 Procedure No.: PS/00459/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

to the following

BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) on 06/10/2020 filed

claim before the Spanish Data Protection Agency. The claim is

directed against MALAGATROM, S.L.U.

(onwards,

MALAGATROM or the claimed one), which operates under the “Mercatron” trademark. The

The reasons on which the claim is based are: the respondent has treated and disclosed in

"Amazon" your personal data related to name and surname, address, number of

mobile phone, name of your spouse and mobile phone number of your spouse. warns

that the reported data processing is carried out without your consent and without a

legitimate purpose.

with NIF B93178614

This claim makes it clear that, through the "Amazon" platform, the

The claimant acquired from the respondent a product marketed by this company,

resulting in defective shipment and giving rise to various claims, some with the

intermediation of “Amazon”. The complainant adds that she chose to insert a comment

with a negative evaluation of the store of the claimed one together with a review of the

product, receiving a response in which the defendant threatens to publish their

data, which later complied with the incorporation of a comment that

details the personal data indicated above.

Attach the following scanned images of the “Amazon” user account:

1. Message from “Amazon” dated 05/15/2020 regarding an order.

2. Message dated 06/02/2020 sent by <devolution@amazon.es> to the claimant

about refund.

3. Message dated 06/02/2020 from “Amazon” to “Mercatron” regarding the request for

return of the order by the claimant.

4. Message dated 06/03/2020 sent by “Mercatron” to the claimant about the

return, with the following text:

"Mr. Customer, I advise you to return the equipment, so that our business relationship

is annulled, a negative vote for a case like yours, only shows...

Also, I don't think you would like all the vendors to see all your

data in the reply to the comment, but if you don't care, we will no longer

write to him You are the one who plays it…”.

5. Message dated 06/03/2020 sent by “Amazon” Customer Service

to the claimant.

6. Comments published on the “Mercatron” showcase page, among which

there is one inserted by the claimed entity itself, dated 06/03/2020, with the text

Next:

“Be very careful with this account… (name and surnames, address and number of

claimant's cell phone). The husband's name is... (name of the spouse of the

claimant) and is the one who keeps the account… (mobile telephone number of the spouse of the

claimant)”.

The claimant refers to the possible incorporation of her personal data and the

of your spouse to advertisements published in the portals "Milanuncios" and "Tripadvisor", and

adds that on the same date of 06/03/2020 they began to receive calls from

interested persons, some of whom knew the address of the claimant. Nope

However, the claim does not accompany any evidence in this regard.

SECOND: The claim was admitted for processing on 06/22/2020.

THIRD: In view of the facts denounced in the claim and the

documents provided by the claimant, the Subdirectorate General for Inspection of

Data proceeded to carry out preliminary investigation actions for the

clarification of the facts in question, by virtue of the investigative powers

granted to the control authorities in article 57.1 of the Regulation (EU)

2016/679 (General Data Protection Regulation, hereinafter RGPD), and

in accordance with the provisions of Title VII, Chapter I, Second Section, of the Law

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

digital rights (hereinafter LOPDGDD).

As a result of the investigative actions carried out, the report prepared

by the acting inspector reveals the following:

“[…]

It is verified that the claimed facts are true, finding not only the

personal data of the claimant and her husband published in the response

provided by the claimed party to the valuation made by the claimant, but rather

Three other cases of disclosure of personal data have been found in responses to

evaluations in the last six months in the profile of the claimed person on the website of

online sale https://www.amazon.es.

[…]

the websites https://milanuncios.es and

Performed a search on

https://www.tripadvisor.es in which the claimant states that they have been published

also their personal data for which they have received telephone calls, not

We found no reference to the claimant's telephone number or to that of her husband.

[…]

It has been verified that there are other cases in which, upon receiving a

refusal, the respondent makes public the personal data of customers not

satisfied with the purchase and/or the service. The most recent case of those found has

been in a response to a customer comment dated August 17,

2020".

Through Inspection Diligence dated 12/03/2020, it is incorporated into the actions

screen print with some responses of the claimed to comments

inserted in the "Amazon" shopping website by its customers, in which

reveal their personal data. The pages containing these comments,

including those relating to the complainant, were obtained from the profile of the complainant in said

website.

Three comments are incorporated, all of them with a similar content to the one

motivated the claim, according to the detail that is outlined in the Proven Fact

Fifth.

FOURTH

: Dated 05/25/2021, by the General Subdirectorate for Data Inspection

access to the information available on the claimed entity in “Axesor”. In

said website states that said entity was established in 2012, with a share capital of

3,000 euros. (...).

(...).

FIFTH: On 06/01/2021, the Director of the Spanish Agency for the Protection of

Data agreed to initiate a sanctioning procedure against the entity MAGALATROM, for the

alleged infringement of article 6 of the RGPD, typified in article 83.5.a) of the same

Regulation; indicating in said agreement that the sanction that could correspond

amounts to 4,000 euros (four thousand euros), without prejudice to what results from the

instruction.

SIXTH: Once the aforementioned initiation agreement has been notified, the term granted to the respondent to

formulating allegations takes place without this Agency having received a written

some.

SEVENTH: On 06/28/2021, a resolution proposal was formulated in the sense of

that the Director of the Spanish Data Protection Agency sanction the

entity claimed with a fine amounting to 4,000 euros (four thousand euros), for a

violation of article 6 of the RGPD, typified in Article 83.5 of the RGPD.

Likewise, it was proposed that the Director of the Spanish Agency for the Protection of

Data is required from the claimed party so that, within the period determined, it adopts the

necessary measures to adapt their actions to data protection regulations

personal, with the scope expressed in the Fundamentals of Rights of the aforementioned

resolution proposal.

EIGHTH: The proposed resolution has been notified to the respondent entity, dated

On 06/30/2021, this Agency received a letter of allegations, in which it states that

There is no disclosure of data, as it is an internal chat of the web to which no

no other person can access.

He alleges that he is defenseless, given the impossibility of proving his innocence, and adds that the low yields that he obtains do not allow him to bear sanctions for acts unrelated to his will, so he will be forced not to continue with the business activity.

With her writing, the respondent does not provide any documentation.

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

PROVEN FACTS

FIRST: the claimed entity is registered as a "seller" in the Portal Amazon. Through this website, the claimant purchased one of the products marketed by the defendant.

SECOND: The shipment of the product that the claimant acquired from the claimed party resulted defective, giving rise to the formulation of various claims by the client. The complainant also inserted a comment on the showcase page of the claimed on “Amazon” with a negative store rating and a review from the product.

THIRD: In response to the claimant's comment, outlined in Fact Proven Second, the respondent, dated 06/03/2020, inserted a comment about of the return, with the following text:

"Mr. Customer, I advise you to return the equipment, so that our business relationship is annulled, a negative vote for a case like yours, only shows...

Also, I don't think you would like all the vendors to see all your

data in the reply to the comment, but if you don't care, we will no longer

write to him You are the one who plays it…”.

FOURTH: On 06/03/2020, the respondent inserted a comment on the platform

“Amazon” shopping center, on its own showcase page, in which it discloses the data

personal information of the claimant related to name and surnames, address, number of

mobile phone, name of your spouse and mobile phone number of your spouse. The text of

this comment is as follows:

“Be very careful with this account… (name and surnames, address and number of

claimant's cell phone). The husband's name is... (name of the spouse of the

claimant) and is the one who keeps the account… (mobile telephone number of the spouse of the

claimant)”.

FIFTH: The Agency's Inspection Services verified that there are other

cases in which, upon receiving a negative assessment, the respondent entity makes

public the personal data of customers who are not satisfied with the purchase and/or the

service. The pages containing these comments, including those relating to the

claimant, were obtained from the profile of the claimed in "Amazon".

The text of these comments is as follows:

. Comment inserted on 05/29/2020: “Be very careful with this buyer… (name

and surnames of the client, address and mobile telephone number).

. Comment inserted on 06/03/2020: “Beware of this client… (client name,

city or zip code). He is a manipulator."

. Comment inserted on 08/19/2020: “Be careful with this client… (name and surname

of the client, address and mobile telephone number). He is dedicated to buying things and for the

fact of being prime it is believed that you do not have to pay. Watch out for this guy for calling him

something".

FOUNDATIONS OF LAW

Yo

By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of

control, and according to the provisions of articles 47 and 48 of the LOPDGDD, the Director

of the Spanish Agency for Data Protection is competent to initiate and to

resolve this procedure.

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

Spanish Agency for Data Protection will be governed by the provisions of the RGPD, in

this organic law, by the regulatory provisions issued in its

development and, in so far as they are not contradicted, on a subsidiary basis, by the rules

general administrative procedures.

II

Article 6.1 of the RGPD establishes the assumptions that allow the legalization of the

processing of personal data:

"1. The treatment will only be lawful if at least one of the following is met

conditions:

a) the interested party gave their consent for the processing of their personal data

for one or more specific purposes;

b) the treatment is necessary for the execution of a contract in which the interested party

is part of or for the application at the request of the latter of pre-contractual measures;

c) the treatment is necessary for the fulfillment of a legal obligation applicable to the

data controller;

d) the treatment is necessary to protect the vital interests of the interested party or another

Physical person;

e) the treatment is necessary for the fulfillment of a mission carried out in the interest

public or in the exercise of public powers vested in the data controller;

f) the treatment is necessary for the satisfaction of legitimate interests pursued

by the person in charge of the treatment or by a third party, provided that on said

interests do not override the interests or fundamental rights and freedoms of the

interested party that require the protection of personal data, in particular when the

interested is a child.

The provisions of letter f) of the first paragraph shall not apply to the processing

carried out by public authorities in the exercise of their functions.

2. Member States may maintain or introduce more specific provisions

in order to adapt the application of the rules of this Regulation with regard to the

treatment in compliance with section 1, letters c) and e), setting more

specifies specific treatment requirements and other measures that guarantee a

lawful and equitable treatment, including other specific situations of

treatment under Chapter IX.

3. The basis of the treatment indicated in section 1, letters c) and e), must be

established by:

a) Union law, or

b) the law of the Member States that applies to the data controller.

The purpose of the treatment must be determined in said legal basis or, in what

regarding the treatment referred to in section 1, letter e), will be necessary for the

fulfillment of a mission carried out in the public interest or in the exercise of powers

data conferred on the data controller. Said legal basis may contain

specific provisions to adapt the application of rules of this

Regulation, among others: the general conditions that govern the legality of the treatment

by the controller; the types of data object of treatment; the interested

affected; the entities to which personal data can be communicated and the purposes

of such communication; purpose limitation; the retention periods of the

data, as well as the operations and procedures of the treatment, including the

measures to ensure lawful and fair treatment, such as those relating to other

specific treatment situations under chapter IX. Union Law

or of the Member States will fulfill a public interest objective and will be proportional

to the legitimate end pursued.

4. When the treatment for another purpose other than that for which the data was collected

personal data is not based on the consent of the interested party or on the Law

of the Union or of the Member States which constitutes a necessary and

proportionate in a democratic society to safeguard the stated objectives

in article 23, paragraph 1, the data controller, in order to determine

if processing for another purpose is compatible with the purpose for which they were collected

initially the personal data, will take into account, among other things:

a) any relationship between the purposes for which the data was collected

data and the purposes of the intended further processing;

b) the context in which the personal data have been collected, in particular by what

regarding the relationship between the interested parties and the data controller;

c) the nature of the personal data, specifically when categories are processed

special personal data, in accordance with article 9, or personal data

relating to criminal convictions and offences, in accordance with article 10;

d) the possible consequences for data subjects of the envisaged further processing;

e) the existence of adequate safeguards, which may include encryption or

pseudonymization".

What is expressed in recitals 40 to 45 and 47 of the RGPD is taken into account.

In the present case, the entity claimed is registered as "seller" in the

Portal "Amazon". Through this website, the claimant purchased one of the

products marketed by the defendant.

By virtue of said purchase, the defendant collected the personal data of the

claimant and was entitled to subject them to treatment in order to give

compliance with the aforementioned business relationship.

However, the respondent carried out a treatment of such data that was not

necessary for the fulfillment or execution of said relationship, consisting of inserting

a comment on his own showcase page on "Amazon" detailing the

personal data of the claimant related to name and surnames, address, number of

mobile phone, name of your spouse and mobile phone number of your spouse. The text

of the comment in question is as follows:

"Be very careful with this account… (name and surnames, address and number of

claimant's cell phone). The husband's name is... (name of the spouse of the

claimant) and is the one who keeps the account… (mobile telephone number of the spouse of the

claimant)".

On the other hand, the investigative actions carried out by the Services of

Inspection of this Agency have verified the existence of similar comments

relating to other clients, whose personal data have been used in the same way.

These actions include three comments of this type, in addition to the

corresponding to the claimant, in which personal data of clients of

the claimed one.

There is no record, in the case of the claimant or in relation to the other clients mentioned,

that the respective processing of personal data by the claimed party is

carried out under a legal basis that legitimizes them, they were not necessary

for the fulfillment of the commercial relationship, as has been said, and the purpose for the

carried out is not a purpose compatible with those that determined the

collection of such personal data by the claimed party.

Consequently, the aforementioned facts violate the provisions of article 6 of the RGPD,

which gives rise to the application of the corrective powers that article 58 of the aforementioned

Regulation grants the Spanish Data Protection Agency.

Regarding this use of the personal data of the clients, the claimed entity does not

has made any statement in his brief of allegations to the proposal.

III

Article 5 of the RGPD establishes the principles that must govern the treatment of personal data.

personal data and mentions among them that of "integrity and confidentiality". East

Article, in section 1.f), states the following:

"1. The personal data will be:

(…)

f) processed in such a way as to ensure adequate security of the data

including protection against unauthorized or unlawful processing and against

its loss, destruction or accidental damage, through the application of technical measures

or appropriate organizational ("integrity and confidentiality").

Article 5 of the new Organic Law 3/2018, of December 5, on the Protection of

Personal Data and guarantee of digital rights (hereinafter LOPDGDD), is

refers to the “Duty of confidentiality” in the following terms:

"1. Those responsible and in charge of data processing as well as all

people who intervene in any phase of this will be subject to the duty of

confidentiality referred to in article 5.1.f) of Regulation (EU) 2016/679.

2. The general obligation indicated in the previous section will be complementary to the

duties of professional secrecy in accordance with its applicable regulations.

3. The obligations established in the previous sections will be maintained even

when the relationship of the obligor with the person in charge or in charge of the

treatment".

The comments made by the respondent about the complainant and other clients, in

those that detail personal data related to them, which were inserted

on the “Amazon” sales portal, on the showcase page of the claim itself, which

is registered as a selling entity in said portal, implies the dissemination to third parties

of those personal data without any type of restriction, considering that said

website is freely accessible to any internet user.

Thus, on the part of the respondent, a dissemination of personal data was carried out, which

constitutes an infringement for non-compliance with the provisions of article 5

“Principles related to treatment” of the RGPD, section 1.f), in relation to the article

5 “Duty of confidentiality” of the LOPDGDD.

This duty of confidentiality, previously the duty of secrecy, is intended to

avoid those disclosures of data not consented to by the owners of the same. I know

It is an obligation that falls to the person responsible and in charge of the treatment, as well

as to everyone who intervenes in any phase of the treatment; and what is

complementary to the duty of professional secrecy.

In its arguments to the resolution proposal, the respondent entity denies this

disclosure of personal data, noting that the comments in question are

made in an internal web chat to which no other party can access

person. However, the actions carried out by the Inspection Services

of the Agency have made it possible to verify that the comments are public, given that

the site can be accessed without any restriction, without even being registered in the

sales platform.

In the same brief, he has alleged defenselessness, but without expressing any cause or

determining circumstance.

IV

The facts verified, consisting of using the personal data of the

interested to make some comments that were inserted in a website of

free access, constitute the factual basis to substantiate the imputation to the

claimed for infractions of articles 6 and 5.1 of the LOPDGDD.

We are faced with a case of medial competition, in which the same fact
could lead to two infractions, given the circumstance that the commission of one
necessarily implies the commission of the other. That is, data processing
personal information on a freely accessible website results, in turn, in a violation of the
duty of confidentiality.
The two possible infractions are considered very serious for prescription purposes.
in article 72 of the LOPDGDD and both are typified in article 83.5 of the
GDPR.
In this regard, article 29.5 of Law 40/2015, of October 1, on the Regime
Law of the Public Sector, establishes the following:
“When the commission of an infraction necessarily derives from the commission of another or
others, only the sanction corresponding to the most serious infraction should be imposed.
serious offense”.
Therefore, it is appropriate to subsume both infractions in one, proceeding to impose
only the sanction provided for the violation of article 6 of the RGPD, which is
of the original infraction that has implied the commission of the other.
v
In the event that there is an infringement of the provisions of the RGPD, between the
corrective powers available to the Spanish Data Protection Agency,
as a control authority, article 58.2 of said Regulation contemplates the
following:
“2 Each supervisory authority shall have all of the following corrective powers
listed below:
(…)
b) send a warning to any person responsible or in charge of the treatment when the
treatment operations have violated the provisions of this Regulation;

(...)

d) order the person in charge or in charge of the treatment that the operations of

treatment comply with the provisions of this Regulation, where appropriate,

in a certain way and within a specified period;

(…)

i) impose an administrative fine under article 83, in addition to or instead of

the measures mentioned in this section, according to the circumstances of each

particular case;".

According to the provisions of article 83.2 of the RGPD, the measure provided for in letter d)

above is compatible with the sanction consisting of an administrative fine.

SAW

Failure to comply with the provisions of article 6 of the RGPD implies the commission of

an infringement typified in section 5.a) of article 83 of the RGPD, which under the

heading "General conditions for the imposition of administrative fines" provides

the next:

"5. Violations of the following provisions will be sanctioned, in accordance with the

paragraph 2, with administrative fines of a maximum of EUR 20,000,000 or,

in the case of a company, an amount equivalent to a maximum of 4% of the

global total annual turnover of the previous financial year, opting for

the largest amount:

a) the basic principles for the treatment, including the conditions for the

consent under articles 5, 6, 7 and 9”.

In this regard, the LOPDGDD, in its article 71 establishes that "They constitute infractions the acts and behaviors referred to in sections 4, 5 and 6 of the Article 83 of Regulation (EU) 2016/679, as well as those that are contrary to the present organic law”.

For the purposes of the limitation period, article 72 of the LOPDGDD indicates:

“Article 72. Infractions considered very serious.

1. Based on the provisions of article 83.5 of Regulation (EU) 2016/679, considered very serious and will prescribe after three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

(…)

b) The processing of personal data without the concurrence of any of the conditions of legality of the treatment established in article 6 of Regulation (EU) 2016/679”.

In order to determine the administrative fine to be imposed, the provisions of articles 83.1 and 83.2 of the RGPD, precepts that indicate:

"1. Each control authority will guarantee that the imposition of fines administrative actions under this article for violations of this Regulation indicated in sections 4, 9 and 6 are in each individual case effective, proportionate and dissuasive.

2. Administrative fines will be imposed, depending on the circumstances of each individual case, in addition to or as a substitute for the measures contemplated in the Article 58, paragraph 2, letters a) to h) and j). When deciding to impose a fine administration and its amount in each individual case will be duly taken into account:

a) the nature, seriousness and duration of the offence, taking into account the nature, scope or purpose of the processing operation in question as well

such as the number of interested parties affected and the level of damages that

have suffered;

b) intentionality or negligence in the infringement;

c) any measure taken by the controller or processor to

alleviate the damages suffered by the interested parties;

d) the degree of responsibility of the person in charge or of the person in charge of the treatment,

taking into account the technical or organizational measures that they have applied under

of articles 25 and 32;

e) any previous infringement committed by the person in charge or the person in charge of the treatment;

f) the degree of cooperation with the supervisory authority in order to remedy the

infringement and mitigate the possible adverse effects of the infringement;

g) the categories of personal data affected by the infringement;

h) the way in which the supervisory authority became aware of the infringement, in

particular whether the person in charge or the person in charge notified the infringement and, if so, in what

measure;

i) when the measures indicated in article 58, section 2, have been ordered

previously against the person in charge or the person in charge in question in relation to the

same matter, compliance with said measures;

j) adherence to codes of conduct under article 40 or mechanisms of

certification approved in accordance with article 42, and

k) any other aggravating or mitigating factor applicable to the circumstances of the case,

such as financial benefits obtained or losses avoided, directly or

indirectly, through the infringement.”

For its part, article 76 “Sanctions and corrective measures” of the LOPDGDD

has:

"1. The penalties provided for in sections 4, 5 and 6 of article 83 of the Regulation

(EU) 2016/679 will be applied taking into account the graduation criteria

established in section 2 of the aforementioned article.

2. In accordance with the provisions of article 83.2.k) of Regulation (EU) 2016/679

may also be taken into account:

a) The continuing nature of the offence.

b) The link between the activity of the offender and the performance of treatment of

personal information.

c) The profits obtained as a result of committing the offence.

d) The possibility that the conduct of the affected party could have induced the commission

of the offence.

e) The existence of a merger by absorption process subsequent to the commission of the

infringement, which cannot be attributed to the absorbing entity.

f) Affectation of the rights of minors.

g) Have, when not mandatory, a data protection officer.

h) Submission by the person in charge or person in charge, on a voluntary basis, to

alternative conflict resolution mechanisms, in those cases in which

there are controversies between them and any interested party”.

In accordance with the precepts indicated, in order to set the amount of the penalty to

impose in the present case, it is estimated that the criteria concur as aggravating

following graduation:

-

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The intentionality appreciated in the commission of the infraction. In this case, what results from the inclusion of a comment regarding the claimant, inserted on a publicly accessible website, there is a previous comment in which the The same claimed threatened with that disclosure of personal data.

The nature of the infringement, taking into account the scope or purpose of the treatment operations in question, regarding the privacy of the claimant.

The nature of the damages caused to the interested parties.

-

- The means through which the personal data object of the performances (free access website for any internet user).

The categories of personal data affected by the infringement, considering that the comment in question details the identification data and of contact of its clients and third parties.

-

It is also considered that there are extenuating circumstances following:

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The small business status of the responsible entity.

Considering the exposed factors, it is considered appropriate to impose a

fine amounting to 4,000 euros (four thousand euros), for the infringement of article 6 of the GDPR.

The respondent has made allegations to the proposed resolution indicating that the low yields he obtains do not allow him to bear the sanction, so he will be forced not to continue with the business activity. However, it has not provided any documentation that supports these statements, or that could to imply that the indicated amount is disproportionate. In fact, it hasn't made any statement about the graduation criteria taken into account.

7th

In accordance with the provisions of article 58.2.d) of the RGPD, the commission of a infraction may lead to the imposition of the person responsible for the obligation to adopt appropriate measures to adjust their actions to data protection regulations personal. According to this article, each control authority may “order the responsible or in charge of the treatment that the treatment operations are comply with the provisions of this Regulation, where appropriate, in a certain manner and within a specified period…”.

Therefore, in this case, it is appropriate to require the claimed party so that, within the term determine, remove all comments from your page on the “Amazon” platform inserted by the claimant herself in which personal data of her clients or third parties; and adopt the appropriate measures to avoid similar events may be repeated in the future, warning everyone in your organization about the illegality of this conduct.

It is warned that not meeting the requirements of this organization may be considered as a serious administrative infraction by “not cooperating with the Authority

of control" before the requirements made, being able to be valued such behavior to the

time of the opening of an administrative sanctioning procedure with a fine

pecuniary

Therefore, in accordance with the applicable legislation and having assessed the criteria for

graduation of sanctions whose existence has been proven,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE the entity MALAGATROM, S.L.U., with NIF B93178614, for

an infringement of Article 6 of the RGPD, typified in Article 83.5 of the RGPD, a

fine of 4,000 euros (four thousand euros).

SECOND: REQUEST the entity MALAGATROM, S.L.U. that, within a

month, adopt the necessary measures to adapt its actions to the regulations of

protection of personal data, with the scope expressed in the Foundation of

Right VII of this resolution.

THIRD: NOTIFY this resolution to MALAGATROM, S.L.U.

FOURTH

: Warn the sanctioned person 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, on Administrative Procedure

Common Public Administrations (hereinafter LPACAP), within the payment term

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 on behalf of the Agency

Spanish Department of Data Protection in the banking entity CAIXABANK, S.A.. In case

Otherwise, it will be collected in 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

voluntary 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

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.

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 The interested party expresses his intention to file a contentious-administrative appeal. If this is the case, the interested party must formally communicate this fact by writing addressed to the Spanish Agency for Data Protection, presenting it through Electronic Register of the Agency [https://sedeagpd.gob.es/sede-electronica-web/], or 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 proving the effective filing of the contentious appeal-administrative. If the Agency was not aware of the filing of the appeal contentious-administrative within a period of two months from the day following the notification of this resolution would end the precautionary suspension.

Sea Spain Marti

Director of the Spanish Data Protection Agency