

□ File No.: PS/00499/2021

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: Ms. A.A.A. (hereinafter, the complaining party) dated 01/08/2021

filed a claim with the Spanish Data Protection Agency. The

claim is directed against the MINISTRY OF EDUCATION, CULTURE AND

SPORTS OF THE COMMUNITY BOARD OF CASTILLA LA MANCHA, with NIF

S1911001D (hereinafter the claimed part). The reasons on which the

claim are as follows: the claimant states that she requested the exclusion of

their children from school board elections and, in addition to discovering that there has been no

excluded one of them from the process, found that it had been published on networks

social a video with an interview with his son exercising as a candidate; that once

Withdrew consent before the Board of Directors of the school and after several requests

for its content to be removed from social networks, the claimant did not

No response has been received from those responsible for the center.

Communications maintained with the Center in which exclusion is requested are provided

of minors from the electoral process, as well as the withdrawal of the video in which

one of the minors being interviewed as a candidate and the withdrawal of the

consent for the publication of images of the minor on social networks.

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), in the scope of file E/01335/2021, on 02/24/2021 the

transfer of said claim to the respondent pursuant to the LPACAP,

to proceed with its analysis and inform this Agency within a month, of the actions carried out to adapt to the requirements set forth in the data protection regulations. There is no response from the respondent.

THIRD: On 05/18/2021 the Director of the Spanish Protection Agency

Data agreed to admit the claim filed by the claimant for processing.

FOURTH: The General Subdirectorate for Data Inspection proceeded to carry out

of previous investigative actions to clarify the facts in

matter, by virtue of the investigative powers granted to the authorities of

control in article 58.1 of Regulation (EU) 2016/679 (General Regulation of

Data Protection, hereinafter RGPD), and in accordance with the provisions of the

Title VII, Chapter I, Second Section, of the LOPDGDD, having knowledge of the

following ends:

On 06/08/2021, the representatives of the CEIP ***CEIP B.B.B. manifest what

Next:

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1. Procedure by which the families of minors are informed of the

treatments and consent is obtained

When students enroll in the center, families are informed

on the issue of image rights. The student's family reportedly authorized

to the center in the publication of images for school purposes. At no time the

The family appealed and said that the child should not be recorded before the video. They contribute

copy of the authorization signed by the family.

Due to the celebration of the elections to the school council of the center and seeking always the participation of the students was delivered to all the students who were going to participate in the event, the request to the families of the authorization in the activity.

This activity consisted of the presentation, of students of 5th and 6th, to their compañeros and compañeras so that they could find out about the requests they would make to improve the center This broadcast was made live on YouTube and was seen by 4th, 5th and 6th grades of primary school. The student's family, as they can, signed said authorization and delivered it before carrying out the activity. Provide a copy of said authorization

When we send only one video to the page, it can only be seen by the families of the students of the center. When the family of C.C.C. sent us the mail for remove their child's application, they removed the hidden link from our page and did not they could access the video. Later, and seeing that it continued to appear on the channel from YouTube, they removed it directly.

2. Articulated procedure for the attention of rights

On December 1, the family submitted the document authorizing the participation of his son, in the activity, transferring the image rights to the center for later use issue.

All the students of the center, when there is an activity, we ask authorization to families for the photos and videos that we can publish on the page from the center. Only for the purpose of families to see the activity and without any profit motive.

The representatives of the entity do not report on the procedure established for the attention to the rights of students.

3. In relation to the exercise of data protection rights of the affected party

When the student's family sent the mail for their son's candidacy to be

removed, the hidden link on our page was removed so they couldn't access the video. Later, seeing that it continued to appear on the channel of YouTube, they removed it directly.

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This withdrawal occurred after the request for information dated

05/24/2021

4. The claimant's request to exercise their rights has been answered.

Accreditation of the response provided

They have not provided him with any written response, limiting himself to informing him that in the next activities would not appear again. The representatives of the center prove how they have informed the family or the content of the information provided, even though they have been expressly requested.

5. Measures taken to avoid similar situations in the future

To avoid viewing the video, the link to the school page was removed. This it does not prevent the video from being directly accessed if someone knows the address. For this reason they had to remove it directly from the channel.

At the center level, the following process is followed:

1. The family registers on the page
2. It is verified that the family belongs to the center.
3. You are authorized and given some passwords so that they can access the content of images.
4. The links of the videos that we publish have a hidden link and can only be seen

the families of the students. (this does not prevent removing the link from the school page the video can be accessed directly on YouTube if known the direction)

8. In relation to the measures adopted to prevent incidents from occurring similar, dates of implementation and controls carried out to verify their effectiveness

Within the rules of coexistence of the center, in the right section of the parents,

It is reflected that parents have the right to know how the center works

and, therefore, in everything that refers to the protection of images of their children.

For this reason, the center informs them whether or not they want their sons and daughters to go out in the photographs or videos made in school activities.

FIFTH: On 11/15/2021, the Director of the Spanish Agency for the Protection of Data agreed to initiate a sanctioning procedure against the defendant, for the alleged infringement of article 17 of the RGPD, typified in article 83.5.b) of the aforementioned RGPD.

SIXTH: Notification of the initiation agreement, the one claimed in writing on 11/30/2021 presented a brief of allegations stating in summary: the lack of receipt of the initial request for information despite what was stated in the agreement to initiate the procedure that no answer was given to it; there was an error in the reception

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of the first communication sent by the AEPD on the claim filed,

that was not received neither in the Ministry, nor by the Delegate of Protection of

Data and that prevented the response to the request for information initially

effected; that the treatment in the RAT for the management of the Council elections

Escolar is based on article 6.1.c) and e) of the RGPD and that in

In relation to said treatment, on 9-28-2021, the Vice-Ministry of Education gave some instructions for the management of this process that were addressed to all the schools; the inadmissibility of the claim formulated by being presented prior to the expiration of the term to respond to the right of suppression; the absence of sanctionable conduct and measures adopted by the defendant in the processing of personal data; that the applicable infringement in any case should not be classified as very serious or serious.

SEVENTH: On 03/29/2022 a period of practice tests began,

remembering the following;

Consider reproduced for evidentiary purposes the claim filed by the claimant and his documentation, the documents obtained and generated by the Inspection services that are part of the file.

Consider reproduced for evidentiary purposes, the allegations to the initial agreement presented by the claimed party and the documentation that accompanies them.

EIGHTH: On 05/24/2022, a Resolution Proposal was issued in the sense that by the Director of the AEPD will sanction the defendant for infraction of article 17 of the RGPD, typified in articles 83.5.b) of the RGPD, with a penalty of warning.

After the period established for presenting allegations by the defendant, there was no submitted any writing.

NINTH: The actions carried out in this proceeding have been accredited the following

PROVEN FACTS

FIRST. On 01/08/2021 it has entry in the Spanish Agency for the Protection of Written data of the claimant stating that in the elections to the school council requested that their children be excluded from them and, in addition to discovering that no

excluded one of them from the process, found that it had been published on networks social a video with an interview with his son exercising as a candidate; that once Withdrew consent before the Board of Directors of the school and after several requests for its content to be removed from social networks, the claimant did not No response has been received from those responsible for the center.

SECOND. A copy of the claimant's DNI has been provided.

THIRD. There is a printout of the image captured on YouTube on the interview candidates for the School Council for the 2020/2021 academic year.

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FOURTH. There is evidence of emails sent by the claimant to the center school CEIP ***CEIP B.B.B. in which the exclusion of minors from the electoral process, as well as the withdrawal of the video in which one of the minors appears being interviewed as a candidate and withdrawal of consent for the publication of images of the minor on social networks.

The claimant:

11/30/2020; Subject: School Board

“Initially C.C.C. and D.D.D. volunteered to be part of the

Advice

School, but they finally withdrew their candidacy (or so they told me). But this Friday they were required, they were given to understand that they are still counting on them. I would be grateful if you would please remove them from the process.”

03/12/2020; Subject: School Board

“Last November 30, I sent you an email in which I asked you to exclude

C.C.C. and D.D.D. of the elections to the School Council.

It is not the first time that I send a communication without receiving a response, but in this case not only have they answered me but they have totally ignored my mail.

And it's not just that C.C.C. was not excluded. of the elections (he was going to be given the ballot as a candidate, but he was interviewed, published the video with the interview and at this very moment in which I write it continues to appear in the video, despite having asked to be excluded and he himself having asked you to edit the video and remove from it.

For now I WITHDRAW MY CONSENT for you to take and publish images his; while I inform myself about how to proceed after this incident.

I hope this time to receive an immediate response and action.”

The claimed:

04/12/2020; Subject: School Board

“C.C.C. came out in the video because we have the consent given by the child with your data and signed by you. Regarding the exclusion as a candidate for the school council C.C.C. was excluded from the process.

From now on, she communicated it to the tutor so that it does not appear in any image where he appears with his companions or appears individually”.

The claimant:

12/10/2020; Subject: School Board:

“Indeed, I granted my permission for regular school publications, excluding the process of elections to the School Council; as requested in my mail of November 30.

Having ignored my mail and seen images of my son as a candidate for the Council, the

On December 3, I withdraw my consent for your images to be published on social networks, verifying that at that moment the video is still posted without editing.

To this day, December 10, the video is still posted in its entirety. I inform you

Article 16 of the LOPD makes it very clear that if the parents avail themselves of their right to withdraw your consent and request the cancellation of the data, when the

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images have already been published; The center must meet said right within the period

10 days.

My request to remove my son's images was implicit in my email dated 3

December, but just in case I have to express it explicitly, he told you today, 10

December 2020 that I want my child's image to be removed from the video of

interview candidates for the school board.

In the confidence that this issue will be fully resolved after this

communication, I send you my regards”.

12/21/2020; Subject: YouTube video removal:

“I inform you that the term stipulated by the AEPD to remove the video or part of the video

in which my son C.C.C. expired yesterday, December 20, after asking them

explicitly on the 10th that the part in which my son appears was removed.

I just verified at this moment that the video is still uploaded in its entirety.

Exercising my rights, I inform you that I am going to grant the center today to

remove or edit it. Otherwise, first thing in the morning I will communicate this

non-compliance with the AEPD by virtue of article 18 of the LOPD”.

FIFTH. There is an email sent on 11/26/2021 from the school

to: ***EMAIL.1. Subject: ANSWER TO THE QUESTIONS in which it is indicated:

“Exact date of recording and publication of the video. THE VIDEO WAS RECORDED ON THE DAY
DECEMBER 2, 2020

Date of deletion of the hidden link of the web page. Exactly I don't know and I don't

we can retrieve the exact date, but it was in the month of March or April 2020

Deletion date on the YouTube channel. The same day the link was deleted

hidden from the page was removed from YouTube in the month of March or April 2020

We understand that currently the mentioned video is not accessible to anyone. Us

it

can you confirm? Yes. It is not on our YouTube channel.

Figure e-mail in response to the above dated 11/26/2021, sent by

***EMAIL.1 indicating:

"Two issues:

Good morning, thanks for the answer, but the answer raises this question:

1. It is mentioned as the date of deletion of the hidden link and the deletion of the video

March or April 2020.

We assume that they refer to March or April 2021

2. In the agreement to initiate the disciplinary proceedings, we note that the AEPD indicates

that the deletion or withdrawal of the video from the YouTube channel “occurred with

after the request for information (from the AEPD to that center) dated

05/24/2021”. Is that correct, i.e. was the withdrawal made after or as

consequence

request

AEPD?

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In accordance with the powers that article 58.2 of Regulation (EU) 2016/679

(General Data Protection Regulation, hereinafter RGPD), grants each

control authority and as established in articles 47, 48.1, 64.2 and 68.1 of the

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

guarantee of digital rights (hereinafter, LOPDGDD), is competent to

initiate and resolve this procedure the Director of the Spanish Protection Agency

of data.

Likewise, 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 Regulation (EU) 2016/679, in this organic law, by the

regulatory provisions issued in its development and, insofar as they are not

contradict, in the alternative, by the general rules on the

administrative procedures.”

The facts revealed in the claim provided evidence the

Absence of response from the respondent to the right to delete the data of character

staff exercised by the claimant, which would entail the violation of the regulations

regarding the protection of personal data.

The exercise of the right of suppression is regulated in article 17 of the GDPR, which establishes:

"1. The interested party shall have the right to obtain without undue delay from the responsible for the treatment the deletion of the personal data that concerns him, the which will be obliged to delete personal data without undue delay when any of the following circumstances occur:

- a) the personal data is no longer necessary in relation to the purposes for those that were collected or otherwise treated;
- b) the interested party withdraws the consent on which the treatment of pursuant to Article 6(1)(a) or Article 9(2) letter a), and this is not based on another legal basis;
- c) the interested party opposes the treatment in accordance with article 21, paragraph 1, and other legitimate reasons for the treatment do not prevail, or the interested party object to processing pursuant to Article 21(2);
- d) the personal data has been illicitly processed;
- e) the personal data must be deleted for the fulfillment of a legal obligation established in the Law of the Union or of the States members that applies to the data controller;
- f) the personal data has been obtained in relation to the offer of services of the information society referred to in article 8, paragraph 1.

2. When you have made the personal data public and are obliged, by virtue of of the provisions of section 1, to delete said data, the person in charge of the treatment, taking into account the available technology and the cost of its application, will take reasonable measures, including technical measures, with a view to informing the Responsible for processing the personal data of the interested party's request for

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deletion of any link to such personal data, or any copy or replica of the same.

3. Sections 1 and 2 will not apply when the treatment is necessary:

- a) to exercise the right to freedom of expression and information;
- b) for the fulfillment of a legal obligation that requires the treatment of data imposed by the Law of the Union or of the Member States that are applies to the data controller, or for the fulfillment of a mission carried out in the public interest or in the exercise of public powers vested in the responsible;
- c) for reasons of public interest in the field of public health of in accordance with article 9, paragraph 2, letters h) and i), and paragraph 3;
- d) for archival purposes in the public interest, scientific research purposes or historical or statistical purposes, in accordance with article 89, paragraph 1, in to the extent that the right indicated in paragraph 1 could make it impossible or seriously impede the achievement of the objectives of said treatment, or
- e) for the formulation, exercise or defense of claims”.

On the other hand, article 15 of the LOPDGDD establishes that:

"1. The right of deletion will be exercised in accordance with the provisions of the Article 17 of Regulation (EU) 2016/679.

2. When the suppression derives from the exercise of the right of opposition with

Pursuant to article 21.2 of Regulation (EU) 2016/679, the person in charge may

keep the identification data of the affected party necessary in order to prevent future processing for direct marketing purposes.

Recitals 59 and 66 of the GDPR also state:

"59. Formulas must be arbitrated to facilitate the interested party in the exercise of his rights under this Regulation, including mechanisms for requesting and, where appropriate, obtain free of charge, in particular, access to data personal information and its rectification or deletion, as well as the exercise of the right of opposition. The controller must also provide means for applications are submitted by electronic means, in particular when the data data are processed electronically. The data controller must be obliged to respond to the requests of the interested party without undue delay and to within one month at the latest, and to explain their reasons in case they were not to serve them."

"66. In order to reinforce the "right to be forgotten" in the online environment, the right of deletion must be extended in such a way that the person in charge of the treatment that has made public personal data is obliged to indicate to those responsible for the treatment that are treating such personal data that suppresses any link to them, or copies or replicas of such data. In doing so, said person in charge must take reasonable measures, taking into account the technology and means at its

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provision, including technical measures, to report the data subject's request those responsible for processing the personal data".

1. The documentation in the file offers clear indications that the claimed, violated article 17 of the RGPD, right of suppression, by not being attended the same despite the fact that the claimant exercised her right.

III

The data protection regulations allow you to exercise before the data controller your rights of access, rectification, opposition, deletion, limitation of treatment, portability and not being subject to decisions individualized.

The RGPD regulates the right of suppression as a manifestation of the consent, that is, we will have the right to revoke our consent provided previously and in this way request those responsible to eliminate the personal data of which we are the owners and that they have in their possession.

That is why we can demand the deletion of any personal data by direct request to the person in charge and provided that the circumstances provided for in the regulations.

In the present case, the claimant proves that she has exercised the right to deletion without receiving a response to your request, so it is estimated that Article 17 of the GDPR has been violated.

2. In accordance with what was stated by the respondent on 09-28-2021, through the Vice-Ministry of Education of the respondent, some instructions were given to the management of the school electoral process that were addressed to all the centers educational.

These instructions did not initially provide for the realization and dissemination of videos to present the candidacies, nor specific instructions for the possible consent management if appropriate, since the treatment was based on the causes of legality provided for in article 6.1.c) and e) of the RGPD.

Therefore, the recorded video, which was broadcast through the channel YouTube and that according to the center, was restricted to students affected by the electoral process, it would be a recording with the purpose of facilitating the candidates the means to make their electoral proposals known, encouraging participation.

And although this activity of recording and disseminating images may considered derived from the process of elections of the School Council, it would be according to the claimant of a treatment operation carried out by a center teacher in the field of its autonomy of organization and management recognized in the Article 120 of Organic Law 2/2006, of May 3, on Education and without prior knowledge by the Vice-Ministry of Education.

Therefore, said treatment activity cannot be considered covered in the causes of legality indicated, but in the consent of the interested parties whose legal basis would be article 6.1.a) of the RGPD.

3. The respondent has alleged that the educational center not only responded to the request for withdrawal of the consent of the interested party but also to the right of suppression when carrying out the material action of withdrawal and suppression of the video, c

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However, such an allegation is not admissible; It should be noted that in the period of previous actions, those responsible for the center were asked for the answer offered at the request of the exercise of the rights of the claimant and the accreditation of the response offered, noting that "no response has been provided by

writing, limiting itself to informing the claimant that for the next activities

would appear again, although they have not been able to justify how they have informed the family or its content” and that “the representatives of the entity do not report the procedure established for the attention of the rights of the students”.

In this sense, I request information on the measures adopted

to avoid this type of situation, pointing out that “To avoid the visualization of the video removed the link from the school page. This does not prevent it from being directly access the video if someone knows the address. For this reason they had than remove it directly from the channel.”

Furthermore, related to the above, it appears in the facts e

of 11/26/2021 sent from the school to the person claimed in figure:

- exact date of recording and publication of the video: “02/12/2020”

- date of deletion of the hidden link of the web page: "Exactly I do not know and

We cannot retrieve the exact date, but it was in the month of March or April 2020”

- date of deletion on the YouTube channel: “The same day that the

hidden page link was removed from YouTube in the month of March or April 2020”

And the respondent himself stated that although the date of suppression has not

could be specified by the center and that its representative claimed to have

withdrawn and suppressed the video of the channel in the months of March or April 2021 this

last action has not been carried out with all the diligence that would have been desirable.

Secondly, in relation to the material action of withdrawal and suppression

of the video the claimant herself in mail dated 11/30/2020 already invited the

responsible for the center to withdraw the candidacy of their children in the electoral process

school and so it is stated in the email of 12/03/2020 in which he complained that

It was not the first time that he did not receive a response to the communications sent and that,

In addition, her demands to exclude her son from the elections continued to be ignored.

(apparently in the video he is interviewed, it is published and the video is still published

despite requesting the exclusion of the minor from the electoral process and the elimination of the video), so he withdrew his consent.

The response of 12/04/2020 is that from that moment

communicate to the tutor so that her image does not appear in the video if it appears with her colleagues or where he appeared individually.

However, on 12/10/2020 the mother of the minor sends mail again where

Despite the above, it states that the video is still posted full on YouTube.

Therefore, it is considered from all of the above that the respondent did not attend the right of deletion requested in violation of article 17 of the RGPD, where it is also invites to act in order to "obtain without undue delay from the data controller the deletion of personal data".

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The violation of article 17 of the RGPD is typified in the article

83.5.b) of the aforementioned RGPD in the following terms:

"5. Violations of the following provisions will be sanctioned, ...:

(...)

b) the rights of the interested parties according to articles 12 to 22;

(...)"

For its part, the LOPDGDD in its article 71, Violations, states that:

“The acts and behaviors referred to in sections 4, 5 and 6 of article 83 of Regulation (EU) 2016/679, as well as those that result contrary to this organic law.

And in its article 72, for the purposes of prescription, it qualifies as "Infringements considered very serious":

"1. Based on the provisions of article 83.5 of the Regulation (EU) 2016/679 are considered very serious and the infractions that suppose a substantial violation of the articles mentioned in that and, in particularly the following:

(...)

k) The impediment or the hindrance or the repeated non-attention of the exercise of the rights established in articles 15 to 22 of the Regulation (EU) 2016/679.

(...)"

The LOPDGDD in its article 77, Regime applicable to certain categories responsible or in charge of the treatment, establishes the following:

"1. The regime established in this article will apply to the treatment of who are responsible or in charge:

- a) The constitutional bodies or those with constitutional relevance and the institutions of the autonomous communities analogous to them.
- b) The jurisdictional bodies.
- c) The General Administration of the State, the Administrations of the autonomous communities and the entities that make up the Local Administration.
- d) Public bodies and public law entities linked or dependent on the Public Administrations.
- e) The independent administrative authorities.

f) The Bank of Spain.

g) Public law corporations when the purposes of the treatment related to the exercise of powers of public law.

h) Public sector foundations.

i) Public Universities.

j) The consortiums.

k) The parliamentary groups of the Cortes Generales and the Assemblies Autonomous Legislative, as well as the political groups of the Corporations Local.

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2. When the managers or managers listed in section 1

committed any of the offenses referred to in articles 72 to 74 of

this organic law, the data protection authority that is competent will dictate

resolution sanctioning them with a warning. The resolution will establish

also the measures that should be adopted to stop the behavior or correct it.

the effects of the infraction that had been committed.

The resolution will be notified to the person in charge or in charge of the treatment, to the body on which it reports hierarchically, where appropriate, and those affected who have the condition of interested party, if any.

3. Without prejudice to what is established in the previous section, the

data protection will also propose the initiation of disciplinary actions

when there is sufficient evidence to do so. In this case, the procedure and sanctions to apply will be those established in the legislation on disciplinary regime or sanction that results from application.

Likewise, when the infractions are attributable to authorities and managers, and the existence of technical reports or recommendations for treatment is proven that had not been duly attended to, in the resolution imposing the

The sanction will include a reprimand with the name of the responsible position and will order the publication in the Official State or Autonomous Gazette that correspond.

4. The data protection authority must be informed of the resolutions that fall in relation to the measures and actions referred to the previous sections.

5. They will be communicated to the Ombudsman or, where appropriate, to the institutions analogous of the autonomous communities the actions carried out and the resolutions issued under this article.

6. When the competent authority is the Spanish Agency for the Protection of Data, it will publish on its website with due separation the resolutions referred to the entities of section 1 of this article, with express indication of the identity of the person in charge or in charge of the treatment that would have committed the infringement.

When the competence corresponds to a regional protection authority of data will be, in terms of the publicity of these resolutions, to what is available its specific regulations.

In the present case, the present sanctioning procedure began in based on the presumption that the defendant had violated the regulations on protection of personal data, omission of the right to delete data

data.

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According to the available evidence, said conduct

constitutes on the part of the defendant the infringement of the provisions of article 17 of the GDPR.

It should be noted that the LOPDGDD contemplates in its article 77 the sanction of

warning in relation to the processing of personal data that is not

match your forecasts. In this regard, article 83.7 of the RGPD contemplates that

“Without prejudice to the corrective powers of the control authorities under the

Article 58(2), each Member State may lay down rules on whether

can, and to what extent, impose administrative fines on authorities and organizations

public authorities established in that Member State.

Likewise, it is contemplated that the resolution issued may establish

measures to be taken to stop the behavior, correct the effects of the

infraction that had been committed and its adequacy to the requirements contemplated in

Article 17 of the RGPD, as well as the provision of supporting means of the

compliance with what is required.

However, the person claimed in allegations of 11/30/2021 has stated that he had

adopted a series of measures to prevent this type of incident from occurring,

standing out among them:

The preparation and communication to all teaching centers of instructions

specific for conducting the electoral process, which are considered appropriate

to guarantee a level of security appropriate to the risk, taking into account, as provides for the RGPD, the state of the art, the costs of application, and the nature, scope, context and purposes of the treatment, as well as risks of probability and variable seriousness for the rights and freedoms of natural persons whose content has been transcribed in the first allegation.

With respect to the general procedure for exercising rights, from the month of April 2021, the educational centers have available in the space of the Portal of Education aimed at the protection of data of educational centers (in which have been publishing various useful documents for centers with after the date of entry into force of the RGPD) the instruction of the Management General of Digital Administration of the Ministry of Finance and Administrations Public, competent body in this matter, on Rights in the matter of data protection PD-GEN-INS-006, of 03/12/2021, as can be verified in the link: <https://www.educa.jccm.es/es/centros/organizaciontrabajo/proteccion-data-educational-centers>.

In addition to or complementary to training in the field of data protection provided by state agencies such as the Intef, from the Regional Teacher Training Center dependent on the same Vice-Ministry of Education, various training actions have been carried out in

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matter of data protection for the staff of educational centers and is

The continuity of these training actions is scheduled for the next few years.

In addition, he points out that the Ministry plans to prepare a instruction addressed to educational centers in which the existing regulations are clarified for the management of requests for the exercise of rights provided for in articles 15 to 22 of the RGPD.

Therefore, in light of the foregoing, it is considered that the response of the claimed has been reasonable, not proceeding to urge the adoption of measures additional, having adopted measures of a technical and organizational nature in accordance with the regulations on data protection to prevent situations such as the one that gave rise to this claim occur again, which is the main purpose of the procedures with respect to those entities listed in article 77 of the LOPDGDD.

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 CULTURE AND SPORTS MINISTRY OF EDUCATION

OF THE BOARD OF COMMUNITIES OF CASTILLA LA MANCHA, with NIF S1911001D,

for an infringement of article 17 of the RGPD, typified in Article 83.5.b) of the RGPD,

a warning sanction.

SECOND: NOTIFY this resolution to the MINISTRY OF EDUCATION

CULTURE AND SPORTS OF THE COMMUNITY BOARD OF CASTILLA LA

STAIN.

THIRD: COMMUNICATE this resolution to the Ombudsman,

in accordance with the provisions of article 77.5 of the LOPDGDD.

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.

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 period of month 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.

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Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP, the firm resolution may be provisionally suspended in administrative proceedings if the interested party expresses his intention to file a contentious appeal-administrative. If this is the case, the interested party must formally communicate this made by writing to the Spanish Agency for Data Protection, introducing him to the agency

[<https://sedeagpd.gob.es/sede-electronica-web/>], or through any of the other

records provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. Also must transfer to the Agency the documentation that proves the effective filing of the contentious-administrative appeal. If the Agency were not aware of the

filing of the contentious-administrative appeal within two months from the day following the notification of this resolution, it would end the precautionary suspension.

Electronic Registration of

through the

Sea Spain Marti

Director of the Spanish Data Protection Agency

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