 Procedure No.: PS/00246/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

to the following

BACKGROUND

FIRST: D.A.A.A. (hereinafter the claimant) on 11/11/2019 filed

claim before the Spanish Data Protection Agency. The claim is

directed against GLORY GLOBAL SOLUTIONS SPAIN, S.A. with NIF A78084860 (in

forward the claimed). The reasons on which the claim is based are that by being

transferred the work orders has been disclosed, in the environment of the company in which

who works, your personal email address: ***EMAIL.1, when sending the

emails without using the blind copy option.

SECOND: Upon receipt of the claim, the Subdirectorate General for

Data Inspection proceeded to carry out the following actions:

On 01/28/2020, the claim filed for

analysis and communication to the claimant of the decision adopted in this regard. Equally,

he was required so that within a month he sent to the determined Agency

information:

- The decision adopted regarding this claim.

- In the event of exercising the rights regulated in articles 15 to 22

of the RGPD, accreditation of the response provided to the claimant.

- Report on the causes that have motivated the incidence that has originated the

claim.

- Report on the measures adopted to prevent the occurrence of

similar incidents, dates of implementation and controls carried out to

check its effectiveness.

- Any other that you consider relevant.

The Agency does not record a response to the transfer of the claim.

THIRD: On 07/24/2020, in accordance with article 65 of the LOPDGDD, the

Director of the Spanish Agency for Data Protection agreed to admit for processing the

claim filed by the claimant against the respondent.

FOURTH: On 10/23/2020, the Director of the Spanish Protection Agency

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

infringements of articles 5.1.f) and 32.1 of the RGPD, sanctioned in accordance with the

provided in articles 83.5.a) and 83.4.a) of the aforementioned RGPD.

FIFTH: Notified of the initiation agreement, the claimant on 10/02/2020 submitted

brief of allegations stating in summary the following: that contrary to what

indicated in the second fact, the respondent sent a response to the request for

information in due time and form on 02/18/2020; that in November the department of

Technical Service in order to promote the labor inclusion of displaced technicians and

complying with the request made by a working group, adopted the measure of

organize monthly teleconferences of an informative and absolutely

volunteer; that the first of these calls was sent by email

set of 11/26/2019, to all Technicians and Managers of the Technical Service through

of their corporate addresses; that the same day, the claimant was forwarded said

email to your personal address, which is thus notified to the person in charge,

sending an automatic email informing that the meeting had been forwarded to the

personal mailing address of the claimant, which meant the inclusion of the address

of personal mail, among the list of people who would later receive in their

emails the informative note related to it; that given the difficulty involved

convene all interested persons who may be present at the

time of the videoconferences, this company undertakes to send a note

information to all those summoned so that they could be aware of the

topics discussed, thus, the email addresses to which they are forwarded are

all those that appear in the notification of the summons of the meeting between the

that the claimant's personal email address appears, an address that the same

entered when the call was forwarded; that has not been accessed, much less

unlawfully disclosed the claimant's personal email address

since, it is the claimant himself who incorporates this address once he had

forwarded the call, including it automatically in the list of

people who should receive the email with the informative note on the

meeting.

SIXTH: On 11/13/2020, a period of practice tests began,

remembering the following

Consider reproduced for evidentiary purposes the claim filed by the

claimant and his documentation, the documents obtained and generated by the

Inspection Services that are part of file E/00101/2020.

Consider reproduced for evidentiary purposes, the allegations to the initial agreement

PS/00246/2020 presented by GLORY GLOBAL.

Request the respondent to provide the 4 documents that he said he attached to the

brief of allegations dated 10/02/2020 as there are no contributions.

On 11/16/2020, the respondent responded to the test carried out whose

content work in the file.

SEVENTH: On 04/08/2021, a resolution proposal was issued in the sense that

filed the claimed, for the alleged infractions of articles 5.1.f) and 32.1 of the

RGPD typified in articles 83.5. a) and 83.4.a) of the GDPR. However, it was required

to the respondent to adopt measures to modify suitable for the

configuration of the calls so that the resubmissions of the

same to non-corporate addresses, or, so that upon receiving the notice email of

forwarding to a non-corporate address, this address will be removed from the list of

summoned.

The respondent in writing of 04/20/2021 responded accrediting having adopted measures

in relation to the configuration of the calls.

EIGHTH: Of the actions carried out in this proceeding, they have been

accredited the following:

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

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PROVEN FACTS

FIRST: On 11/11/2019 the claimant filed a claim with the AEPD

stated that when the work orders were transferred to him, it has been disclosed, in the

environment of the company where you work, your personal email address:

***EMAIL.1, when sending emails without using the blind copy option.

SECOND: Headers of the emails sent are provided.

THIRD: The respondent in writing dated 10/02/2020 has stated that “he has not

accessed and much less spread illegally and without consent, the address

personal e-mail address of the claimant since it is the claimant himself

the one that incorporates this address once the call had been forwarded,

including it automatically in the list of people who should

receive the email with the informative note about the meeting".

FOURTH: Evidence provided by the claimed First Call by e-mail

set dated 11/26/2019, to all Technicians and Managers of the Technical Service to

through their corporate addresses.

FIFTH: There is a notification provided of the forwarding of the call made by the

claimant to his personal address, ***EMAIL.1.

SIXTH: The respondent has indicated that he had promised "to send a note

information to all those summoned so that they could be aware of the

topics discussed" and that "the email addresses to which they are forwarded are

all those that appear in the notification of the summons of the meeting between the

that the claimant's personal email address appears, which he entered at the

resend the call.

FOUNDATIONS OF LAW

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

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

The Director of the Spanish Agency for Data Protection is competent to initiate

and to solve this procedure.

In the first place, article 5 of the RGPD establishes the principles that must be

govern the processing of personal data and mentions among them that of "integrity and

confidentiality".

II

The cited article states that:

"1. The personal data will be:

(…)

f) treated in such a way as to ensure adequate security of the

personal data, including protection against unauthorized processing or

against its loss, destruction or accidental damage, through the application

of appropriate technical or organizational measures ("integrity and

confidentiality")".

(…)

Article 5, Duty of confidentiality, of the new Organic Law 3/2018, of 5

December, Protection of Personal Data and guarantee of digital rights

(hereinafter LOPDGDD), states that:

"1. Those responsible and in charge of data processing as well as all

people who intervene in any phase of this will be subject to the duty of

confidentiality referred to in article 5.1.f) of Regulation (EU) 2016/679.

2. The general obligation indicated in the previous section will be complementary

of the duties of professional secrecy in accordance with its applicable regulations.

3. The obligations established in the previous sections will remain

even when the relationship of the obligor with the person in charge or person in charge had ended

of the treatment".

Second, article 32 of the RGPD "Security of treatment",

III

establishes that:

"1. Taking into account the state of the art, the application costs, and the

nature, scope, context and purposes of the treatment, as well as risks of

variable probability and severity for the rights and freedoms of individuals

physical, the person in charge and the person in charge of the treatment will apply technical measures and

appropriate organizational measures to guarantee a level of security appropriate to the risk,

which in your case includes, among others:

a) pseudonymization and encryption of personal data;

b) the ability to ensure the confidentiality, integrity, availability and

permanent resilience of treatment systems and services;

c) the ability to restore availability and access to data

quickly in the event of a physical or technical incident;

d) a process of regular verification, evaluation and evaluation of the effectiveness

technical and organizational measures to guarantee the security of the

treatment.

2. When evaluating the adequacy of the security level, particular consideration shall be given to

taking into account the risks presented by the processing of data, in particular as

consequence of the accidental or unlawful destruction, loss or alteration of data

data transmitted, stored or otherwise processed, or the communication or

unauthorized access to said data.

3. Adherence to an approved code of conduct under article 40 or to a

certification mechanism approved under article 42 may serve as an element

to demonstrate compliance with the requirements established in section 1 of the

present article.

4. The person in charge and the person in charge of the treatment will take measures to

guarantee that any person acting under the authority of the controller or the

manager and has access to personal data can only process said data

following the instructions of the person in charge, unless it is obliged to do so by virtue of the

Law of the Union or of the Member States".

IV

In the present case, the procedure brings cause as a consequence of the

disclosure in the environment of the company in which the complainant works, of his

personal email address: ***EMAIL.1, when sending unused email

the blind copy function/option and in which each recipient can see the rest of the

recipients.

The respondent in his response to this body has indicated that the

Department of Technical Service to promote the labor inclusion of technicians

displaced and responding to the request made by a working group of the

GPTW company, the measure was adopted to organize monthly teleconferences

informative and absolutely voluntary.

The first of these calls is made by means of a joint mail to all

the Technicians and Managers of the Technical Service through their corporate addresses

and that same day, the claimant resends the call for the meeting to his address

staff, ***EMAIL.1; the Microsoft Outlook email service will tell you so.

notifies the convener, who sends an automatic email informing that the meeting

had been forwarded to the claimant's personal email address.

This action of the claimant supposes the inclusion of his email address

staff among the list of people who would later receive the note in their emails

information related to it.

According to the respondent, given the difficulty involved in summoning all the

interested persons who may be present at the time of the

videoconferences, this company undertakes to send an informative note to all

those summoned so that they could have proof of the topics discussed, thus,

the email addresses to which they are forwarded are all those that

appear in the notification of the call for the meeting among which appears the

personal mailing address of the claimant, address that he entered when

resend the call.

It should be noted that, without going into details of a technical nature, some

computer tools or applications when a summoned forwards the meeting to

another mailbox, the recipient's email address is included among the

assistants in such a way that the possible previous additional information (change of

time, cancellation, preparatory material, etc.) or the documents derived from

what was agreed upon at the meeting (minutes, information, work plan, etc.) are communicated

also automatically to the added participants.

Therefore, it was the forwarding action carried out by the claimant that

caused the e-mails related to the

meeting to your personal mailbox (where you had forwarded the summoned meeting).

In addition, the respondent himself has indicated that if he had received the request from the

claimant requiring him to remove his personal address that was incorporated into

the list of email addresses of those summoned by the forwarding made by the

itself affected, the data in question would have been deleted immediately

in accordance with article 17 of the RGPD.

However, the respondent was required so that before issuing this

resolution adopt measures in order to modify the aforementioned configuration so that in

assumptions of similar cases, the forwarding of calls to

non-corporate addresses, or, so that upon receiving the forwarding notice mail to

a non-corporate address, this address will be removed from the summoned list without

necessity of having to request it by the claimant.

The respondent in writing dated 04/20/2021 has proven to have adopted measures

appropriate by blocking the forwarding permission on the email that is sent

from any corporate account, as well as the inclusion of an Informative Note in

the body of the call prohibiting the distribution of the content of both the

emails as from the meeting itself:

“The distribution, whether digitally or physically, is strictly prohibited.

of any information related to the company that is provided before, during and

after the meeting. Any use of this information other than

the mere consultation and visualization of it. In no case will it be allowed to share the

information (resend the call) with people/emails outside the company.”

Therefore, in accordance with the applicable legislation and having assessed the criteria for

graduation of sanctions whose existence has been proven,

The Director of the Spanish Data Protection Agency RESOLVES:

FIRST: FILE GLORY GLOBAL SOLUTIONS SPAIN, S.A., with NIF

A78084860, for the alleged infringement of article 32 of the RGPD, typified in the

article 83.4.a) of the RGPD.

SECOND: FILE GLORY GLOBAL SOLUTIONS SPAIN, S.A., with NIF

A78084860, for the alleged infringement of article 5.1.f) of the RGPD, typified in the

article 83.5.a) of the RGPD

THIRD

SPAIN, S.A. with NIF A78084860.

: NOTIFY this resolution to GLORY GLOBAL SOLUTIONS

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

The interested party expresses his intention to file a contentious-administrative appeal.

If this is the case, the interested party must formally communicate this fact by writing addressed to the Spanish Agency for Data Protection, presenting it through Electronic Register of the Agency [https://sedeagpd.gob.es/sede-electronica-web/], 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.

Sea Spain Marti

Director of the Spanish Data Protection Agency

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