

□ Procedure No.: PS/00239/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: On 07/15/2020 it was entered into the Spanish Protection Agency
of Data (AEPD) a document sent by the Civil Guard Company of
***LOCALIDAD.1, Command of ***PROVINCIA.1 (hereinafter, the claimant)
with which he annexes four Reports of complaint instructed by the agents during the
inspection carried out in the restaurant ***RESTAURANTE.1, whose owner is A.A.A.,
with NIE ***NIE.1 (hereinafter, the claimed), relating to a presumed
Non-compliance with the personal data protection regulations.

The infringement of the data protection regulations on which the claim is based
consists in that the informative poster announcing that in the restaurant there is a
The video-monitored area does not meet the requirements of current regulations. In
In particular, the cartel does not provide the identity of the data controller or the
possibility that the interested parties have to exercise the rights recognized by the
Articles 15 to 22 of Regulation (EU) 2016/679, of the European Parliament and of the
Council, concerning the protection of natural persons with regard to
treatment of personal data and the free circulation of these data and by which
repeals Directive 95/46/EC (hereinafter, RGPD).

The Act of complaint number 162 sent by the claimant, in the section "Acts
that motivate the intervention", says the following: "...it is observed that the establishment
has the distinctive announcers of #Video Surveillance Zone# but that in the
The identity of the person responsible for the file and the address to which

You can exercise the rights of access and image cancellation.”

On 08/17/2020, the AEPD received a new document from the claimant with which attached three new Reports of complaint that the agents instructed on 07/30/2020, during the inspection carried out on that date in the restaurant owned by the claimed, which also deal with alleged infractions of the regulations of data protection related to the video surveillance system of the establishment of hospitality.

SECOND: The claimant sent to the AEPD annexes to his claim letter four Reports of complaint identified with the numbers XXX to XXX. All of them were instructed by Civil Guard agents on the same date, the 06/19/2020, during the inspection carried out in the hotel establishment ownership of the claimant. All of them report that inside the establishment there is a video surveillance system in operation. Besides of Record of complaint number 162, whose content has been detailed in the Precedent

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First, they are exposed in the rest, violations:

respectively, the following alleged

Record of complaint number 163: "Not having available to the interested party forms detailing the information provided for in articles 2 and 15 to 22 of the EU Regulation 2016/679 or have the possibility of printing it at the request of the interested".

Record of complaint number 164: "Having a video surveillance device consisting of recording or storage of images and not accrediting the registration of the corresponding personal data file in the General Registry of the AEPD (the mere reproduction or emission of images in real time, without being recorded nor stored, does not require notification of the creation of files, nor, therefore, their notification to the AEPD".

Record of complaint 165: "Not commissioning the installation of the video surveillance system to a duly registered private security company in the event that the installation is connected to an image receiving center".

With the second document that the claimant sent to the AEPD, received on 08/17/2020, attached three Reports of complaint dated 07/30/2020 (Reports of complaint 23 to 25). In they are reported as alleged violations of data protection regulations the following:

"Not having at least one badge or informative poster in the video-monitored zone a sufficiently visible place" (Report of complaint number 23).

"Not having printed documents available to interested parties detailing the information provided for in articles 15 to 22 of the RGPD or where to obtain more information on the processing of personal data" (Report of complaint number 24).

"Having a video surveillance device in use and not accrediting the obligation to have the Record of Processing Activities" (Minutes number 25)

With regard to what is stated in the Reports of complaint that the claimant has sent to this Agency, with the exception of Act number 162, it is enough to do synthetically, some precisions.

In the context of data processing by means of a video surveillance system, the information that the person responsible for the treatment must have available to the

interested parties through forms is the one determined by article 13 of the RGPD, to
except for the one offered through the information device or poster. Nope,
as indicated in the Act of complaint 163, the one provided for in articles 15 to 22 of the RGPD.
That after the effective application of the RGPD, the obligation imposed by
Organic Law 15/1999, on the Protection of Personal Data (LOPD) of
register the files in the General Registry of the AEPD.

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That, in accordance with the provisions of Law 5/2014, of April 4, on Private Security,
articles 5.1.f, and 5.2, the obligation to contract with private security companies is
refers to “the installation and maintenance of apparatus, equipment, devices and systems
connected to alarm reception centers or control centers or
of video surveillance” and in no case is it mentioned in the Report of complaint element or
any indication that allows us to think that we are facing that hypothesis. This is, that the
video surveillance system of the claimed was connected to an alarm center or
to a video surveillance center.

THIRD: The claim made -identified with the reference E/06339/2020- is
admitted for processing in resolution dated 08/04/2020, in accordance with article 65
of Organic Law 3/2018 on Data Protection and Rights Guarantees
Digital (LOPDGDD).

The agreement for admission to processing was notified to the claimant by mail. The
document of the State Society Correos y Telégrafos, S.A., (hereinafter, Correos),
"Proof of Delivery", which is in the file, proves the delivery to the claimant on

08/14/2020.

FOURTH: On 12/03/2020 the Director of the Spanish Agency for the Protection of Data agreed to initiate a sanctioning procedure against the person claimed for an alleged infringement of article 13 of the RGPD, typified in article 83.5.b) of the RGPD and qualified by the LOPDGDD in its article 74.a), for the purposes of prescription, of minor offense.

FIFTH: The agreement to open the sanctioning procedure was notified to the claimed via postal mail on 12/18/2020. This is stated in the document issued by Correos, "Proof of Delivery", which is in the file.

There is no news in this Agency that the respondent has presented allegations to the initiation agreement of PS/239/2020.

SIXTH: The third point of the operative part of the agreement to initiate this procedure agreed to incorporate, for evidence purposes, the claim filed by the claimant and its attached documentation, as well as the documents obtained and generated by the General Subdirectorate for Data Inspection.

SEVENTH: Article 64 of Law 39/2015, of October 1, on the procedure common administrative of Public Administrations (hereinafter, LPACAP) provides in its section 2.f) that, "in the event of not making allegations within the foreseen on the content of the initiation agreement, it may be considered motion for a resolution when it contains a precise pronouncement on the imputed responsibility."

As stated in the Fifth Antecedent of this resolution, there is no news in this Agency that the respondent has made allegations to the initiation agreement, despite the fact that the agreement was notified in the manner provided by law.

The agreement to initiate the sanctioning procedure included a precise pronouncement on the responsibility imputed to the defendant for the presumed infringement of article

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13 GDPR. In addition, said agreement determined the corrective measures that could be adopted by this Agency: (i) warn the claimed party (article 58.2.b, RGPD) and (ii) order you to adopt the necessary measures so that the processing of data that you carried out through the video surveillance system, respect the regulations for the protection of personal data (article 58.2. d) RGPD)

In view of everything that has been done, in this proceeding, they are considered proven the following

FACTS

FIRST: The Act of complaint number 162 sent by the claimant, in the section "Facts that motivate the intervention" says the following: "...it is observed that the establishment has the distinctive announcers of #Video Surveillance Zone# but that the identity of the person responsible for the file and the address before which you can exercise the rights of access and cancellation of image."

SECOND: The respondent has not made allegations to the agreement to start the Sanctioning procedure PS/00239/2020.

THIRD: The agreement to open this procedure was legally notified to the claimed, through postal mail, on 12/18/2020. This is confirmed by the certificate issued by Correos, "Proof of delivery", which is in the file.

FOUNDATIONS OF LAW

By virtue of the powers that article 58.2 of the RGPD recognizes to the authorities of

control and as established in articles 47 and 48.1 of the LOPDGDD, the Director of the Spanish Agency for Data Protection is competent to resolve this process.

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According to the definition of "personal data" offered by article 4.1 of the RGPD, the image of an identified or identifiable natural person is a character data and, consequently, is subject to the protection provided by the RGPD.

II

With regard to the duty of information - which is a manifestation of the principle of transparency contained in article 5.1.a of the RGPD- article 12.1 of the RGPD points out:

"1. The person responsible for the treatment will take the appropriate measures to facilitate the interested party all the information indicated in articles 13 and 14". The GDPR determines what information should be provided to the interested party regarding the processing of their data personal and differentiates two assumptions for this purpose: that the data is collected from the holder (article 13 RGPD) or that are obtained from another source (article 14 RGPD).

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Article 13 of the RGPD provides:

"1. When personal data relating to him is obtained from an interested party, the responsible for the treatment, at the time these are obtained, will provide all the information indicated below:

a) the identity and contact details of the person in charge and, where appropriate, of their

representative;

b) the contact details of the data protection delegate, if any;

c) the purposes of the treatment to which the personal data is destined and the legal basis of the treatment;

d) when the treatment is based on article 6, paragraph 1, letter f), the interests legitimate of the person in charge or of a third party;

e) the recipients or the categories of recipients of the personal data, in their case;

f) where appropriate, the intention of the controller to transfer personal data to a third party country or international organization and the existence or absence of a decision to adequacy of the Commission, or, in the case of transfers indicated in the Articles 46 or 47 or Article 49, paragraph 1, second paragraph, reference to the adequate or appropriate warranties and the means to obtain a copy of these or to the fact that they have been borrowed.

2. In addition to the information mentioned in section 1, the person responsible for the treatment will facilitate the interested party, at the moment in which the data is obtained personal, the following information necessary to guarantee data processing fair and transparent

a) the period during which the personal data will be kept or, when it is not possible, the criteria used to determine this period;

b) the existence of the right to request from the data controller access to the personal data relating to the interested party, and its rectification or deletion, or the limitation of its treatment, or to oppose the treatment, as well as the right to portability of the data;

c) when the treatment is based on article 6, paragraph 1, letter a), or article 9, paragraph 2, letter a), the existence of the right to withdraw consent in

any time, without affecting the legality of the treatment based on the

consent prior to its withdrawal;

d) the right to file a claim with a supervisory authority;

e) if the communication of personal data is a legal or contractual requirement, or a

necessary requirement to sign a contract, and if the interested party is obliged to provide

personal data and is informed of the possible consequences of not

provide such data;

f) the existence of automated decisions, including profiling, to which

referred to in article 22, sections 1 and 4, and, at least in such cases, information

about applied logic, as well as the importance and consequences

provisions of said treatment for the interested party.

3. When the data controller plans further data processing

personal data for a purpose other than that for which they were collected, you will provide the

interested party, prior to such further processing, information on that other purpose

and any additional information relevant under paragraph 2.

4. The provisions of sections 1, 2 and 3 shall not apply when and in the

to the extent that the interested party already has the information.”

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Regarding the way in which the data controller can provide data subjects with

interested parties the information that must be provided to them, article 12.7

GDPR indicates:

“The information that must be provided to the interested parties by virtue of articles 13 and

14 may be transmitted in combination with standardized icons that allow provide in an easily visible, intelligible, and clearly legible form an adequate overview of the planned treatment.

At the same time, article 22 of the LOPDGDD –“Processing for the purpose of video surveillance” - contains specific regulations on the matter and says the following:

"1. Natural or legal persons, public or private, may carry out the processing of images through camera systems or video cameras with the purpose of preserving the safety of persons and goods, as well as their installations.

2. Images of public roads may only be captured to the extent that it is essential for the purpose mentioned in the previous section. However, it will be possible the capture of the public road in a greater extension when it was necessary to guarantee the security of strategic goods or installations or of infrastructures linked to transport, without in any case implying the capturing images of the interior of a private home.

3. The data will be deleted within a maximum period of one month from its capture, except when they had to be kept to prove the commission of acts that threaten the integrity of persons, property or facilities. In such a case, the Images must be made available to the competent authority within a period maximum of seventy-two hours from the knowledge of the existence of the recording. The blocking obligation will not apply to these treatments. provided for in article 32 of this organic law.

4. The duty of information provided for in article 12 of Regulation (EU) 2016/679 is understood fulfilled by placing an informative device instead sufficiently visible identifying, at least, the existence of the treatment, the identity of the person in charge and the possibility of exercising the rights foreseen in the

Articles 15 to 22 of Regulation (EU) 2016/679. It may also be included in the informative device a connection code or internet address to this information. In any case, the data controller must keep available to those affected the information referred to in the aforementioned regulation.

5. Under article 2.2.c) of Regulation (EU) 2016/679, it is considered excluded of its scope of application the treatment by a natural person of images that just capture the inside of your own home.

This exclusion does not cover processing carried out by a security entity private that had been contracted for the surveillance of a home and had access to the images.

6. The processing of personal data from images and sounds obtained through the use of cameras and video cameras by the Forces and Security Bodies and by the competent bodies for surveillance and control in penitentiary centers and for the control, regulation, vigilance and discipline of the traffic, will be governed by the legislation transposing Directive (EU) 2016/680, when the treatment is for the purposes of prevention, investigation, detection or prosecution of criminal offenses or execution of criminal sanctions, including

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protection and prevention against threats to public safety. Outside

In these cases, said treatment will be governed by its specific legislation and additionally by Regulation (EU) 2016/679 and this organic law.

7. What is regulated in this article is understood without prejudice to the provisions of the Law

5/2014, of April 4, on Private Security and its development provisions.

8. The treatment by the employer of data obtained through information systems cameras or video cameras is subject to the provisions of article 89 of this law organic.”

Thus, when processing data for video surveillance purposes and with the purpose that the duty of inform the interested party that article 12 of the RGPD imposes on the person responsible for the treatment, article 22.4 of the LOPDGDD provides for an information system by layers.

The first layer must refer, at least, to the existence of the treatment; to identity of the person in charge and the possibility of exercising the rights provided for in the articles 15 to 22 of the RGPD. This information will be contained in a device or poster whose design and location must be such that the affected party has a clear view of the information available on the processing of your personal data and on where and how to find the detailed information. No need to specify location exact location of the video surveillance equipment, but the area must be clearly under video surveillance.

Second layer information needs to be readily available in one place accessible to interested parties, such as a fact sheet in a reception, cashier, etc., or be placed in a visible public space or in a web address and will contain the rest of the information that must be provided in accordance with article 13 of the RGPD.

Taking into consideration what is stated in the preceding Rationale and the rest of the applicable regulations on video surveillance, so that the treatment of the image of natural persons through a video surveillance system is respectful of

The provisions in force must meet these requirements:

- Inform those affected in the terms of articles 12 and 13 of the RGPD and 22 of the LOPDGD; duty of information that is exponent of the principle of transparency.

- Respect the principle of proportionality.

- When the system is connected to an alarm center, it can only be installed by a private security company that meets the requirements of article 5 of Law 5/2014, of April 4, on Private Security.

- The video cameras will not be able to capture images of people who are outside the private space where the video surveillance system is installed, since the treatment of images in public places can only be carried out, unless Government authorization concurs, by the Security Forces and Bodies. Either

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spaces owned by third parties may be captured or recorded without the consent of their owners, or, where appropriate, of the people who are in them.

This rule admits some exceptions since, sometimes, for the protection of private spaces in which cameras have been installed on facades or inside,

It may be necessary, to guarantee the security purpose, the recording of a portion of public road. That is, cameras and video cameras installed for the purpose of security will not be able to obtain images of public roads unless it is essential for said purpose, or it is impossible to avoid it due to the location of those. And, extraordinarily, the minimum space for said purpose. Therefore, the cameras could exceptionally capture the portion of

public space minimally necessary for the purpose of security that is

aims to.

- The person responsible for the treatment must keep a record of the activities of the treatments carried out under your responsibility in which the information to be included is the one referred to in article 30.1 of the RGPD.

- The installed cameras will not be able to obtain images from third-party private space and/or public space without duly accredited justified cause nor can they affect the privacy of passers-by who move freely through the area. not allowed, for

Therefore, the placement of cameras towards the private property of neighbors with the purpose to intimidate them or affect their privacy without just cause.

- In no case will the use of surveillance practices be admitted beyond the environment that is the object of the installation, not being able to affect the surrounding public spaces, adjoining buildings or vehicles other than those accessing the guarded space.

To facilitate consultation, the Spanish Data Protection Agency, through its website [<https://www.aepd.es>], offers access to the legislation on protection of personal data, including the RGPD and the LOPDGDD (section “Reports and resolutions” / “regulations”); to the Guide on Using Camcorders for security and other purposes and the Guide for compliance with the duty to inform (both available in the “Guides and tools” section).

It is also of interest in the event that low-level data processing is carried out.

risk, the free tool Facilita (in the “Guides and tools” section) that,

through specific questions, it allows to assess the situation of the person in charge

regarding the processing of personal data that it carries out and, where appropriate, generate

various documents, informative and contractual clauses, as well as an annex with

indicative security measures considered minimal.

The defendant in this sanctioning file is attributed an infraction of the

article 13 of the RGPD.

IV

The claimant reported to this Agency the fact that the sign installed in the restaurant of the defendant indicating the existence of a video surveillance area not included the information that it was mandatory to provide, since it did not did not identify the data controller nor did it state that the interested parties could exercise the rights recognized by articles 15 to 22 of the RGPD.

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This extreme has been accredited in the administrative file through the Act of complaint number 162, instructed by the Agents of the Civil Guard on the occasion of the inspection carried out in the restaurant of the claimed person on 06/19/2020.

Article 77 of the LPACAP provides in its section 5 that "The documents formalized by officials who are recognized as authorities and in which, observing the corresponding legal requirements, collect the facts verified by those will prove them unless proven otherwise."

In turn, article 7 of Organic Law 2/1986, of March 13, on Armed Forces and Security Bodies, establishes that "In the exercise of their functions, the members of the Security Forces and Bodies will have, for all legal purposes, the of law enforcement officials"

Thus, under article 77 of the LPACAP, the fact communicated to this AEPD by the claimant, which is included in the Act of complaint 162, is presumed truthful except proof to the contrary.

This presumption iuris tantum could have been invalidated by the activity of the claimed during the processing of the procedure. The respondent has been able to allege that was convenient to his right and provide the means of proof that distorted the evidence of charge provided by the respondent that motivated the opening of this file sanctioning

However, the respondent has not made any statement, much less a statement challenging the veracity of the offending conduct described in the aforementioned Complaint record. Despite being accredited that the defendant personally collected the notification of the agreement to open the procedure, made by mail certificate, writing in which he was granted a period to formulate allegations, provide documents and propose the means of proof that it deems appropriate to his defense, there is no record in this Agency that he has presented arguments to the agreement opening.

Furthermore, it should be remembered that according to article 5.2 RGPD -related to the principle of proactive responsibility - it is incumbent on the data controller - the claimed- the burden of proving that the data processing carried out through the video surveillance system installed in his restaurant made it easier for interested parties to information of articles 12 and 13 of the RGPD, since these precepts are manifestation of the principle of transparency provided for in article 5.1.a. GDPR.

In the present case, the obligation to inform the interested parties in the terms that details article 13 of the RGPD at the time of collecting your personal data -the capturing of images through the video surveillance system- corresponds to the responsible for the treatment. Article 4.7 of the RGPD considers "responsible for the treatment" to "the natural or legal person (...) who, alone or together with others, determines the purposes and means of the treatment. In the case at hand, it is the one claimed who has the status of data controller because according to the Act of

complaint number 162 sent to the AEPD by the claimant he is the owner of the hotel establishment in which the video surveillance system is located.

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The requirement of administrative responsibility presupposes both the identification of the offending subject as his necessary guilt by way of fraud or guilt by being strict liability is prohibited in our legal system (article 28 LPACAP). In the present case, in light of the circumstances that concur, only there are elements of judgment to appreciate a mere lack of diligence of the claimed in the violation of the RGPD that is imputed to it.

Therefore, it has been proven in the file that the defendant made a processing of personal data through the video surveillance system installed in the restaurant of which it is the owner that breaches article 13 of the RGPD.

This infraction is typified in article 83.5.b. of the RGPD, a provision that establishes:

“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, an amount equivalent to 4% of the turnover global annual total of the previous financial year, choosing the highest amount:

a) (...)

b) the rights of the interested parties according to articles 12 to 22; (...)”

For prescription purposes, the LOPDGDD in its article 74.a. qualifies as a minor infraction, being the limitation period of one year, the violation of article 13 RGPD

typified in article 83.5.b) RGPD:

“They are considered minor and the remaining infractions of a legal nature will prescribe after a year.

merely formal of the articles mentioned in paragraphs 4 and 5 of article 83

of Regulation (EU) 2016/679 and, in particular, the following:

a) Failure to comply with the principle of transparency of information or the right to

information of the affected party for not providing all the information required by articles 13

and 14 of Regulation (EU) 2016/679”.

The corrective powers that the RGPD attributes to the AEPD as a control authority

are listed in article 58.2, sections a) to j).

v

The precept mentions among those corrective powers that of directing a warning to the

responsible or in charge of treatment when the treatment operations have

violated the provisions of these Regulations (article 58.2.b.) To impose a

administrative fine in accordance with article 83 of the RGPD (article 58.2. i.) and that of

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

treatment comply with the provisions of the RGPD, where appropriate, of a

certain manner and within a specified period (article 58.2. d.)

Recital 148 of the RGPD contemplates the possibility of substituting the fine

administrative that sections 4, 5 and 6 of article 83 of the RGPD provide for the

behaviors that are typified in them, by warning the person in charge or in charge of the

treatment. The Recital says the following:

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“In the event of a minor offence, or if the fine likely to be imposed would constitute a disproportionate burden for a natural person, rather than sanction by means of a fine, a warning may be imposed. must however Special attention should be paid to the nature, seriousness and duration of the infringement, its intentional nature, to the measures taken to alleviate the damages suffered, the degree of liability or any relevant prior violation, the manner in which that the control authority has been aware of the infraction, compliance of measures ordered against the person responsible or in charge, adherence to codes of conduct and any other aggravating or mitigating circumstance.”

In order to specify the corrective measure(s) to be imposed on the person claimed by the violation of article 13 of the RGPD, typified in article 83.5.b. GDPR, of which is responsible, the following relevant elements are taken into consideration:

- The processing of data that is subject to assessment in the sanctioning file – the capturing the image of natural persons through the video camera system installed- takes place within the framework of the restaurant ***RESTAURANTE.1; a company whose main activity is not linked to the processing of personal data personal character.
- There is no evidence that the respondent had previously incurred in another violation of data protection regulations.
- There are no elements of judgment to consider that the infringement of the RGPD of which the defendant is responsible is intentional.
- The imposition of the administrative fine provided for in article 85.3 on the defendant. RGPD would suppose for him "a disproportionate burden" taking into account the characteristics of the business activity that it develops.

It is therefore estimated, in accordance with Recital 148 of the RGPD, that the measures that must be imposed for the violation of article 13 of the RGPD of which

holds the defendant responsible, are the following:

Address a warning to the claimant in accordance with article 58.2.b) RGPD.

Order the claimed party, in accordance with article 58.2.d) RGPD, to adapt to the regulations

in force the treatment of data that it carries out through the video surveillance system

installed. In particular, you are ordered that, within 15 business days from the

notification of this resolution, the sign or device installed in your establishment

indicating the existence of a video-surveillance area reporting the identity of the

responsible for the treatment -that is, of the claimed- and of the possibility that the

interested parties to exercise the rights recognized by articles 15 to 22 of the

GDPR.

Lastly, the respondent is reminded that his or her failure to comply with these

corrective measures that the AEPD imposes in this resolution by the

violation of article 13 of the RGPD, would mean incurring a new infringement

which would lead to the opening of a new administrative procedure

sanction directed against him. Such infraction is typified in article 83.6

RGPD and is sanctioned with an administrative fine of a maximum of 20,000,000 Eur or,

in the case of a company, an amount equivalent to a maximum of 4% of the

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total annual global turnover of the previous year, opting for the one with the highest

amount.

Therefore, in accordance with the applicable legislation,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: Address a WARNING to A.A.A., with NIE ***NIE.1, for a
infringement of article 13 of the RGPD, typified in article 83.5.b. of the GDPR.

SECOND: ORDER to A.A.A., with NIE ***NIE.1, that, within fifteen days
working days from the notification of this resolution, adopt the necessary measures to
that the sign or device installed in your establishment, which indicates the existence of
a video-monitored area, report of the identity of the data controller and the
possibility that the interested parties have to exercise the rights recognized by the
articles 15 to 22 of the RGPD.

THIRD: NOTIFY this resolution to A.A.A.

FOURTH

This Resolution will be made public once it has been notified to the interested parties.

: In accordance with the provisions of article 50 of the LOPDGDD, the

Against this resolution, which puts an end to the administrative procedure in accordance with article 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.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP,

may provisionally suspend the firm resolution in administrative proceedings if the

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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