal persons, public or private, may carry out the processing of images through camera systems or video cameras with the purpose of

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to preserve the safety of people and property, as well as its installations.

nes.

2. Images of public roads may only be captured to the extent that it is indispensable for the purpose mentioned in the previous section.

However, it will be possible to capture public roads to a greater extent when necessary to guarantee the security of assets or strategic installations.

services or infrastructures linked to transport, without in any case being able to put the capturing of images of the interior of a private home.

3. The data will be deleted within a maximum period of one month from its collection, except when they had to be kept to prove the commission of acts that attend to have against the integrity of people, goods or facilities. In this case, the images must be made available to the competent authority within a maximum period of seventy-two hours since the existence of the recording became known.
tion.

The blocking obligation provided for in article

ass 32 of this organic law.

4. The duty of information provided for in article 12 of Regulation (EU) 2016/679 is understood to be fulfilled by placing an informative device in a sufficiently visible identifying, at least, the existence of the treatment, the identity of the person in charge and the possibility of exercising the rights provided for in articles 15 to 22 of Regulation (EU) 2016/679. Information may also be included in the device I have a connection code or internet address to this information.

In any case, the person in charge of the treatment must keep available to the affected the information referred to in the aforementioned regulation.

5. Under article 2.2.c) of Regulation (EU) 2016/679, it is considered excluded of its scope of application the treatment by a natural person of images that are regrettably capture the interior of your own home.

This exclusion does not cover processing carried out by a private security entity. given that she had been hired to guard a home and had access to the images.

6. The processing of personal data from the images and sounds obtained nests through the use of cameras and video cameras by the Forces and Corps Security and by the competent bodies for surveillance and control in the centers penitentiaries and for the control, regulation, surveillance and discipline of traffic, will be governed by the legislation transposing Directive (EU) 2016/680, when the treatment for purposes of prevention, investigation, detection or prosecution of violations criminal offenses or the execution of criminal sanctions, including protection and prevention against threats to public safety. Apart from these assumptions, said treatment will be governed by its specific legislation and additionally by the Regulations to (EU) 2016/679 and this organic law.

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7. What is regulated in this article is understood without prejudice to the provisions of the Law 5/2014, of April 4, on Private Security and its development provisions.

8. The treatment by the employer of data obtained through camera systems cameras or video cameras is subject to the provisions of article 89 of this organic law.”

IV

In accordance with the foregoing, the processing of images through a system video surveillance, to be in accordance with current regulations, must meet the requirements following sites:

- Respect the principle of proportionality.
- The video cameras will not be able to capture images of people who are outside the private space where the video surveillance system is installed, since the treatment of images in public places can only be carried out, unless Government authorization concurs, by the Security Forces and Bodies. Either spaces owned by third parties may be captured or recorded without the consent of their owners, or, where appropriate, of the people who are in them.

This rule admits some exceptions since, on some occasions, for the protection of private spaces, where cameras have been installed on facades or inside, it may be necessary to guarantee the security purpose the recording of a portion of the public road. That is, cameras and video cameras installed for the purpose of security will not be able to obtain images of public roads unless it is essential possible for said purpose, or it is impossible to avoid it due to their location and Extraordinarily, the minimum space for said purpose will also be collected. By

Therefore, the cameras could exceptionally capture the minimally necessary portion
ary for its intended security purpose.

- The duty to inform those affected provided for in articles 12 and
13 of the RGPD and 22.4 of the LOPDGDD.

Specifically, at least one indicia must be placed in video-monitored areas.

located in a sufficiently visible place, both in open spaces and

closed, which will identify, at least, the existence of a treatment, the identity

responsibility of the person in charge and the possibility of exercising the rights foreseen in said pre-
concepts. Likewise, the information must be kept available to those affected.

the one referred to in the aforementioned RGPD.

- The person in charge must keep a record of the activities of the treatments carried out.

two under its responsibility in which the information to which it refers is included.

cia article 30.1 of the RGPD.

- Installed cameras cannot get images from third-party proprietary space

and/or public space without duly accredited justified cause, nor can they affect

the privacy of passers-by who move freely through the area. not allowed, for

Therefore, the placement of cameras towards the private property of neighbors with the purpose
to intimidate them or affect their privacy without just cause.

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- In no case will the use of surveillance practices beyond the ob- tained environment be admitted.

object of the installation and in particular, not being able to affect the surrounding public spaces.

contiguous buildings and vehicles other than those accessing the surveillance space.

side.

- The images will be kept for a maximum period of one month from their uptake, after which it will be deleted.

- The images used to report crimes or infractions will be accompanied by the complaint and will be kept to be handed over to the Security Forces and Corps. security or to the Courts and Tribunals that require it. They may not be used for another finish.

- The contracting of an external video surveillance service or the installation of the cameras by a third party does not exempt its owner from compliance with the RGPD.

- When the system is connected to an alarm center, it can only be installed by a private security company that meets the requirements contemplated two in article 5 of Law 5/2014 on Private Security, of April 4.

In relation to the above, to facilitate the consultation of interested parties, the Agencia Española de Protección de Datos offers through its website [<https://www.aepd.es>] access to the legislation on the protection of personal data, including the RGPD and the LOPDGDD (section “Reports and resolutions” / “regulations”), as well as the Guide on the use of video cameras for security and other purposes, as well as the Guide for compliance with the duty to inform (both available in the section “Guides and tools”).

It is also of interest, in the event of carrying out low-risk data processing, the facilitates free tool (in the “Guides and tools” section), which through specific questions, allows to assess the situation of the person in charge with respect to the treatment of personal data that it carries out, and where appropriate, generate various documents, informative and contractual clauses, as well as an annex with measures of guideline security considered minimum.

In the cases in which the video surveillance system captures images in areas or ele-

common elements of a community of owners, in addition to the general requirements

the above, the following should be taken into account:

- The existence of an agreement of the Board of the Owners Community will be necessary.

in the terms established by Law 49/1960, of July 21, on hori-

zontal (henceforth, LPH).

- If cameras are to be installed in the community pool area, the

agreement of the Board of the Community of Owners must specifically authorize di-

many cameras.

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- Images of public roads may not be captured except for a minimum strip of

the accesses to the property, nor images of adjoining land and houses or

from any other foreign space.

- Access to images and recordings will be restricted to people

signed by the community.

- In no case will they be accessible to the neighbors through a community television channel.

nitaria.

v

The claim is based on the “alleged” unlawfulness of the installation by the claimant.

do of:

☐ A camera inside each security checkpoint of the ***URBANIZATION.1,

***ADDRESS 1.

without taking into account that these facilities are used as a locker room and rest area.

I am for the workers. These cameras do not have an informative device and could be capturing audio.

□ The cameras installed inside the urbanization do not have an internal sign.

training and could also be capturing audio.

□ Finally, the cameras located at the entrances to the urbanization would be capturing public roads disproportionately and would lack an information poster.

As proof of these statements, the claimant provided the evidence indicated-given in the “Facts” section, first and fourth point, of this agreement.

According to the claim and what is possible to see in the photographic report annex to it (since some of the photographs are blurred) and in the reports contributed (the report of the National Police – Private Security Unit is illegitimate). ble), you can see the existence of a camera installed in the upper part of a previous space and in enlarged images of what was seen by the monitors, manages to discern the image of the interior of the sentry boxes with the workers inside. river. From what was observed in these images and what was revealed in the report of the Labor Inspectorate, there is evidence that the video surveillance system installed in the sentry boxes, regardless of not having been included (according to with the aforementioned report) within the chambers subject to the agreed authorization by the Community of Owners—in the Extraordinary General Meeting of November 19-November 2019—in compliance with the LPH, it could be violating the principle of data minimization.

□ Article 22.1 of the LOPDGDD provides that “people may carry out the processing of images through camera systems or video cameras with the purpose of to preserve the safety of people and property, as well as its installations. nes” devoting the rest of the sections of this article to the specificities to which who must undergo this data processing.

☐ With regard to the proportionality of the measure, the cameras installed, even if they do not have audio enabled, they would be capturing some areas that are They are also enabled as a place of work, as a place of rest where the workers belonging to the surveillance company can take breaks from the worked. These cameras would be capturing, therefore, aspects belonging to the private sphere of the people who work in them, something that is considered inappropriate portioned by the level of intrusion into privacy that this entails.

On the other hand, although in this case it is not possible to determine clearly because the photographs are not clearly observed, it is recalled that, according to the article 22.2 of the LOPDGDD can only be captured on public roads in the essential minimum to guarantee the perimeter and the accesses to the urbanization. abounding in this question, it is reported that the power to capture images on public roads is attributed gives, in general, to the Security Forces and Bodies in accordance with the provided in Organic Law 4/1997, which regulates the use of video cameras by the Security Forces and Bodies in public places and their rules of development.

Likewise, although it cannot be determined either, the existence of proportions provide information. In accordance with article 22.6 of the LOPDGDD, this duty is understood will tend to comply with the placement of an informative device that collects the treatment that is carried out, the identity of the person responsible and the possibility that part of the interested party can exercise the rights contained in articles 15 to

22 of the GDPR. All of this without prejudice to the fact that the person responsible maintains the rest of the information available to those affected.

Lastly, it means that the Owners' Communities can agree on the installation of cameras oriented towards the pools in the manner established in the LPH, de-said chambers being expressly authorized.

SAW

In another order of things, it is necessary to point out that article 5 of the RGPD, whose rubric entitled Principles relating to treatment established in letter f) of its section 1 that personal data will be "processed in such a way as to guarantee security adequate privacy, including protection against unauthorized or unlawful processing and against its loss, destruction or accidental damage, through the application of measures appropriate technical or organizational ("integrity and confidentiality")", question about a which is also referred to in article 5 of the LOPDGDD.

In relation to the measures mentioned in article 5.1.f) of the RGPD before trans-written, article 32 of the same law provides that:

"1. Taking into account the state of the art, the application costs, and the nature nature, scope, context and purposes of the treatment, as well as risks of probability variable and seriousness for the rights and freedoms of natural persons, the responsible The controller and the data processor will apply appropriate technical and organizational measures. to guarantee a level of security appropriate to the risk, which, where appropriate, includes yeah, among others:

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a) pseudonymization and encryption of personal data;

b) the ability to ensure confidentiality, integrity, availability and resilience

permanent treatment systems and services;

c) the ability to restore the availability and access to the personal data of

quickly in the event of a physical or technical incident;

d) a process of regular verification, evaluation and assessment of the effectiveness of the

technical and organizational measures to guarantee the security of the treatment.

2. When evaluating the adequacy of the security level, particular account shall be taken

of the risks that the treatment of data presents, in particular as a consequence

of the accidental or unlawful destruction, loss or alteration of personal data transmitted

stored, stored or otherwise processed, or unauthorized communication or access

to said data.

3. Adherence to a code of conduct approved under article 40 or to a mechanism

certification body approved under article 42 may serve as an element for

demonstrate compliance with the requirements established in section 1 of this

Article.

4. The person in charge and the person in charge of the treatment will take measures to guarantee that

Any person acting under the authority of the person in charge or the person in charge and having

access to personal data can only process said data following instructions

of the person in charge, unless it is obliged to do so by virtue of Union Law or

member states.”

In relation to adequate compliance with security measures in the field

of the treatments carried out by the video surveillance systems, the person in charge

will be obliged to adopt the necessary technical measures in order to guarantee the

security, confidentiality and unauthorized access to images. The fact that

the president of the Community of Owners has access to the visualization in di-

rectum of images from video surveillance cameras on devices for personal use

could pose a risk to the security and confidentiality of the data.

7th

The corrective powers available to the Spanish Data Protection Agency

These, as a control authority, are established in article 58.2 of the RGPD. Among them

are the power to issue a warning -article 58.2 b)-, the power to

impose an administrative fine in accordance with article 83 of the RGPD -article 58.2 i)-,

or the power to order the person in charge or in charge of the treatment that the operations

ns of treatment comply with the provisions of the RGPD, where appropriate, of a

certain manner and within a specified period -article 58. 2 d)-.

According to the provisions of article 83.2 of the RGPD, the measure provided for in article 58.2

d) of the aforementioned Regulation is compatible with the sanction consisting of an administrative fine.

treat.

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Without prejudice to the provisions of article 83 of the RGPD, the aforementioned Regulation provides

ne in your art. 58.2 b) the possibility of directing a warning, in relation to the indicated

side in Recital 148:

“In the event of a minor offence, or if the fine likely to be imposed

would constitute a disproportionate burden for a natural person, rather than a sanction.

tion by means of a fine, a warning may be imposed. must, however, lend

special attention to the nature, seriousness and duration of the infringement, its character

intentional, to the measures taken to alleviate the damages suffered, to the degree

liability or any relevant prior violation, to the manner in which the authority control authority has become aware of the infraction, compliance with measures measures ordered against the person in charge or in charge, adherence to codes of conduct and any other aggravating or mitigating circumstance.”

viii

In accordance with the evidence available in this proceeding, penalty, it is considered that the exposed facts do not comply with what is established in the article 5.1.c) of the RGPD.

To better understand the legislation on the use of video surveillance cameras or security, we have to go to article 20.3 of the Workers' Statute. Saying article states that employers can adopt control measures that consider necessary to guarantee compliance with regulations within their facilities. tions, which includes the installation of security cameras.

The employer cannot exercise this right unilaterally, but must meet a number of requirements. The first of these is the duty to inform everyone stakeholders about the installation of the cameras, for example by placing a sign indicating that it is a video-monitored area.

Other aspects that must be taken into account are proportionality and protection of the privacy and integrity of the workers. In this sense, the installation of Security cameras must always respond to the principle of proportionality, that is, In other words, that the use of security cameras is proportional to the purpose pursued, this is to ensure safety and compliance with regulations.

Therefore, the presence of a camera(s) at the security checkpoint does not seems an ideal measure, if it is used simultaneously as a bathroom clothing, by affecting the privacy of workers, regardless of whether could establish the obligation that the presence in the workplace be

carried out in uniform, this decision in its case of the Community of owners in its employer status.

The foregoing supposes an infringement typified in article 83.5 of the RGPD, which provides the following:

“The infractions of the following dispositions will be sanctioned, in accordance with the section 2, with administrative fines of a maximum of EUR 20,000,000 or, treating- of a company, of an amount equivalent to a maximum of 4% of the volume of

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Total annual global business of the previous financial year, opting for the one with the highest amount:

a) the basic principles for the treatment, including the conditions for the consent under articles 5, 6, 7 and 9; [...]”.

For the purposes of the limitation period for infractions, those indicated in the preceding paragraph are considered very serious and prescribe after three years, in accordance with article 72.1 of the LOPDGDD, which establishes that:

“Based on the provisions of article 83.5 of Regulation (EU) 2016/679, it is con-

They are considered very serious and the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following following:

a) The processing of personal data violating the principles and guarantees established two in article 5 of Regulation (EU) 2016/679.

b) The processing of personal data without the concurrence of any of the license conditions

treatment established in article 6 of Regulation (EU) 2016/679.

Likewise, it would be violating article 32 of the RGPD, an infraction typified as serious in article 83.4:

“The infractions of the following dispositions will be sanctioned, in accordance with the section 2, with administrative fines of a maximum of EUR 10,000,000 or, treating- of a company, of an amount equivalent to a maximum of 2% of the volume of Total annual global business of the previous financial year, opting for the one with the highest amount:

a) the obligations of the person in charge and of the person in charge pursuant to articles 8, 11, 25 a 39, 42 and 43; [...]”

For the purposes of the limitation period for infractions, this infraction is considered serious and prescribes after two years, in accordance with 73 of the LOPDGDD, which establishes that: “Based on the provisions of article 83.4 of Regulation (EU) 2016/679, it is con- they are considered serious and the infractions that suppose a vulnerability will prescribe after two years. substantial portion of the items mentioned therein and, in particular, the following: [...] f) Failure to adopt those technical and organizational measures that result appropriate to guarantee a level of security appropriate to the risk of the treatment, in the terms required by article 32.1 of Regulation (EU) 2016/679. [...]”

IX

For the infraction of article 5.1.c) it is considered that the appropriate sanction is that of a fine. administrative office In this regard, the fine imposed must be, in each case, individual, effective, proportionate and dissuasive, in accordance with the provisions of article 83.1 of the RGPD. Therefore, it is appropriate to graduate the sanction to be imposed in accordance with the

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criteria established in article 83.2 of the RGPD, and with the provisions of article 76

of the LOPDGDD, with respect to section k) of the aforementioned article 83.2 RGPD.

In the present case, the following elements have been taken into account in the initial assessment:

mints:

☐ As an aggravating circumstance, intentionality or negligence is taken into consideration.

negligence in the infringement (article 83.2.b) of the RGPD) because the person in charge does not

may be unaware that in relation to the security purposes of the community the al-

The scope of the cameras installed in the sentry boxes refers only to their interior, as well

such as its use as a resting place for the company's workers.

☐ As extenuating circumstances, the following are considered concurrent:

1. That it is an entity whose main activity is not linked to the

treatment of personal data.

2. that there is no recidivism, because the commission is not recorded, within the term of

one year, of more than one infraction of the same nature.

For all these reasons, it is considered that the sanction that should be imposed would be the following:

following:

-For violation of article 5.1.c), a fine of one thousand euros (€1,000.00).

-Due to the infringement of article 32 of the RGPD, it is considered that the cir-

extenuating circumstances described above, so it is considered appropriate to di-

issue a warning.

It is noted that not meeting the requirements of this body may be considered

classified as an administrative offense in accordance with the provisions of the RGPD, typified

as an infraction in its article 83.5 and 83.6, being able to motivate such conduct the opening

of a subsequent sanctioning administrative proceeding.

Therefore, in accordance with the applicable legislation and after assessing the graduation criteria
tion of the sanctions whose existence has been proven,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE ***COMUNIDAD.1, with NIF ***NIF.1, for an infraction of the
Article 5.1.c) of the RGPD, typified in Article 83.5 of the RGPD, a fine of €1,000
(A thousand euros).

SECOND: ADDRESS a warning to the entity ***COMUNIDAD.1, with NIF
***NIF.1, for an infringement of Article 32 of the RGPD, typified in Article 83.5 of the
GDPR.

THIRD: ORDER ***COMUNIDAD.1 so that within 1 month from the
notification of this administrative act proceeds to adapt the treatment of data

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cough made to the data protection regulations; in particular that they remove the
maras of the spaces that obtain a disproportionate recording and that incorporate
security measures that prevent improper access to images.

FOURTH: NOTIFY this resolution to ***COMMUNITY.1.

FIFTH: Warn the sanctioned party that he must make the imposed sanction effective once

Once this resolution is enforceable, in accordance with the provisions of the
art. 98.1.b) of Law 39/2015, of October 1, of the Administrative Procedure Co-
of the Public Administrations (hereinafter LPACAP), within the term of payment
voluntary established in art. 68 of the General Collection Regulations, approved
by Royal Decree 939/2005, of July 29, in relation to art. 62 of Law 58/2003,

of December 17, through its entry, indicating the NIF of the sanctioned and the number of procedure that appears in the heading of this document, in the account restricted number ES00 0000 0000 0000 0000 0000, opened in the name of the Spanish Agency Department of Data Protection at the banking entity CAIXABANK, S.A.. In case of Otherwise, it will be collected during the executive period.

Received the notification and once executed, if the date of execution is between the 1st and 15th of each month, both inclusive, the term to make the payment will be until the 20th day of the following month or immediately after, and if between the 16th and last day of each month, both inclusive, the payment term It will be until the 5th of the second following month or immediately after.

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 in accordance with art. 48.6 of the LOPDGDD, and in accordance with the provisions of article 123 of the LPACAP, the resents may optionally file an appeal for reconsideration before the Director of the Spanish Agency for Data Protection within a month from the date of 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 section 5 of the additional provision Final fourth of Law 29/1998, of July 13, regulating the Contentious Jurisdiction-administrative, within a period of two months from the day following the notification of this act, as provided for in article 46.1 of the aforementioned Law.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP, may provisionally suspend the firm resolution in administrative proceedings if the interested party do states its intention to file a contentious-administrative appeal. Of being In this case, the interested party must formally communicate this fact in writing

addressed to the Spanish Agency for Data Protection, presenting it through the Re-Electronic registry of the Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or to through any of the other registers provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. You must also transfer to the Agency the documentation that proves the effective filing of the contentious-administrative appeal. If the Agency was not aware of the filing of the contentious-administrative appeal tive within two months from the day following the notification of this resolution, would end the precautionary suspension.

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Sea Spain Marti

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