

□ Procedure No.: PS/00054/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: On September 6, 2019, he entered this Agency

Spanish Data Protection, a document presented by A.A.A., on behalf of

of B.B.B. (hereinafter, the claimant), through which he makes a claim against

C.C.C. with NIF ***NIF.1 (hereinafter, the claimed one), for the installation of a system

of video surveillance in the building located at ***ADDRESS.1 - ***LOCATION.1

(OURENSE), regarding which there are indications of a possible breach of the

provided in the personal data protection regulations.

The reasons underlying the claim are as follows:

“Don C.C.C., installs a surveillance camera in the stairwell, without authorization

for our part, no mention, that he is going to put a camera. The fact is that we

we feel totally intimidated and controlled by the owner of the house. Not in-

we tend to the end, because there is no vandalism, and this control of knowing our

entrances and exits of the farm, makes us think that it is for a bad purpose because of its

part, because we know that it shows people our entrances and exits of the building.

Well, this gentleman is the owner of a house with 2 dwellings, one of them is the one that

I have rented, and from a place that is to use and enjoy it. for which there is no

Community of owners. And without further ado, he has placed this camera that I enclose photo-

graphs. There is no signaling of said camera [...]"

Attach photographic report where it shows the location of the camera.

SECOND: Prior to the acceptance of this claim for processing, it is

transferred the claimed, in accordance with the provisions of article 65.4 of the Law Organic 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights (hereinafter, LOPDGDD). The aforementioned transfer was returned by “absent” and “surplus (not picked up at the office)” on 10/31/2019. On 07/11/2019 made a reiteration that was again returned for "absent" and "surplus (not withdrawn in office)” on 11/27/2019.

THIRD: The claim was admitted for processing by means of a resolution of 18 February 2020.

FOURTH: On June 8, 2020, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure against the claimant, for the alleged infringements of articles 5.1.c) and 13 of Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter RGPD), typified in the article 83.5 of the same norm.

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FIFTH: Since the notification of the initiation agreement was unsuccessful, proceeded to publish an announcement of notification in the Single Edictal Board of the Bulletin State Official on July 8, 2020, in accordance with the provisions of the Article 44 of Law 39/2015, of October 1, on Administrative Procedure Common Public Administrations (hereinafter, LPACAP).

SIXTH: On September 1, 2020, the instructor of the procedure agreed to the opening of a period of practice tests, requiring the Command of the Civil Guard of Ourense so that, within a period of 30 days, it would issue the corresponding

report stating:

- ☐ Effective address of the claimant at the indicated address.
- ☐ Existence of a video surveillance device in the referred property.
- ☐ Presence of an informative poster adapted to the regulations in force.
- ☐ Orientation of the installed cameras and their capture area. If he allows it

claimed, it is requested that they be observed and informed about the images displayed on the monitor.

- ☐ Any other aspect considered appropriate to review.

SEVENTH: On September 16, 2019, the Civil Guard Command of

Ourense forwards the report issued by the Commander of the Acctal Post. of the guard

Civil of ***LOCALIDAD.1 on September 12, 2020. The content of the report is the

Next:

"[...]1. In relation to the effective address of the claimed and if it is the indicated address

in the complaint it is reported that the respondent does not reside in the place where he/she is located

installed video surveillance system. He is domiciled on the street *** ADDRESS.2

belonging to the town of ***LOCALIDAD.2 (Madrid) and with a telephone number

[...].

2º On the existence of a video surveillance device in the aforementioned property; I know

reports that a video camera has been found installed on the portal of the aforementioned

building, located on the wall opposite the entrance door to the portal, this being a

common area, from where the stairs that give access to the two floors start

superiors that make up the only apartments in the building.

3º Regarding the presence of an informative poster adapted to the regulations in force.

It is reported that there are 2 informative posters, one of them located on a door

just below the camera and the other located on the wall adjacent to the place

where the camera is about three meters away. It means that both

billboards are similar.

4º As has been outlined in point 2º, in relation to the orientation of the cameras installed and their catchment area. It is reported that there is only one camera, the which is located on the wall opposite the entrance door to the building portal.

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Supposedly this camera captures images from inside the portal. Regarding the type of images that are recorded is unknown, since the owner does not reside and does not allow the observation.

4º (Sic.) The person in charge of the recorded images is D. C.C.C. and it is specified on the billboard.

5th Photographic Annex is attached.”

Attach the following photos:

☐ Photographic image of the building portal where the camera and the two posters.

☐ Enlarged photographic image of the poster.

EIGHTH: On the occasion of the knowledge of the effective address of the claimed person, confirmed by the Planning and Institutional Relations Service of the Tax Agency in the consultation carried out, on October 2, 2020, a copy of the report issued by the Civil Guard, as well as a copy of the agreement to start the present procedure.

The respondent filed, on October 21, 2020, a reply brief where makes the following statements:

“[...] Reasons why a security camera is placed in the portal of said

building.

- On the second floor of said building there are some tenants of the company [...]

(before). These gentlemen were evicted for non-payment in April 2019 by the

Court [...]. In May of the same year the property was leased to me again by a man who

He claims to be the administrator of a company called [...] (later), which is my surprise

who send me a message on my mobile and it turns out that they are the same tenants who already

had been evicted a month earlier mocking me and making fun of me

they were back in the house, changing the name of the company. All this for

course, it was communicated at that time to my lawyer and the court.

- In August 2019, in our holiday stay, on the first floor of the

property; one night early in the morning one of the

people who are rented on the second floor (very aggressive and pushy). In that

moment my wife and I had an attack of anxiety and fear. These

events occurred on 08/07/2019 01:50 AM and 08/08/2019 05:30 AM, which

were testified in an appearance procedure before the Civil Guard and attested

No. [...], which is communicated to the Court [...].

- The most important reason why I have thought about putting a security camera is

that of fully protecting my family and myself in case at any time it coincides

in the doorway or on the stairs of the building so that the worst would not happen.

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- Upon my arrival in Madrid I went to the AEPD to find out if I could proceed with the

installation of a security camera at the entrance of the building (where the camera currently). After exposing the location of the camera and the range of the same, the response from this body was affirmative, informing me of that I had to put all my personal data: responsible, exercise their rights data protection before and information on the processing of personal data; as stated in the posters that were provided to me in the same AEPD and posts visible in the portal of the building, where they are currently warning of said camera, which was installed in August 2019 without coming into operation until on 09/21/2019.

- It is absolutely not in my interest to save images of who enters or leaves the building, only ensure the complete safety of my family [...]. nor have I shown any type of image or personal data of these gentlemen. Therefore, the images provided by the camera are absolutely and daily deleted.

[...]"

Attach 7 images captured during the days 15 to 19 October 2020 in different times showing the camera's field of view

NINTH: On December 11, 2020, a resolution proposal was formulated, in which it is proposed that a sanction of warning be imposed on the defendant, for an infringement of article 5.1.c) of the RGPD, typified in article 83.5 of the same standard, as well as to prove the adoption of measures. In this proposal, grants a term of 10 days so that the claimed person can do whatever he considers in his defense, as well as to present the documents and information that it considers pertinent, in accordance with article 89.2 of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations (hereinafter, LPACAP).

TENTH: In the event of a first faulty attempt to notify the proposed

resolution by Correos, we proceeded to notify again the aforementioned proposal. The notification took place on February 2, 2021 and the respondent has submitted in writing on February 15, 2021, in which it shows what

Next:

“[...]

1º- On February 2, 2021 I receive the proposed resolution of the letter that in its day I sent it to the AEPD, the resolution proposal being a warning sanction.

I inform you that that same day the camera was disconnected, as you have ordered me.

2º- On January 2, 2021, I proceed to sue the company [...], whose legal representatives or administrators are A.A.A. and B.B.B.

The reason for the lawsuit is the non-payment of rent or overdue amounts, requesting the XXXXXXXXX eviction court No1 of instruction from the 2nd floor

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of said property.

On February 3, 2021 I receive the answer from the court that I provide to my brief as evidence for the record, whose legal foundations are related therein, not fitting the enervation of the eviction action, leaving the view for the next day 3/9/2021 and subsequent launch direct eviction of the leased property for the 3/18/2021.

Remaining grateful in advance and very satisfied with the motion for a resolution,

I remain entirely at your disposal.”

Attached Decree of February 3, 2021 issued by the Administration Lawyer
of Justice of the Court of 1st Instance and Instruction of XXXXXXXXX in Verbal Trial
of Eviction.

In view of everything that has been done, by the Spanish Data Protection Agency

In this proceeding, the following are considered proven facts:

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FACTS

FIRST: On September 6, 2019, it has entry in the Spanish Agency of

Protection of Data written by the claimant in which he informs the

existence of a camera in the enclosure of the staircase of the building where the

dwelling in which he resides on a lease basis and located at ***ADDRESS.1 -

***LOCATION.1 (Ourense).

The photographs provided with the claim show a camera located in the

enclosure of the building portal. This building, divided into 3 floors (ground floor, 1st and 2nd) is

property in its entirety of the claimed, who has reserved the use of the residence of the

1st floor.

SECOND: The defendant does not have his habitual residence in the property, being his

address ***ADDRESS.2 – ***LOCATION.2 (Madrid).

THIRD: In order to guarantee the right to defense of the defendant and the

principle of contradiction, it was agreed to refer the defendant on October 2, 2010,

Once the address of his habitual residence is known, a letter accompanied by

copy of the agreement to initiate the sanctioning procedure, as well as the report to which

referenced in the above fact. This writing was collected by the defendant

on October 15.

FOURTH: The respondent declares in his reply brief of October 21,

2020 that the camera was installed in August 2019 and became operational on the 21st of

September 2019. Does not accompany accreditation.

FIFTH: The frames dated October 15 to 19, 2020 provided by the

claimed in its answering brief, show that the viewing field of the

camera is limited to the internal enclosure of the access portal to the property and to part of the

flight of stairs.

SIXTH: The respondent states in his brief that the placement of the camera in his

current location responds to the purpose of guaranteeing the safety of its

person, as well as members of his family, in the face of unfriendly encounters with

the inhabitants of the rented flat that could happen in the portal and on the stairs,

given the problematic contractual relationship and various backgrounds that

recounts in his writing.

SEVENTH: The photographs attached to the report to which it is shown, show the presence of two

informative posters, which offer information about the person in charge, the

possibility and address where to go for the exercise of the rights contained in

Articles 15 to 22 of the RGPD, as well as an email address and a

telephone where to request more information.

EIGHTH: The respondent communicates a change of address to Calle *** ADDRESS.3 –

***LOCATION.3.

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NINTH: In the brief filed on February 15, 2021, the respondent states that he proceeded to disconnect the camera installed on February 2.

FOUNDATIONS OF LAW

Yo

The Director of the Spanish Agency is competent to resolve this procedure. Data Protection, in accordance with the provisions of art. 58.2 of the GDPR and in the art. 47 and 48.1 of LOPDGDD.

II

The defendant is imputed, on the one hand, the commission of an infraction for violation of article 5.1.c) of the RGPD that 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")."

On the other hand, the commission of another infraction for violation of the article 13 of the RGPD, which establishes that:

"1. When personal data relating to him is obtained from an interested party, the responsible for the treatment, at the time these are obtained, will provide all the information indicated below:

- a) the identity and contact details of the person in charge and, where appropriate, of their representative;
- b) the contact details of the data protection delegate, if any;
- c) the purposes of the treatment to which the personal data is destined and the legal basis of the treatment;
- d) when the treatment is based on article 6, paragraph 1, letter f), the interests legitimate of the person in charge or of a third party;
- e) the recipients or the categories of recipients of the personal data, in their

case;

f) where appropriate, the intention of the controller to transfer personal data to a third party country or international organization and the existence or absence of a decision to adequacy of the Commission, or, in the case of transfers indicated in the Articles 46 or 47 or Article 49, paragraph 1, second paragraph, reference to the adequate or appropriate warranties and the means to obtain a copy of these or to the fact that they have been borrowed.

2. In addition to the information mentioned in section 1, the person responsible for the treatment will facilitate the interested party, at the moment in which the data is obtained

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personal, the following information necessary to guarantee data processing fair and transparent

a) the period during which the personal data will be kept or, when it is not possible, the criteria used to determine this period;

b) the existence of the right to request from the data controller access to the personal data relating to the interested party, and its rectification or deletion, or the limitation of its treatment, or to oppose the treatment, as well as the right to portability of the data;

c) when the treatment is based on article 6, paragraph 1, letter a), or article 9, paragraph 2, letter a), the existence of the right to withdraw consent in any time, without affecting the legality of the treatment based on the consent prior to its withdrawal;

- d) the right to file a claim with a supervisory authority;
- e) if the communication of personal data is a legal or contractual requirement, or a necessary requirement to sign a contract, and if the interested party is obliged to provide personal data and is informed of the possible consequences of not provide such data;
- f) the existence of automated decisions, including profiling, to which referred to in article 22, sections 1 and 4, and, at least in such cases, information about applied logic, as well as the importance and consequences provisions of said treatment for the interested party.

3. When the controller plans the further processing of data personal data for a purpose other than that for which they were collected, you will provide the interested party, prior to such further processing, information on that other purpose and any additional information relevant under paragraph 2.

4. The provisions of sections 1, 2 and 3 shall not apply when and in the to the extent that the interested party already has the information.”

The aforementioned infractions are typified in article 83.5 of the RGPD, which provides the following:

“The infractions of the following dispositions will be sanctioned, in accordance with the paragraph 2, with administrative fines of a maximum of EUR 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 largest amount:

- a) the basic principles for the treatment, including the conditions for the consent under articles 5, 6, 7 and 9;
- b) the rights of the interested parties pursuant to articles 12 to 22 [...]”

For the purposes of the limitation period for infractions, both infractions are considered very serious and prescribed after three years, in accordance with article 72.1 of the LOPDGDD, which establishes that:

“Based on the provisions of article 83.5 of Regulation (EU) 2016/679, considered very serious and will prescribe after three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

- a) The processing of personal data violating the principles and guarantees established in article 5 of Regulation (EU) 2016/679. [...]
- h) The omission of the duty to inform the affected party about the processing of their data personal in accordance with the provisions of articles 13 and 14 of the Regulation (EU) 2016/679 and 12 of this Organic Law. [...]

III

Article 6.1 of the RGPD establishes the cases in which the use of data may be considered lawful. treatment of personal data, foreseeing within them —article 6.1.e)— the that refers to the legality "the treatment is necessary for the fulfillment of a mission carried out in the public interest or in the exercise of public powers conferred on the data controller".

In the specific field of data processing for video surveillance purposes, the

Article 22.1 of the LOPDGDD provides that "people may carry out the processing of images through camera systems or video cameras with the purpose of preserving the safety of persons and goods, as well as their

installations” dedicating the rest of the sections of this article to the

specificities to which this data processing must be submitted.

In this sense, and with regard to the specific case that is the subject of this

sanctioning procedure, it can be affirmed, taking into account the statements

made by the defendant about the purpose pursued with the camera of

video surveillance installed on the portal of the property of which he is the owner and in which

maintains a dwelling for personal use, that said treatment responds to the

objective of guaranteeing the safety of people (the person claimed and the

members of his family) in the face of the problematic relations maintained with the

tenants residing in the rented dwelling within the property owned by the

reclaimed. We would therefore be faced with a case in which the data controller

performs a mission in the public interest.

Now, to consider the concurrence of the public interest, this must be

proportionate with respect to the purpose pursued, since its exercise is

susceptible to affecting the physical image as personal data and therefore supposes a

interference in the field of fundamental human rights. What

Consequently, therefore, it will be necessary to balance the mission of

public interest to ensure the safety of persons carried out by the

responsible for the treatment and the rights of the tenants, which in the present

Of course, their privacy and freedom of movement may be affected because the

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area captured by the camera affects the common area that serves as access to both

households.

In order to carry out this weighting and assess the proportionality of the measure, it is necessary to take into account the ruling of the Constitutional Court 207/1996, in which the High Court determines that “in order to verify whether a measure restrictive of a fundamental right exceeds the judgment of proportionality, it is necessary to verify if it meets the following three requirements or conditions: if such measure is capable of achieving the proposed objective (judgment of suitability); Yes, moreover, it is necessary, in the sense that there is no other more moderate measure to the achievement of such purpose with equal efficiency (judgment of necessity); and finally if it is weighted or balanced, because more benefits or advantages are derived from it for the general interest that damages other goods or values in conflict (judgment of proportionality in the strict sense).

Applying, therefore, this judgment of proportionality to the specific case, it proceeds point out the following:

- The installation of a video surveillance system can be considered an ideal means to achieve in order to guarantee the safety of the person claimed and his family, for how much it is capable of fulfilling both a preventive objective and proving documented the occurrence of certain events that involve an attack on said security.
- The treatment can be considered to comply with the principle of minimization of data and is moderate with respect to the area captured by the camera since it is limited to areas only to areas common to both houses where they can coincide the claimed and the tenants, without affecting in any way the area exclusive use and enjoyment of these.
- It can also be considered that the treatment complies with the principle of minimization of data and is moderate in relation to the term of conservation of

the images, because the aforementioned term, in accordance with what was stated by the claimed, it is only 1 day.

- However, given that the purpose alleged by the respondent is ensure the safety of you and your family members during the time in which any of them makes use of their home in the property and therefore both can coincide spatially and temporally with the tenants (without there being alleged at any time the need to preserve the security of the property) the processing of data would be excessive when those circumstances they do not take place, since they would exceed the purpose to which they respond.

In conclusion, it cannot be said that it is proportionate that the system of installed video surveillance is operational at all times because the purpose pursued by the person responsible is not reached when the person claimed or any member of your family is not making use of the dwelling in the property; in this circumstance, it could not be concluded that the mission of public interest prevails over the fundamental rights of those affected.

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In accordance, therefore, with the foregoing, the video surveillance system, to the extent which was operational all the time (it was disconnected on February 2), violated the provisions of article 5.1.c) of the RGPD.

IV

With regard to the duty of information provided for in article 12 of the RGPD (with the content provided in the subsequent article 13, article 22.4 of the LOPDGDD

determines that

“[...] shall be understood to be fulfilled by placing an informative device in sufficiently visible place identifying, at least, the existence of the treatment, the identity of the person in charge and the possibility to exercise the rights foreseen in the Articles 15 to 22 of Regulation (EU) 2016/679. It may also be included in the informative device a connection code or internet address to this information.

In any case, the person in charge of the treatment must keep available to the affected the information referred to in the aforementioned regulation.

According to the report and the photographic images provided by the report of the Commander of the Acctal Post. of the Civil Guard of ***LOCALIDAD.1, the system of video surveillance has two informative posters that comply with the provisions in the precept transcribed above because it identifies the existence of the treatment and offers information about the person in charge, the possibility and direction to Where to go to exercise the rights set forth in articles 15 to 22 of the RGPD, as well as an email address and a telephone number where to request more information.

Regarding the possible breach of this duty at the time of filing the claim, it is noted that the respondent declares that, even when the cameras are installed in August 2019, the video surveillance system did not come into operation until September 21. Therefore, since it has not been proven that the camera will be in operation at the time of filing the claim (the complainant indicates that the person in charge has shown images of his tickets and exits from the building, but does not provide any indication in this regard), it is not possible to determine that there had been on that date an effective treatment of data and, therefore, a omission of the duty of information.

The principle of the right to the presumption of innocence, recognized as a right fundamental subjective in article 24 of the Spanish Constitution, prevents imposing an administrative sanction when proof of accrediting charge of the facts that motivate the imputation or of the intervention in the themselves of the alleged offender and applying the principle "in dubio pro reo" in case of doubt regarding a concrete and determined fact, which obliges in any case to resolve said doubt in the most favorable way for the interested party.

The aforementioned right to the presumption of innocence is also included in a expressed in article 53.2.b) of Law 39/2015, of October 1, on the Procedure

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Common Administrative of Public Administrations (hereinafter, LPACAP), which establishes that:

"two. In addition to the rights provided for in the previous section, in the case of administrative procedures of a punitive nature, the alleged responsible will have the following rights:

[...]b) To the presumption of non-existence of administrative responsibility while the contrary is proven."

In relation to this principle, the Constitutional Court in its Judgment 76/1990, of 26 of April, considers that the right to the presumption of innocence entails: "that the sanction is based on acts or means of proof of charge or incriminating the reproached conduct; that the burden of proof corresponds to the person who accuses, without no one is obliged to prove their own innocence; and that any insufficiency in the

result of the tests carried out, freely valued by the sanctioning body,
must be translated into an acquittal pronouncement.”

v

However, the provisions of article 83.5, sections a) and b), of the RGPD, its art.

58.2 b) establishes the possibility of sanctioning with a warning, in relation to what
stated in Recital 148:

“In the event of a minor offence, or if the fine likely to be imposed

would constitute a disproportionate burden for a natural person, rather than

sanction by means of a fine, a warning may be imposed. must however

Special attention should be paid to the nature, seriousness and duration of the infringement, its

intentional nature, to the measures taken to alleviate the damages suffered,

the degree of liability or any relevant prior violation, the manner in which

that the control authority has been aware of the infraction, compliance

of measures ordered against the person responsible or in charge, adherence to codes of

conduct and any other aggravating or mitigating circumstance.”

In the present case, when deciding the sanction to be imposed, they have taken into account

count the following items,

- ☐ That the controller is a natural person.
- ☐ That there is no recidivism or reiteration due to the lack of evidence of the commission of previous offenses.
- That he has shown collaboration in this organization within the present
sanctioning procedure

For all these reasons, it is considered that the sanction that should be imposed is

warning, in accordance with the provisions of article 58.2 b) of the RGPD, in

in relation to what is stated in Considering 148, cited above.

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On the other hand, in accordance with the provisions of the aforementioned article 58.2 d) of the RGPD, according to which each control authority may "order the person in charge or in charge of the treatment that the treatment operations comply with the provisions of the this Regulation, where appropriate, in a certain way and within a specified period [...]", the person in charge must adapt the operation of the system video surveillance installed so that it is only operational when he or any member of your family make use of the housing they have in the property where it is installed.

Regarding this issue, the respondent has stated in his brief filed on the day February 15, having proceeded to disconnect the camera, so it is considered that the adequacy measure has been adopted and must be maintained while he or some member of your family do not use the dwelling.

Therefore, in accordance with the applicable legislation and having assessed the criteria for graduation of the sanctions whose existence has been proven, the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE C.C.C., with NIF ***NIF.1, for an infraction of article 5.1.c), typified in article 83.5 of the aforementioned rule, a sanction of WARNING.

SECOND: ORDER, under the provisions of article 58.2.d) of the RGPD, that the video surveillance system is only operational when he or someone member of your family make use of the dwelling they have in the property where that one is installed.

THIRD: NOTIFY this resolution to C.C.C. and inform the claimant.

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

Interested parties may optionally file an appeal for reconsideration before the

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

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

contentious-administrative appeal before the Contentious-Administrative Chamber of the

National Court, in accordance with the provisions of article 25 and section 5 of

the fourth additional provision of Law 29/1998, of July 13, regulating the

Contentious-administrative jurisdiction, within a period of two months from the

day following the notification of this act, as provided in article 46.1 of the

aforementioned Law.

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

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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-](https://sedeagpd.gob.es/sede-electronica-web/)

[web/](https://sedeagpd.gob.es/sede-electronica-web/)], or 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 proving the effective filing of the contentious appeal-administrative. If the Agency was not aware of the filing of the appeal-contentious-administrative within a period of two months from the day following the notification of this resolution would end the precautionary suspension.

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Director of the Spanish Data Protection Agency

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