

□ File No.: PS/00533/2021

RESOLUTION OF TERMINATION OF THE PROCEDURE FOR PAYMENT

VOLUNTEER

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

BACKGROUND

FIRST: On February 11, 2022, the Director of the Spanish Agency for
Data Protection agreed to initiate a sanctioning procedure against MOVALIA
TRANSFERS, S.L.U. (hereinafter, the claimed party), through the Agreement that is
transcribe:

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Procedure No.: PS/00533/2021

AGREEMENT TO START A SANCTION PROCEDURE

Of the actions carried out ex officio by the Spanish Agency for the Protection of
Data before the entity, MOVALIA TRASLADOS, S.L.U., with CIF: B01616432, holder of
the web pages, ***URL.1 and ***URL.2 ; for the alleged violation of the law
of data protection: Regulation (EU) 2016/679, of the European Parliament and of the
Council, of 04/27/16, regarding the Protection of Natural Persons in what
regarding the Processing of Personal Data and the Free Circulation of these Data
(RGPD) and Organic Law 3/2018, of December 5, on Data Protection
Personal and Guarantee of Digital Rights (LOPDGDD), and against the Law
34/2002, of July 11, on Services of the Information Society and Commerce
Electronic (LSSI), and attending to the following:

FACTS

FIRST: On 03/30/21 the entity, AGENTE SERVICE TRANSFERS, S.L. (in

hereinafter, "the claimant party"), files a claim with this Agency

indicating that the aforementioned websites do not comply with the regulations of

protection of data and services of the information society, in what

Regarding the Privacy and Cookies Policies implemented in them.

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SECOND: On 06/03/21, by the Director of the Spanish Agency for

Data Protection, an agreement is issued to admit the processing of the claim

presented, in accordance with article 65 of the LPDGDD Law, when assessing possible

reasonable indications of a violation of the rules in the field of competences

of the Spanish Agency for Data Protection.

THIRD: Dated 06/04/21, by the Subdirector General for Inspection

of Data of this AEPD, the following previous actions of

investigation, in accordance with the provisions of article 67 of the LOPDGDD,

Regarding the characteristics presented by the Privacy Policy and the Privacy Policy

Cookies from the website, ***URL.1, checking that they were still present, in the

initiation of this sanctioning procedure:

a).- Regarding the processing of personal data:

The web, ***URL.1, works as a "virtual advertisement" for the taxi company "Taxi

***TAXI.1", where, apart from publishing photos of the service provided, the number

where you should call to request the taxi service.

There is a link, <<book now>>, located in the central part of the main page,

through which a form is displayed, ***URL.3 where the user of the service

I was able to enter your personal data: name and email to request a cab.

To send the form, you only need to click on the option, <<send>>. Nope

There is, in this form, no information about the management that will be carried out with the personal data obtained, the user being able to send the form without having read or accepted the "Privacy Policy" of the company.

b).- About the "Privacy Policy"

If you access the "Privacy Policy", through the link located in the part bottom of the main page, it redirects the user to a new page, ***URL.4,

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where information is provided about the identity of the person responsible for the page; of where they can obtain the personal data of the users of the taxi service, the purpose of the treatment of said data, the time of conservation of the same and the rights that assist the users of the taxi service with regard to their personal data, to whom to do it and how.

c).- About the Cookies Policy:

1.- When entering the web for the first time, without accepting cookies or performing any action on the page, it has been verified that cookies that are not technical or necessary.

2.- When accessing the main page, an information banner about cookies appears with the following information:

"This website uses cookies so that you have the best user experience. Yes

continues na***TAXI.2ndo is giving his consent for the acceptance of the mentioned cookies and the acceptance of our <<cookies policy>>, click the link for more information <<ACCEPT>>

If you choose to accept the use of cookies, by clicking on the <<accept>> option, you check that only technical or necessary cookies continue to be used.

3.- If you choose to access the "Cookies Policy", through the link <<Cookie Policy cookies>> existing in the banner about cookies or through the existing link in the bottom of the main page, the web redirects the user to a new page

URL.5, where information is provided on what cookies are; the types of cookies that exist; what types of cookies the website uses, how to modify the cookie settings or how to delete cookies using naTAXI.2dor installed in terminal equipment.

FOURTH: On 06/04/21, by the Subdirector General for Inspection of Data from this AEPD, the following preliminary investigation actions were carried out, in accordance with the provisions of article 67 of the LOPDGDD, regarding the C/ Jorge Juan, 6

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characteristics presented by the Privacy Policy and the Cookies Policy of the web page, ***URL.2, proving that they were still present, at the initiation of the present sanctioning procedure:

a).- Regarding the processing of personal data:

The website, ***URL.2, works as a "virtual advertisement" for the taxi company, "Taxi

***TAXI.2", where the telephone number to call to request the taxi is indicated.

taxi service.

There is a form on the main page itself where the user who wishes to reserve the taxi service must enter the name, telephone and email.

To submit the form, you only need to click on the option, <<submit>>. Nope

There is, in this form, no information about the management that will be carried out with the personal data obtained, the user being able to send the form without having read or accepted the "Privacy Policy" of the company.

b).- About the "Privacy Policy"

There is no information about the person responsible for the website, nor is there a "Privacy Policy".

Privacy" of the website. It only exists, on the main page the following

information: Phone: (+34) ***PHONE.1; E-mail: ***EMAIL.1.

c).- About the Cookies Policy:

1.- When entering the web for the first time, without accepting cookies or performing any action on the page, it has been verified that only technical cookies or necessary. It is also verified that, when browsing the page, it is still using only technical or necessary cookies.

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2.- When accessing the main page, no information banner appears about cookies. There is also no "Cookies Policy".

FIFTH: In view of the facts denounced, in accordance with the evidence of that is available, the Data Inspection of this Spanish Agency for the Protection of Data considers the above, does not comply with current regulations, therefore

that the opening of this sanctioning procedure proceeds.

FOUNDATIONS OF LAW

I.- Competition:

- About the "Privacy Policy":

It is competent to initiate and resolve this Sanctioning Procedure, the Director of the Spanish Agency for Data Protection, by virtue of the powers that art 58.2 of the RGPD and, as established in arts. 47, 64.2 and 68.1 of the LOPDGDD Law.

- About the Cookies Policy:

It is competent to initiate and resolve this Sanctioning Procedure, the Director of the Spanish Agency for Data Protection, in accordance with the provisions of the art. 43.1, second paragraph, of the LSSI Law.

II.- About the possible infractions committed on the website

"Privacy Policy" and "Cookies Policy":

***URL.1

according to the

***URL.1

a) About the processing of personal data, which is carried out on the web,

:

In our case, it has been possible to verify that the indicated website, through the link <<book now>>, the user can enter their personal data and to send the form, you only need to click on the option, <<send>>, but it does not exist, in this form, no information about the management that will be carried out with the data obtained, being able, the user, to send the form without having read or accepted the "Privacy Policy" of the company.

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In this sense, article 6.1.a) of the RGPD, establishes, on the legality of the treatment of personal data, that the treatment of these will only be lawful if at least one of the conditions indicated in point 1, among which is: a) the interested party gave their consent for the processing of their personal data for one or several specific purposes (...)."

Consent must be given through an affirmative, informed and free act. The silence-absence, pre-checked boxes or inaction are not considered "having given consent". implicit treatment", for the treatment of personal data. Therefore, it is compulsory compliance with the fact that in order to obtain the consent of the users, they are provided with a blank box or similar mechanism where you can give the consent of a affirmative, informed and free manner.

Before providing personal data and giving consent to their processing, It would be desirable that the interested party be recommended to read and understand the privacy policy. emptiness Also, it would be considered good practice to remind the user of their choice of permissions and request a confirmation of your consent.

Thus, the facts exposed could constitute an infraction, attributable to the claimed, for violation of article 6.1 of the RGPD, by not allowing users give their free and voluntary consent for the processing of data information obtained through the form.

Article 72.1.b) of the LOPDGDD, considers very serious, for prescription purposes, "The processing of personal data without the concurrence of any of the conditions of legality of the treatment established in article 6 of the Regulation".

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.

The balance of the circumstances contemplated, with respect to the infraction committed, by violating the provisions of its article 6.1 of the RGPD, it allows setting an initial sanction of 500 euros, (five hundred euros), for not enabling users to give their free and voluntary consent for the processing of your personal data.

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a) About the "Privacy Policy" of the website,

***URL.1

:

If you access the "Privacy Policy", through the link located in the part bottom of the main page, information is provided on the identity of the responsible for the page; where they can obtain the personal data of the users of the taxi service, the purpose of the processing of said data, the time of conservation of the same and the rights that attend the users of the service of taxis with regard to your personal data, to whom to do it and how.

In this sense, article 13 of the RGPD establishes the information that must be provide the interested party at the time of obtaining their personal data:

"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: 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 officer, in his case; c) the purposes of the treatment to which the personal data is destined and the basis legal treatment; d) when the treatment is based on article 6, paragraph 1, letter f), the legitimate interests of the person in charge or of a third party; e) the recipients or the categories of recipients of personal data, if any; f) where appropriate, the intention of the controller to transfer personal data to a third country or international organization and the existence or absence of an adequacy decision of the Commission, or, in the case of the transfers indicated in articles 46 or 47 or Article 49, paragraph 1, second paragraph, reference to adequate guarantees or appropriate and the means to obtain a copy of them or the fact that have lent.

2. In addition to the information mentioned in section 1, the person in charge of the treatment will facilitate the interested party, at the moment in which the data is obtained 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 this is not possible, the criteria used to determine this period; b) the existence of the right to request access to data from the data controller related 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 the portability of the data; c) when the treatment is based on article 6, paragraph 1, letter a), or the Article 9, paragraph 2, letter a), the existence of the right to withdraw consent in

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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 control authority; e) if the communication of personal data is a requirement legal or contractual, or a necessary requirement to enter into a contract, and if the The interested party is obliged to provide personal data and is informed of the possible consequences of not providing such data; f) the existence of decisions you automate, including profiling, referred to in article 22, paragraphs 1 and 4, and, at least in such cases, significant information about the logic applied, as well as the importance and expected consequences of said treatment for the interested party”.

Therefore, according to the evidence available at this time according to of initiation of sanctioning procedure, it is considered that the "Privacy Policy" of , does not contradict the provisions of article 13 of the RGPD.

the website ***URL.1

b) About the "Cookies Policy" of the website

***URL.1

:

When entering the web for the first time, without accepting cookies or performing any action on the page, it has been verified that only technical cookies or necessary.

On the other hand, when accessing the main page, an information banner about cookies and if you choose to accept the use of cookies, by clicking on the option <<accept> located in the banner, it is verified that they continue to be used only technical or necessary cookies.

In the "Cookies Policy" of the website, information is provided on what are the cookies, the types of cookies that exist, what types of cookies the page uses

website, how to modify the configuration of cookies or how to block or delete cookies.

cookies using the browser installed on the terminal equipment.

In this sense, article 22.2 of the LSSI, which establishes the rights of

recipients of services of the information society, it is indicated:

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"two. 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."

In the present case, according to the evidence available at this time,

It is considered that the "Cookies Policy", of the claimed web page, is not

contradicts in any case, with the provisions of article 22.2 of the LSSI.

III.- About the possible infractions committed on the website

“Privacy Policy” and “Cookies Policy”:

***URL.2

according to the

***URL.2

a).- On the processing of personal data on the web

:

On the main page of the website there is a form where the user can enter your personal information. To send the form, you only need to click on the option, <<submit>>. There is no information on this form about the management that will be carried out with the personal data obtained, being able, the user, send the form without having read or accepted the "Privacy Policy" of the business.

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In this sense, article 6.1.a) of the RGPD, establishes, on the legality of the treatment of personal data, that the treatment of these will only be lawful if at least one of the conditions indicated in point 1, among which is: a) the interested party gave his consent for the treatment of his personal data for one or various specific purposes (...)."

Consent must be given through an affirmative, informed and free act. The silence, pre-check boxes, or inaction are not considered "having given a implicit consent", for the processing of personal data. Therefore, it is from

mandatory compliance that to obtain the consent of the users they are

provide a blank box or similar mechanism where you can give the

consent in an affirmative, informed and free manner.

Before providing personal data and giving consent to their processing,

It would be desirable that the interested party be recommended to read and understand the policy of

privacy. Additionally, it would be considered good practice to remind the user of their

choice of permissions and request a confirmation of your consent.

Thus, the facts exposed could constitute an infraction,

attributable to the claimed, for violation of article 6.1 of the RGPD, by not allowing

users give their consent for the processing of personal data

obtained through the form.

Article 72.1.b) of the LOPDGDD, considers very serious, for prescription purposes,

“The processing of personal data without the concurrence of any of the conditions of

legality of the treatment established in article 6 of the Regulation”.

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.

The balance of the circumstances contemplated, with respect to the infraction committed,

by violating the provisions of its article 6.1 of the RGPD, it allows setting an initial sanction

of 500 euros, (five hundred euros), by not allowing users to give consent

free and voluntary for the processing of your personal data.

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b).- About the "Privacy Policy" on the web

***URL.2

:

There is no information about the person responsible for the website or the treatment of personal data, nor is there a "Privacy Policy" of the website. Only

The following information exists on the main page: Phone: (+34) ***TELEPHONE.1;

E-mail: ***EMAIL.1.

In this sense, article 13 of the RGPD establishes the information that must be

provide the interested party at the time of obtaining their personal data:

"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: 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 officer, in his

case; c) the purposes of the treatment to which the personal data is destined and the basis

legal treatment; d) when the treatment is based on article 6, paragraph 1,

letter f), the legitimate interests of the person in charge or of a third party; e) the recipients or

the categories of recipients of personal data, if any; f) where appropriate, the

intention of the controller to transfer personal data to a third country or

international organization and the existence or absence of an adequacy decision

of the Commission, or, in the case of the transfers indicated in articles 46 or 47 or

Article 49, paragraph 1, second paragraph, reference to adequate guarantees or

appropriate and the means to obtain a copy of them or the fact that

have lent.

2. In addition to the information mentioned in section 1, the person in charge of the

treatment will facilitate the interested party, at the moment in which the data is obtained

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 this is not possible, the criteria used to determine this period; b) the existence of the right to request access to data from the data controller related 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 the portability of the data; c) when the treatment is based on article 6, paragraph 1, letter a), or the 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

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a control authority; e) if the communication of personal data is a requirement legal or contractual, or a necessary requirement to enter into a contract, and if the The interested party is obliged to provide personal data and is informed of the possible consequences of not providing such data; f) the existence of decisions you automate, including profiling, referred to in article 22, paragraphs 1 and 4, and, at least in such cases, significant information about the logic applied, as well as the importance and expected consequences of said treatment for the interested party”.

Therefore, according to the evidence available at this time according to initiation of sanctioning procedure, and without prejudice to what results from the instruction, it is considered that the exposed facts could suppose the violation of the

article 13 of the RGPD.

Regarding this, article 72.1.h) of the LOPDGDD, considers it very serious, for 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.

The balance of the circumstances contemplated, with respect to the infraction committed by violating the provisions of article 13, it allows setting an initial penalty of 1,000 euros, (one thousand euros), without prejudice to what results from the instruction of this process.

***URL.2

c).- About the "Cookies Policy" of the website

:

When entering the web for the first time, without accepting cookies or performing any action on the page, it has been verified that only technical cookies or necessary. It is also verified that, when browsing the page, it is still using only technical or necessary cookies. There is no information banner about cookies. There is also no "Cookies Policy".

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In the present case, according to the evidence available at this time,

It is considered that the "Cookies Policy", of the claimed web page, is not contradicts in any case, with the provisions of the LSSI, by not using only cookies technical or necessary.

IV.- Possible corrective measures.

Article 58.2.d) of the RGPD establishes that: "Each control authority will have all the following corrective powers indicated below: "(...) d) order the responsible or in charge of treatment that the treatment operations are comply with the provisions of this Regulation, where appropriate, in a certain manner and within a specified period.

Therefore, if resolved in the sense of sanctioning the infractions indicated, it would proceed to impose, in accordance with the provisions of article 58.2.d) RGPD, the following corrective measures:

Regarding the website, ***URL.1:

-

Include a mechanism on the page that enables users to give their free and voluntary consent for the processing of personal data obtained through the form.

Regarding the website, ***URL.2

:

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Include a mechanism on the page that enables users to give their free and voluntary consent for the processing of personal data obtained through the form.

Include a "Privacy Policy" on the website where users are informed users of the aspects included in article 13 of the RGPD.

Therefore, in accordance with the foregoing, by the Director of the Agency

Spanish Data Protection,

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HE REMEMBERS:

START: SANCTION PROCEDURE against MOVALIA TRASLADOS, S.L.U., with

CIF: B01616432, owner of the web pages, ***URL.1 and ***URL.2: for the following

violations:

Regarding the website, ***URL.1:

-

Violation of article 6.1 of the RGD, by not allowing users to give their

consent to the processing of personal data obtained through

of the form.

Regarding the website, ***URL.2:

-

-

Violation of article 6.1 of the RGD, by not allowing users to give their

consent to the processing of personal data obtained through

of the form.

Violation of article 13 of the RGD, by not having the website of "Privacy Policy".

Privacy" where users are informed of this, of the aspects collected

in said article.

APPOINT: Ms. A.A.A. as Instructor, and Secretary, if applicable, Ms. B.B.B.,

indicating that any of them may be challenged, as the case may be, in accordance with established in articles 23 and 24 of Law 40/2015, of October 1, on the Legal Regime of the Public Sector (LRJSP).

INCORPORATE: to the disciplinary file, for evidentiary purposes, the claim filed by the claimant and his documentation, the documents obtained and generated by the Subdirector General for Data Inspection during the investigations, all of them part of this administrative file.

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WHAT: for the purposes provided in art. 64.2 b) of Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations, the sanction that could correspond would be:

Regarding the website, ***URL.1:

-

500 euros, (five hundred euros), for the infringement of article 6.1 of the RGPD.

Regarding the website, ***URL.2:

-

-

500 euros, (five hundred euros), for the infringement of article 6.1 of the RGPD.

1,000 euros, (one thousand euros), for the infringement of article 13 of the RGPD.

The total initial sanction that would correspond for the three infractions would be 2,000 euros (two thousand euros).

NOTIFY: this agreement to initiate sanctioning proceedings to the entity

MOVALIA TRASLADOS, S.L.U, granting a hearing period of ten days

able to formulate the allegations and present the evidence that it considers convenient.

If within the stipulated period it does not make allegations to this initial agreement, the same may be considered a resolution proposal, as established in article 64.2.f) of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations (hereinafter, LPACAP).

In accordance with the provisions of article 85 of the LPACAP, in the event that the sanction to be imposed was a fine, it may recognize its responsibility within the term granted for the formulation of allegations to this initial agreement; it which will entail a reduction of 20% of the sanction to be imposed in this procedure, equivalent in this case to 400 euros. With the application of www.aepd.es

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this reduction, the sanction would be established at 1,600 euros, resolving the procedure with the imposition of this sanction.

Similarly, you may, at any time prior to the resolution of this procedure, carry out the voluntary payment of the proposed sanction, which will entail a reduction of 20% of the amount of this, equivalent in this case to 400 euros. With the application of this reduction, the sanction would be established in 1,600 euros and its payment will imply the termination of the procedure.

The reduction for the voluntary payment of the penalty is cumulative with the corresponding apply for the acknowledgment of responsibility, provided that this acknowledgment

of the responsibility is revealed within the period granted to formulate arguments at the opening of the procedure. The voluntary payment of the referred amount in the previous paragraph may be done at any time prior to the resolution. In this case, if it were appropriate to apply both reductions, the amount of the penalty would be set at 1,200 euros (one thousand two hundred euros).

In any case, the effectiveness of any of the two reductions mentioned will be conditioned to the abandonment or renunciation of any action or resource in via administrative against the sanction.

If you choose to proceed to the voluntary payment of any of the amounts indicated above, you must make it effective by depositing it in account N° ES00 0000 0000 0000 0000 opened in the name of the Spanish Agency for the Protection of Data in Banco CAIXABANK, S.A., indicating in the concept the number of reference of the procedure that appears in the heading of this document and the cause of reduction of the amount to which it is accepted.

Likewise, you must send proof of payment to the General Subdirectorate of Inspection to proceed with the procedure in accordance with the quantity entered.

The procedure will have a maximum duration of nine months from the date of the start-up agreement or, where appropriate, of the draft start-up agreement.

Once this period has elapsed, it will expire and, consequently, the file of performances; in accordance with the provisions of article 64 of the LOPDGDD.

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Finally, it is pointed out that in accordance with the provisions of article 112.1 of the LPACAP, there is no administrative appeal against this act.

Sea Spain Marti

Director of the Spanish Agency for Data Protection.

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SECOND: On March 4, 2022, the claimed party has proceeded to pay the sanction in the amount of 1200 euros making use of the two reductions provided in the Startup Agreement transcribed above, which implies the recognition of the responsibility.

THIRD: The payment made, within the period granted to formulate allegations to the opening of the procedure, entails the waiver of any action or resource in via administrative action against the sanction and acknowledgment of responsibility in relation to the facts referred to in the Initiation Agreement.

FOUNDATIONS OF LAW

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In accordance with the powers that article 58.2 of Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter RGPD), grants each control authority and as established in articles 47 and 48.1 of the Law Organic 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights (hereinafter, LOPDGDD), is competent to initiate and resolve this procedure the Director of the Spanish Data Protection Agency.

Likewise, article 63.2 of the LOPDGDD determines that: "The procedures processed by the Spanish Agency for Data Protection will be governed by the provisions in Regulation (EU) 2016/679, in this organic law, by the provisions regulations issued in its development and, as long as they do not contradict them, with a subsidiary, by the general rules on administrative procedures."

Article 85 of Law 39/2015, of October 1, on Administrative Procedure

Common to Public Administrations (hereinafter, LPACAP), under the rubric

"Termination in sanctioning procedures" provides the following:

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"1. Started a sanctioning procedure, if the offender acknowledges his responsibility, the procedure may be resolved with the imposition of the appropriate sanction.

2. When the sanction is solely pecuniary in nature or it is possible to impose a pecuniary sanction and another of a non-pecuniary nature, but the inadmissibility of the second, the voluntary payment by the alleged perpetrator, in any time prior to the resolution, will imply the termination of the procedure, except in relation to the replacement of the altered situation or the determination of the compensation for damages caused by the commission of the infringement.

3. In both cases, when the sanction is solely pecuniary in nature, the competent body to resolve the procedure will apply reductions of, at least, 20% of the amount of the proposed sanction, these being cumulative with each other.

The aforementioned reductions must be determined in the notification of initiation of the procedure and its effectiveness will be conditioned to the withdrawal or resignation of any administrative action or recourse against the sanction.

The reduction percentage provided for in this section may be increased regulations."

According to what was stated,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: TO DECLARE the termination of procedure PS/00533/2021, of

in accordance with the provisions of article 85 of the LPACAP.

SECOND: NOTIFY this resolution to MOVALIA TRASLADOS, S.L.U.

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 as prescribed by

the art. 114.1.c) of Law 39/2015, of October 1, on Administrative Procedure

Common of the Public Administrations, the interested parties may file an appeal

contentious-administrative 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.

Sea Spain Marti

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