

□ Procedure No.: PS/00040/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) filed a claim on 05/29/2019

before the Spanish Agency for Data Protection (AEPD) against CITY COUNCIL OF
GATA with NIF P1008500I (hereinafter, the claimed). For having exercised the right to
access to your data regarding the water supply rate on 04/12/2019, without obtaining
response.

State in the claim:

1) In that same request to exercise the right, it was emphasized that the
claimed "in July 2018 access to data from the register of the rate for provision of service
of water supply, which works in the claim of the AEPD E/06811/2018, which was
archived due to the submission of information on the sanitation canon, despite the
evidence of the photocopies attached to the information sent containing information on the
affected as a taxpayer of the water register and GOBEX canon, referring to the collection
quarterly newspaper of the rate of water supply and therefore the information was not provided
requested, nor did this Agency protect the affected party."

2) That on 05/03/2019, at the request of the right of access to the data of the canon of
sanitation in Junta de Extremadura "an appeal for reconsideration was filed against the
refusal to process the claim, E/03514/2019", attaching a letter from the Head of
Tax Management Service of 03/04/2019, which facilitates the right of access to the
requested data" from which it deduces that the City Council reported that the affected party is
taxpayer of the water supply rate.

As can be seen in that appeal, the claimant indicated "the first news that was received that it was listed as a taxpayer in the water supply register and canon of reorganization occurred when the water receipts and GOBEX canon for the first quarter were delivered 2018, being informed verbally by the official that he had changed his taxpayer, without any information or administrative act to justify them", accompanies copy of the receipts for the first quarter of 2018." The receipts for water and GOBEX canon corresponding to the collection procedures of the second and third quarter of 2018". Attached as annex 1 is the data provided by the Head of Tax management service of the Board, regarding the data of the affected party communicated by the City Council with the self-assessments of the sanitation canon.

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The letter informs you of the data that has been communicated by the City Council of Gata with the declarations and self-assessments of the sanitation canon presented before them.

Contains the data contained in the database of the Junta de Extremadura referred to said canon. The data includes the invoice number, the date of issuance of the invoice, the beginning of the invoiced period, which is 3 months, and the amount, together with the NIF. The self-assessments are also accompanied with the settlement and receipt number of each detailed quarter.

3)

That before his claim in the Agency of 03/10/2019, for non-response of the claim-mado in his right of access to the personal data of the file corresponding to the canon of sanitation of the C.A. of Extremadura ceded to the Junta de Extremadura, with the result

of inadmissibility on E/04018/2019 of 04/09/2019, on 05/08/2019 he filed an appeal for replacement. in which it was made clear that the request was not repeated, neither by term nor for the data previously requested, evidencing the falsity of the information of the canon provided at the time in response to the request for access to the data of the rate of supply of water providing the aforementioned letter of 03/04/2019 and the receipts of the rate, where the canon is passed on, delivered by the City Council to the affected party, with which it was accredited that the City Council communicated that the affected party is a taxpayer of the rate of supply of water and that their data is subject to treatment”.

For documentation that appears in files E that the claimant mentions, in chronological order:

6811/2018

3514/2019, and

4018/2019

and its resources, requests that they be provided herewith”, and “it is hereby accredited that the GATA City Council never provided access to the data of the affected party, processed in relation to the rate of water supply while declaring that the affected one is taxpayer of the water supply rate and as such delivers the receipts invoices of the rate where the canon that is self-assessed every six months by the Junta de Extremadura has an impact.”

Provides:

a) Copy of a letter addressed to the respondent, dated 04/12/2019, exercising their right to access to data on the rate of water supply, adding that "data from the GOBEX sanitation fee, having reliable evidence that the City Council has informed the Junta de Extremadura that the affected party is a taxpayer.”

SECOND: In view of the facts denounced in the claim and the documents provided by the claimant, the claim is transferred to the claimant on 07/19/2019 so that accredit response to the claimant, the decision and the measures adopted so that it is not

repeat similar incidents.

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The shipment consists of "acceptance date on 07/22/2019" and in the absence of a response, reiterates on 12/18/2019, appearing accepted, without any response having been received.

On 02/05/2020, the claim was accepted for processing.

THIRD: With respect to the alleged previous files, it should be mentioned that incorporate to the present, the documentation that works and generated in relation to the following:

File E/6811/2018:

It is an agreement of non-admission for processing of 8/10/2018

The mentioned resolution is related to the writing that originates it, presented by the claimant with a registration date of 08/27/2018, registration number ***REGISTRATION.1, in the which indicated:

a) "In writing dated 07/20/2018, the right of access to personal data was requested. corresponding to the rate standard for provision of water supply service. manifest which attaches a copy of the application document in Annex 1. It is noted that said annex does not appear.

"Dated 08/14/2018, resolution of the mayor's office 2018-204 of 08/09 is notified granting access to the data related to the registry of the canon of sanitation of the GOBEX. A copy of the resolution is attached as annex 2." Note that there is no such annex.

"On the same date information is received on some of the data related to the registry of the GOBEX sanitation canon, which is accompanied by some data sheets of some computer file referring to two properties in which many data would be missing and the

provided would be insufficient, contradictory and unintelligible in some cases, and the coding system and equivalence of the computer application for its interpretation.

Attached annex 3 is a copy of a document". Note that there is no such annex.

"It is impossible that the origin of the sanitation canon data is the IBI or the census of inhabitants, since the regulatory norm of the canon, Law 2/2012, indicates that its origin is the pattern of the water supply rate."

Considers that "the data of the register of the rate for the service has not been accessed of the water supply service.

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The decision of inadmissibility was appealed by the claimant that was processed in the RR/00763/2018, dated 12/4/2018, dismissed.

File 3514/2019, inadmissible for processing.

In the claimant's claim brief, she requested on 03/12/2019, due to the lack in response to your right of access exercised on 02/04/2019 against, in this case, the General Directorate of Taxes of the Ministry of Finance and Public Administration of the Junta de Extremadura on the data of the sanitation canon of the Autonomous Community of Extremadura ceded by the City Council of Gata to the Junta de Extremadura.

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It can be seen that what the claimant is now claiming is directed against the City Council, although this file is mentioned and taken into account to be able to keep a relationship. The claim was inadmissible for processing on 03/28/2019.

Appealed, in appeal for reconsideration RR 354/2019 was resolved on 07/09/2019

dismissing, it highlights, in facts "On May 3, 2019 the affected party has submitted a document, registered with the Agency on 05/06/2019, in which it shows disagreement with the resolution, arguing that the non-admission agreement violates the right of access guaranteed by article 13 of the LOPDGDD and article 15 of the RGPD.

While in grounds of law I, it is indicated "Subsequently, the appellant filed on 03/19/2019 a writ withdrawing the claim made on March 12 of 2019 with pre-registration code 201903100-008600-00851, indicating that: "Dated of March 12, 2019, in writing, of March 4, from the Head of the Tri-Management Service Butaria and Income of the General Directorate of Taxes, a response is received to each request of access of those affected that gave rise to the aforementioned claims. What is appropriate to give up of the claims, understanding that the right of access is satisfied...".

In this appeal, the claimant provided information on the access to her data provided by the Junta de Extremadura on the sanitation canon dated 8 March 2019, which includes the invoice: date, number, expiration, invoice period-C, NIF amount. It also provides as annexes the taxpayer copy of receipts "Waters and Canon Government Extremadura" of different quarters of 2018.

File 4018/2019, inadmissible for processing on 04/09/2019, entry date 03/12/2019.

The claim brief states that: "On 02/04/2019, the City Council of Gata access to personal data of the sanitation canon of the AC of Extremadura ceded to the Board, and not having obtained a response, it is presented written claim."

The non-admission agreement indicates that "In the present case, it is appropriate to indicate that the documentation in file E/00519/2019 shows that the request for access made on 02/04/019 reiterates another request made by the affected party on 07/20/2018, which was processed by the Gata City Council through file No. 234/2018 and re-released through the resolution of 08/09/2018, granting by virtue of the aforementioned act the access

to the requested information. Thus, after the analysis carried out on the previous documents, previously mentioned and the concurrent circumstances, there are no reasonable indications of the existence of an infringement of data protection regulations.”

Against the agreement, an appeal for replacement is filed, managed with the number RR/365/2019 which on 07/30/2019 dismisses the petition.

File E/00519/2019, deals with a document dated 12/12/2018, with the claimant being B.B.B. .(pamother of the representative of the claimant in this proceeding, as indicated in the re-clamor)

In the claim, it states that “On 03/08/2018 you requested access to your data on the municipal rate of water supply and the data transferred to the Junta de Extremadura on

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the canon of sanitation of the CCAA of Extremadura ", and not having received a response, make a claim.

Attach a copy of the document presented to the City Council.

In the response of the respondent in the file, it is indicated that it was not con-

the request has been tested since it is not the owner of any record of files in the reorganization canon.

ment of the Junta de Extremadura. He adds that the representative of B.B.B. and C.C.C. Is daughter

of both, and that the "mayor's office has already granted the right of access to the representative, requesting

by A.A.A., mother of the representative as the current owner of the data that is “related to

you to the canon of sanitation”.

It also provides a brief 08/09/2018 summary "sending a report on the claim-

tion submitted by D.D.D., on behalf of A.A.A. about access to personal data

protected” In the resolution it is indicated that “access to personal data is granted
sonal what concerns you that are being dealt with in this City Council related to the register of
GOBEX sanitation fee”.

Another writ of access from D.B.B. figure with release date of 02/25/2019, also refer-
attached to the “GOBEX sanitation canon”.

Against the agreement, an appeal for reconsideration RR/00288/2019 was filed, which was dismissed.
m on 12/17/2019.

FOURTH: On 06/03/2020, the Director of the Spanish Data Protection Agency
agreed to initiate a sanctioning procedure against the defendant, in accordance with the provisions of the
Articles 63 and 64 of Law 39/2015, of 1/10 of the Common Administrative Procedure of the
Public Administrations (hereinafter, LPACAP), for the alleged violation of article 15
of the RGPD, in accordance with article 83.5 b) of the RGPD.

Against the initial agreement, no claims are made by the respondent.

FIFTH: On 11/26/2020, the instructor of the procedure agreed to open a
period of practice of tests, taking for incorporated the actions E/06880/2019.

The respondent is requested to respond to the following request for information:

1. Indicate the relationship between the rate of water supply, how to obtain the
data for its management, and specifically in this case, of the claimant (collection and information
to the claimant of data processing) and in the same sense, on those used for the
"GOBEX sanitation canon", providing if they have, information on the
treatment of these data were given to the claimant.
2. Report how the data is transferred for the "GOBEX sanitation canon",
periodicity and other aspects for the collection of said canon. Data transferred from the
claimant, for the management of the “GOBEX sanitation canon”.
3. Report, if always and in any case, the existence of the water supply rate
conditions and must exist for the second to occur, the "GOBEX sanitation canon", and

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if the second only exists when there is a water supply, or registration in the water register, which implies the “water supply rate.”

4. Indicate whether the settlements for water consumption of the claimant in estimates direct reading of meter consumption will not constitute elements that are part of the water supply rate.

5. Reasons why the water supply rates of ***ADDRESS.1, go from owned by B.B.B. to A.A.A..) and because at a given moment, the first ceases to be the data owner.) and if the new owner is informed of the data processing, providing a copy of said writing.

6. The claimant indicated that in writing dated 07/20/2018 the right of access was requested to the data corresponding to the rate standard for provision of water supply service and that entity responded on 08/14/2018, resolution of the mayor's office 2018-204 of 08/09 granting access to the data related to the registry of the canon of sanitation of the GOBEX. Reasons why if the claimant has also requested on 04/12/2019 the aforementioned access, on neither of the two occasions have they been provided, on one they gave him the of “GOBEX sanitation canon”, in the last one it is unknown if such access has been given.

7. Submit the data that confirms the water supply rate of the current claimant, and those existing in the years 2017 to the present.

The respondent did not answer.

SIXTH: On 01/05/2021, a resolution proposal is issued for the following paragraph

“That by the Director of the Spanish Agency for Data Protection, a sanction is made for

GATA CITY COUNCIL, for an infringement of article 15 of the RGD, in accordance with article 83.5 b) of the RGD.”

Allegations were received on 01/20 and 21/2021, of the following tenor:

-Indicates that it is a town with less than a thousand inhabitants and limited resources, so contracted with an expert company in Data Protection for the advice of the exercise of rights.

-States that it has given effect to the exercise of the right of access of the claimant of the fee of water supply. They provide:

□

Acknowledgment of shipment by postal service to the representative of the claimant.

Letter addressed to the representative of the claimant as a reference to the number of

□

file that appears in the shipment of the postal service in which it responds to the exercise of the access right of the water supply rate signed on 01/20/2021 that includes the information regarding the processing of personal data.

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PROVEN FACTS

1) The claimant asked the respondent for their data associated with the treatment of the rate of water supply on 04/12/2019 and what data related to said water supply rate water has yielded, and to which entities, without obtaining a response. The request falls under the right of access of the interested party of article 15 of the RGD. In neither case did he obtain an answer.

It should be noted that in a previous guardianship, dated 08/14/2018, the respondent gave him the access to the data related to the registry of the GOBEX sanitation canon, according to the claimant states.

2) Related to said request, the claimant knows that her data is subject to treatment by the CCAA of Extremadura on the occasion of its management of the canon of sanitation of the water, or canon of sanitation of the GOBEX, own tribute of the Autonomous Community of Extremadura (Law 2/2012 of 06/28) and exercised its right to accessed on 02/04/2019. In the information provided to you, you are considered to be taxpayer (tax obligation).

3) The data of the claimant of "GOBEX sanitation canon" were communicated by the claimed, as stated in the response that the CCAA Extremadura, holder of the tax of the sanitation canon gave the claimant the right of access exercised on 02/04/2019.

4) In the course of this proceeding, the respondent provided a copy of the document that he had sent to the claimant the response to the petition dated 04/12/2019, containing the basic informative elements about access to your data.

FOUNDATIONS OF LAW

Yo

By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of control, and as established in arts. 47 and 48.1 of the LOPDGDD, the Director of the Spanish Agency for Data Protection is competent to resolve this procedure.

Defines the RGPD in its article 4:

II

"responsible for the treatment" or "responsible": the natural or legal person, authority public, service or other body that, alone or jointly with others, determines the ends and means of the treatment; if the law of the Union or of the Member States determines the purposes and

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means of treatment, the person responsible for treatment or the specific criteria for its

appointment may be established by the Law of the Union or of the Member States;”

This procedure is limited to the claim derived from the non-response to the exercise

of access to the data of the water supply rate of the claimant that are the subject of

requested treatment. Accessory aspects related to the sanitation canon are left out

of the GOBEX that are reflected and mentioned previously for being able to be related to the ci-

all rate.

Law 2/2012, of 06/28, on urgent measures in tax, financial and gambling matters

the Autonomous Community of Extremadura (B.O.E. no. 166, dated 07/12/2012 and D.O.E.

no. 125, dated 06/29/2012, and Decree 157/2012, of 03/08, which approves the Regulation

of the Sanitation Canon of the Autonomous Community of Extremadura (Official Gazette of

Extremadura no. 151, dated 08/06/2012) are the regulations related to the canon of

Sanitation as a tribute of the CCAA of Extremadura. The sanitation fee is

an indirect tax, of a real nature, which taxes the availability and

use of water. Its purpose is to enable the financing of infrastructures

hydraulic supported by the Autonomous Community of any nature

corresponding to the integral water cycle (art 33 of the Law). They should also be cited from the

Law:

“Article 36. Obligated taxpayers

1. They are passive subjects, by way of taxpayers, natural or legal persons, and

entities referred to in article 35.4 of Law 58/2003, of December 17 (RCL 2003,

2945), holders of the water supply service provision contract, both for the simple fact that homes, offices or connected premises can have such service and for the use they make of said supply.

In this case, they will be considered taxpayers, as substitutes for the taxpayer, supplying entities.

Article 46. Impact

1. In the event of supply by the supplying entity, it must have repercussions fully the amount of the canon on the taxpayer, who is obliged to bear it.

4. The procedure for collecting the sanitation canon in the voluntary period will be unitary with the one followed for the collection of the rights that the supplying entity corresponding to the water supply service. The act of approving document that authorizes for the collection of the rights derived from the service of water supply and the announcement of collection will also refer to the canon of sanitation.

Article 47. Self-assessment

1. Substitutes for the taxpayer will be required to file a self-assessment in the form and deadlines determined by regulation. Models will be approved by order of the Ministry responsible for finance matters.

Article 51. Compatibility with other tax figures

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The sanitation canon regulated in this provision is compatible with any other tax related to the use of water. In particular, its compatibility is declared

with the tax figures contemplated in the state water legislation and with the taxes

in this matter that may be required by local entities.”

Taxable person as taxpayer is the person who performs the taxable event, that is, the person who performs the action that is subject to some tax, which in this case indicates that it would be the claimant, and substitutes for the taxpayer, the taxpayers who, by imposition of the law and instead of the taxpayer, they are obliged to fulfill the main tax obligation, as well as the inherent formal obligations. Unless the law indicates otherwise, the substitute may demand from the taxpayer the amount of the tax obligations satisfied (article 36 of the General Tax Law).

Therefore, different legal positions are presented regarding the management of the supply rate. water supply, responsibility of the supplying entities, generally the City Council-ment or concessionaire of the same, in front of the canon of sanitation, which is a tribute of the Junta de Extremadura, although the City Council intervenes in its management because it is so indicated in the Regulatory Law and development regulations.

It can be seen, then, that the canon and the water supply rate are different tax objects, with different purposes and data controllers, from different public administrations,

Although there are internal relations between both administrations with the aim of managing tion of the canon. It has a specific regulation by the CCAA of Extremadura, which by falling in water supply, requires collaboration in data processing management.

The City Council collects the data for the management of its water supply rate and from of this collection, performs treatment operations related to the purpose for which same, including those specified in the regulatory law of the canon and development regulations, that include the collaboration in the management of the canon. This supposes, among other aspects, pay in the same rate of water supply, the part of the sanitation canon and the self-li-settlement of the tax. The City Council, when it is a supplier entity, is responsible for state in a differentiated manner on the invoice or receipt: the taxable base, the types and

percentages as well as the tax quota of the canon. It does not seem appropriate to determine that in the treatment operations carried out by the claimed party differentiate and separate the data by the tasks to which they are assigned, but rather, they form a chain of treatments with a single purpose, intended for the management and collection of the sanitation canon in its different aspects. These aspects, which are included by legal provision in the same invoice as the rate of water supply. This is how both concepts appear on the receipt given the intimate connection that emerges from its management and for configuring it in this way the applicable regulations. It doesn't mean that the respondent uses some data for the rate of water supply and other for the canon, but at the level of treatment operations, they correspond to the same purpose that is foreseen in the regulations of establishment and development of the canon, and it is the Deposit of data processing of the claimed.

Recital 61 of the RGPD indicates:

III

“ Data subjects must be provided with information on the processing of their data information at the time they are obtained from them or, if obtained from another source, in

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a reasonable time, depending on the circumstances of the case. If the personal data can be legitimately communicated to another recipient, the interested party must be informed at the time they are communicated to the addressee for the first time.”

The exposed facts are constitutive on the part of the defendant of an infraction of the article 15 of the RGPD that establishes:

1. The interested party shall have the right to obtain from the data controller confirmation of

whether or not personal data concerning you is being processed and, in such a case, the right to access to personal data and the following information:

- a) the purposes of the treatment;
- b) the categories of personal data in question;
- c) the recipients or categories of recipients to whom they were communicated or will be communicated the personal data, in particular recipients in third parties or organizations international;
- d) if possible, the expected term of conservation of the personal data or, if not possible, the criteria used to determine this period;
- e) the existence of the right to request from the controller the rectification or deletion of data or the limitation of the processing of personal data relating to the interested party, or to object to such processing;
- f) the right to file a claim with a supervisory authority;
- g) when the personal data has not been obtained from the interested party, any available information about its origin;
- h) the existence of automated decisions, including profiling, to which refers to article 22, sections 1 and 4, and, at least in such cases, significant information on the logic applied, as well as the importance and the foreseen consequences of said treatment for the interested party.

Article 12.2.3 and .4 of the RGPD indicates:

"2. The person responsible for the treatment will facilitate the interested party in the exercise of their rights in under articles 15 to 22."

"3. The data controller will provide the interested party with information regarding their proceedings on the basis of a request under articles 15 to 22, and, in any case, within one month from receipt of the request. Said term may be extended for a further two months if necessary, taking into account the complexity and

the number of requests. The person in charge will inform the interested party of any of said extensions within a month from receipt of the request, indicating the reasons for the delay. When the interested party submits the request by electronic means, the information will be provided by electronic means whenever possible, unless the interested party requests that it be provided in another way.

4. If the person in charge of the treatment does not process the request of the interested party, he will inform him without delay, and no later than one month after receipt of the request, of the

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reasons for its non-action and the possibility of presenting a claim before a control authority and exercise judicial actions.”

This right of access is independent of the right of access to documentation in a administrative procedure when the condition of interested party is held, regulated by the LPACAP, and thus derives from the wording of article 13 of the aforementioned Law, and the mention in the Article 53 of the rights of the interested parties.

The respondent did not answer the claimant about the data of which the respondent holds the responsibility, clearly expressed by its definition, and also by its exclusion.

Within the right of access to data, you must not only offer information on the origin, but also also to whom he has given them.

IV

Point out article 83.5. “Infringements of the following provisions will be sanctioned, in accordance with 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 volume

of total annual global business of the previous financial year, opting for the one with the highest amount:

b) the rights of the interested parties pursuant to articles 12 to 22;"

Article 83.7 of the RGPD indicates:

"Without prejudice to the corrective powers of the control authorities under the

Article 58(2), each Member State may lay down rules on whether it can, and

To what extent, impose administrative fines on authorities and public bodies established in that Member State.

Article 58.2 of the RGPD provides the following: "Each control authority will have

all of the following corrective powers indicated below:

a) sanction any person responsible or in charge of the treatment with a warning

when the treatment operations have violated the provisions of this

Regulation;

d) order the person in charge or in charge of the treatment that the operations of

treatment comply with the provisions of this Regulation, where appropriate, in accordance with

a certain way and within a specified period;

In this sense, the respondent has accredited the measure consisting of giving access to the

claimant, who as the data controller should have complied with at the time, as it was the

concrete and specific request for what was requested, without first having given effect to that

specific and concrete access to what is requested by said person in charge.

The Spanish legal system has chosen not to fine entities

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public, as indicated in article 77.1. c) and 2. 4. 5. and 6. of the LOPDDGG: “1. The regime established in this article will be applicable to the treatments that are responsible or in charge:

c) The General Administration of the State, the Administrations of the communities autonomous and the entities that make up the Local Administration.

2. When those responsible or in charge listed in section 1 committed any of the infractions referred to in articles 72 to 74 of this organic law, the competent data protection authority will issue a resolution sanctioning the same with warning. The resolution will also establish the measures that appropriate to adopt so that the conduct ceases or the effects of the infraction are corrected. would have committed

The resolution will be notified to the person in charge or in charge of the treatment, to the body of which depends hierarchically, where appropriate, and those affected who had the status of interested, if any.

4. The data protection authority must be notified of the resolutions that fall in relation to the measures and actions referred to in the sections previous.

5. They will be communicated to the Ombudsman or, where appropriate, to the analogous institutions of the autonomous communities the actions carried out and the resolutions issued to the protection of this article.

6. When the competent authority is the Spanish Agency for Data Protection, this will publish on its website with due separation the resolutions referring to the entities of section 1 of this article, with express indication of the identity of the responsible or in charge of the treatment that had committed the infraction.”

The infraction committed has been corrected, but its file does not correspond, but its statement because it occurred once the procedure was opened, verifying the

itself, without corrective action being imposed.

Therefore, in accordance with the applicable legislation,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE GATA CITY COUNCIL, with NIF P1008500I, for a

violation of article 15 of the RGPD, in accordance with article 83.5 b) of the RGPD, a warning sanction.

SECOND: NOTIFY this resolution to the GATA CITY COUNCIL.

THIRD

in accordance with the provisions of article 77.5 of the LOPDGDD.

: COMMUNICATE this resolution to the OMBUDSMAN, of

FOURTH: 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.

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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 one month from the day

following the notification of this resolution or directly contentious appeal

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

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

of Law 29/1998, of 13 /07, regulating the Contentious-administrative Jurisdiction, in the

period of two months from the day following the notification of this act, as

provided for in article 46.1 of the aforementioned Law.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP, it may be precautionary suspension of the firm decision in administrative proceedings if the interested party expresses its intention to file a contentious-administrative appeal. If this is the case, the

The interested party must formally communicate this fact in writing addressed to the Agency

Spanish Data Protection, presenting it through the Electronic Registry of the

Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through one of the

remaining records provided for in art. 16.4 of the aforementioned Law 39/2015, of 1/10. Also

must transfer to the Agency the documentation that accredits the effective filing of the

Sponsored links. If the Agency was not aware of the filing

contentious-administrative appeal within two months from the day following the

notification of this resolution would end the precautionary suspension.

Sea Spain Marti

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