

□ Procedure No.: PS/00469/2020

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 ASISTENCIA TÉCNICA DEL GAS S.L. with NIF

B86844487 (hereinafter, the claimed one).

The reasons on which the claim is based are the breach of the web

<https://www.certificadogasnatural.com> as it lacks a Privacy Policy.

SECOND: On February 12, 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.

THIRD: The agreement to initiate this sanctioning procedure was notified

to the one claimed on February 16, 2021, but he has not issued any allegation in the
deadline given for it.

FOURTH: The agreement to initiate this procedure, in accordance with articles

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

Common to Public Administrations (LPACAP), becomes a proposal for

resolution by not making the claimed allegations within the indicated 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: It is stated that the website <https://www.certificadogasnatural.com>

It lacks a Privacy Policy.

SECOND: On February 16, 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), by not carrying out the

claimed allegations within the indicated period.

THIRD: It is verified that the website <https://www.certificadogasnatural.com>

It lacks a Privacy Policy, but it does not imply a violation of article 13 of the

RGPD because personal data is not collected on said website.

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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

GDPR,

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

of

the website

<https://www.certificadogasnatural.com>, which did not comply with the regulations for the protection of

data by not having a privacy policy, which entailed the violation of article 83.5 b)

of the GDPR.

consider him

of

headline

to the

III

Although it has been found that the website <https://www.certificadogasnatural.com> does not

has a Privacy Policy or equivalent document, it has been found that the

reported facts do not imply a violation of article 13 of the RGD because in

This website does 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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