

□ Procedure No.: PS/00388/2020

RESOLUTION OF PUNISHMENT PROCEDURE

In sanctioning procedure PS/00388/2020, instructed by the Spanish Agency for Data Protection, to the entity, FLEXOGRÁFICA DEL MEDITERRÁNEO, S.L., with CIF.: B73447393, owner of the web pages: ***URL.1 and ***URL.2, (hereinafter, "la entity claimed"), and based on the following,

BACKGROUND

FIRST: In the claim filed on 07/21/20, it was indicated, among others, the following- following: "The web pages ***URL.1 and ***URL.2 do not have a privacy policy. privacy, legal text or cookie management. In the contact forms there is no information about what is going to be done with the form data".

SECOND: In view of the facts set forth in the claim and the documents provided by the claimant, the General Subdirectorate for Data Inspection proceeded to carry out actions for its clarification, under the powers of investigation granted to the control authorities in article 57.1 of the RGPD. So with Dated 09/16/20, an information request is addressed to the claimed entity.

THIRD: On 10/15/20, the entity claims sends to this Agency, a letter of response to the request and whose content is included in the letter of initiation of file and in the written resolution proposal.

FOURTH: On 11/19/20, by this Agency, checks are carried out about the "Privacy Policy" and about the "Cookies Policy", of the web pages indicated, verifying the aspects that were already included in the writing of initiation of the file and in the written resolution proposal.

FIFTH: In view of the reported facts and the evidence observed in the web pages, the Director of the Spanish Data Protection Agency, dated

11/25/20, agreed to initiate a sanctioning procedure against the entity claimed, by virtue of the powers established in the current legislation, for the following infractions:

a).- Regarding the website ***URL.1:

.- Violation of article 7) of the RGPD, when collecting the consent of the users, through a generic acceptance for all the purposes of the treatment, with an initial sanction of “warning”.

.- Infringement of article 22.2) of the LSSI, regarding the non-existence of "Policy of Cookies" of the web page of its ownership, with an initial penalty of 3,000 euros.

b).- Regarding the website ***URL.2:

.- Violation of article 13) of the RGPD, regarding the non-existence of a privacy policy. ity on its website, verifying that there is a treatment of personal data them from users, with an initial penalty of 3,000 euros.

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.- Infringement of article 22.2) of the LSSI, regarding the non-existence of "Policy of Cookies" of the web page of its ownership, with an initial penalty of 3,000 euros.

SIXTH: Once the agreement to initiate the disciplinary proceedings has been notified, the entity claiming mada, by means of a letter dated 12/11/20, formulated allegations to the initiation of ex-pending, the content of which was already indicated in the draft resolution proposal.

SEVENTH: On 02/20/21, by this Agency, purchases are made again approvals of the "Privacy Policy" and the "Cookies Policy" of the pages website indicated, and the proposed resolution is notified to the entity claimed in the that it was proposed that, by the Director of the Spanish Data Protection Agency

the claimed entity was sanctioned:

.- Regarding the web page ***URL.1, with “warning”, for the infringement of article

7, of the RGD, regarding the inoperability in the collection of consent to

the different purposes for which the entity wishes to process the personal data, and with 3,000

euros (three thousand euros), for the infringement of article 22.2) of the LSSI, regarding the

"Cookies Policy" on the website.

.- Regarding the website ***URL.2, with 3,000 euros (three thousand euros), for the infraction

tion of article 13 of the RGD, regarding the inexistence of a privacy policy in

the web and with 3,000 euros (three thousand euros), for the infringement of article 22.2) of the LSSI,

regarding the "Cookies Policy" on the website of its ownership.

In addition, in accordance with article 58.2 of the RGD, it was proposed to the Board of Directors of the Spanish Data Protection Agency to order the entity to:

.- Take the necessary measures to activate the mechanism for collecting consent.

ment of the users of the website ***URL.1.

.- Take the necessary measures to include on the web, ***URL.2, the "Privacy Policy"

vacuity” adapting it to the provisions of article 13 of the RGD.

.- Take the necessary measures to adapt the cookie policies of the two pages.

web pages, as stipulated in current regulations.

NINTH: After notification of the proposed resolution, dated 03/30/21, the

entity complained against presented a brief of allegations to the proposed resolution, in which

which indicated, among others, the following:

“In the Document received by Flexomed, in relation to the processing of personal data

of the web page ***URL.1, once that incorrect phrase that appears has been eliminated.

company on the web, it was used to provide users with an independent opt-in, not

marked by default, in which they could provide their consent to receive

commercial communications, consequently modifying the purposes of the treatment.

processing of the data and including that they would be, the main purpose of giving response to the request made by the user and, in addition, and only in case of consent express consent through the opt-in arranged separately for it, your data would also be used for the purpose of sending communications.

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About the newsletter form, It is possible that, at the time it was made-

The appropriate checks were carried out by the Aepd, there was a computer error that did not allow access to the form for subscription to the newsletter, however, this form if it is active and has the information related to the treatment of personal data, as can be seen in the screenshot...

- Regarding the "Cookies Policy" on the website, the Aepd is informed that Flexomed carried out the appropriate checks and can now confirm that, without perform any action on the web and without accepting the use of cookies, you will not be install unnecessary cookies. In the same way, in case the user rejects them, except those strictly necessary, said non-necessary cookies will not be installed.

In addition, in the drop-down banner the types of cookies

About the alleged infringements on the website ***URL.2 This website, as indicated in the allegations made by Flexomed dated December 10, 2020, was created and published by the former worker's own decision without having instructions. company's instructions to do so or inform it of said action. Proof of this is that this website, has not been published or announced by the company in any way. the same-

The same thing happened with the registration of the ***URL.3 domain, carried out by the ex-

worker under his ownership and without informing Flexomed.

One of the complaints filed against the former worker for this reason is provided. A

In view of the above, this web domain was redirected by Flexomed to the web

***URL.1 permanently, and for the time being, until the company decides whether to fi-

nally they will use this website and how they will do it, as well as the types of data

that will be collected and the treatment that will be made of them to, in this way, inform

correctly to users and comply with current regulations.

Flexomed undertakes that, in the event of making the decision to activate again

this website, it will implement all the measures adopted by the website

***URL.1, especially regarding information on data processing

personal that are collected through it and in terms of the cookies that are going to ins-

be cut in it, according to the indications of the Aepd in the notifications sent

sent to Flexomed and the cookie guide published by the same body, complying with

In this way, the regulations related to data protection and the Services Law

of the information society and electronic commerce.

As detailed and documented in this document and as a sample of the

good faith and the company's interest in complying with data protection regulations.

not to suppose any type of damage in this sense to the holders of the personal data.

and solve this matter as quickly as possible, the above measures

measures imposed by the Aepd had already been adopted".

TENTH: On 04/06/21, by this Agency, purchases were made again

approvals on the "Privacy Policy" and the "Cookies Policy" on the pages

web pages indicated, checking the following aspects in each of them:

A).- Regarding the website, ***URL.1:

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- About the processing of personal data on the website:

1.- On the home page, through the tab: <<contact>>, the web redirects to a forum.

form where personal data of users is collected, such as name, telephone number, phone or email.

On the same page where the form is found, there is also information about

bre, who is responsible for the processing of personal data; the standing

that you have for the treatment of the data (the consent); recipients and

rights that assist the user in relation to the processing of their personal data-them.

Before you can send the questionnaire, you must accept the privacy policy

checking the corresponding box: “_ I accept the <<Legal Notice>> and the <<Privacy Policy> Privacy>> whose basic information appears below (...)”.

At the bottom of the main page, the user can subscribe to receive co-

commercial communications of the entity: “_I wish to receive commercial communications

related to the products and services of FLEXOGRAFICA DEL MEDITERRANEO, S.L.”.

There is also the possibility of subscribing to the entity's newsletter by filling in

the existing form at the bottom of the main page: Subscribe to our

NEWSLETTER to keep up to date with all the news in our universe of pa-

ckaging and food packaging <<send>>.

- About the "Privacy Policy" of the website:

1.- Through the link <<Privacy Policy>>, existing at the bottom of the form.

above, the web redirects to a new page, ***URL.4 , which pro-

provides information on compliance with current legislation on protection of personal data; identification of the data controller; the end-use of data collection; the rights of users regarding the treatment of your personal information; on the use of the web portal or on the intellectual property, in addition to the following:

- About the "Cookies Policy" of the website:

1.- When entering the initial page of the indicated website (first layer), without making any action on it and without rejecting cookies, it is verified that they are used

Non-necessary cookies from third parties, whose domain belongs to "youtube.com" and which are the following:

- VISITOR_INFO1_LIVE: cookie that tracks visited videos- two that are embedded in the web. Has a stay of 240 days approximately.

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- YSC: cookie that measures the reproductions of videos made by the user and records "Like" or "Share video" events. It is a session cookie, expiring when the browser session ends;

- CONSENT: that measure when a video is seen, liked or shared.

2.- On the same initial page, (first layer), the following banner is displayed with information on cookie training:

"We use cookies on our website to provide you with the most relevant experience remembering your preferences and repeat visits. By clicking "Accept", you agree to the use

of ALL cookies”.

<<Cookie Settings>> --- <<accept>>

3.- If you choose to go to the cookie configuration panel, through the link,

<<setting cookies>>, a cookie configuration panel is displayed where you can

manage the use of them, in a granular way, by moving the cursor

from the <<off>> position to the <<on>> position, in the different groups of cookies

constituted: “Functional”; “Performance”; “Analytics” and “Others”.

However, if you choose NOT to allow the use of cookies, leaving the cursors on

position, <<off>>, it is checked that the web page continues to use third-party cookies.

zeros not necessary and not now allowed by the user, whose domains belong to

need to, “Google.com”; “youtube.com” and “doubleclick.net” and which are the following:

-

1P_JAR: Cookie that transfers data to Google to advertise more

attractive.

- VISITOR_INFO1_LIVE: cookie that tracks visited videos-

two that are embedded in the web. Has a stay of 240

days approximately.

- YSC: cookie that measures the reproductions of videos made by the user and

records “Like” or “Share video” events. It is a se- cookie

session, expiring when the browser session ends.

- CONSENT: that measure when a video is seen, liked or shared.

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IDE: cookies used to display Google ads on sites that are not

are from Google.

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- NID: cookie used by Google to store user preferences.

4.- On the "Cookies Policy" page, whose link is at the bottom

of the page, <<Cookies Policy>>, the web redirects to a new page, ***URL.5,

that provides information about what cookies are and what they are used for; what information

is saved in a cookie; what kind of cookies exist and identifies the cookies used

on the website, both its own and those of third parties (Google Analytics), the finalization

of their use and how long they will be active. On how to manage the installation of

cookies in the terminal equipment, the web page sends the user to configure the browser

if it is not installed on your terminal equipment.

B).- Regarding the website, ***URL.2:

It has been possible to verify that, when trying to access the page. ***URL.2, the web redirects

the user to the ***URL.1.

PROVEN FACTS

1º.- According to the claim filed with this Agency, the web pages, ***URL.1 and

***URL.2, they did not have a privacy policy or cookie management.

2.- At the request of this Agency, the entity reported, among others, that:

"The website, ***URL.1, owned by the Company, has the information and documentation

necessary information regarding data protection, including the Privacy Policy,

***URL.4, and Cookies Policy, ***URL.5, with a cookie notice that appears

appears on the screen when entering the Web (Annex III) (...)"

"Likewise, the ***URL.2 website, also owned by the Company, redirects users

who want to contact the owner of the page to the contact form of the Web:

***URL.1, which includes information on the processing of user data

(...)"

3.- This Agency was able to verify the following aspects on the page, ***URL.1:

- Regarding the processing of personal data on the website, it was found that

Through the website, personal data of users could be obtained. In

said page there was a message informing users of the following:

"Your email address is only used to send you our catalogue.

go and inform you about our personalized packaging services for em-

dams. You have the right to contact us to remove

your details from our records.

- It was found that in the "Privacy Policy", ***URL.4, which provided in-

training on compliance with current legislation on protection

data tion.

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- About the "Cookies Policy" of the website, when entering the main page

of the web, without performing any action on it and without accepting the use

tion of cookies, non-necessary cookies were used. It was also verified

that no banner was displayed with information on the use of

these.

- In the second layer, "Cookies Policy", ***URL.5, provided informa-

information about cookies, but there was no mechanism that allowed the re-

chazo of the same, only the user was sent to configure the

browser installed on your terminal equipment.

4.- On the website, ***URL.2, this Agency was able to verify the following aspects

cough:

- On the processing of personal data, through the tabs,

<<examples of psycho packaging>>, and <<online digital printing>>, the web redirected to two pages where personal data could be collected.

- About the "Privacy Policy" of the website, ***URL.6, when accessing it,

I got the following message: "The page you are looking for could not be found.

you are looking for It may have been deleted, renamed, or not even exist."

- About the "Cookies Policy" of the website, when entering the main page

of the web, without performing any action on it and without accepting the use

tion of cookies, non-necessary cookies were used. It was also verified

that no banner was displayed with information on the use of

these.

Through the link, ***URL.7, the web redirected to a new page with the following:

"The page you are looking for could not be found. It may have been deleted

renowned or not even exist.

5.- Once the initiation agreement has been notified, the claimed entity, owner of the individual web pages,

each, alleged, dated 12/11/20, among others, the following:

In relation to the website ***URL.1:

"On the consent given by users for the processing of their data

information, it is reported that Flexomed is going to remove from the contact form the section

to which the Aepd refers at this point, (...), because, erroneously, it has been

included that information on that form and not on the registration form for the

newsletter also available on the web since the data collected through the form

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contact list are not treated for the purpose of sending newsletters but only, in order to answer the requests for information or the doubts indicated by the users. rivers through said form.

Regarding the "Cookies Policy" of the web page" of the Document, it is reported that the website does have a banner informing about the installation of cookies, attaching as Annex I a capture of said banner that appears on the web, where It can be seen that the user is offered the possibility of accepting, rejecting or confirming store cookies. and is currently modifying the second layer of the Poli-Cookies policy of your website to include clearer information (...).

In relation to the website ***URL.2:

Regarding this web address, the Aepd is informed that Flexomed did not have knowledge of the publication of this website, since it only requested a worker dor of the Company that registered the domain without having to carry out any other management beyond this, worker who no longer provides his services to the company. East ex-worker, in addition, and without indications of the Company registered the domain ***URL.3, in his own name, without informing Flexomed of it and while providing services to the same.

In addition to registering in your name, in your last stage as a worker in the Company, created and published the website ***URL.2, by its own decision, without having in-structions for it by the Company and without informing it of this action, therefore that the Company and its staff were unaware of the existence of said page until moment in which the first of the notifications from the Aepd is received.

(...) Due to the foregoing, Flexomed wants to record before this body that it was not

aware that said website was created, far from it, enabled or published

since the indication received by the former employee by the Company was only that of register the domain name.

(...) Notwithstanding the foregoing, the Company is currently undergoing to recover the ownership of the domains registered by the former employee and to be able start with the management of the same complying, at all times, with the legislation current tion.

For the time being, the Company proceeds to implement the necessary legal texts (Aviso Legal, Privacy Policy and Cookies Policy) in ***URL.2, to guarantee that the website complies with the regulations.

Likewise, said website will have the cookie notice in the same way as ***URL.1

Currently, Flexomed has initiated legal proceedings against the author of the claim (...)

6.- On 02/20/21, by this Agency, checks are again carried out on the Privacy Policy and the Cookies Policy of the indicated web pages:

- Regarding the website, ***URL.1, the following as-breasts:

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a).- Regarding the processing of personal data on the website:

It was found that through the website it was possible to obtain personal data of the users. Regarding the purpose of the data obtained in the form, the website indicates ca that will be: "In order to be able to answer the message you send me with this form

contact". However, there is also a message at the bottom of this page.

na, where the user is informed that: "your email address is only used

to send you our catalog and inform you about our custom packaging services.

customized for companies. You have the right to contact us

to delete your data from our records", not existing the possibility of denying the

consent to this specific treatment.

At the bottom of the main page there is the following message: "subscribe to

our NEWSLETTER to keep up to date with all the news in our universe

packaging and food packaging. [sibwp_form id=4]- Your email address

nico is only used to send you our newsletter and information about activities,

offers and communications from FLEXOMED. You can always use the link to shop

unsubscribe included in each newsletter in your email". However, it

Check that the form to subscribe to the newsletter is not active.

b).- About the "Cookies Policy" of the website:

When entering the home page of the website, without performing any other action on it

and without rejecting cookies, it is verified that unnecessary cookies are used. In the

same initial page, when entering it, the banner is displayed with information about

cookies. In the same banner, there are the options to accept all cookies, re-

deny all cookies and accept cookies granularly (preferences; stats).

distic and marketing. However, all the options are premar-

click on "accept cookies").

If you choose to reject all cookies except the strictly necessary, (<<only

use necessary cookies>>), it is checked that the website continues to use cookies

not necessary for the domains ***URL.1, Google.es and Google.com; youtube.com;dou-

bleclick.net, sibautomations.com.

On the "Cookies Policy" page, ***URL.5, which provides information on,

what are cookies and what are they used for; what information a cookie stores; what type

of cookies exist and identifies the cookies used by the website, both its own

such as those of third parties, the purpose they have and the time they will be active in the computer.

terminal po.

- Regarding the website, ***URL.2, the following has been verified:

a).- On the home page of the website, the person responsible for it is identified as:

Flexomed; ***ADDRESS.1, ***TOWN.1; (MURCIA) SPAIN.

b).- About the processing of personal data on the web:

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However, through the tabs, <<examples of psycho packaging>> and <<impre-

online digital session>>, the web redirects to two pages where data can be collected

users personal.

c).- About the "Privacy Policy" of the website:

Through the link, <<Privacy Policy>>, existing on the main page, the

web redirects to a new page: ***URL.6, where the following message appears: "No

the page you are looking for could be found. It may have been deleted, renamed

da or not even exist".

d).- About the "Cookies Policy" of the website:

When entering the home page of the website, without performing any other action on it

and without rejecting cookies, it is verified that unnecessary cookies are used. In the

same initial page, when entering it, the banner is displayed with information about

cookies. In the same banner, there are the options to accept all cookies, re-

deny all cookies and accept cookies granularly (preferences; stats).

distic and marketing. However, all the options are premar-

click on "accept cookies").

On the "Cookies Policy" page, ***URL.5, which provides the following message-

je: "Page not found. The page you are looking for could not be found. Can

have been deleted, renamed or not even exist.

7.- After receiving the allegations to the proposed resolution, it is verified

again the "Privacy Policy" and the "Cookies Policy" of the web pages,

verifying in this last verification the following questions:

A).- Regarding the website, ***URL.1:

- About the processing of personal data on the website:

1.- On the home page, through the tab: <<contact>>, the web redirects to a forum.

form where personal data of users is collected, such as name, telephone number,

phone or email.

On the same page where the form is found, there is also information about

bre, who is responsible for the processing of personal data; the standing

that you have for the treatment of the data (the consent); recipients and

rights that assist the user in relation to the processing of their personal data-

them.

Before you can send the questionnaire, you must accept the privacy policy

checking the corresponding box: "_ I accept the <<Legal Notice>> and the <<Privacy Policy>

Privacy>> whose basic information appears below (...)".

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At the bottom of the main page, the user can subscribe to receive commercial communications of the entity: “_I wish to receive commercial communications related to the products and services of FLEXOGRAFICA DEL MEDITERRANEO, S.L.”.

There is also the possibility of subscribing to the entity's newsletter by filling in the existing form at the bottom of the main page: Subscribe to our NEWSLETTER to keep up to date with all the news in our universe of packaging and food packaging <<send>>.

- About the "Privacy Policy" of the website:

1.- Through the link <<Privacy Policy>>, existing at the bottom of the form. above, the web redirects to a new page, ***URL.4 , which provides information on compliance with current legislation on protection of data; identification of the data controller; the end of data collection; the rights of users regarding the treatment of your personal information; on the use of the web portal or on the intellectual property, in three others.

- About the "Cookies Policy" of the website:

1.- When entering the initial page of the indicated website (first layer), without making any action on it and without rejecting cookies, it is verified that they are used Non-necessary cookies from third parties, whose domain belongs to "youtube.com" and which are the following: VISITOR_INFO1_LIVE; YSC and CONSENT

2.- On the same initial page, (first layer), the following banner is displayed with information on cookie training:

“We use cookies on our website to provide you with the most relevant experience remembering your preferences and repeat visits. By clicking "Accept", you agree to the use

of ALL cookies”.

<<Cookie Settings>> --- <<accept>>

3.- If you choose to go to the cookie configuration panel, through the link,

<<setting cookies>>, a cookie configuration panel is displayed where you can

manage the use of them, in a granular way, by moving the cursor

from the <<off>> position to the <<on>> position, in the different groups of cookies

constituted: “Functional”; “Performance”; “Analytics” and “Others”.

However, if you choose NOT to allow the use of cookies, leaving the cursors on

position, <<off>>, it is checked that the web page continues to use third-party cookies.

zeros not necessary and not now allowed by the user, whose domains belong to

need to, “Google.com”; “youtube.com” and “doubleclick.net” and which are the following:

1P_JAR; VISITOR_INFO1_LIVE; YSC; CONSENT; IDE and NID.

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4.- On the "Cookies Policy" page, whose link is at the bottom

of the page, <<cookie policy>>, the web redirects to a new page, ***URL.5,

that provides information about what cookies are and what they are used for; what information

that saves a cookie; what kind of cookies exist and identifies the cookies used

website, both its own and those of third parties (Google Analytics), the finalization

ity they have and the time they will be active in the terminal equipment. About how to manage

tion the installation of cookies on the terminal equipment, the website refers the user to

configure the installed browser.

B).- Regarding the website, ***URL.2:

It has been possible to verify that, when trying to access the page. ***URL.2, the web redirects the user to the page, ***URL.1.

FOUNDATIONS OF LAW

I.-Competence:

It is competent to resolve this procedure, regarding the privacy policy and the treatment of the personal data of the users of the websites, the Director of the Spanish Agency for Data Protection, in accordance with the provisions of art. 58.2 of the RGPD in art. 47 of LOPDGDD.

It is competent to resolve this procedure, regarding the cookie policy, the Director of the Spanish Agency for Data Protection, in accordance with the provided in art. 43.1, second paragraph, of the LSSI.

II

The joint assessment of the documentary evidence in the procedure brings to knowledge of the AEPD, a vision of the denounced action that has been re-reflected in the facts declared proven above reported, proving that, both The privacy policy and the cookie policy had been modified after the inco-ation of the file and notification of the resolution proposal.

After receiving the allegations to the resolution proposal, it is verified again the "Privacy Policy" and the "Cookies Policy" of the web pages, considering in this last check the following questions:

a).- Regarding the website ***URL.1:

In relation to the processing of personal data carried out on the website, the website re-directs to a form where personal data of users is collected, such as the name, phone or email. On the same page where the form is located, There is also information about who is responsible for data processing. personal; the legitimacy you have for the treatment of the data (the consent

to); the recipients and the rights that assist the user in relation to the treatment

lien of your personal data.

Before you can send the questionnaire, you must accept the privacy policy

checking the corresponding box.

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On the other hand, the user can subscribe to receive commercial communications

of the entity by checking the corresponding box, if you wish. There is also the

possibility of subscribing to the entity's newsletter, by filling in the existing form

try for this purpose.

In relation to the "Cookies Policy" of the website, it continues to be verified that:

- When entering the home page of the website, without performing any other action on the same and without rejecting cookies, non-necessary cookies are used.

- The existing cookie banner in the first layer does not inform the user of the use of third-party cookies, nor is it reported that it will be displayed advertising related to preferences, based on the profile prepared from of the user's browsing habits.

- If you choose to reject all cookies, in the control panel, leaving all the cursors in the <<off>> position, it is verified that the web page follows using unnecessary cookies from third parties.

b).- Regarding the website, ***URL.2,

It has been possible to verify that, when trying to access the page. ***URL.2, this one no longer exists, redirecting the user to the page, ***URL.1.

- On the consent given by users for the treatment of their

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personal data, on the website ***URL.1.

In the last check that has been made of the web page, it has been possible to verify that it allows collecting the consent of the user, individualized for each of the purposes to which the entity will dedicate the processing of the data. Article 6.1.a) of the RGPD, establishes that, "the treatment will only be lawful if the interested party gave their consent for the processing of their personal data for one or more specific purposes.

For its part, article 7 of the GDPR indicates, regarding consent, that:

"1. When the treatment is based on the consent of the interested party, the person in charge You must be able to demonstrate that you consented to the processing of your data personal. 2. If the data subject's consent is given in the context of a written statement that also refers to other matters, the request for consent will be presented in such a way that it is clearly distinguished from other matters, in an intelligible and easily accessible way and using clear and simple language.

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Any part of the declaration that constitutes an infringement of the this Regulation (...).

In relation to these two cited articles, it is necessary to take into account the recital (32) of the RGPD, since it indicates that:

“Consent must be given through a clear affirmative act that reflects a

free, specific, informed, and unequivocal manifestation of the interested party's
accept the treatment of personal data that concerns you... Therefore, the
silence, pre-ticked boxes, or inaction should not constitute consent. The
Consent must be given for all processing activities carried out with the
same or the same ends. When the treatment has several purposes, the
consent for all of them..."

Likewise, article 6.2 of the LOPDGDD indicates, on the treatment based on the
consent, that:

"two. When it is intended to base the processing of the data on the consent of the
affected for a plurality of purposes, it will be necessary to state
specific and unequivocal that said consent is granted for all of them.

Therefore, the known facts about the processing of personal data by the
website, until you modified the collection of personal data processing
were constitutive of an infringement due to violation of article 7 of the RGPD
mentioned.

For its part, article 72.1.c) of the LOPDGDD considers it very serious, for the purposes of
prescription, "Breach of the requirements of article 7 of the RGPD".

This infraction can be sanctioned with a maximum fine of €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
of greater amount, in accordance with article 83.5.b) of the RGPD.

However, Article 58.2) of the RGPD provides that: "Each supervisory authority
will have all the following corrective powers indicated below: b)
sanction any person responsible or in charge of the treatment with a warning when
treatment operations have violated the provisions of this
Regulation; (...); i) impose an administrative fine pursuant to Article 83,

in addition to or instead of the measures mentioned in this section, depending on the circumstances of each particular case, therefore, the sanction that could correspond would be a warning, without prejudice to what results from the instruction of this file, because in this case, it has not been verified that the defendant has sent communications outside the main purpose.

In accordance with these criteria, it is considered appropriate to impose a sanction on the defendant of "warning", for the infringement of article 7 of the RGPD, on the website of your ownership, during the time that the collection of the consent of the user was active. user in a generic way for all purposes of processing personal data.

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- About the "Cookies Policy" of the website ***URL.1.

IV

In the last check carried out on the web page in question, and despite having observed that its cookie policy has been changed again, it has become to verify the following circumstances not in accordance with current regulations:

- When entering the home page of the website, without performing any other action on the same and without rejecting cookies, non-necessary cookies are used.
- The existing cookie banner in the first layer does not inform the user of the use of third-party cookies, nor is it reported that it will be displayed advertising related to preferences, based on the profile prepared from of the user's browsing habits.
- If you choose to reject all cookies, in the control panel, leaving all

the cursors in the <<off>> position, it is verified that the web page follows

using unnecessary cookies from third parties.

Therefore, the exposed facts imply, on the part of the claimed entity, the commission of the infringement of article 22.2 of the LSSI, regarding the cookie policy on its website, according to which:

“Service providers may use storage devices and recovery of data in terminal equipment of the recipients, provided that they have given their consent after they have been provided clear and complete information on its use, in particular, on the purposes of the data processing, in accordance with the provisions of Organic Law 15/1999, of 13 December, on the protection of personal data.

Where technically possible and effective, the recipient's consent to Accepting the processing of the data may be facilitated through the use of the parameters from the browser or other applications.

The foregoing will not prevent the possible storage or access of a technical nature to the sole purpose of effecting the transmission of a communication over a communications network electronic or, to the extent that is strictly necessary, for the provision of a service of the information society expressly requested by the addressee".

This Infraction is typified as "minor" in article 38.4 g), of the aforementioned Law, which considers as such: “Use data storage and retrieval devices when the information has not been provided or the consent of the recipient of the service in the terms required by article 22.2.”, and may be sanctioned with a fine of up to €30,000, in accordance with article 39 of the aforementioned LSSI.

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After the evidence obtained in the preliminary investigation phase, and without prejudice to whatever results from the investigation, it is considered appropriate to graduate the sanction to impose in accordance with the following aggravating criteria, established by art. 40 of the LSSI:

-

The existence of intentionality, an expression that must be interpreted as equivalent valent to degree of guilt according to the Judgment of the Court National of 11/12/07 relapse in Appeal no. 351/2006, corresponding to the denounced entity the determination of a system for obtaining consent informed consent that is in accordance with the mandate of the LSSI.

- Period of time during which the infraction has been committed, as it is the first mere claim of July 2020, (section b).

Pursuant to these criteria, it is considered appropriate to impose on the defendant entity a penalty of 3,000 euros (three thousand euros), for the infringement of article 22.2 of the LSSI, regarding the cookie policy made on the website of its ownership.

- About the "Privacy Policy" of the website:

***URL.2

v

In the first checks carried out by this Agency on the web page, verified that, through the tabs, <<examples of psycho packaging>> and <<online digital printing>>, the web redirected to two pages where you could obtain personal data. However, through the link <<Privacy Policy>>,

that existed on the main page, the web redirected to a new page, where

reports that the page did not exist.

According to the allegations of the entity claimed, this web page was created and published

given by a former employee's own decision without having instructions from the company to

this, providing the complaints filed against the former worker for this reason. To

view of the above, this web domain was redirected by Flexomed to the web

***URL.1, permanently.

The known facts are constitutive of an infraction, for violation of article

13 of the RGPD, as the page where the information must be provided is not operational.

information to the interested party at the time of collecting their personal data.

For its part, article 72.1.h) of the LOPDGDD considers it very serious, for the purposes of

prescription, "the omission of the duty to inform the affected party about the treatment of

your personal data in accordance with the provisions of articles 13 and 14 of the RGPD".

This infraction can be sanctioned with a maximum fine of €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

of greater amount, in accordance with article 83.5.b) of the RGPD.

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The balance of the circumstances contemplated in article 83.2 of the RGPD, with

Regarding the infraction committed by violating the provisions of article 13, it allows

set a final sanction of "warning", taking into consideration that the website

in question no longer exists, redirecting the user to the web page ***URL.1 , and to the

corroborate the allegations that the website was created and published by pro-
pia of a former worker without having instructions from the company to do so, providing the
complaints filed against the former worker for this reason.

- About the "Cookies Policy" of the website ***URL.2:

SAW

It has been possible to verify that, when trying to access the page. ***URL.2, this one no longer
exists, redirecting the user to the page, ***URL.1.

In accordance with the foregoing, by the Director of the Spanish Agency for
Data Protection,

:

RESOLVE

FIRST: SANCTION the entity FLEXOGRAFICA DEL MEDITERRÁNEO, S.L.,
with CIF.: B73447393, owner of the web pages: ***URL.1 and ***URL.2, for the
following offenses:

A).- Regarding the website ***URL.1:

.- With a "warning" sanction, for Infringement of article 7) of the RGD, when rea-
lize the collection of user consent in a generic way, during the
time it was active on the website until its modification and adaptation to the
regulations in force.

.- With a sanction of 3,000 euros (three thousand euros), for infringement of article 22.2) of
the LSSI, regarding the "Cookies Policy" of the website.

B).- Regarding the website ***URL.2:

.- With a sanction of "warning" for the infringement of article 13) of the RGD, res-
regarding the non-existence of a privacy policy on its website, verifying that
there was a treatment of the personal data of the users, taking into consideration
tion, for the final imposition of the sanction, the allegations and the pre-

sat down by the entity denouncing that the website had been created by an outsider.

downpipe without the consent of the company.

.- Archive this procedure regarding the "Cookies Policy" of the page

website when verifying, this Agency, that it no longer exists.

SECOND: REQUEST: to the entity, FLEXOGRAFICA DEL MEDITERRÁNEO, S.L.,

so that, within a period of one month, counting from the notification of this resolution,

adapt the web page of its ownership (***URL.1), regarding the "Cookies Policy",

including the necessary information in the banner about cookies regarding the use

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tion of third-party cookies, as well as preventing the use of unnecessary cookies.

sarias until the user has not consented to its use.

SECOND: NOTIFY this resolution to the FLEXOGRAPHIC entity of the

MEDITERRÁNEO, S.L., and the claimant about the result of the claim.

Warn the sanctioned party that the sanction imposed must be made effective once it is

enforce this resolution, in accordance with the provisions of article 98.1.b)

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

Public Administrations (LPACAP), within the voluntary payment period indicated in article

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, me-

upon deposit in the restricted account N° ES00 0000 0000 0000 0000 0000, opened

on behalf of the Spanish Agency for Data Protection at CAIXABANK Bank,

S.A. or 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 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 82 of Law 62/2003, of December 30, bre, of fiscal, administrative and social order measures, this Resolution is will make public, once it has been notified to the interested parties. The publication is made will be in accordance with the provisions of Instruction 1/2004, of December 22, of the Agency Spanish Data Protection on the publication of its Resolutions.

Against this resolution, which puts an end to the administrative procedure, and in accordance with the established in articles 112 and 123 of the LPACAP, the interested parties may interpose have, optionally, an appeal for reconsideration before the Director of the Spanish Agency of Data Protection within a period of one month from the day following the notification fication of this resolution, or, directly contentious-administrative appeal before the Contentious-administrative Chamber of the National High Court, in accordance with the provisions placed in article 25 and in section 5 of the fourth additional provision of the Law 29/1998, of 07/13, regulating the Contentious-administrative Jurisdiction, in the two months from the day following the notification of this act, according to the provisions of article 46.1 of the aforementioned legal text.

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

In this case, the interested party must formally communicate this fact in writing addressed to the Spanish Agency for Data Protection, presenting it through the Re-Electronic Registry of the Agency [<https://sedeagpd.gob.es/sede-electronicaweb/>], or to

through any of the other registers provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. You must also transfer to the Agency the documentation that proves the effective filing of the contentious-administrative appeal. If the Agency was not aware of the filing of the contentious-administrative appeal within two months from the day following the notification of this resolution, would end the precautionary suspension.

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Director of the Spanish Agency for Data Protection.

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