

□ Procedure No.: PS/00422/2020

## RESOLUTION OF PUNISHMENT PROCEDURE

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

### BACKGROUND

FIRST: On October 22, 2020, it had entry in this Spanish Agency  
of Data Protection a document presented by C. P. A.A.A. (hereinafter the  
claimant), through which he makes a claim against B.B.B. with NIF \*\*\*NIF.1 (in  
hereinafter, the claimed), for the installation of a video surveillance system installed  
at \*\*\*ADDRESS.1, with indications of a possible breach of the provisions  
in the personal data protection regulations.

The claim is based on the fact that the defendant has installed two security cameras  
video surveillance outside your home, recording from your door to the hallway  
community, without authorization from the Community of Owners.

A photograph is provided where you can see a door with two cameras facing the outside, which  
that allows understanding that common areas are captured, and Minutes of the General Meeting of  
Owners where the cameras are alluded to, which the respondent acknowledges installing and  
He points out that it is to protect himself from acts of neighbors.

SECOND: The claim was admitted for processing by means of a resolution of 16  
November 2020.

THIRD: On March 3, 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 5.1.c) of the RGPD, typified in article 83.5 of the  
Regulation (EU) 2016/679 of the European Parliament and of the Council, of April 27,  
2016, regarding the protection of natural persons with regard to the treatment

of personal data and the free circulation of these data and by which the

Directive 95/46/EC (hereinafter, RGPD).

FOURTH: On April 02, 2021, this Agency entered the

allegations presented by the respondent, who, in summary, indicates that he installed two

video surveillance cameras for a series of attacks suffered on his person and on his

living place.

However, he states that, after the Community meeting in which they asked him to

remove the cameras, since March 1, 2020 those cameras were disabled,

removing the Wi-Fi connection and thus preventing the recording of images.

Provides two photographs in which a connection error appears on both cameras.

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In view of everything that has been done, by the Spanish Data Protection Agency

In this proceeding, the following are considered proven facts:

FACTS

FIRST: On October 22, 2020, a claim was filed with this Agency

because the defendant has installed two video surveillance cameras outside the

his home, recording from his door to the community corridor, without authorization from

the Community of Owners.

SECOND: It is identified as the main person in charge D. B.B.B. with NIF

\*\*\*NIF.1, who wields personal and housing security reasons for the

camera installation.

THIRD: The respondent has stated that he has proceeded to disqualify the

cameras after the request made at the Community meeting, providing two photos in which there is a connection error to both cameras.

## FOUNDATIONS OF LAW

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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 process.

II

On October 22, 2020, a claim was filed with this Agency because the claimed has two video surveillance cameras installed outside his housing, recording from your door to the community corridor, without authorization from the Community of owners.

The art. 5.1 c) RGPD provides that personal data will be:

“adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimization").

It should be remembered that individuals are responsible for ensuring that the systems installed comply with current legislation.

The cameras must be oriented towards the particular space, avoiding intimidating neighboring neighbors with this type of device, as well as control transit areas of them without just cause.

On the part of individuals, it is not possible to install imaging devices of public space, outside the cases allowed in the regulations, as this is exclusive jurisdiction of the State Security Forces and Bodies.

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III

On April 02, 2021, a written statement was received from the accused party by means of which he states that, after the meeting of the Community in which he they asked me to remove the cameras, since March 1, 2020 those cameras were disabled, removing the Wi-Fi connection and thus preventing the recording of images.

The art. 22 section 2 of the LOPDGDD provides:

“Images of public roads may only be captured to the extent that it is essential for the purpose mentioned in the previous section.

Examined the file as a whole, although it is true that at the time of the start of this sanctioning procedure the cameras installed on the property of the claimed captured images outside their property, during the period of allegations, it has been verified, with the contribution of two photographs, that proceeded to disable them.

IV

In accordance with the foregoing, having examined the modifications of the installed system, the itself is considered adjusted to law.

Full collaboration with this body is taken into account when carrying out the precise corrections to avoid affecting the rights of third parties.

The parties are reminded of the importance of the rights at stake and must avoid instrumentalize institutions in matters beyond their competence, having to adjust the relationships between them to the minimum requirements of the good neighbor rules

Therefore, in accordance with the applicable legislation, once the criteria for

graduation of the sanctions whose existence has been proven, and taking into account account that the cameras were disabled during the processing of the present procedure, the sanction of warning is maintained, since during a time the camera overrecorded the common areas, although they are not required complementary measures having been adopted.

The Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE B.B.B. with NIF \*\*\*NIF.1, for a violation of article 5.1.c) of the RGPD, typified in article 83.5 of the RGPD, a sanction of WARNING.

SECOND: NOTIFY this resolution to B.B.B..

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 month from

counting 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.

Sea Spain Marti

Director of the Spanish Data Protection Agency

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