

□ File No.: PS/00391/2021

## RESOLUTION OF PUNISHMENT PROCEDURE

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

### BACKGROUND

FIRST: D.A.A.A. (hereinafter, the complaining party) dated October 29,  
2020 filed a claim with the Spanish Data Protection Agency. The  
claim is directed against ORANGE ESPAGNE, S.A.U. (hereinafter the part  
claimed).

The reasons on which the claim is based are because on October 29, 2020,  
at 12:35 p.m., received a business call from the calling line

\*\*\*TELEPHONE 1. It states that the receiving line (\*\*\*TELEPHONE.2) is registered in  
the Robinson List since 01/16/2014.

Relevant documentation provided by the claimant:

Telephone bill issued by FINETWORK showing ownership of the line.

Email from Adigital indicating that the number of the  
claimant.

Email from \*\*\*EMAIL.1 dated 4/2/2020, notifying that the  
made effective the right of deletion requested by the complaining party to ORANGE  
corresponding to a contract associated with a line number owned by the party  
earlier claimant. They also specify that, notwithstanding the foregoing, it is not  
possible to make the request for deletion effective because there is a contractual relationship with  
Jazztel.

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), on December 28, 2020, said transfer was made claim to the claimed party, so that it proceeded to its analysis and inform the this Agency within a month, of the actions carried out to adapt to the requirements set forth in the data protection regulations.

On January 22, 2021, this Agency received a written response from the claimed party, reporting:

“After a study of the claim in question, it has been verified that the receiving numbering of the calls (the line \*\*\*TELÉFONO.2), was registered in the Internal Advertising Exclusion List of this company on the date of receipt Of the call. Likewise, it has been found that it is included in the Robinson List of Advertising Exclusion managed by the Spanish Association of Digital Economy (hereinafter, Adigital) since January 16, 2014.

In this sense, it is important to point out that the numbering owned by the claimant has not been object of any commercial communication by any supplier of the communication channel. distribution of this mercantile, nor by Orange. Additionally

to the foregoing, it has been verified as a result of this claim, that this company

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has not issued calls of a commercial and/or promotional nature to the number of Mr.

A.A.A., not being provided to any supplier of the distribution channel of

Orange.

On the other hand, it has been proven that the numbering that made the commercial call

nº \*\*\*TELEPHONE.1 does not belong to or is being employed by this company, nor

neither by any of its suppliers in the distribution channel. to major  
abundance, this Agency is informed that the referred numbering is assigned  
to the reseller of this company NEOTEL 2000 S.L., .....

Mr. A.A.A. has been informed of all of the above. via  
communication that is attached as annex document No. 1 but that, as there is no  
sufficient data in the transferred claim, it is not possible, so we ask  
this Agency to send the attached communication to the claimant, as it does not have  
sufficient contact information for this purpose.”

THIRD: On February 11, 2021, the application was admitted for processing.

claim filed by the claimant. Next, the Subdirectorate

General Data Inspection proceeded to carry out preliminary actions of

investigation to clarify the facts in question, by virtue of the

investigative powers granted to the control authorities in article 58.1 of the

Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter

RGPD), and in accordance with the provisions of Title VII, Chapter I, Section

second, of the LOPDGDD, having knowledge of the following extremes:

According to Adigital's response to a request for information, it is confirmed that the  
number of the complaining party, \*\*\*PHONE.2 is registered in the call channel  
telephone calls since January 16, 2014.

Through information obtained from the website of the Association of operators for  
portability, it is verified that, at the date of investigation of this file, the  
operator of the number originating the calls \*\*\*PHONE.1 is FRANCE TELECOM  
SPAIN (hereinafter, ORANGE)

Regarding the emission of the call from the claimed number:

According to ORANGE's response, upon request for information on the ownership of the  
originating number and making the call from said number to the number of the

complaining party, on October 29, 2020, indicates that:

“In relation to the ownership of the line \*\*\*TELÉFONO.1, this merchant comes to confirm that, after carrying out the mandatory checks, it has been possible to verify that the indicated numbering is assigned to a reseller of ORANGE ESPAGNE S.A.U. specifically NEOTEL 2000, SL with CIF B52009743.”

“In relation to the requested traffic data, after having made the appropriate checks in the systems of this company, the data of requested traffic.”

According to NEOTEL's response, upon request for information on the ownership of the originating number and making the call from said number to the number of the complaining party, on October 29, 2020, indicates that:

The owner of the line \*\*\*TELÉFONO.1 on the requested date was ZCALL LEVANTE S.L., with CIF: B73637225.

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Regarding the call from this number to the complaining party's number, confirm their completion.

According to a response from ZCALL LEVANTE S.L., to a request for information on reason for making calls from the number \*\*\*PHONE.1 to the number of the complaining party, and the contractual relationship with ORANGE, indicates that:

Regarding the confirmation of making the call:

“We confirm that the number \*\*\*TELÉFONO.1 is contracted by Zcall Levante, S.L., but we cannot confirm that said call was made, since the history of

calls are deleted periodically, however, we have requested the company telephone this consultation.”

Regarding the reason for issuing the call:

“On that date, just out of confinement, they were doing some calls to arrange commercial visits, I understand that this would be one of the they.”

Regarding the contractual relationship with the Orange company:

“With ORANGE we do not have any contractual relationship, but we have had one with some official Orange distributor, with whom we have collaborated on some sales.”

On how they receive the numbers to which they must make commercial calls:

“Normally we use a database that we buy.”

Regarding if they consult any list of numbers that cannot be called:

“We have the possibility to check if the number to call is on the list

Robinson or not. When consulted, this number is not on said Robinson list.”

Subsequently, a collaboration contract is requested between ZCALL Levante, SL and ORANGE or an official distributor of ORANGE products.

They respond to this requirement by providing a commercial contract, with the name

“Zcall Levante collaboration agreement sl.pdf”. This contract establishes a relationship

contract between ZCALL LEVANTE, S.L. (“THE COLLABORATOR”) and MOVILMUR

TELECOMMUNICATIONS, S.L. (“THE COMPANY”), for commercial and technical support

to attract new customers-final consumers of the services that the

COMPANY manages. In turn, the contract specifies that THE COMPANY is a collaborator

of Orange products with the authorized distributor Seven Mobile Communications

2018, S.L. as indicated in section I of said contract.

According to the response of ZCALL LEVANTE S.L., upon request for additional information, indicates that:

To the question of Who do you get the database of numbers to call?

They answer that they obtain it from CENTRAL DE COMUNICACIONES.ES (\*\*URL.1).

Purchase invoice attached.

Upon request for confirmation that the claimed number (\*\*TELEPHONE.2) is

was in said database at the date of the claimed call, they report:

“We have searched the current database, but the number does not appear claimant. (databases are updated every year).”

When asked what diligence ZCALL LEVANTE, S.L. to verify that

Said user database has been created with their consent?

they answer:

"We do not check the database, because we understand that it is legal because

They sell it publicly online. (We check on each call if not

is on the Robinson list.)”

Regarding the reception of the call in the number of the complaining party:

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According to the response of WEWI MOBILE S.L., which was the operator of the number of the complaining party, at the request of information on ownership of the destination number and the reception of the call in said number from the number of the claimed party, to date October 29, 2020, indicates:

“According to our files and systems, on October 29, 2020 the

owner of the subscriber line of number \*\*\*PHONE.2 was A.A.A. with NIF

\*\*\*NIF.1. He signed up for FINETWORK on September 11, 2020.”

“In advance, and for the appropriate purposes, we inform this organization that telecommunications services are provided by VODAFONE ENABLER ESPAÑA, S.L. (C.I.F. B-82896119), which has signed with FINETWORK a Collaboration Contract for the commercialization of said services.

Consequently, being the owner of the network VODAFONE ENABLER ESPAÑA, S.L., We proceeded to request the required information, obtaining the following response:

"We cannot provide this information, to see this information you need to consult the retention system and for this a judicial official is required"

According to a response from VODAFONE ESPAÑA, to a request for information on confirmation of receipt at the number \*\*\*PHONE.2 of the call from the number \*\*\*PHONE.1, as of October 29, 2020, indicates that:

“After making the pertinent queries in the internal systems of my client, it has been identified that none of the numbers, neither the caller nor the receiver, are assigned to Vodafone, so it is not possible to provide the information requested.”

FOURTH: By Agreement dated October 13, 2021, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure against the part claimed for the alleged infringements of article 48.1.b) of Law 9/2014, of May 9, General de Telecomunicaciones (hereinafter, LGT), in relation to the art. 21 of the RGPD and 23 of the LOPDGDD, and article 28 of the RGPD (typed in accordance with article 83.4.a) of the RGPD), considered minor in articles 78.11 of the cited LGT and 74.k) of the LOPDGDD.

FIFTH: Once the initiation agreement was notified, the claimed party submitted a written allegations to the aforementioned agreement to initiate the sanctioning procedure, on the 5th of November 2021, in which, in summary, it stated:

The facts are recognized, and a request for postponement is also submitted to the

impossibility of making the payment effective, in order to take advantage of the two reductions of 20%, leaving the debt at 24,000 euros.

Request, in accordance with the provisions of article 65 of Law 58/2003, of 17 December, General Tax, and art. 46 of Royal Decree 939/2005, of July 29, by which approves the General Collection Regulations, in relation to the sanction imposed by resolution of the aforementioned Spanish Data Protection Agency.

More time has also been requested to study payment formulas, and provide documentation that may be required.

Payment in installments, making the following proposal, monthly payment from the 5 December 2021, for 24 months, for an amount of €1,000.

The previous request is justified by the bad results this 2021 of the business and the lack of cash to pay the sanction and continue with the activity, putting in knowledge not to be in bankruptcy.

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SIXTH: On April 5, 2022, a resolution proposal was formulated, proposing:

“That by the Director of the Spanish Agency for Data Protection, a sanction is made for ZCALL LEVANTE, S.L. with NIF B73637225, with a fine of €40,000 (forty thousand euros), for the infringement of Article 28 of the RGPD and Article 48.1.b) of the LGT, typified in Article 83.4 of the RGPD and in Article 78.11 of the LGT, respectively.”

SEVENTH: On May 3, 2022, ZCALL LEVANTE, S.L. presented



allegations to the Proposed Resolution, in summary, in the following terms:

First. Lack of motivation. The agreement to start the sanctioning procedure, as well as as its resolution proposal, and the sanctions that appear in the file lack of motivation beyond the simple imposition of the sanction.

Second. Lack of principle of guilt. Sanctions cannot be imposed without credited, guilt in the act.

Third. Nor would it be appropriate to apply the aggravating factors that appear in the proposal to start the sanction, and proposal for a resolution, since it cannot be consider that it acted outside the current regulations, being an anomaly in all specific case in the management of personal data.

#### PROVEN FACTS

FIRST: Adigital confirms that the number of the complaining party, \*\*\*PHONE.2 has been enrolled in the phone call channel since January 16, 2014.

SECOND: ZCALL LEVANTE S.L. indicates that:

“We confirm that the number \*\*\*TELÉFONO.1 is contracted by ZCall Levante, S.L., but we cannot confirm that said call was made, since the history of calls are deleted periodically, however, we have requested the company telephone this consultation.”

Regarding the reason for issuing the call:

“On that date, just out of confinement, they were doing some calls to arrange commercial visits, I understand that this would be one of the they.”

“With ORANGE we do not have any contractual relationship, but we have had one with some official Orange distributor, with whom we have collaborated on some sales.”

“Normally we use a database that we buy.”

“We have the possibility to check if the number to call is on the list

Robinson or not. When consulted, this number is not on said Robinson list.”

“We have searched the current database, but the number does not appear claimant. (databases are updated every year).”

“We do not check the database, because we understand that it is legal because They sell it publicly online. (We check on each call if not is on the Robinson list.)”

THIRD PARTY: ZCALL LEVANTE S.L. made a publicity call to the number of telephone \*\*\*TELEPHONE.2, owned by the claimant, number registered in the ADIGITAL's telephone call channel, objecting to receiving calls advertising.

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FOUNDATIONS OF LAW

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In accordance with the provisions of article 84.3) of Law 9/2014, of May 9, General Telecommunications (hereinafter, LGT) and as established in the Articles 47 and 48.1 of Organic Law 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 Agency Spanish Data Protection.

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.”

Finally, the fourth additional provision "Procedure in relation to the competences attributed to the Spanish Data Protection Agency by other laws" establishes that: "The provisions of Title VIII and its implementing regulations will apply to the procedures that the Spanish Agency for the Protection of Data would have to be processed in the exercise of the powers attributed to it by other laws."

## II

In response to the allegations presented by the respondent party to the Settlement Agreement Start, the following should be noted:

The entity acknowledges the facts, and the request for installment and postponement of the Payment must be addressed to the General Secretariat of this Agency.

## III

And in response to the arguments presented by the respondent party to the Proposal Resolution, the following is stated:

As has already been indicated in the previous ground, the respondent party has recognized the facts. And not only in the response to the request for information that was sent, but also in the allegations to the Home Agreement.

Now he alleges lack of motivation and guilt.

Well, in the Proven Facts it is credited:

That the receiving number of the call is registered in the Robinson List of ADIGITAL since 2014.

That the claimed party acknowledges that the calling number is contracted by ZCall Levante, S.L.

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That although they cannot confirm the call because the databases are updated every year, on that date calls were being made to agree on business visits.

That they have collaborated in some sales with an official Orange distributor.

That the database is bought online.

They checked the number to call and it's not on the Robinson List.

On the guilt, which is recognized by the claimed party:

This Agency has carried out an exhaustive preliminary investigation in order to purge responsibilities in the violation of the rights and freedoms of the party claimant and has collected sufficient evidence to undermine the principle of presumption of innocence. Said investigation and evidence against him are detailed in the background to this resolution.

They also allege that it would not be appropriate to apply the aggravating circumstances, since it is “an anomaly in any specific case in the management of personal data”.

It is evident that the complaining party has had to initiate actions before this AEPD, despite the fact that the receiving number of the call is registered in the Robinson List of ADIGITAL for years before the call object of this procedure was made.

And the same claimant party acknowledges that on that date they were making Calls to arrange commercial visits.

Finally, the entity NEOTEL indicates that, as of October 29, 2020, the ownership of the line \*\*\*TELÉFONO.1 corresponded to ZCALL LEVANTE S.L., and confirms making the call from this number to the party's number

claimant.

#### IV

In relation to telephone calls, the exercise of the right of opposition in article 21 of the RGPD, where it is established that:

"1. The interested party shall have the right to object at any time, for reasons related to your particular situation, to which personal data concerning you are subject to processing based on the provisions of Article 6, paragraph 1, letters e) or f), including profiling on the basis of these provisions.

The controller will stop processing the personal data, unless prove compelling legitimate reasons for the treatment that prevail over the interests, rights and freedoms of the interested party, or for the formulation, the exercise or defense of claims.

2. When the processing of personal data is for marketing purposes directly, interested gel will have the right to oppose at any time the treatment of the personal data that concerns you, including the elaboration of profiles in the insofar as it is related to said marketing.

3. When the interested party opposes the treatment for direct marketing purposes, personal data will no longer be processed for these purposes.

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4. At the latest at the time of the first communication with the data subject, the right indicated in sections 1 and 2 will be explicitly mentioned to the interested party and will be presented clearly and apart from any other information.

5. In the context of the use of information society services, and not

Notwithstanding the provisions of Directive 2002/58/EC, the interested party may exercise their right to oppose by automated means that apply specifications techniques.

6. When personal data is processed for the purpose of scientific research or

historical or statistical purposes in accordance with article 89, paragraph 1, the

The interested party shall have the right, for reasons related to his particular situation, to oppose the processing of personal data that concerns you, unless it is necessary for the fulfillment of a mission carried out for reasons of interest public."

v

Article 23 of the LOPDGDD provides for the creation of advertising exclusion systems,

in which people who do not wish to receive communications can register

commercial, providing that:

"1. The processing of personal data that is intended to avoid sending

of commercial communications to those who have expressed their refusal or opposition to receiving them.

For this purpose, information systems, general or sectoral, may be created in the

that only the essential data to identify those affected will be included. These

systems may also include preference services, through which

affected limit the reception of commercial communications to those from certain companies.

2. The entities responsible for the advertising exclusion systems will notify

the competent control authority, its creation, its general or sectoral nature, as well

as the way in which those affected can join them and, where appropriate,

assert your preferences.

The competent control authority will make public in its electronic headquarters a list of the systems of this nature that were communicated to it, incorporating the information mentioned in the previous paragraph. To this end, the supervisory authority authority to which the creation of the system has been communicated will put it in knowledge of the remaining control authorities for publication by all they.

3. When an affected person expresses to a person in charge his desire that his data not are treated for the sending of commercial communications, it must inform you of the existing advertising exclusion systems, being able to refer to the information published by the competent control authority.

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4. Those who intend to carry out direct marketing communications must previously consult the advertising exclusion systems that could affect your action, excluding from the treatment the data of those affected who would have expressed their opposition or refusal to it. For these purposes, to consider Once the previous obligation has been fulfilled, it will be enough to consult the exclusion systems included in the list published by the competent control authority.

It will not be necessary to carry out the query referred to in the previous paragraph when the affected had provided, in accordance with the provisions of this organic law, his consent to receive the communication to whoever intends to make it.”

SAW

The proven facts would constitute an infraction, attributable to ZCALL

LEVANTE, S.L., for violation of article 48.1.b) of the LGT, included in its Title III,

which indicates the following:

"1. Regarding the protection of personal data and privacy in relation to the

unsolicited communications end users of communications services

electronic will have the following rights:

a) Not to receive automatic calls without human intervention or fax messages, with

purposes of commercial communication without having given your prior consent and

informed for it.

b) To oppose receiving unwanted calls for commercial communication purposes

that are carried out through systems other than those established in the previous letter and

be informed of this right."

The infringement of art. 48.1.b) is classified as minor in article 78.11 of the LGT, which

considers as such: "The breach of public service obligations, of the

public obligations and the violation of consumer rights

and end users, as established in Title III of the Law and its regulations on

developing".

This infraction can be sanctioned with a fine of up to 50,000 euros, according to

with article 79.1.d) of the aforementioned LGT.

"Article 79 Sanctions"

"1. For the commission of the infractions typified in the previous articles,

The following penalties will be imposed:

"d) For the commission of minor infractions, the offender will be imposed a fine of

amount of up to 50,000 euros.

In accordance with the proven facts, it is considered appropriate to graduate the

sanction to be imposed in accordance with the following criteria established in article 80



of the LGT:

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As aggravating factors:

Art 80.1 of the LGT.

c) The benefit that has been reported to the offender by the fact that is the subject of the infraction. The promotional actions are aimed at obtaining profits business.

d) The damage caused and its repair. The claimant has had to bring actions before this AEPD.

Considering the exposed factors, the initial valuation that reaches the amount of the fine for infringement of article 48.1.b) of the LGT charged is €20,000 (twenty thousand euros).

Article 28 of the GDPR establishes the following:

7th

Treatment Manager

"1. When a treatment is going to be carried out on behalf of a person in charge of the treatment, this will only choose a person in charge who offers sufficient guarantees to apply appropriate technical and organizational measures, so that the treatment is in accordance with the requirements of this Regulation and guarantees the protection of the rights of the interested party.

2. The person in charge of treatment will not resort to another person in charge without prior authorization in writing, specific or general, of the person in charge. In the latter case, the manager

will inform the person in charge of any change foreseen in the incorporation or replacement of other processors, thus giving the controller the opportunity to oppose to these changes.

3. The treatment by the person in charge will be governed by a contract or other legal act with under the law of the Union or of the Member States, binding the person in charge with respect to the person in charge and establish the object, duration, nature and purpose of the treatment, the type of personal data and categories of interested parties, and the obligations and rights of the controller. Said contract or legal act shall stipulate, in particular, that the person in charge:

a) will process personal data only following documented instructions of the responsible, including with respect to transfers of personal data to a third country or an international organization, unless required to do so under of the Law of the Union or of the Member States that applies to the person in charge; in In such a case, the person in charge will inform the person in charge of that legal requirement prior to the treatment, unless such Law prohibits it for important reasons of interest public;

b) will guarantee that the persons authorized to process personal data have committed to respecting confidentiality or are subject to an obligation of confidentiality of a statutory nature;

c) take all necessary measures in accordance with article 32;

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d) will respect the conditions indicated in sections 2 and 4 to resort to another

treatment manager;

e) will assist the person in charge, taking into account the nature of the treatment, through appropriate technical and organizational measures, whenever possible, so that this

can comply with its obligation to respond to requests that are intended to

the exercise of the rights of the interested parties established in chapter III;

f) will help the person in charge to guarantee the fulfillment of the obligations

established in articles 32 to 36, taking into account the nature of the treatment

and the information available to the person in charge;

g) at the choice of the person in charge, will delete or return all personal data once

Once the provision of treatment services ends, and will delete the copies

existing unless the retention of personal data is required under

of the Law of the Union or of the Member States;

h) will make available to the person in charge all the information necessary to demonstrate

compliance with the obligations established in this article, as well as

to enable and assist in the performance of audits, including inspections, by

part of the person in charge or of another auditor authorized by said person in charge.

In relation to the provisions of letter h) of the first paragraph, the person in charge will inform

immediately to the controller if, in his opinion, an instruction violates this

Regulation or other provisions on data protection of the Union or of

the member states.

4. When a person in charge of the treatment resorts to another person in charge to carry out

certain treatment activities on behalf of the person in charge, will be imposed on

this other manager, by contract or other legal act established in accordance with the

Law of the Union or of the Member States, the same obligations of

data protection than those stipulated in the contract or other legal act between the

responsible and the person in charge referred to in section 3, in particular the provision

of sufficient guarantees of application of appropriate technical and organizational measures

so that the treatment is in accordance with the provisions of this

Regulation. If that other processor breaches its data protection obligations,

the initial processor will remain fully accountable to the controller

treatment with regard to the fulfillment of the obligations of the other

duty manager.

5. The treatment manager's adherence to a code of conduct approved by

under article 40 or to an approved certification mechanism under article

42 may be used as an element to demonstrate the existence of guarantees

enough referred to in sections 1 and 4 of this article.

6. Without prejudice to the fact that the person in charge and the person in charge of the treatment celebrate a

individual contract, the contract or other legal act referred to in sections 3 and 4

of this article may be based, totally or partially, on the clauses

standard contracts referred to in sections 7 and 8 of this article, inclusive

when they form part of a certification granted to the person in charge or in charge of

in accordance with articles 42 and 43.

7. The Commission may establish standard contractual clauses for the matters to which it is

referred to in sections 3 and 4 of this article, in accordance with the procedure of

examination referred to in article 93, paragraph 2.

8. A supervisory authority may adopt standard contractual clauses for the

matters referred to in sections 3 and 4 of this article, in accordance with the

coherence mechanism referred to in article 63.

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9. The contract or other legal act referred to in sections 3 and 4 shall be recorded by written, including in electronic format.

10. Without prejudice to the provisions of articles 82, 83 and 84, if a person in charge of the treatment infringes this Regulation by determining the purposes and means of the treatment, will be considered responsible for the treatment with respect to said treatment"

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It has been verified that, in the contract signed by ZCALL LEVANTE, S.L. with the in charge of the treatment, no instructions are collected on the need to consult the Robinson List, so it is not appreciated that the entity has violated the Article 28 of the RGPD.

IX

Therefore, in accordance with the applicable legislation and having assessed the graduation criteria of sanctions whose existence has been proven, the Director of the Agency Spanish Data Protection RESOLVES:

FIRST: IMPOSE ZCALL LEVANTE, S.L. with NIF B73637225, for a infringement of Article 48.1.b) of the LGT, typified in Article 78.11 of the LGT, a fine of €20,000.00 (TWENTY THOUSAND euros).

SECOND: AGREE TO FILE the violation of Article 28 of the RGPD imputed in the present sanctioning procedure, as there were no signs of infringement.

THIRD: NOTIFY this resolution to ZCALL LEVANTE, S.L.

FOURTH: Warn the sanctioned party that the sanction imposed must be made effective once Once this resolution is enforceable, in accordance with the provisions of Article 98.1.b) of Law 39/2015, of October 1, on Administrative Procedure

Common to Public Administrations, within the voluntary payment period indicated in the Article 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 17 December, by depositing it in the restricted account number ES00 0000 0000 0000 0000 0000, opened on behalf of the Spanish Agency for Data Protection in the entity bank CAIXABANK, S.A. or otherwise, it will be collected in executive period.

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

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 (article 48.6 of the LOPDGDD), and in accordance with the provisions of articles 112 and 123 of the Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations, the interested parties may optionally file appeal for reconsideration before the Director of the Spanish Data Protection Agency within one month from the day following the notification of this resolution or directly contentious-administrative appeal before the Chamber of the

Contentious-administrative of the National Court, in accordance with the provisions of the Article 25 and in section 5 of the fourth additional provision of Law 29/1998, of July 13, regulatory of the Contentious-administrative Jurisdiction, in the term of two months from the day following the notification of this act, as provided for in article 46.1 of the aforementioned legal text.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of Law 39/2015, of October 1, of the Common Administrative Procedure of the Administrations Public, the firm resolution may be provisionally suspended in administrative proceedings if the interested party expresses his intention to file a contentious-administrative appeal.

If this is the case, the interested party must formally communicate this fact by writing addressed to the Spanish Agency for Data Protection, presenting it through Electronic Register of the Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through any of the other registers provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. You must also transfer to the Agency the documentation proving the effective filing of the contentious appeal-administrative. If the Agency was not aware of the filing of the appeal contentious-administrative within a period of two months from the day following the notification of this resolution would end the precautionary suspension.

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