

□ File No.: PS/00262/2021

RESOLUTION OF TERMINATION OF THE PROCEDURE FOR PAYMENT

VOLUNTARY

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

BACKGROUND

FIRST: On August 26, 2021, the Director of the Spanish Agency for
Data Protection agreed to initiate a sanctioning procedure against CEDICO, CENTRO
DIAGNOSIS BY IMAGE, S.L. (hereinafter, the claimed party),
through the Agreement that is transcribed:

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File No.: PS/00262/2021

AGREEMENT TO START A SANCTION PROCEDURE

Of the actions carried out by the Spanish Agency for Data Protection and based on
the following

FACTS

FIRST: A.A.A. (hereinafter, the complaining party) dated January 19, 2021
filed a claim with the Spanish Data Protection Agency. The claim is
directs against CEDICO, CENTRO DE DIAGNOSTICO POR LA IMÁGEN, S.L. with NIF
B21116348 (hereinafter, the claimed part). The grounds on which the claim is based are
the following.

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"On July 9, 2020, I had an MRI done privately and individual." "On November 9, 2020, I went to my Mutual work insurance company due to an accident finding my private report in such an office and violating my privacy producing the effect of denying sick leave for having had access to the report"

Provides:

-Writ of December 17, 2020 from the respondent, answering the claim made by the claimant on the transfer to Mutua CESMA of the magnetic resonance that was done. "Dated 8/10, the knee MRI requested by the MUTUA was performed. CESMA. The radiologist responsible for the test has to compare the study performed with previous available studies of the patients in order to complete the information and give a complete radiological report and diagnosis. Radiological report completed of the proof requested by the Mutual, it is sent by the means agreed with them, but only in the one requested by the Mutual."

-Partial copy (there are 3 of 4, provide 3) of a medical report from Mutua de Andalucía and Ceuta, November 9, 2020, medical check-up, for the stated reason that he was climbed on the counter and lowered to the floor hurt both knees, the right arm and the back. A clinical judgment appears: right knee external meniscus tear already diagnosed in previous magnetic resonance, and the evolution indicates: "assessed in consultation, it is explained to the patient that the result of the MRI of the right knee is exactly equal to the one carried out in July of this year, for which the rupture of the external meniscus of the same was already known.

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), said claim was transferred to the claimed party, so that proceed to its analysis and inform this Agency within a month of the actions

carried out to comply with the requirements set forth in the data protection regulations.

data.

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On March 4, 2021, this Agency received a written response, indicating:

1) Your center, dedicated to diagnostic imaging by performing tests

radiological of different types, provides services to insurance companies, Mutual, service public health, as well as private patients.

“A request for service provision by MUTUA SESMA arrived at his center in

In this case, an imaging diagnosis of a health problem of the claimant. which

implies a processing order subject to article 28.3 of the RGPD.”

In article 15 of law 41/2002 of November 14, regulating basic autonomy

of the patient and rights and obligations regarding information and documentation

(LAP), the purpose of the clinical history is indicated, which is "to facilitate health care,

leaving a record of all those data that under medical criteria allow the

truthful and up-to-date knowledge of the state of health”, and that was what was done in the diagnosis doctor.

Article 16 of the LAP indicates that the care professionals of the center who carry out the

diagnosis or treatment of the patient have access to the clinical history of the patient as

fundamental instrument for its adequate assistance.

“Therefore, the health professionals on our staff who responded to the request for

Mutual diagnosis of the claimant's health problem, subject to secrecy

professional and with a confidentiality agreement, following medical criteria and with the

objective of guaranteeing adequate assistance to the patient, they accessed her medical history clinic to compare with other examinations performed previously related to the same health problem of the patient who requested the Mutual”.

“As a result of the examination carried out and the comparison within the clinical history of the patient with previous examinations of the same anatomical area, the professionals health professionals that issue a diagnostic image report alluding to the comparison, regarding the health problem requested by the Mutual that is sent to it and that was

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the purpose of the processing order”. “In no case are reports or no other type of clinical information other than that requested.

Provides a copy of a literal, extract from the report: “RMI scans of the right knee and left”, compared with “MR studies of the right knee performed in July of current year, and MRI of the left knee performed in October 2016.”

THIRD: On May 26, 2021, the Director of the Spanish Agency for Data Protection agreed to admit for processing the claim presented by the party claimant.

FOURTH: According to the monitoriza report, from AXESOR extracted on August 19, 2021, it is stated on the claimed:

-CNAE: 8690 - Other health activities Company object: MAIN ACTIVITY: the recognition and diagnosis of human diseases through the use of methods radiological, ultrasound and computerized. CNAE CODE: 8690.

-Capital stock 420,700, associated with the LUNALCA SL group as the global parent company, with

100% stake in the claim, with other companies from

image diagnosis.

-Turnover in 2019: 1,563,828, with an increase over the previous year of one 13.96%.

-Type of company: group subsidiary.

-19 employees.

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 according to the provisions of articles 47 and 48 of the LOPDGDD, the Director of the Spanish Agency for Data Protection is competent to initiate and resolve this process.

II

Regarding the health data, recital 35 of the RGPD indicates:

“Personal data relating to health must include all data

relating to the state of health of the interested party that provide information on their state of health physical or mental past, present or future. Information about the natural person is included.

collected on the occasion of their registration for health care purposes, or on the occasion of the provision of such assistance, in accordance with Directive 2011/24/EU of the European Parliament European and Council; Any number, symbol or data assigned to a natural person that uniquely identify for health purposes; information obtained from tests or

exams of a body part or a bodily substance, including that from genetic data and biological samples, and any information relating, by way of example, to disease, disability, risk of disease, medical history, the clinical treatment or the physiological or biomedical state of the interested party, regardless from its source, for example a doctor or other healthcare professional, a hospital, a device doctor, or an in vitro diagnostic test.”

Article 4 of the GDPR defines:

2) «processing»: any operation or set of operations carried out on data personal data or sets of personal data, whether by automated procedures or no, such as the collection, registration, organization, structuring, conservation, adaptation or modification, extraction, consultation, use, communication by transmission, diffusion or any any other form of authorization of access, collation or interconnection, limitation, suppression or destruction;”

7) “responsible for the treatment” or “responsible”: the natural or legal person, public authority, service or other body that, alone or jointly with others, determines the purposes and means of treatment; if the law of the Union or of the Member States determines the purposes and means of the treatment, the person in charge of the treatment or the specific criteria for their appointment may be established by the Law of the Union or of the Member States;

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10) "third party": natural or legal person, public authority, service or body different from the interested party, the person in charge of the treatment, the person in charge of the treatment and persons authorized to process personal data under the direct authority of the

responsible or the person in charge;

III

The treatment of data from medical records is regulated in the LAP. Your item 3 points out:

“Clinical history: the set of documents that contain the data, assessments and information of any kind about the situation and clinical evolution of a patient throughout throughout the care process.

In article 16, the uses of the clinical history are established:

"one. The clinical history is an instrument fundamentally destined to guarantee adequate patient care. The care professionals of the center who carry out diagnosis or treatment of the patient have access to the clinical history of the patient as fundamental instrument for its adequate assistance.

2.□ Each center will establish the methods that make it possible at all times to access the clinical history of each patient by the professionals who assist him.

Article 44 of Law 14/1986, of 25/04, General Health, states that “all structures tures and public services at the service of health will integrate the National Health System”, adding that “the National Health System is the set of Health Services of the Administration of the State and of the Health Services of the Autonomous Communities in the terms established in this Law”. In the present case, we are faced with a private center, the defendant who allegedly provided medical assistance as an integral part part of the National Public Health System, although in his case he could find himself certified with it, when carrying out the tests carried out on November 9, 2020.

The first paragraph of article 56 of Law 16/2003, of 28/05, on the cohesion and quality of the System ma Nacional de Salud, (LCCSNS) provides:

“In order for citizens to receive the best health care possible in any center, tro or service of the National Health System, the Ministry of Health and Consumption will coordinate

mechanisms for the electronic exchange of clinical and individual health information, previously agreed with the autonomous communities, to allow both the interested party and professionals involved in health care access to medical records in the terms strictly necessary to guarantee the quality of said assistance and the confidentiality and integrity of the information, regardless of the Administration that provided it.

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The Ministry of Health and Consumption will establish a procedure that allows the exchange telematic information that is legally required for the exercise of its responsibilities.

holdings by public administrations.

The exchange of information referred to in the preceding paragraphs will be carried out in accordance with the provisions of Organic Law 15/1999, of December 13, and the Law 41/2002, of November 14.”

It follows that the transfer of data is linked to the regime in which the assistance is provided. sanitary.

Even though they are not an integral part of the National Health System, the concerted centers of health care that may be private, can develop care actions directly closely linked to the public system, and it may even be understood that the same they constitute, insofar as they are the object of a concert, services of the aforementioned System.

In article 9 of the RGPD, it is indicated: “Treatment of special categories of personal data. nals”

1. The processing of personal data that reveals ethnic or racial origin is prohibited.

social status, political opinions, religious or philosophical convictions, or trade union membership, and processing of genetic data, biometric data aimed at uniquely identifying a natural person, data relating to health or data relating to sexual life or sexual orientation of a natural person.

2. Section 1 shall not apply when one of the following circumstances occurs:

a) the interested party gave his explicit consent for the treatment of said personal data- them with one or more of the specified purposes, except when the Law of the Union or of Member States provide that the prohibition referred to in paragraph 1 cannot be raised by the interested party;

b) the treatment is necessary for the fulfillment of obligations and the exercise of rights. Specific rights of the person responsible for the treatment or of the interested party in the field of Law employment and social security and protection, to the extent authorized by law of the Union of the Member States or a collective agreement in accordance with the Law of the Member States that establishes adequate guarantees of respect for the fundamental rights mental and the interests of the interested party;

c) the processing is necessary to protect the vital interests of the data subject or of another person. physically, in the event that the interested party is not capable, physically or legally, to give your consent;

d) the treatment is carried out, within the scope of its legitimate activities and with the due guarantees, by a foundation, an association or any other non-profit organization, whose purpose is political, philosophical, religious or trade union, provided that the treatment refers to exclusively to current or former members of such bodies or persons that they maintain regular contact with them in relation to their purposes and provided that the personal data is not communicated outside of them without the consent of the interested parties;

e) the treatment refers to personal data that the interested party has made manifestly public;

f) the treatment is necessary for the formulation, exercise or defense of claims

or when the courts act in the exercise of their judicial function;

g) the processing is necessary for reasons of essential public interest, based on the

Law of the Union or of the Member States, which must be proportional to the objective per-

followed, essentially respect the right to data protection and establish measures

adequate and specific to protect the interests and fundamental rights of the interested party.

do;

h) the treatment is necessary for the purposes of preventive or occupational medicine, evaluation of the

worker's ability to work, medical diagnosis, provision of assistance or treatment

of a health or social nature, or management of health and social assistance systems and services.

on the basis of the law of the Union or of the Member States or by virtue of a

contract with a healthcare professional and without prejudice to the conditions and guarantees contained

pladas in section 3;

i) the treatment is necessary for reasons of public interest in the field of public health,

such as protection against serious cross-border threats to health, or to ensure

Ensuring high levels of quality and safety in health care and medicines

medical devices or products, on the basis of the Law of the Union or of the States

members that establishes adequate and specific measures to protect the rights and liberties

liberties of the interested party, in particular professional secrecy,

3. The personal data referred to in section 1 may be processed for the aforementioned purposes.

in section 2, letter h), when your treatment is carried out by a professional subject to the

obligation of professional secrecy, or under your responsibility, in accordance with the Law of the Union or of the Member States or with the standards established by the bodies competent nationals, or by any other person also subject to the obligation to secrecy in accordance with the law of the Union or of the Member States or the rules established by the competent national bodies.

4. Member States may maintain or introduce additional conditions, including limitations, with respect to the treatment of genetic data, biometric data or data related to health.

Points out article 9.2 of the LOPDGDD

"two. The data processing contemplated in letters g), h) and i) of article 9.2 of the Regulation (EU) 2016/679 based on Spanish law must be covered by a regulation with the force of law, which may establish additional requirements related to its security and confidentiality.

In particular, said rule may protect the processing of data in the field of health when required by the management of health and social care systems and services, public and private, or the execution of an insurance contract to which the affected party is a party."

Therefore, the mention of previous health data from the assistance in regimen claimant's private opinion in the test that is carried out later at the request of the Mutual, as worker with the Social Security in the management of work accident contingencies

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and the occupational disease of the staff at your service, provided under the public assistance system.

possession, could constitute by the claimed party, a violation of article 5.1.f) of the RGPD

which indicates:

1. The personal data will be:

f) processed in such a way as to ensure adequate security of the data

including protection against unauthorized or unlawful processing and against their

accidental loss, destruction or damage, through the application of technical measures or

appropriate organizational measures ("integrity and confidentiality").

Obligation specified in article 5 of Organic Law 3/2018, of 5/12, of

Protection of Personal Data and guarantee of digital rights (hereinafter

LOPDGDD), which specifies:

"one. Those responsible and in charge of data processing as well as all persons

that intervene in any phase of this will be subject to the duty of confidentiality to the

referred to in article 5.1.f) of Regulation (EU) 2016/679.

2. The general obligation indicated in the previous section will be complementary to the

duties of professional secrecy in accordance with its applicable regulations.

3. The obligations established in the previous sections will be maintained even when

the relationship of the obligor with the person responsible or in charge of the treatment had ended.

Article 83.5.a) of the RGPD refers to said infringement, which indicates:

"The infractions of the following dispositions will be sanctioned, in accordance with the

section 2, with administrative fines of a maximum of EUR 20,000,000 or, in the case of

a company, of an amount equivalent to a maximum of 4% of the total turnover

annual global of the previous financial year, opting for the highest amount:

the basic principles for treatment, including the conditions for consent

to)

tion under articles 5, 6, 7 and 9;"

Regarding the prescription of the infraction, article 72 of the LOPDGDD indicates:

"one. Based on the provisions of article 83.5 of Regulation (EU) 2016/679,

considered very serious and will prescribe after three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

a) The processing of personal data violating the principles and guarantees established in

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Article 5 of Regulation (EU) 2016/679.”

IV

The determination of the sanction that should be imposed in this case requires observing the provisions of articles 83.1 and 2 of the RGPD, precepts that, respectively, provide the following:

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

"two. Administrative fines will be imposed, depending on the circumstances of each case individually, in addition to or as a substitute for the measures referred to in article 58, section 2, letters a) to h) and j). When deciding to impose an administrative fine and its amount in each individual case will be duly taken into account:

to)

the nature, seriousness and duration of the offence, taking into account the nature, scope or purpose of the treatment operation in question, as well as the number of interested parties affected and the level of damages they have suffered; the intentionality or negligence in the infringement;

any measure taken by the person responsible or in charge of the treatment to alleviate

b)

c)

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, given account of the technical or organizational measures they have applied under articles

25 and 32;

and)

F)

infringement and mitigate the possible adverse effects of the infringement;

g)

any prior infringement committed by the controller or processor;

the degree of cooperation with the supervisory authority in order to remedy the

the categories of personal data affected by the breach;

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

lar if the person in charge or the person in charge notified the infringement and, if so, to what extent;

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

previously 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 certification mechanisms

cation approved under article 42, and

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

such as financial benefits obtained or losses avoided, directly or indirectly.

mind, through infraction.”

Within this section, the LOPDGDD contemplates in its article 76, entitled "San-

tions and corrective measures”:

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"one. The penalties provided for in sections 4, 5 and 6 of article 83 of the Regulation (EU) 2016/679 will be applied taking into account the graduation criteria established in section 2 of the aforementioned article.

2. 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 officer.
 - 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 disputes between them and any interested party.
3. It will be possible, complementary or alternatively, the adoption, when appropriate, of the remaining corrective measures referred to in article 83.2 of the Regulation (EU) 2016/679."

For the assessment of the sanction that would be implemented in this initial agreement, it was counterbalanced the following factors:

The defendant is an entity in the health sector in which health data is processed (83.2.g RGD) activity with which its activity appears linked (art 76.2.b LOPDGD), There is a close relationship between the health data being processed and personal data, being a daily facet and linked one element to another.

The affectation of your right regarding the effects of the contingency that is determined (83.2.a RGD) with the help of a prior medical assessment

As a consequence with the elements that are available, without prejudice to what derives from the processing of the procedure, the initial assessment that reaches the fine for the imputed is 30,000 euros without prejudice to what results from the instruction of this procedure.

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Therefore, in accordance with the foregoing, by the Director of the Spanish Agency

Data Protection,

HE REMEMBERS:

FIRST: START SANCTIONING PROCEDURE against CEDICO, CENTER OF DIAGNOSTICO POR LA IMAGEN, S.L., with NIF B21116348, for the alleged infringement of the article 5.1.f) of the RGD, in relation to article 5 of the LOPDGD, as indicated in the article 83.5 a) of the RGD and 72.1.a) of the LOPDGD.

SECOND: APPOINT instructor to B.B.B. and, secretary to C.C.C., indicating that any of them may be challenged, where appropriate, in accordance with the provisions of articles 23 and 24

of Law 40/2015, of October 1, on the Legal Regime of the Public Sector (LRJSP).

THIRD: INCORPORATE to the disciplinary file, for evidentiary purposes, the claim filed by the claimant and its documentation, as well as the documents obtained and generated by the General Subdirectorate for Data Inspection.

FOURTH: THAT for the purposes provided in art. 64.2 b) of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations, (hereinafter, LPACAP), the sanction that could correspond would be a FINE OF 30,000 euros, without prejudice to what results from the instruction.

FIFTH: NOTIFY this agreement to CEDICO, DIAGNOSTIC CENTER BY LA IMÁGEN, S.L., with NIF B21116348, granting a hearing period of ten days able to formulate the allegations and present the evidence that it considers convenient. In your brief of allegations you must provide your NIF and the number of procedure at the top of this document

If within the stipulated period it does not make allegations to this initial agreement, it may be considered a resolution proposal, as established in article 64.2.f) of the Law 39/2015, of October 1, of the Common Administrative Procedure of the Administrations Public (hereinafter referred to as LPACAP).

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In accordance with the provisions of article 85 of the LPACAP, you may recognize your responsibility within the term granted for the formulation of allegations to this startup agreement; which will entail a reduction of 20% of the sanction that appropriate to impose in this proceeding. With the application of this reduction, the

sanction would be established at 24,000 euros, resolving the procedure with the imposition of this sanction.

Similarly, you may, at any time prior to the resolution of this procedure, carry out the voluntary payment of the proposed sanction, which will entail the reduction of 20% of its amount. With the application of this reduction, the sanction would be established at 24,000 euros, and its payment will imply the termination of the procedure.

The reduction for the voluntary payment of the penalty is cumulative with the corresponding apply for the acknowledgment of responsibility, provided that this acknowledgment of responsibility is revealed within the period granted to formulate arguments at the opening of the procedure. The voluntary payment of the amount referred to in the previous paragraph may be made at any time prior to the resolution. In this case, if it were appropriate to apply both reductions, the amount of the penalty would be established in 18,000 euros.

In any case, the effectiveness of any of the two reductions mentioned will be conditioned to the withdrawal or resignation of any action or resource in administrative channels against the penalty.

In case you chose to proceed to the voluntary payment of any of the amounts previously indicated 24,000 euros, or 18,000 euros, you must make it effective through your Deposit in account number ES00 0000 0000 0000 0000 0000 opened in the name of the Agency Spanish Department of Data Protection in the banking entity CAIXABANK, S.A., indicating in the concept the reference number of the procedure that appears in the heading of this document and the cause of reduction of the amount to which it avails itself.

Likewise, you must send proof of entry to the Subdirector General for Inspection to continue with the procedure according to the amount entered.

The procedure will have a maximum duration of nine months from the date of the start-up agreement or, if applicable, the draft start-up agreement. After that period,

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will produce its expiration and, consequently, the filing of actions; in accordance with

what is established in article 64 of the LOPDGDD.

Finally, it is pointed out that in accordance with the provisions of article 112.1 of the LPACAP,

There is no administrative appeal against this act.

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Director of the Spanish Data Protection Agency

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SECOND: On September 10, 2021, the claimed party has proceeded to

payment of the sanction in the amount of 18,000 euros making use of the two reductions

provided for in the Start Agreement transcribed above, which implies the

acknowledgment of responsibility.

THIRD: The payment made, within the period granted to formulate allegations to

the opening of the procedure, entails the waiver of any action or resource in via

administrative action against the sanction and acknowledgment of responsibility in relation to

the facts referred to in the Initiation Agreement.

FOUNDATIONS OF LAW

I

By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of

control, and as established in art. 47 of the Organic Law 3/2018, of 5

December, of Protection of Personal Data and guarantee of digital rights (in

hereinafter LOPDGDD), the Director of the Spanish Agency for Data Protection is competent to sanction the infractions that are committed against said Regulation; infractions of article 48 of Law 9/2014, of May 9, General Telecommunications (hereinafter LGT), in accordance with the provisions of the article 84.3 of the LGT, and the infractions typified in articles 38.3 c), d) and i) and 38.4 d), g) and h) of Law 34/2002, of July 11, on services of the society of the information and electronic commerce (hereinafter LSSI), as provided in article 43.1 of said Law.

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II

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Article 85 of Law 39/2015, of October 1, on Administrative Procedure

Common to Public Administrations (hereinafter, LPACAP), under the rubric

"Termination in sanctioning procedures" provides the following:

"one. Started a sanctioning procedure, if the offender acknowledges his responsibility, the procedure may be resolved with the imposition of the appropriate sanction.

2. When the sanction is solely pecuniary in nature or it is possible to impose a pecuniary sanction and another of a non-pecuniary nature, but the inadmissibility of the second, the voluntary payment by the alleged perpetrator, in any time prior to the resolution, will imply the termination of the procedure, except in relation to the replacement of the altered situation or the determination of the compensation for damages caused by the commission of the infringement.

3. In both cases, when the sanction is solely pecuniary in nature, the

competent body to resolve the procedure will apply reductions of, at least, 20% of the amount of the proposed sanction, these being cumulative with each other.

The aforementioned reductions must be determined in the notification of initiation of the procedure and its effectiveness will be conditioned to the withdrawal or resignation of any administrative action or recourse against the sanction.

The reduction percentage provided for in this section may be increased regulations."

In accordance with the above, the Director of the Spanish Agency for the Protection of Data

RESOLVES:

FIRST: TO DECLARE the termination of procedure PS/00262/2021, of in accordance with the provisions of article 85 of the LPACAP.

SECOND: NOTIFY this resolution to CEDICO, CENTRO DE DIAGNOSIS BY IMAGE, S.L..

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 of the Public Administrations, the interested parties may file an appeal contentious-administrative 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.

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