 Procedure No.: PS/00452/2019

938-300320

RESOLUTION OF PUNISHMENT PROCEDURE

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

based on the following:

FIRST: D.A.A.A. (hereinafter, the claimant) dated June 16, 2018

filed a claim with the Spanish Data Protection Agency. The

claim is directed against ORANGE ESPAGNE, S.A.U., with NIF A82009812 (in

later, the claimed one).

The claimant states that their data has been used for contracting

fraudulent use of telephone lines without your consent with reference to the following

***PHONE.1, ***PHONE.2, ***PHONE.3, ***PHONE.4,

lines:

***TELEPHONE.5 and ***TELEPHONE.6 and informs of their inclusion in a file of

Asnef credit information, as a result of various debts reported by the

orange company.

The claimant provides the following documentation:

- Official letter of the National Police Corps -Local Police Station of Mérida- dated

February 11, 2019 addressed to the Investigating Court No. 1 of Mérida

extension of the Police Proceedings number ***DILIGENCIAS.1 of

dated July 6, 2018, in which the appellant through a complaint

handwritten notice to the National Police of possible illicit

crimes committed against him and his father (B.B.B.).

- Proceedings number ***PROCEEDINGS.2 AT USCIGUALADA carried out by

the General Directorate of the Police -Generalitat de Catalunya- dated 18

September 2018 as a result of the complaint made by

C.C.C. for an alleged crime of fraud by the accused D.D.D.

- Summons document in the Procedure: PREVIAS ***PREVIAS.1 agreed

by the Investigating Court No. 5 of Igualada addressed to the defendant

DDD to give a statement as an investigator.

- Order of the Court of First Instance and Instruction no. 1 from Merida

dated March 18, 2019, DPA Preliminary Proceedings Proc. Abbreviated

***P.A. which decrees the search, arrest and making available

court of D.D.D.

- Six audio files of the recordings corresponding to the

contracting different telecommunications services with the operator

ORANGE, by several people with unequal voices, on behalf

of the appellant. Specifically, as stated by the latter:

In the files ***FICHEROS.1 and ***FICHEROS.2, the voice

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is from D.D.D., a person denounced by the appellant before the

Merida police.

In the files ***FICHEROS.3 and ***FICHEROS.4, the voice

-

It belongs to his father, B.B.B.

In the files ***FICHEROS.5 and ***FICHEROS.6, the voice

-

is from the son of D.D.D., his name is E.E.E.

SECOND: In view of the facts denounced in the claim and the

documents provided by the claimant, the Subdirectorate General for Inspection of

Data proceeded to carry out preliminary investigation actions for the

clarification of the facts in question, by virtue of the investigative powers

granted to the control authorities in article 57.1 of the Regulation (EU)

2016/679 (General Data Protection Regulation, hereinafter RGPD), and

in accordance with the provisions of Title VII, Chapter I, Second Section, of the Law

Organic 3/2018, of December 5, on the Protection of Personal Data and guarantee of

digital rights (hereinafter LOPDGDD).

As a result of the research actions carried out, it is confirmed

that the data controller is the claimed party.

In addition, the following extremes are noted:

On April 9, 2019, within the framework of file E/04416/2018, after

analyze the documentation that was in it, a resolution was issued by the

director of the AEPD, agreeing not to admit the claim for processing.

On the 13th of the same month and year, he filed an optional appeal for reconsideration,

contributing new recordings in which different tones of voice are identified that

point to the impersonation of their identity and abundant documentation related to the

opening of preliminary proceedings in the Investigating Court number 5 of Igualada,

giving rise to the fact that on November 22, 2019, a resolution will be issued by the AEPD,

agreed the estimation of the mentioned resource of replenishment.

On the other hand, the respondent states in its answer to this

Agency, which adopted as a precautionary measure the suspension of recovery actions

of the debt and the exclusion of the data from the file, transferring it to the Analysis Group

of Risks to proceed with its study.

Later they state that after an exhaustive study there are indications

sufficient to determine that the contracts have the appearance of legality.

They also present a copy of the contract and recordings of the contracting of six

telephone lines deactivated due to non-payment on June 1, 2016 and have verified

that the orders for the requested terminals were delivered to the domicile of the

claimant.

They also state that the debt persists, as well as the inclusion of

data of the claimant in the solvency file and in this sense they have sent

communications to the claimant.

THIRD: On December 17, 2019, the Director of the Spanish Agency

of Data Protection agreed to initiate a sanctioning procedure against the claimed, for the

alleged infringement of Article 6.1 of the RGPD, typified in Article 83.5 of the RGPD.,

granting him a period of ten business days to formulate allegations and propose the

tests that it deems appropriate.

FOURTH: Once the aforementioned initial agreement was notified, the respondent requested an extension of

term and subsequently presented a brief with arguments in which, in summary,

stated that: “among the telephone lines that are the subject of this proceeding, the

corresponding to the number ***TELEPHONE.1, is the one whose activation occurred in

last place, more specifically on February 5, 2015, has elapsed between the

contracting of the services until the opening of the sanctioning procedure the term

legally established, this being greater than the three years foreseen for the

prescription of the infraction contemplated by the LOPDGDD.

Also in the event that this Agency considers that the term of the

prescription of the infraction begins to count from the moment in which the

claimant knew the facts that gave rise to his complaint, it must be pointed out to the

regarding, …, that all the invoices generated by the contracted services were

paid until in June 2015 they are no longer paid by the claimant. By

Therefore, it is evident that the claimant had knowledge of the alleged

fraudulent contracts no later than the referenced date.

In fact, even if this Agency considers that we are

in the face of a permanent infraction that is characterized in that the conduct constituting

a single offense is maintained for a prolonged period of time, this part has

to point out that all the telephone lines object of analysis in the present

procedure were deactivated and discharged, at the latest, on June 1,

2016, as can be seen in the CRM screenshots.

They have already been provided as documents annexed to the brief of complementary arguments,

dated October 10, 2018, recordings with verifications by third parties and

line activation contracts that convincingly prove that this party

had a legitimizing basis for the processing of personal data of the

claimant, all in accordance with the provisions of article 6.1 b) of the

GDPR. … .

Therefore, no new relevant documentation has been provided to the procedure.

that justifies the change of opinion and the consequent positive decision by the

of this Agency.

The disputed lines are deactivated, the debt is not claimed

pending payment, and the data of the claimant are excluded from the files of

equity solvency.

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Therefore, this party understands that the diligence

properly followed in the registration process of the contracted services, and that it has been

attended to the claimant complying with all the required legal guarantees.

All invoices generated by the contracted services were paid until

in June 2015 they stop paying.

That you have not been notified of the decision not to admit the claim for processing,

nor the presentation by the latter of an Appeal for Reconsideration and the Resolution in this

appraisal case, of the indicated resource.

Resolution is issued by which the file of the file is agreed both by the

prescription of said infraction, as for not having place to the same and it is dismissed

the imposition of any sanction on Orange or subsidiarily, the

concurrence of the assumptions contained in article 83.2 of the RGPD and article

76.2 of the LOPDGDD.

Finally, the nullity is considered requested and declared, and failing that, the

annulment of the approving resolution of the Appeal for Reconsideration issued by the

AEPD".

FIFTH: On January 24, 2020, the test practice period began,

remembering: 1. Consider reproduced for evidentiary purposes the complaint filed

by the claimant and their documentation, the documents obtained and generated that

are part of the file and 2. Consider reproduced for evidentiary purposes, the

allegations to the initiation agreement of PS/00452/2019, presented by the entity

reported.

SIXTH: On February 13, 2020, a resolution proposal was formulated, in the

following terms:

“That by the Director of the Spanish Data Protection Agency,

sanction ORANGE ESPAGNE, S.A.U., with NIF A82009812, for an infraction of the

Article 6.1 of the RGPD, typified in Article 83.5 a) of the RGPD, a fine of

€80,000.00 (eighty thousand euros)”.

The proposal was notified to the respondent by electronic means, the date being

of acceptance of the notification on February 17, 2020, and within the legal term of

ten business days granted to the respondent to formulate allegations and present the

pertinent documents and information, a written application was submitted requesting an extension

of the term initially conferred

SEVENTH: Subsequently, on the 24th of the same month and year, the respondent filed

two separate documents related to file number E/08079/2018 and to this

sanctioning procedure, requesting suspension of the term to present

allegations to the proposed resolution until the accumulation is agreed

of both procedures and the declaration of their nullity.

On February 27, 2020, the instructor of the procedure denied said

accumulation.

On March 15, 2020, he filed the claimed appeal against

said denial, giving rise to a resolution issued on June 4, 2020 by the

director of the AEPD, agreeing to partially uphold the appeal filed

against the Administrative Act of the Instructor of procedure PS/00452/2019, issued

on February 27, 2020, in the sense of linking file E/08079/2018

to PS/00452/2019.

EIGHTH: On March 9, 2020, they have access to the electronic headquarters of the

AEPD the allegations of the claimed to the resolution proposal in which it requests

a resolution is issued by which the file of the file is agreed, and the request is dismissed.

imposition of any sanctions on the person claimed for having acted in accordance with

Law in relation to the facts attributed to it.

Subsidiarily, in the event that the sanctioning procedure is not archived,

appreciate the concurrence of the assumptions contained in article 83.2 of the RGPD and the

article 76.2 of the LOPGDD.

In defense of his claim, he points out that it is not feasible to compare voices to

confirm whether it is the same voice or not in different contracts, since

said analysis would be typical of a qualified expert opinion that would guarantee with

certain degree of certainty the result of the analysis.

In a complementary manner to the above, it is provided as

attached document number 1 copy of the delivery notes of the terminals

allegedly acquired by the claimant on different dates from points of

orange sale.

It adds that in its pleadings brief of August 30, 2018 and in the one of 10

of October 2018, stated that the debt generated is certain due and payable and in

Based on this, it communicated the personal data to the solvency files of assets and

that subsequently, in his pleadings brief of January 28, 2019 in the framework

of procedure E/08079/2018, it was stated that the data was excluded

of the claimant communicated to the Asnef file, being able to verify that their data does not

have not been reported to any solvency file at present

patrimonial.

Furthermore, it provides as attached document No. 1 certificate of

exclusion from the Asnef file, and as attached document No. 2 certificate of exclusion from the

Badexcug file

NINTH: On October 5, 2018, the claimant filed a new claim

on the same facts, which gave rise to file E/08079/2018.

Therefore, we proceed to link to this sanctioning procedure the

file E/08079/2018.

Of the actions carried out in this proceeding, there have been

accredited the following:

PROVEN FACTS

FIRST. - It is stated that the data of the claimant have been used for the

fraudulent contracting of the following lines: ***TELEPHONE.1, ***TELEPHONE.2,

***PHONE.3, ***PHONE.4, ***PHONE.5 and ***PHONE.6, and also

its inclusion in the financial solvency file Asnef is recorded.

SECOND. - Communication of the National Police Corps -Local Police Station of Mérida- of

dated February 11, 2019 addressed to the Investigating Court No. 1 of Mérida

Extension of Police Proceedings number ***DILIGENCIAS.1 dated July 6

of 2018, in which the appellant, through a handwritten complaint, put in

knowledge of the National Police possible criminal offenses committed towards their person and towards his father (B.B.B.).

THIRD. - Proceedings number ***PROCEEDINGS.2 AT USCIGUALADA practiced by the Directorate General of the Police -Generalitat de Catalunya- dated 18 September 2018 as a result of the complaint filed by C.C.C. for alleged crime of fraud by the accused D.D.D.

FOURTH. - Summons document in the Procedure: PREVIOUS ***PREVIOUS.1 agreed by the Investigating Court No. 5 of Igualada addressed to the accused DDD to give a statement as an investigator.

FIFTH. - Order of the Court of First Instance and Instruction no. 1 from Merida dated March 18, 2019, DPA Preliminary Proceedings Proc. Abbreviated ***P.A. for him ordering the search, arrest and judicial disposition of D.D.D.

SIXTH. - Six audio files of the recordings corresponding to the contract of different telecommunications services with the ORANGE operator, by several people with unequal voices, on behalf of the appellant. Specifically, according to has exposed the latter:

In the files ***FICHEROS.1 and ***FICHEROS.2, the voice is from D.D.D., person denounced by the appellant before the Mérida police.

In the files ***FICHEROS.3 and ***FICHEROS.4, the voice belongs to his father, B.B.B.

In the files ***FICHEROS.5 and ***FICHEROS.6, the voice belongs to the son of D.D.D., His name is E.E.E.

SEVENTH. – Response received by the respondent dated September 9, 2018 from the defendant stating that they have been able to verify that the contracts and recordings have full appearance of legality.

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 as established in arts. 47 and 48.1 of the LOPDGDD, the
Director of the Spanish Data Protection Agency is competent to resolve
this procedure.

II

The defendant is imputed the commission of an infraction for violation of the
Article 6 of the RGPD, “Legality of the treatment”, which indicates in its section 1 the
assumptions in which the processing of third party data is considered lawful:

"1. The treatment will only be lawful if at least one of the following is met
conditions:

a) the interested party gave their consent for the processing of their data
personal for one or more specific purposes;

b) the treatment is necessary for the execution of a contract in which the
interested party is a party or for the application at the request of the latter of measures
pre-contractual;

(…)”

The infringement is typified in Article 83.5 of the RGPD, which considers as such:

"5. Violations of the following provisions will be sanctioned, in accordance
with section 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."

The Organic Law 3/2018, on the Protection of Personal Data and Guarantee of the

Digital Rights (LOPDGDD) in its article 72, under the heading "Infringements

considered very serious" provides:

"1. Based on the provisions of article 83.5 of the Regulation (U.E.)

2016/679 are considered very serious and the infractions that

suppose a substantial violation of the articles mentioned in it and, in

particularly the following:

(…)

b) 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 (EU) 2016/679."

III

The documentation in the file offers evidence that the

claimed, violated article 6.1 of the RGPD, since it carried out the treatment of the

personal data of the claimant without having any legitimacy to do so. The

personal data of the claimant were incorporated into the information systems

of the company and inclusion in the Asnef credit information file, without there being

accredited that he had his consent for the collection and treatment

of your personal data, or there is any other cause that makes the

treatment carried out.

Based on the foregoing, in the case analyzed, it remains in

questioned the diligence used by the respondent to identify the

persons who contracted on behalf of the claimant.

It should be noted that the party claimed in the brief of September 9, 2018

addressed to the claimant stated the following:

“We inform you that by virtue of the claim filed by you before the

Spanish Agency for Data Protection has carried out a study by the Group

of Risk Analysis of this company in order to determine the existence of

irregularities in the contracts made in your name.

In this sense, it has been possible to verify the existence of contracts and

recordings of the verification company of the telephone contracting process in the

that grants consent for the activation of the lines ***TELÉFONO.5,

***TELEPHONE 1,

Y

***TELEPHONE.6, having the same full appearance of legality. Likewise, it

has verified that the invoices generated by the services have been paid

contracted, currently pending payment an amount of 13,403.19

euros corresponding to invoices issued between 06/26/2015 and 07/26/2016.

***PHONE.4,

***PHONE.2,

***PHONE.3

Therefore, given that it has not been possible to demonstrate the existence of irregularities

in the contracts made that allow this company to catalog the

contracting that is the subject of controversy as fraudulent, nor has it been

provided the corresponding absolutely necessary police report, this merchant

is not able to attribute falsity to the registration of lines in which they have been fulfilled

contracting regulatory requirements. That said, the debt that currently

maintained in this company is considered certain, expired and demandable."

Well, on the part of the defendant, the claim of the

claimant; not having been sufficiently accredited that the treatment of

personal data has been made in accordance with the precepts indicated

previously; having verified that Orange has associated the personal data

of the claimant to the registration of six telephone lines that he denies having contracted.

The Contentious-Administrative Chamber of the National High Court, in

assumptions such as the one presented here, has considered that when the owner of the

data denies the hiring, the burden of proof corresponds to those who affirm their

existence, and the third-party data controller must collect and

keep the necessary documentation to prove the consent of the holder.

We cite, for all, the SAN of 05/31/2006 (Rec. 539/2004), Basis of Law

Fourth.

The personal data of the claimant were registered in the files of the

claimed and included in the Asnef credit information file and were treated

for the issuance of invoices for services associated with the claimant. Consequently,

has carried out a processing of personal data without having accredited that

have the legal authorization to do so.

However, and this is essential, the defendant does not prove the legitimacy to

the processing of the claimant's data.

In short, the respondent has not provided a document or evidence

one that shows that the entity, in such a situation, would have deployed the

minimum diligence required to verify that your interlocutor was indeed the one who

claimed to hold

Respect for the principle of legality that is in the essence of the fundamental right

of protection of personal data requires that it be accredited that the

responsible for the treatment displayed the essential diligence to prove that

extreme. Failure to act in this way -and this Agency, who is responsible for ensuring

for compliance with the regulations governing the right to data protection of

personal character - the result would be to empty the content of the principle of legality.

On the other hand, regarding the allegations made by the respondent,

observes in the first place that the prescription did not occur since it appears in the

entity files the outstanding debt and Orange carried out actions to recover the

debt and therefore there was data processing, as stated by the one claimed in its

letter of September 9, 2018.

On the other hand, as recognized by the claimed in the drafting of the articles

64.2 first and second paragraphs and 65.1, 2 and 4 of the LOPDGDD is not established

expressly the mandatory nature of the notification of the Resolution of non-admission to

processing of the claim, nor the approving resolution of the reversal appeal.

It should be noted that the reference made by the respondent to article 118.1 of the

LPACAP, that “when new facts or documents are to be taken into account

collected in the original file, they will be revealed to the interested parties to

that within a period of not less than ten days nor more than fifteen, formulate the allegations and

present the documents and supporting documents that they deem appropriate".

Well, this sanctioning procedure does not refer to new

facts are the same. Thus, the sanctioning procedure has been opened with

all the legal guarantees and therefore there is no place for said allegation.

Regarding the merits of the controversy, as indicated by the SAN of May 12,

2014, "Telephone recording that cannot be granted validity for purposes of

unequivocal consent, not only because such consent is not alluded to

but, above all, because such consent of article 6.1 LOPD must be of the

owner of the personal data and in the present case it is evident that it is not,

since the voice that appears in the recording is masculine and not feminine.

On the other hand, and with regard to the alleged existence of

tacit consent as a result of the payment of electricity bills by

part of the complainant. That payment does not mean, as this Chamber has stated in

previous occasions, the agreement of the affected party with which their

personal data from…"

The lack of diligence displayed by the entity in complying with the

obligations imposed by the personal data protection regulations

it is therefore evident. Diligent compliance with the principle of legality in the treatment

of third-party data requires that the data controller be in a position

to prove it (principle of proactive responsibility).

IV

In accordance with the provisions of the RGPD in its art. 83.1 and 83.2, when deciding the imposition of an administrative fine and its amount in each individual case will be taking into account the aggravating and mitigating factors listed in the article indicated, as well as any other that may be applicable to the circumstances of the case.

"Each control authority will guarantee that the imposition of fines administrative actions under this article for violations of this Regulation indicated in sections 4, 9 and 6 are in each individual case effective, proportionate and dissuasive."

"Administrative fines will be imposed, depending on the circumstances of each individual case, in addition to or as a substitute for the measures contemplated in the Article 58, paragraph 2, letters a) to h) and j). When deciding to impose a fine administration and its amount in each individual case will be duly taken into account:

a) the nature, seriousness and duration of the offence, taking into account the nature, scope or purpose of the processing operation in question as well as the number of stakeholders affected and the level of damage and damages they have suffered;

b) intentionality or negligence in the infringement;

c) any measure taken by the controller or processor to alleviate the damages suffered by the interested parties;

d) the degree of responsibility of the person in charge or of the person in charge of the treatment, taking into account the technical or organizational measures that have applied under articles 25 and 32;

e) any previous infraction committed by the person in charge or the person in charge of the treatment;

f) the degree of cooperation with the supervisory authority in order to put

remedying the breach and mitigating the possible adverse effects of the breach;

g) the categories of personal data affected by the infringement;

h) the way in which the supervisory authority became aware of the infringement,

in particular if the person in charge or the person in charge notified the infringement and, in such

case, to what extent;

i) when the measures indicated in article 58, paragraph 2, have been

previously ordered against the person in charge or the person in charge in question

in relation to the same matter, compliance with said measures;

j) adherence to codes of conduct under article 40 or mechanisms

certificates approved in accordance with article 42, and

k) any other aggravating or mitigating factor applicable to the circumstances of the

case, such as financial benefits realized or losses avoided, direct

or indirectly, through infringement."

Regarding section k) of article 83.2 of the RGPD, the LOPDGDD, article 76,

"Sanctions and corrective measures", provides:

"two. In accordance with the provisions of article 83.2.k) of Regulation (EU) 2016/679

may also be taken into account:

a) The continuing nature of the offence.

b) The link between the activity of the offender and the performance of treatment of

personal information.

c) The profits obtained as a result of committing the offence.

d) The possibility that the conduct of the affected party could have induced the commission

of the offence.

e) The existence of a merger by absorption process subsequent to the commission of the

infringement, which cannot be attributed to the absorbing entity.

f) Affectation of the rights of minors.

g) Have, when not mandatory, a data protection delegate.

h) Submission by the person in charge or person in charge, on a voluntary basis, to

alternative conflict resolution mechanisms, in those cases in which

there are controversies between them and any interested party."

In accordance with the precepts transcribed, in order to set the amount of the

sanction of a fine to be imposed in the present case for the infraction typified in the

article 83.5.a) of the RGPD for which the claimed party is responsible, they are estimated

concurrent the following factors:

As aggravating criteria:

- In the present case we are dealing with an unintentional negligent action, but

identified significant (article 83.2 b).

- Basic personal identifiers are affected (name, a

identification number, the line identifier) (article 83.2 g).

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

Regarding the infraction committed by violating what is established in article 6, it allows establishing

a fine of 80,000 euros (eighty thousand euros), typified as "very serious", to

prescription effects thereof, in article 72.1.b) of the LOPDGDD.

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: IMPOSE ORANGE ESPAGNE, S.A.U., with NIF A82009812, for a infringement of Article 6.1 of the RGPD, typified in Article 83.5 a) of the RGPD, a fine of €80,000.00 (eighty thousand euros).

SECOND: NOTIFY this resolution to ORANGE ESPAGNE, S.A.U., with NIF A82009812

THIRD: 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, on Administrative Procedure Common Public Administrations (hereinafter LPACAP), within the payment term 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 restricted number ES00 0000 0000 0000 0000 0000, opened on behalf of the Agency Spanish Department of Data Protection in the banking entity CAIXABANK, S.A.. In case Otherwise, it will be collected in the executive period.

Received the notification and once executed, if the date of execution is is between the 1st and 15th of each month, both inclusive, the term to carry out the voluntary payment will be until the 20th day of the following month or immediately after, and if is between the 16th and last day of each month, both inclusive, the term of the payment will be until the 5th of the second following month or immediately after.

In accordance with the provisions of article 50 of the LOPDGDD, the

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 period of month 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, the firm resolution may be provisionally suspended in administrative proceedings if the interested party expresses his intention to file a contentious appeal-administrative. If this is the case, the interested party must formally communicate this made by writing to the Spanish Agency for Data Protection, introducing him to the agency [https://sedeagpd.gob.es/sede-electronica-web/], or through any of the other records provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. Also

must transfer to the Agency the documentation that proves the effective filing of the contentious-administrative appeal. If the Agency were not aware of the filing of the contentious-administrative appeal within two months from the day following the notification of this resolution, it would end the precautionary suspension.

Electronic Registration of

through the

Sea Spain Marti

Director of the Spanish Data Protection Agency

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