

□ File No.: PS/00033/2022

## 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 04/20/2021 inter-filed a claim with the Spanish Agency for Data Protection. the claim is directed against the MINISTRY OF HEALTH with NIF S7800001E (hereinafter, the part claimed you). The grounds on which the claim is based are as follows: the claimment states that, in response to a complaint filed with the Service of Patient Care of the CAM hospital, has received a response to the one attached medical report relating to a third person.

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), on 05/14/21 said claim was transferred to the claimant. called, so that it proceeded to its analysis and inform this Agency within a period of month, of the actions carried out to adapt to the requirements set forth in the data protection regulations. There is no record in this Agency of the claim's response. do.

THIRD: On 09/06/2021, in accordance with article 65 of the LOPDGDD, the claim filed by the claimant was admitted 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 Protection Regulation)

tion of Data, hereinafter RGPD), and in accordance with the provisions of the Title VII, Chapter I, Second Section, of the LOPDGDD, having knowledge of the following extreme tips:

There is a document from the Ministry dated 09/23/2021, signed by the Delegate Committee for Data Protection of the Ministry of Health of the Community city of Madrid.

In relation to the transfer of the claim referred to in the background section (carried out in the context of file E/05274/2021), indicates the claimant's brief do that "it is not until last 09/27/2021 when this Committee has been aware of the same, given that there have been incidents of different kinds in the Registry of entrada".

In relation to the facts object of the claim, the defendant's brief provides the following: following information:

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Chronology and nature of the incident:

A report made by the Hospital in relation to the facts claimed is attached.

(Appendix 1).

This report, dated 09/22/2021, includes the following description of facts:

"1.- On March 26, 2021, there was an entry in the registry of the Customer Service tion to the Patient of the University Hospital of La Princesa, with number \*\*\*CLAIM-TION.1, claim filed by Ms. A.A.A..

On the occasion of the aforementioned claim, on April 6, 2021, a written

of \*\*\*POSITION.1, attaching a copy of the report made by \*\*\*POSITION.2, where

He answered the questions planned by the patient.

It is important to note that this response to the now claimant before the AEPD was

correctly sent to the address provided by the patient herself in her letter, this

is, at \*\*\*ADDRESS.1. This can be seen in the claim and response.

2.- Subsequently, on the following March 30, 2021, it was entered in the registry of the

Patient Care Service, a claim filed by the patient Ms. B.-

B.B., with number \*\*\*CLAIM.2.

The response to this claim was sent on April 13, 2021, attached

presenting the report of the Service (...), where answers were given to the questions raised

given by the patient Ms. B.B.B..

However, effectively, due to an error in indicating the address and recipient of

the answer, it was sent to Ms. A.A.A., which is why she has presented

claim before the AEPD, expressing concern that his report has been re-

given to someone else. However, it should be noted that the reply addressed to Ms.

B.B.B., and received by the claimant Ms. A.A.A., was sent to the same address to the

that the letter of April 6, 2021 was sent that answered his claim.

Therefore, it should be noted that the personal data of the claimant, Ms. A.A.A.,

have not been affected by not having sent the answer to their claim to any

wrong address. This information is also stated in the claim and answer.

tion of Ms. B.B.B., which are attached as document 2.

3. This Management Department has not been aware of any claim filed

given in this sense by Ms. A.A.A. until last September 6, 2021,

when the claim and request for information from the

AEPD.”

In relation to the causes that would have led to the report being sent to the destination

incorrect natary, the Hospital points out in its report that it was due to "an error when preparing the reply addressed to Ms. B.B.B., by transcribing an address and recipient that were incorrect, so that it was wrongly sent to Ms.

A.A.A.." Likewise, the Ministry in its letter qualifies it as "specific human error".

Documents 1 and 2 referred to in Annex 1 are attached to the petitioner's brief:

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Document 1 includes:

- o The copy of the claim filed by the claimant with the Hospital with attestation

date of 03/26/2021. In it, the address recorded for the complaining party is \*\*\*DI-RECTION.1.

- o Written referral of the claim to the service (...) of the hospital from the service of patient care.

- o Letter addressed dated 04/06/2021 by the Hospital to the claimant with numbers

check-out number \*\*\*CLAMATION.1 indicating, in relation to the complaint

submitted previously, which sends a copy of the "report made by Dr. C.-

DC."

either

to the claim of the complaining party.

Report dated 04/06/2021 signed by Dr. C.C.C. What does the answer refer to?

-

Document 2 includes:

o The copy of the claim filed by the third person (Mrs. B.B.B.) before the

Hospital dated 03/30/2021.

o Letter of referral of the claim of this third person to the service (...) of the hospital from the patient care service.

o Letter addressed dated 04/13/2021 by the Hospital to the claimant party that points out, in relation to the previously filed complaint, that a copy of the "in-Form performed by Dr. D.D.D."

o Report dated 04/08/2021 signed by Dr. D.D.D. which includes the Hospital stamp and refers to the response to a claim from a third party about a medical intervention related to related to (...) carried out by Dr. The personal data of the third party that appears in the report are your name and surnames, and detailed information about the medical technique. indicator used in the intervention.

Number of affected parties, categories of exposed personal data and subsequent use:

The Hospital points out that the incidence has had only one affected (the third person about which the report received by the complainant dealt with). Thus, express citation mind that "only the personal data reflected in the

Report of Doña B.B.B. and they have been disclosed to a single person (Mrs. A.A.A.)". Likewise, it indicates that it has no evidence that this information has been used by others.

Communication to those affected:

The Hospital states in its report that the affected person (Ms. B.B.B.) "was informed ver-sure that the reply had been sent to another address when he went in person. personally to the Hospital Patient Care Service."

Information on the recurrence of these events and the number of similar events events in time:

The Hospital states in its report that "it is the first time that there is knowledge

of a claim of this type, without the patient Ms. A.A.A. was directed in none

some time to the Hospital to report this incident.”

Incident reaction measures:

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The Hospital expresses in its report that “when the claim was received, independently

immediately, all the information related to the events was collected, in order to be able to identify

Identify the causes of the incident and prevent its recurrence in the future.

In addition, the staff will be reminded of the importance of taking the utmost care in

replies sent, having to verify on more than one occasion that the data

personal data entered are the correct ones, given the relevance and sensitivity of the

personal data of patients and their special protection.” He also cites his commitment

compliance with the regulations in accordance with the "Patients and Users of Health Guide" elaborated

approved by the AEPD.

The defendant in his writing also states that "the Department of Health of the Co-

community of Madrid has implemented measures to preserve the security of the

training and the rights and freedoms of citizens, including me-

asures of an organizational nature that include the regular and periodic training of the

staff of the assistance centers of the Madrid Health Service (SERMAS) that

It is considered as an ideal measure to prevent human errors such as the one that

do. Although this measure is considered appropriate, it does not prevent them from occurring, it does not

However, as can be seen and has been stated, it is the first error

of which there is evidence. In any case, this CRPD will proceed to review the plan

training center to assess whether additional training is required in your center.

other work."

Notification to the AEPD:

In relation to the non-notification to the AEPD, the respondent states that the facts

"They have not been assessed as a security breach, but as a security incident.

dad."

In this regard, he adds the following explanation: "It is indisputable that the dimension of the

security associated with confidentiality has been violated, however they have been valued

parameters of data volume, type of incident and its impact, determining

determined that its risk has a limited damage for the purposes of considering it as a

security breach that must be notified to this Agency, since

does not pose a high risk to the rights of the only affected citizen, taking into account

The content of the reports sent due to human error also counts.

punctual.

However, despite not qualifying as a security breach that should be subject to

of communication to this Agency, in accordance with the provisions of article 33 RGPD, yes

HPRI activity can be considered as proactive in relation to what was planned

in art. 34 RGPD, since the affected party was informed that their data had been

forwarded to someone else by mistake."

FIFTH: On 03/17/2022, the Director of the Spanish Agency for the Protection of

Data agreed to initiate a sanctioning procedure against the defendant, for the alleged infraction

tion of articles 32.1 and 5.1.f) of the RGPD, typified in article 83.4.a) and 83.5.a)

of the RGPD, with a warning.

SIXTH: Once the initiation agreement has been notified, the person claimed at the time of this resolution

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tion has not submitted a brief of allegations, so what is indicated is applicable in article 64 of Law 39/2015, of October 1, on Administrative Procedure Common of the Public Administrations, which in its section f) establishes that in case of not making allegations within the stipulated period on the content of the initial agreement ciation, it may be considered a resolution proposal when it contains a precise statement about the imputed responsibility, so we proceed to dictate Resolution.

SEVENTH: Of the actions carried out in this procedure, they have been accredited the following:

#### PROVEN FACTS

FIRST: On 04/20/2021 the affected party filed a claim with the Spanish Agency Data Protection, stating that, in response to a complaint filed with the Patient Care Service of a hospital belonging to the public system of the CAM has received attached medical report relating to a third person.

SECOND: There is a written response to the claim filed by the claimant before the Patient Care Service of the public hospital of the CAM of 04/13/2021.

THIRD: Report dated 04/08/2021 signed by Faculty is attached to the above letter. vo specialist although corresponding to a third person.

FOURTH: The respondent in writing dated 09/23/202 has stated that:

“On 03/30/2021 Mrs. ..., (different person) filed a claim (No. \*\*\*RE-CLAMATION.2) that was attended to on 04/13/2021 but that, due to a human error, non-timely was forwarded to the claimant, ...



The claimant's details have not been disclosed to any person..."

And that "..., only the personal data reflected in the In-

form of Doña ... (person other than the claimant) and they have been disclosed to

a single person (the claimant), that is, the personal data that has been seen

affected correspond to the identification data of name, surnames and data

health of a single person.

In relation to the problem that caused the incident, the Hospital indicates in its report

which corresponds to an "error when preparing the answer addressed to the claimant,

by transcribing an address and recipient that were incorrect."

## FOUNDATIONS OF LAW

Yo

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

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

authority of control and according to what is established in articles 47, 48.1, 64.2 and 68.1 of the Law

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Organic 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 Data Protection Agency.

Likewise, article 63.2 of the LOPDGDD determines that: "The procedures

Data processed by the Spanish Agency for Data Protection will be governed by the provisions

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

regulatory provisions issued in its development and, as long as they do not contradict them, with

subsidiary character, by the general rules on administrative procedures

you."

II

Law 39/2015, of October 1, on the Common Administrative Procedure of

the Public Administrations, in its article 64 "Initiation agreement in the procedures

sanctions of a punitive nature", provides:

"1. The initiation agreement will be communicated to the instructor of the procedure, with transfer of how many actions exist in this regard, and the interested parties will be notified, understanding in any case by such the accused.

Likewise, the initiation will be communicated to the complainant when the regulations operators of the procedure so foresee it.

2. The initiation agreement must contain at least:

a) Identification of the person or persons allegedly responsible.

b) The facts that motivate the initiation of the procedure, its possible qualification and the sanctions that may correspond, without prejudice to what results from the instruction.

c) Identification of the instructor and, where appropriate, Secretary of the procedure, with express indication of the system of recusal of the same.

d) Competent body for the resolution of the procedure and rule that attributes it.

buy such competence, indicating the possibility that the alleged perpetrator may voluntarily acknowledge their responsibility, with the effects provided for in article 85.

e) Provisional measures that have been agreed by the competent body.

competent to initiate the sanctioning procedure, without prejudice to those that may be adopt during the same in accordance with article 56.

f) Indication of the right to make allegations and to be heard in the proceeding.

procedure and the deadlines for its exercise, as well as an indication that, in the event of make allegations within the stipulated period on the content of the initiation agreement, this may be considered a resolution proposal when it contains a pronouncement precise statement about the imputed responsibility.

3. Exceptionally, when at the time of issuing the initiation agreement there are not sufficient elements for the initial qualification of the facts that motivate the initiation of the procedure, the aforementioned qualification may be carried out at a later stage. through the preparation of a List of Charges, which must be notified to the interested".

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In application of the previous precept and taking into account that no side arguments to the initial agreement, it is appropriate to resolve the initiated procedure.

III

The facts denounced materialize in the access to third party data such as consequence of the response offered to a complaint filed by the claimant before the Patient Care Service of the hospital that is part of the public health system of the CAM, to which is attached a medical report relating to a third person.

The RGPD deals in its article 5 with the principles that must govern the treatment of personal data and mentions among them that of integrity and confidentiality, pointing out landau:

"1. The personal data will be:

(...)

f) processed in such a way as to guarantee adequate security of the personal data.

personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, through the application of technical measures or appropriate organizational measures ("integrity and confidentiality").

(...)"

IV

The infraction that is attributed to the claimed is typified in the art.

Article 83.5 a) of the RGPD, which considers that the infringement of "the basic principles for treatment, including the conditions for consent under the ar-

Articles 5, 6, 7 and 9" is punishable, in accordance with section 5 of the aforementioned article.

Article 83 of the aforementioned Regulation.

The LOPDGDD in its article 71, Violations, states that:

"The acts and behaviors referred to in the apartments constitute infractions.

4, 5 and 6 of Article 83 of Regulation (EU) 2016/679, as well as those resulting are contrary to this organic law".

And in its article 72, it considers for prescription purposes, which are: "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 entail a substantial violation of the articles mentioned therein and, in particular, ticular, the following:

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

(...)"

v

The documentation in the file offers clear indications that the

claimed, violated article 5 of the RGPD, principles related to treatment, by allowing

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access to personal data belonging to a third person by ser-  
referred to the claimant in the scope of a complaint medical report of said third party.

SAW

Second, it should be noted that the security of personal data

It is regulated in articles 32, 33 and 34 of the RGPD.

Article 32 of the RGPD "Security of treatment", establishes that:

"1. Taking into account the state of the art, the application costs, and the  
nature, scope, context and purposes of the treatment, as well as risks of pro-  
variable probability and severity for the rights and freedoms of natural persons,  
the person in charge and the person in charge of the treatment will apply technical and organizational measures  
appropriate channels to guarantee a level of security appropriate to the risk, which in its  
case include, among others:

- a) pseudonymization and encryption of personal data;
- b) the ability to guarantee the confidentiality, integrity, availability and re-  
permanent silence of treatment systems and services;
- c) the ability to restore availability and access to personal data  
promptly in the event of a physical or technical incident;
- d) a process of regular verification, evaluation and evaluation 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 consideration shall be given to

taking into account the risks presented by the processing of data, in particular as a consequence  
accidental or unlawful destruction, loss or alteration of personal data  
transmitted, stored or otherwise processed, or the communication or unauthorized access  
torized to such data.

3. Adherence to an approved code of conduct under article 40 or to a  
certification mechanism approved under article 42 may serve as an element  
to demonstrate compliance with the requirements established in section 1 of the  
feel article.

4. The person in charge and the person in charge of the treatment will take measures to guarantee  
warrant that any person acting under the authority of the person in charge or the person in charge  
do and have access to personal data can only process said data following instructions  
instructions of the person in charge, unless it is obliged to do so by virtue of the Law of the  
Union or of the Member States.

7th

The violation of article 32 of the RGPD is typified in the article  
83.4.a) of the aforementioned RGPD in the following terms:

"4. Violations of the following provisions will be sanctioned, in accordance  
with paragraph 2, with administrative fines of a maximum of EUR 10,000,000 or, alternatively,  
being from a company, of an amount equivalent to a maximum of 2% of the volume

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overall annual total turnover of the previous financial year, opting for the  
greater amount:

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

(...)"

For its part, the LOPDGDD in its article 73, for prescription purposes, qualifies

of "Infringements considered serious":

"Based on the provisions of article 83.4 of Regulation (EU) 2016/679

are considered serious and will prescribe after two years the infractions that suppose a

substantial violation of the articles mentioned therein and, in particular, the following

following:

g) The breach, as a consequence of the lack of due diligence, of the

technical and organizational measures that have been implemented as required

by article 32.1 of Regulation (EU) 2016/679".

(...)

(...)"

viii

The GDPR defines personal data security breaches as "all

all those security violations that cause the destruction, loss or alteration

accidental or illicit ration of personal data transmitted, conserved or processed in

otherwise, or unauthorized communication or access to such data".

From the documentation in the file, there are clear indications of

that the claimed party has violated article 32 of the RGPD, when an incident of

security when sent to the claimant as a result of a complaint filed

before the customer service of a hospital of the public health system of the

CAM medical report containing data from a third person, breaking the

technical and organizational measures.

It should be noted that the RGPD in the aforementioned provision does not establish a list of

the security measures that are applicable according to the data that is object of treatment, but it establishes that the person in charge and the person in charge of the treatment will apply technical and organizational measures that are appropriate to the risk that treatment entails, taking into account the state of the art, the costs of applying cation, the nature, scope, context and purposes of the treatment, the risks of probability and seriousness for the rights and freedoms of the persons concerned.

Likewise, the security measures must be adequate and proportionate.

to the detected risk, pointing out that the determination of the technical and

Organizational activities must be carried out taking into account: pseudonymization and encryption,

capacity to guarantee confidentiality, integrity, availability and resilience, the

ability to restore availability and access to data after an incident, process

verification (not audit), evaluation and assessment of the effectiveness of the measures

you give.

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In any case, when evaluating the adequacy of the security level, parti-

taking into account the risks presented by the processing of data, as a consequence

accidental or unlawful destruction, loss or alteration of personal data

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

authorized to said data and that could cause physical, material and

them or immaterial.

In this same sense, recital 83 of the RGD states that:

“(83) In order to maintain security and prevent the processing from violating the



established in this Regulation, the person in charge or the person in charge must evaluate the risks inherent to the treatment and apply measures to mitigate them, such as encryption. These measures must guarantee an adequate level of security, including confidentiality. taking into account the state of the art and the cost of its application with respect to regarding the risks and the nature of the personal data to be protected. To the assess the risk in relation to data security, should be taken into account the risks arising from the processing of personal data, such as the destruction accidental or unlawful loss, loss or alteration of transmitted personal data, conservation stored or otherwise processed, or unauthorized communication or access to such data, susceptible in particular to cause physical, material or immaterial”.

In the present case, as evidenced by the facts and within the framework of the investigation tooth E/05274/2021 the AEPD transferred the claimed on 05/14/2021 the claim submitted for analysis and reporting to this Agency of the actions carried out to adapt to the requirements set forth in the regulations tive of data protection, without responding to the aforementioned request.

However, the respondent has indicated in a document of (...) that "it is not until past 09/27/2021 when this Committee was aware of it, since there have been incidents of various kinds in the entry register”. in this writing provides detailed information on the incidence produced and decisions adopted.

The responsibility of the claimed party is determined by the insurance bankruptcy. evidenced by the claimant, since he is responsible for making decisions tions aimed at effectively implementing the technical and organizational measures appropriate to guarantee a level of security appropriate to the risk to ensure the confidentiality of the data, restoring its availability and preventing access to the in the event of a physical or technical incident. In this case, although the party claimed

states that it had security measures in place to prevent incidents like this,

the truth is that they were not fulfilled, leading to the security breach

In accordance with the foregoing, it is estimated that the respondent would be presumed fully responsible for the infringement of article 32.1 of the RGPD, typified infringement in its article 83.4.a).

IX

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

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"1. The regime established in this article will be applicable to treatments of which they are responsible or entrusted:

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 State Administration, the Administrations of the communities autonomous entities and the entities that make up the Local Administration.

d) Public bodies and public law entities linked to or depending from 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 Legislative Assemblies

autonomous communities, as well as the political groups of the Local Corporations.

2. When the persons in charge or persons in charge listed in section 1

had any of the infractions referred to in articles 72 to 74 of this law

organic, the data protection authority that is competent will issue resolutions

tion sanctioning them with a warning. The resolution will also establish

as the measures that should be adopted to stop the behavior or correct the effects

cough 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

gain of which it depends hierarchically, in his case, and to those affected who had the

Interested party status, if any.

3. Without prejudice to the provisions of the preceding section, the protection authority

tion of data will also propose the initiation of disciplinary actions when

there are sufficient indications for it. In this case, the procedure and the sanctions to

apply will be those established in the legislation on the disciplinary or sanctioning system.

dor 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 corresponding Official State or Autonomous Gazette.

gives.

4. The resolutions must be communicated to the data protection authority.

tions that fall in relation to the measures and actions referred to in the previous sections.

5. They will be communicated to the Ombudsman or, where appropriate, to the institutions

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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 had 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 accordance with the available evidence, the conduct of the claimant

made constitutes an infringement of the provisions of articles 5.1.f) and 32.1 of the RGPD.

It should be noted that the LOPDGDD, consistent with what is established in its article

Article 83 RGPD, contemplates in its article 77 the possibility of resorting to the sanction of

warning to correct the processing of personal data that is not appropriate

to its forecasts, when those responsible or in charge listed in the section

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

this organic law.

The Hospital belonging to the public health network belonging to the CAM where incident occurred, has indicated in the report presented that “when the received the claim, immediately all the information related to the facts, in order to be able to identify the causes of the incident and prevent see it repeated in the future. In addition, to remind staff of the importance of extreme Take maximum care in the replies sent, having to check in more than one occasion that the personal data entered is correct, given the relevance and sensitivity of the personal data of patients and their special protection” It cites its commitment to the regulations in accordance with the “Guide for patients and Users of Health” prepared by the AEPD and that everything was due to “an error in the ele- Prepare the response addressed to the claimant, by transcribing an address and recipient that were wrong...”

For his part, the defendant in his brief has indicated that everything was due to a punctual human error and that “the Ministry of Health of the Community of Madrid has measures have been implemented to preserve the security of the information and the rights rights and freedoms of citizens, including measures of a organization that include the regular and periodic training of the staff of the centers care centers of the Madrid Health Service (SERMAS), which is considered as an ideal measure to prevent human errors such as the one that occurred. Although this measure is considered adequate, it does not prevent them from occurring, however, as

As can be seen and has been shown, it is the first error that we have constancy. In any case, this CRPD will proceed to review the training plan of the center to assess whether additional training is required in your workplace.

Therefore, it is considered that the respondent's response was reasonable, correcting the incident that had affected a single person, not proceeding

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urging the adoption of additional measures, having adopted ca-  
technical and organizational nature in accordance with the regulations on protection  
tion of data to prevent situations like the one that gave rise to  
to the present claim, which is the main purpose of the procedures res-  
aspect of 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 THE MINISTRY OF HEALTH of the CAM, with NIF S7800001E

for infringement of articles 32.1 and 5.1.f) of the RGPD, typified in article 83.4.a) and  
83.5.a) of the RGPD, a sanction of warning.

SECOND: NOTIFY this resolution to the MINISTRY OF HEALTH of the  
CAM.

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 LPA-

CAP, the interested parties may optionally file an appeal for reconsideration before

the Director of the Spanish Agency for Data Protection within a period of one month

counting from the day following the notification of this resolution or directly

contentious-administrative case before the Contentious-administrative Chamber of the Au-  
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 Jurisdiction  
Contentious-administrative diction, within a period of two months from the day following  
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 LPA-  
CAP, the firm resolution may be provisionally suspended 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/](https://sedeagpd.gob.es/sede-electronica-web/)], or through any of the other registers provided for in art. 16.4 of the city  
tada Law 39/2015, of October 1. You must also transfer to the Agency the documentation  
documentation that proves the effective filing of the contentious-administrative appeal  
vo. If the Agency was not aware of the filing of the contentious appeal-  
within a period of two months from the day following the notification of the  
This resolution would terminate the precautionary suspension.

C/ Jorge Juan, 6

28001 – Madrid

[www.aepd.es](http://www.aepd.es)

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