

□ Procedure No.: PS/00193/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

FACTS

FIRST: Don A.A.A. (*hereinafter, the claimant) dated June 12, 2020

filed a claim with the Spanish Data Protection Agency. The

claim is directed against the one who identifies as B.B.B. with NIF ***NIF.1 (*in

later, the claimed one). The grounds on which the claim is based are as follows:

"which has placed a video-surveillance camera (s) located on the facade of

his property, which are oriented to a common patio, I suspect that one of them is

oriented directly to one of my properties (...)”—folio nº 1--.

The installation of the aforementioned camera does not have the authorization of the commu-

numbers of said patio that is located at ***ADDRESS.1 of the property numbers

give 2,4,6 and 8.

Along with the claim, provide documentary evidence that proves the installation of the

device object of complaint (annex doc. I), observing the poor placement of the

same.

SECOND: On 06/25/202 the claim is admitted for processing

presented, as there are verified indications of a presumed administrative infraction in

the data protection framework.

THIRD: After consulting the database of this Agency, there is a warning

prior with reference number A/00177/2016.

“APERCEBIR (A/00177/2016) D. B.B.B., as owner of the video surveillance system

security installed in the house located at ***ADDRESS.1, in accordance with the provisions

placed in article 45.6 of the LOPD, for infraction of its article 6.1, typified as serious in article 44.3.b) of the aforementioned Organic Law”.

FOURTH. On September 2, 2020, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure against the defendant, with glo to the provisions of articles 63 and 64 of Law 39/2015, of October 1, of the Pro-Common Administrative Procedure of Public Administrations (hereinafter, LPA-CAP), for the alleged infringement of Article 5.1.c) of the RGPD, typified in Article 83.5 of the GDPR.

FIFTH. Once the aforementioned agreement to start was notified, the respondent presented a written pleadings in which, in summary, it stated the following:

“His property is currently leased by the complainant to Mr. C.C.C., which has a feed storage and sale business installed there. previously

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2/13

to this tenant, the property was leased by the complainant to Mr. D.D.D., the which had installed in the leased property a business of sale and storage of feed.

As explained in procedure A/0177/2018, and to which I

I remit in everything that is not stated in this writing, my represented

filed against D.D.D.D. a Verbal Trial claim as a result of the

disturbance of the right of way that D. D.D.D. I had been practicing for a long time

allow the entrance to the easement yard to vehicles owned by its clients,

who parked those vehicles in the courtyard while loading them with sacks of

I think that they acquired inside the leased property, preventing the access of my represented with his vehicle to his home.

This procedure was followed before the Court of Reinforcement of Ávila, with the No. 402/2014, the claim being dismissed at first instance, estimating, due to its part, the Provincial Court of Ávila the appeal that, on my part, represented, filed against it (document No. 2).

And, since the defendant continued without complying with what was ordered by the High Court Provincial of Ávila and "in the face of the stubborn attitude of the defendant, by the Court of Reinforcement of Ávila and through an Order dated May 23, 2017, it was imposed three fines of 1,000 euros each, corresponding to the months of May, June and July 2016 (document nº 4). That attitude of the defendant was accredited also for the contribution of recordings carried out by the system of video surveillance was installed at that time on the balcony of the house of my represented.

The doctrine of own acts or "venire contra factum proprium non valet"

It is fully applicable in the scope of action of the Administration. The jurisprudential doctrine of the Constitutional Court and our Supreme Court is clear about it. The Judgment of the Constitutional Court 73/1988 of April 21 establishes that the so-called doctrine of the proper acts or rule that decrees the inadmissibility of *vivere contra factum proprium*, means the binding of the author of a declaration of will generally of a tacit nature to the objective meaning of the itself and the impossibility of later adopting a contradictory behavior, which finds its ultimate foundation in the protection objectively required by the trust that may have been reasonably placed in the behavior of others and the rule of good faith that imposes the duty of coherence in the behavior and therefore limits the exercise of objective rights. And it also establishes the principle

of its applicability to legal relationships governed by Administrative Law and by public law in general, as has been recognized by the jurisprudence of the Supreme Court.

For these reasons, I REQUEST THE SPANISH AGENCY FOR THE PROTECTION OF DATA.- That, having presented this writing, please admit it. In your sight, considered to be carried out contained therein, so that, based on the same, a resolution is issued that agrees to file this file sanctioning

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3/13

SIXTH: Attached as an annex is a list of documents in the process.

SEVENTH: On 01/25/21, the Deputy Directorate of Data inspection (AEPD) the transfer of your request for a complete copy of the procedure with reference number A/00177/2016 to the Quality Unit of this body, for the examination of its claim within the framework of Law 19/2013, 9 December, on transparency, access to public information and good governance.

EIGHTH: On 02/18/21, a Proceedings of Instruction is issued by which incorporates to this procedure the documentation contained in the procedure with reference number A/00177/2016, which includes the subsequent appeal for reversal (RR/00575/16) dated 08/24/16.

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

PROVEN FACTS

First. It is accredited as the main responsible B.B.B., which does not deny being the responsible for the installation of the device in question.

Second. The presence of a camera oriented towards the public road is verified installed on the balcony of the building associated with the defendant.

Third. There is no informative poster in a visible place informing of the presence of the device in question (responsible, purpose, etc).

Fourth. It is proven that the respondent does not have an information form to disposition of any affected party that may require the exercise of the rights contemplated in the regulations in force.

Fifth. It is verified that there has been a "data processing" of a personal, when the images are used by the accused, who proceeds to store them for two months uninterruptedly.

Sixth. There is no judicial authorization for the installation of the camera in question, nor The facts have been transferred to the local Security Forces and Bodies by the accused party.

Seventh. There is a previous procedure associated with the accused with a number of reference A/00177/2016, which ended with a warning to the same in the following terms:

"APERCEBIR (A/00177/2016) to D. B.B.B., as owner of the system of video surveillance installed in the house located at *** ADDRESS.1, in accordance with the provided in article 45.6 of the LOPD, for infraction of its article 6.1, typified as serious in article 44.3.b) of the aforementioned Organic Law"

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Eighth. There is an Appeal for Reversal in the computer system of this Agency with number RR/00575/2016 that ended by resolution dated 08/24/2016.

“ESTIMATE the motion for reconsideration filed by D. B.B.B. against

Resolution of this Spanish Data Protection Agency issued on the 12th of

July 2016, in procedure A/00177/2016, indicating that the

Warning”

Nineth. In said Reposition Appeal dated 08/24/2016 it is determined on its page

4th the following:

“This protection does not have a permanent effect, in such a way that once the

do with the objective, that is, that a conviction be passed, the chambers must

withdraw or obtain the consent for its installation from those persons benefiting

ciated with the right of way that taxes the patio, and must also comply, in the

in case the cameras are maintained, with the rest of the requirements established in

regulations and those referred to in legal basis II of the regulation.

appealed solution” (*bold belongs to this body).

FOUNDATIONS OF LAW

Yo

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

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

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

to solve this procedure.

II

Before going into the substance of the matter, it is necessary to address the approach of the UN-

LIDAD put forward by the defendant in writing on 12/31/20, considering that he was not

has provided a copy of all the documents of procedure A/00177/2016.

The database of this Agency was consulted on 12/16/20, and the

transfer all the documentation of this procedure with a reference number

reference PS/00193/2020.

Article 53 a) "in fine" Law 39/2015 (October 1) "Rights of the interested party in the

administrative procedure, provides the following:

Likewise, they will also have the right to access and obtain a copy of the documents

ments contained in the aforementioned procedures"

What the legal representative of the accused requested was access to the documentation of

a completed procedure with reference number A/00177/2016, this being a

right recognized in art. 13 Law 39/2015 (October 1) "Rights of people

in their relations with the Public Administrations.

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5/13

"Those who, in accordance with article 3, have the capacity to act before the

Public Administrations, are holders, in their relations with them, of the following

Rights:

d) Access to public information, files and records, in accordance with the

provided for in Law 19/2013, of December 9, on transparency, access to information

public administration and good governance and the rest of the legal system" (*bold belongs to
ce to this organism).

Nor does the legal representative of the accused specify the cause(s) of in-

defense, specifying to what extent he has been prevented from exercising the right to

defense on the events that have little doubt offer "installation of camera

video-surveillance on balcony oriented towards public space".

Therefore, the claim for nullity of this proceeding must be inadmissible.

administrative act, as it is not a right that corresponds to him as "interested" in a

sanctioning administrative procedure in process, nor specify in what measure

he has been left defenseless in relation to the new facts that are the object of

prosecution by this Agency.

III

As a second issue to be analyzed, there is the argument of the Lawyer of the complaint-

by means of which he considers that there is a systematic ERROR by not mentioning

tion to the estimation of the appeal for reversal filed against the preliminary procedure

saw A/00177/2016.

Therefore, it is necessary to make a preliminary presentation of the complaints presented in

this body against the defendant.

On 07/17/15, a first complaint from Mr.

D.D.D., noting that the defendant-Don B.B.B.- "has installed a vi-

deo-surveillance on the balconies of your home recording the entrances/exits of the person

and clientele of the establishment he runs, considering that in addition the recording

tion is carried out without the permission of the rest of the community members" (folio nº 1).

On 02/24/16, a Report was received from the Local Police Headquarters (Avila City Council) that

notes after traveling to the scene that the cameras are installed by a company

Security dam at the request of the defendant to "record the improper use

of the common areas, specifically by the veterinary establishment, which

It has access to the common area.

"That it is not possible to provide a photograph of the poster where it informs of the existence

of the cameras, because it does not have the same"

“That it also does not have an information form available to the citizens”

“That the number of cameras installed is three, all of them placed in the balconies of the house, not being able to specify neither brand nor model of the same. That

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6/13

all three have the ability to zoom, ptz and motion sensor, and that they are not connected to any alarm center or similar (...)”

“That access to the interior of the house has not been allowed in order to verify image viewing and recording systems

The aforementioned procedure ended with the imposition of an administrative sanction on the date 07/12/16-WARNING- after verifying the infringement of art. 6.1 LOPD 15/199, December 13) article 6.1, classified as serious in article 44.3.b) of the aforementioned Organic Law.

“REQUIRE D. B.B.B., in accordance with the provisions of section 6 of article

Article 45 of Law 15/1999 to prove within a month from this act

of notification the following, (opening the file of previous actions nº:

E/03651/2016):

☐ complies with the provisions of article 6.1 of the LOPD. Specifically, it urges the denounced community to justify:

☐

that has the authorization of the rest of the owners of the patio to

whose favor is also constituted the right of way, for the installation

tion of its video surveillance system, whose cameras are oriented and recorded they ban images of the patio. In the event that you do not obtain such authorization You will need to remove the cameras. You can prove the adoption of these measures by means of a copy of the document authorizing the installation camcorders or in the event that you do not obtain this authorization tion, through photographs that show the withdrawal of the cameras.

☐ inform the Spanish Data Protection Agency of compliance of what is required in the previous point, accrediting such compliance.

On 08/18/16, a written document was filed, qualified as an Appeal for Restitution against Re-date solution that ended with the ESTIMATION of the same, leaving without effect the Tax notice.

It should be noted previously that this procedure cannot serve as a excuse for the "review" of some events that date back to 2016, given that the Current events are prosecuted within the framework of different regulations. In the Resolution dated 07/12/16 it was accredited that the accused had had a system of video-surveillance cameras on his private balcony, oriented towards public space, specifying the offending conduct in the absence of consent. retention of the holders of the data that were recorded by them.

The art. 6 LOPD (in force at the time of the events) provided:

“The treatment of personal data will require the consent unequivocal of the affected party, unless the Law provides otherwise”.

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In the appraisal appeal dated 09/05/16, it was considered that the images obtained were provided in court as evidence admissible in law, although it was stressed that the measure "did not have a permanent effect" and should proceed to withdraw the cameras or obtain the consent for their installation from those people benefited from the right of way that taxes the patio, and must also comply, in the event that the cameras are maintained, with the rest of the requirements established in the regulations and to which reference is made in legal basis II of the resolution. appealed" (*the underlined belongs to this body).

The "facts" that are analyzed today have a different denouncing subject, as well as different legal basis, after the entry into force of the new RGPD (vgr. .RE-REGULATION (EU) 2016/679 of the Parliament and of the Council of April 27, 2016 relating to the protection of natural persons with regard to data processing data and the free movement of these data and by which the Directive is repealed 95/46/EC (General Data Protection Regulation).

Therefore, it is not a criterion upheld by this Agency the permissibility in the caption of images by individuals to a public transit area (vgr. PS/00293/2019, PS/00479/2019 to cite some precedents).

Article 11 LOPJ (LO 6/1985) provides: "In all types of procedures, They will respect the rules of good faith. The evidence obtained will not take effect, directly or indirectly, violating fundamental rights or freedoms".

The possibility of presenting evidence in court and the admission of the same but in said headquarters, the installation of cameras towards transit zones is not legitimate per se. disproportionately public, without any informative sign, being able to give the case of the admissibility of the same as lawful in its case in court, but be a conduct constituting an administrative infraction for violation of the data protection regulations.

The statement made in the AP Judgment (Ávila) 05/05/16 provided (Doc.

nº 3) in the following terms “The D.D.D. has recognized and this without taking into account

The viewing of the DVD tells us that the vehicles are parked in such a place, although

this is for a short time” cannot imply an imposition of criteria on this Agency.

ence, in the sense of permissibility of the cameras, without taking into account aspects that

are specific to data protection, whose analysis in law falls within the framework

competence of this body, because otherwise the content would be left empty.

current infringing regime, yielding to the personal interest of each citizen in the

capturing public space, wielding legitimate cause

Likewise, there are pronouncements of the AN (vgr. Judgment 09/29/20 CA

163/2018 “the issues on which the contested resolution seems to focus more,

such as the installation of cameras in a common area of the building, are of order

and, in fact, a lawsuit was filed by the aforementioned community in the Courts.

1st Instance of Valencia, a copy of which is in the file, the result of which

tado does not consist”, which limit the action of this Agency to the strict questions of

the regulations that concern us, having to prove the processing of data in a non-

in accordance with the regulations in force, which sometimes without an overall analysis is not

a question as simple as some criteria put forward in court claim.

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8/13

THE CJEU (Decision 12/11/2014, (case C-212/13, Ryneš) declares that the

use of a video surveillance system that gives rise to the obtaining of images

of people that are then stored on a continuous recording device, such as

a hard drive, by a natural person in their family home in order to protect the property, health and life of the homeowners and whose surveillance also covers also the public space, does not constitute data processing carried out in the exercise exclusively personal or domestic activities for the purposes of article 3, apart from tado 2, second indent, of Directive 95/46.

IV

Therefore, in this case, we proceed to examine the claim dated 06/12/20 through which the following is transferred to this Agency:

"which has placed a video-surveillance camera (s) located on the facade of his property, which are oriented to a common patio, I suspect that one of them is oriented directly to one of my properties (...)"—folio nº 1--.

The art. 5.1 c) RGD provides the following: The personal data will be:

"adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimization").

It should be remembered that individuals are responsible for ensuring that the systems installed felled comply with current legislation, proving that it complies with all the requirements demanded by the regulations in force.

The installation of this type of device must have the mandatory information sign. active, indicating the purposes and responsible for the treatment in its case of the data of personal character.

In any case, the cameras should preferably be oriented towards the space particular, avoiding intimidating neighboring neighbors with this type of device, as well how to control their transit areas without just cause.

With this type of device it is not possible to obtain image(s) of public space either. co, as this is the exclusive competence of the State Security Forces and Bodies ted.

It should be remembered that even in the case of a "simulated" camera, the same should preferably be oriented towards private space, since it is considered that this type of device can affect the privacy of third parties, that they are intimidated by it in the belief of being the subject of permanent recording.

On the part of individuals, it is not possible to install devices for obtaining images of public space or transit area of third parties, outside the cases permitted in the regulations.

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9/13

In accordance with the evidence available in this proceeding, sanctioning procedure, it is considered that the defendant has a video-surveillance that affects the right of third parties, having placed a camera on the balcony of his house facing a public transit area without just cause.

The "facts" are fully explained by the legal representative of the claimant. ciado, which confirms the installation of the camera on the balcony of his represented will of the same, given that he considers himself "disturbed" by the activity that takes place. rrolla in the premises near your property for sale and storage of feed.

The camera is installed without any concealment on the exterior balcony of the property. identity of the defendant, whose images he freely uses to prove the parking "illegal" ment in an area that is classified as an easement yard.

Little discussion admits that the camera is permanently installed during during the period of time that the accused considers appropriate, proceeding to

bar to everyone who carries out the activity of loading/unloading in the premises of sale of

I think.

Therefore, capturing images of public spaces by security cameras

private surveillance, must be limited to what is strictly necessary, applying in any case

the principle of proportionality.

The principle of proportionality is a doctrine inherited from the Constitutional Court.

tutional, which requires that any restrictive measure of fundamental rights (in the

case of video surveillance the right to privacy), must be proportionate to the purpose

followed (in this case security).

Video surveillance, as a solution to a security problem, must be a

adequate, pertinent and not excessive measure in relation to the purpose pursued and

that justifies the installation of surveillance cameras. Also, the proportionality

requires that the end of security cannot be achieved through other alternative means.

native, less intrusive for the fundamental rights of users.

This leads to an analysis of the proportionality of the measure adopted by the complaint-

do:

-The capturing of images is produced by means of a fixed camera installed in

the balcony of your property with a clear purpose - to obtain images of the activities

of the establishment dedicated to the sale of feed, existing less harmful means

to obtain the aforementioned evidence (e.g. taking pictures with a mobile phone, or communicating

tion to the local police in the area, etc).

-the medium used is not the least intrusive, because as indicated, it is not

particular control of a public space is necessary, thereby also affecting the

right of third parties that are recorded without being informed to do so.

-Nor is there a proportion between the measure adopted and the goal perse-

guide, because the damage to third parties is greater than the presumed benefit to the

offender.

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10/13

Therefore, it is considered that the defendant proceeds to install a video camera deo-surveillance, devoid of any informative poster, at will with the purpose of capture the "annoying" activities of the accused, in order to obtain a series evidence that will provide in your case to civil court.

Surveillance cameras on public roads may not be installed by em-private security prisoners or by ordinary citizens, for example, to monitor their ve-Cindarian.

The admissibility of the installation of the camera (s), would suppose that any city given (a) before a "legitimate" interest, you can install a video surveillance camera (for example, to keep an eye on your car against possible attacks or theft) oriented towards space public service, supplying the work that corresponds to the Forces and State Security Bodies or without, where applicable, the mandatory authorization judicial tion.

Furthermore, the installation of this type of device aims to gain guarantee the security of the dwelling (goods and inhabitants) as the main purpose, not pursue obtaining evidence in the public space where the activity takes place of third parties, whose fundamental rights are affected at the will of the complaint-do, not being the treatment of these data the "relevant" for the purpose pursued as there are less harmful means of obtaining them.

Both the Organic Law on Data Protection and Guarantee of Digital Rights

such (LOPDGDD) as the Private Security Law coincide in this regard. In

Specifically, the regulations on private security state the following in its article 42:

“Cameras or video cameras may not be used for private security purposes to take images and sounds of roads and public spaces or public access except in the cases and under the terms and conditions provided for in its specific regulations, prior administrative authorization by the competent body in each case”

Proceeding to control loading/unloading activities in the area is not a issue that should be left to the free decision of the defendant, but rather corresponds your case to the Local Police of the area, which in your case can impose the corresponding fines in case of infraction of the corresponding municipal regulations or accrued dilate the continuing nature of the problem described.

The Spanish Agency for Data Protection (AEPD) has also declared in this regard in its resolution R/00818/2012, stating that "the treatment of images genes in public places can only be carried out by the Security Forces and Corps. security of the State, unless there is administrative authorization.

The proven known facts constitute an infraction, attributable to the claimed, for violation of the content of art- 5.1 c) RGPD, previously cited.

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11/13

The images obtained with the reported camera cannot be considered as "personal and domestic" sphere, given that although it is installed on the balcony owned of the accused, it is permanently oriented towards transit space

public of third parties without just cause.

Article 22 section 4 of LO 3/2018, December 5, provides the following:

“The duty of information provided for in article 12 of the Regulation (EU)

2016/679 will be understood to be fulfilled by placing an informative device

in a sufficiently visible place identifying, at least, the existence of the treatment,

the identity of the person in charge and the possibility of exercising the rights provided for in the

Articles 15 to 22 of Regulation (EU) 2016/679. It may also be included in the

informative site a connection code or internet address to this information. In

In any case, the data controller must keep available to those affected

two the information referred to in the aforementioned regulation”.

There is no information poster, which informs third parties outside the

conflict, about the presence of the camera on the balcony, nor why they are obtaining

do these images.

The Supreme Court (Sentences of April 16 and 22, 1991) considers that of the ele-

element of culpability, it follows “that the action or omission, qualified as an infraction

sanction administratively, must be, in any case, attributable to its author,

by intent or recklessness, negligence or inexcusable ignorance.”

Previously, this Agency had already stated unequivocally “the cameras de-

must be removed or obtain consent for their installation from those persons

benefited from the right of way that encumbers the courtyard, and must comply with

more, in the event that the cameras are maintained, with the rest of the requirements established

established in the regulations and referred to in the legal basis II of the

appealed resolution” (Resolution RR/00575/2016).

The foregoing assumes that the subjective element required for the con-

offending conduct, because not only has he installed the camera orienting it towards space of

traffic intentionally, but lacks the minimum warning that informs that

it is a video-monitored area, so this aspect of the behavior is considered

guilty even by way of gross negligence.

Article 83.5 RGPD provides the following:

7th

“Infractions of the following provisions will be sanctioned, in accordance

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

being from a company, of an amount equivalent to a maximum of 4% of the volume

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

greater amount:

a)

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

consent under articles 5, 6, 7 and 9;

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12/13

When motivating the sanction, the following is taken into account:

-the nature of the infraction by having a video-surveillance system that

is oriented towards a public transit area without just cause, dealing with data

of identifiable natural persons (art. 83.5 a) RGPD).

-the intentionality or negligence of the infraction, having been previously warned-

expressly by this body, not having any judicial authorization.

na, and be oriented towards the outside of your property, specifically to a common patio

of transit (art. 83.2 b) RGPD), and the system is also devoid of an information sign.

any reason that indicates, where appropriate, the person responsible for the treatment or the purpose of

obtaining the images.

This body had made a clear statement by requiring the defendant to pre-
clearly that the contribution of the images in court did not exempt him from "complying
with the rest of the requirements" demanded by the regulations in force, ignoring
the aforementioned recommendations, which should be equally valued in the intention
tionality of the behavior described

Therefore, it is considered correct to impose a sanction encrypted in the amount of
€1,500 (one thousand five hundred euros), a sanction located on the lower scale for this type of
behaviors, all without prejudice to proceeding to the regularization of the complaint system
do.

Therefore, in accordance with the applicable legislation and after assessing the graduation criteria
tion of the sanctions whose existence has been proven,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE B.B.B., with NIF ***NIF.1, for an infraction of Article 5.1.c)
of the RGPD, typified in Article 83.5 of the RGPD, a fine of €1,500 (one thousand five hundred
euros).

SECOND: ORDER the removal of the video-surveillance camera system from your
current location, accrediting such end within ONE MONTH through the contribution
corresponding documentary evidence.

THIRD: NOTIFY this resolution to B.B.B. and REPORT the result
of the proceedings to the claimant Mr. A.A.A.

FOURTH: Warn the sanctioned party that he must make the imposed sanction effective once
Once this resolution is enforceable, in accordance with the provisions of the
art. 98.1.b) of Law 39/2015, of October 1, of the Administrative Procedure Co-
of the Public Administrations (hereinafter LPACAP), within the term of payment
voluntary established in art. 68 of the General Collection Regulations, approved

by Royal Decree 939/2005, of July 29, in relation to art. 62 of Law 58/2003,

of December 17, through its entry, indicating the NIF of the sanctioned and the number

of procedure that appears in the heading of this document, in the account

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13/13

restricted number ES00 0000 0000 0000 0000 0000, opened in the name of the Spanish Agency

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

Otherwise, it will be collected during 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 50 of the LOPDGDD, this

Resolution will be made public once it has been notified to the interested parties.

Against this resolution, which puts an end to the administrative procedure in accordance with art. 48.6 of the

LOPDGDD, and in accordance with the provisions of article 123 of the LPACAP, the

resents may optionally file an appeal for reconsideration before the Director

of the Spanish Agency for Data Protection within a month from the date of

the day following the notification of this resolution or directly contentious appeal

before the Contentious-Administrative Chamber of the National High Court,

in accordance with the provisions of article 25 and section 5 of the additional provision

Final fourth of Law 29/1998, of July 13, regulating the Contentious Jurisdiction-

administrative, within a period of two months from the day following the notification

tion of this act, as provided for in article 46.1 of the aforementioned Law.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP,

may provisionally suspend the firm resolution in administrative proceedings if the 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-electronica-web/>], 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

tive within two months from the day following the notification of this

resolution, would end the precautionary suspension.

Sea Spain Marti

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