

□ Procedure No.: PS/00065/2021

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: UNIDAD AVANZADA SALUD BUCODENTAL, S.L.P (hereinafter, the
claimant) dated September 11, 2019 filed a claim with the
Spanish Data Protection Agency.

The claim is directed against LA MASO INTERMEDIATION MEDICAL CENTER AND
SERVICIOS, S.L., with NIF B87777785 (hereinafter, the claimed).

AND

The reasons on which the claim is based are that its website
www.centromedicolamaso.es does not have a privacy policy.

SECOND: In accordance with article 65.4 of Organic Law 3/2018, of 5
December, of Protection of Personal Data and guarantee of digital rights (in
hereinafter LOPDGDD), with reference number E/10009/2021, transfer of
said claim to the claimed party on November 1, 2020, so that it could proceed with its
analysis and report to this Agency within a month, of the actions carried out
carried out to adapt to the requirements set forth in the data protection regulations.

THIRD: On February 18, 2021, the Director of the Spanish Agency for
Data Protection agreed to initiate a sanctioning procedure against the claimant, for the
alleged infringement of article 13 of the RGPD, typified in article 83.5 of the RGPD.

FOURTH: On April 22, 2021, a resolution proposal was formulated,
proposing that the Director of the Spanish Data Protection Agency
sanction CENTRO MEDICO LA MASO INTERMEDIACION Y SERVICIOS, S.L., with

NIF B87777785 for an infringement of article 13 of the RGPD, typified in article

83.5 of the RGPD, a fine of 5,000 euros (five thousand euros).

PROVEN FACTS

FIRST: It is reported that the website www.centromedicolamaso.es does not have privacy policy appropriate to data protection regulations.

SECOND: The respondent states that on the date the claim was made

(September 2019) there was no type of application form on the website.

data collection, since the appointments were made by telephone or in person and which currently complies with the regulations.

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THIRD: Currently you can make an appointment through the website of the claimed entity which has this privacy policy:

RESPONSIBLE

C/ Ubeda, 21 (28034 Madrid), info@centromedicolamaso.es, B87777785

PURPOSES

Patient care provision and management of their medical history.

LEGITIMATION

Execution of a contract with your medical insurance company and/or between the healthcare provider and the patient and the Law

regulation of patient autonomy.

ASSIGNMENTS

Companies responsible for your medical coverage, health centers or professionals

responsible for the patient and in the legally foreseen cases.

CONSERVATION

During the validity of the assistance agreement and according to the requirements of the Law regulation of patient autonomy.

RIGHTS

You can request access, rectification, deletion, opposition, limitation and portability

of your data in the contact details of the person in charge. In case of discrepancies,

You can file a claim with the Data Protection Agency

(www.agpd.es). When the patient is under 16 years of age, the name must be included.

of the minor and the name and signature of his legal representative (mother, father or guardian).

FOUNDATIONS OF LAW

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The Director of the Spanish Agency is competent to resolve this procedure.

Data Protection, in accordance with the provisions of art. 58.2 of the GDPR and

in the art. 47 and 48.1 of LOPDGDD.

II

The defendant was charged with the commission of an infraction for violation of article 13

of the RGPD, considering you the owner of the website www.centromedicolamaso.es, the

which breached the data protection regulations by not having a privacy policy, which

which entailed the infringement of article 83.5 b) of the RGPD.

III

At the time this claim was filed, the website

www.centromedicolamaso.es did not have a Privacy Policy or document

equivalent, but personal data was not collected through said

website, so that the claimed entity has not breached article 13 of the RGPD

Therefore, after learning of these facts, the Director of the Agency

Spanish Data Protection RESOLVES:

FIRST: PROCEED TO FILE these proceedings.

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SECOND: NOTIFY this resolution to the claimant and claimed.

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 to Public Administrations, and in accordance with the provisions of the

art. 112 and 123 of the aforementioned Law 39/2015, of October 1, interested parties may

file, optionally, an appeal for reconsideration before the Director of the Agency

Spanish Data Protection Authority within a month from the day

following the notification of this resolution or directly contentious appeal

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

in accordance with the provisions of article 25 and paragraph 5 of the provision

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

Contentious-Administrative, within two months from the day after

to the notification of this act, as provided in article 46.1 of the aforementioned Law.

Sea Spain Marti

Director of the Spanish Data Protection Agency

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