



Procedure No.: PS/00300/2020

## RESOLUTION OF PUNISHMENT PROCEDURE

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

### BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) filed a claim on 02/03/2020

before the Spanish Agency for Data Protection. The claim is directed against

CITY COUNCIL OF BARAÑÁIN with NIF P3138600F (hereinafter, the claimed). The

reasons on which the claim is based are that the claimed party sends envelopes with the literal external printed on the front and in view of any person who violates the right to secret.

The claimant provides:

- Document 1, seen hand annotated in a postage paid envelope, top right "4/12/2019" and on that front of the obverse, in the lower left part, on the barcode of the shipment, the literal in capital letters and bold in Spanish and Basque "PROVIDENCE OF ENFORCEMENT". On the right, the claimant's data. In the center a stamp with "notification".
- Copy of the literal of the informative content, on the place and term, payment of interests and costs, deferrals, appeals, referring to the General Foral Tax Law of the Navarre Public Treasury.
- In another document, the literal changes to "providencia de embargo" being the rest of the identical details.

SECOND: In view of the facts denounced in the claim, of the documents

provided by the claimant, the General Subdirectorate for Data Inspection proceeded to

Transfer the claim to the claimed one requesting the decision that will be adopted with this claim and action taken.

On 06/29/2020, the respondent responds, stating:

-Foral Law 13/2000, of 12/14, General Tax Law of Navarre, article 99.1 indicates that the

The practice of notifications will be carried out by any means that allows for proof

receipt, as well as the date, the identity of the person receiving it, and the content of the act notified.

Article 44.1 of Law 39/2015, of 1/10, of the Common Administrative Procedure of the

Public Administrations (LPACAP), third paragraph, on the validity of notifications

specifies that they will be, provided that they allow proof of their shipment or disposition, of the reception or access by the interested party or his representative, of its dates and times, of the full content, and the reliable identity of the sender and recipient thereof.

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When indicating the requirements with which the notification must be practiced, it states "for any means that allows proof of the content of the notified act" reason why it is

In this case, it indicates on the envelope the specific act that is notified.

-Regarding the means by which the notification is made, the enforcement order is made by certified mail with acknowledgment of receipt, while the order of seizure

It is done by regular mail, "since it is a procedural act and it will not be mandatory to have proof of the notification made. For the delivery of notifications in the center of

Post office admissions are printed, enveloped and used by a Commercial Post Office.

Regarding the notification of the acts in which there must be proof of the notification,

“If the notification is received, the document with the obverse remains in the possession of the addressee, the acknowledgment of receipt that justifies the delivery is returned to the sender” management office of the City Council, for your file, and must in any case have the "identification of the act notified in order to prove its delivery.

If the notification is not received for any reason, it is returned to the sender due to subsequently publish the notification by appearance in the Official Gazette of Navarra, said publication being mandatory to notify the act administrative.

“Except for the persons who are in the domicile of the interested party or the postal employees, no person from the interested party's environment who is not in the address has access to said information.”

“Since it is a notification by certified mail and it is possible that in the domicile of the interested person is another person other than the holder who can receive the notification (family member, domestic worker, etc.) to appear in the envelope of the act that is tries to notify allows the third person to decide to collect or not the notification attending to what the interested person himself has authorized.”

Regarding the notification of the acts that, because they are procedural, it is not mandatory to have proof of the notification made, is deposited in the mailbox of the person interested in the postal address that appears as notification address.

Indicates that it is especially important that in resolutive or definitive acts it is left proof of the content of the notified act for the purposes of possible appeals.

-Regarding the measures adopted, the detail in the acts of processing of the collection procedure, urgency.

“It is not considered necessary to eliminate the detail of the acts that are notified when it is It is necessary to record the content of the notified act and, on the other hand, they are acts that notified by certified mail with acknowledgment of receipt, which means that the

notification at the home of the person who has the debt, it is not deposited in the mailbox which can be viewed by outside third parties". "The criterion will be adopted expose the AEPD file in the resolution to the president".

THIRD: On 11/27/2020, the Director of the AEPD agrees:

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"INITIATE PUNISHMENT PROCEDURE" of warning "to the CITY COUNCIL OF BARAÑÁIN, for the alleged infringement of article 32 of the RGPD, as indicated by the article 83.4.a) and 58.2.b) of the RGPD, and 73.f) of the LOPDGDD."

FOURTH: On 12/11/2020, the respondent presents the following allegations

- Foral Law 13/2000, of 14/12 General Tax of Navarre, article 99 first paragraph has:

"In the procedures of management, liquidation, verification, investigation and collection of the different taxes, as well as in the sanctioning and in which the re-courses and tax claims, the notifications will be made by any means that allows proof of receipt by the interested party or his representative, as well as as of the date, the identity of the person receiving the notification and the content of the notified act-do.

The accreditation of the notification made will be incorporated into the file"

-The LPACAP, of supplementary application, article 41 third paragraph of its first section is-tablece:

"Regardless of the means used, the notifications will be valid as long as they allow so have proof of its sending or making available, of the reception or access by the in-

interested party or their representative, their dates and times, the full content, and the identity trustworthy of the sender and recipient thereof. The accreditation of the notification made da will be incorporated into the file.”

-Among other requirements, notifications must be made by any means that allows have proof of the “content of the notified act”. In order to be aware of the content do of the notified act indicates the specific act notified on the envelope.

Due to the foregoing, indications were given to the different contracting companies for the management of the debt in process of urgency so that they were eliminated from the envelopes the detail of the notified acts when they are procedural acts.

- Regarding the judgments of the National High Court (mentioned in the initial agreement) cio), they refer, as indicated in the agreement to initiate the file sanctioning party, to debt claims within the private sphere, in the envelopes used for the notification of the procedures within the enforcement procedure, it is not indicated "charge delinquent" with the connotations that this may have, among them the claim that make the payment without the initiation of any legal action of any kind to request the payment Of the debt.

-In the action carried out to notify and which is the origin of this sanction file-nator, there is an administrative procedure, the enforcement procedure, which consists constitutes a manifestation of the self-protection of the public administration and consists of the power that the administration has to execute the debts that it has in its favor without the need for go to court. Said procedure begins with the notification of the order of urgency, and whose objective is to inform the interested persons of the ad-

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ministerial that you want to notify and that affects you, while it is intended to give effectiveness to the notified act.

-Reiterates that the notification of acts in which there must be proof of notification and carried out with the postal service by sending certified postal mail and with acknowledgment of receipt, in the event of receipt of the notification, the document, in whose The reverse contains the detail of the act notified, the acknowledgment of receipt remains in the hands of the addressee. bo that justifies the delivery is returned to the sender for its file, and in any case, have the identification of the notified act to be able to prove its delivery, without in any time the viewing of the envelope is allowed to third parties unrelated to the postal service or the person who picks up the notification at the address of the interested person.

"It has been confirmed that the companies contracted for debt management in the process of urgency have eliminated from the envelopes the detail of the act that is intended to be notified when they are procedural acts."

FIFTH: A resolution proposal was issued on 05/12/2021 with the literal:

"That by the Director of the Spanish Agency for Data Protection, AYUN-TAMIENTO DE BARAÑÁIN/BARAÑAIN, with NIF P3138600F, for an infraction of article 32 of the RGPD, in accordance with article 83.5 of the RGPD, with warning"

No claims were received.

#### PROVEN FACTS

1-The claimant provided two envelopes from the claimant, on the front of both, indicates, in one: "PROVIDENCE OF EMBARGO, in the other PROVIDENCE OF ENFORCEMENT", in capital letters and bold, in Spanish and Basque. On the right, the data of the claimant, name and surnames and postal address. In the center a stamp with "notification". Consider the claimant that their data together with the specific information of the procedure may be known anywhere, not just him as the owner.

2-The respondent considers that all notification to be valid must contain the full content of the act, and which must be notified, by any means that allows proof of the content of the notified act, and understands that the prescription has been fulfilled, indicating "providence of urgency", or "providence of embargo".

3-The respondent has reiterated after the initial agreement that the order of urgency is a resolution that is notified by certified mail with acknowledgment of receipt to the addressee indicating in this, the content of the act that is notified signed by the recipient, which is incorporated into the procedure. He adds that he is going to keep the literal in the envelope safe from what resolved in this procedure.

4-Regarding the literal "providence of embargo" states that it is not notified by mail certificate with acknowledgment of receipt, considering that it is an act of processing that does not

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resolves the procedure, and despite being an administrative notification has ordered that the envelopes do not contain the quoted literal.

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 procedure.

II

In reference to envelopes sent to notify or inform, with the address of the recipients and the information added to their side, for example containing "delinquent collection",

or similar, several judgments of the National High Court, Administrative Litigation Chamber, first section, although in the private sphere, not in the notification of an administrative act, have spoken confirming resolutions of the AEPD in which sanctions are imposed for violating the principles of security in data processing with the previous LOPD cite two, that of 04/15/2014, appeal 143/2013 and that of 07/10/2014 appeal 212/2013.

In both, it is indicated that the supports and documents violate the security measures in the treatment when in the transfer of supports and documents that contain data of personal nature, do not adopt measures aimed at preventing improper access to the information during your transfer. (Article 92 of the RLOPD).

In this regard, the content of what has been notified must be differentiated, the acknowledgment of receipt or receipt notice that usually accompanies the shipment and that is in your case and in accordance with the Law 39/2015, of 1/10, of the Common Administrative Procedure of the Public Administrations (LPACAP), which must meet the legal requirements that are required, and of which is record in the file, or is incorporated into it, but not the envelope, which is what it is about this procedure. Exposing the content in the envelope that is sent is not contemplated in the aforementioned administrative regulations, which, moreover, is not what accredits the proof of the reception, but it is the warning card.

III

The RGPD indicates:

article 1:

"1. This Regulation establishes the rules relating to the protection of persons with regard to the processing of personal data and the rules relating to the free movement of such data.

2. This Regulation protects the fundamental rights and freedoms of natural persons and, in particular, their right to the protection of personal data

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Among other rights, there would also be the right to honor, affecting the reputation (considering 75 of the RGPD) or confidentiality in the right to process a procedure in such a way that no third party has to know that a proceeding against that person, in this case of enforcement for alleged non-payment of fees or taxes, or if it were of another type, nor what type of procedure, nor by whom is it carried out? cape.

Two of the fundamental principles in data protection: confidentiality and security pose limits to their treatment.

item 3:

"1. This Regulation applies to the fully or partially automated processing of personal data, as well as the non-automated processing of personal data contained or intended to be included in a file."

article 4:

For the purposes of this Regulation, the following shall be understood as:

- 1) "personal data": any information about an identified natural person or identifiable ("the interested party"); An identifiable natural person shall be deemed to be any person whose identity can be determined, directly or indirectly, in particular by means of a identifier, such as a name, an identification number, location, an online identifier or one or more elements of physical identity, physiological, genetic, psychic, economic, cultural or social of said person;
- 2) "processing": any operation or set of operations performed on data

personal data or sets of personal data, whether by automated procedures or not, such as the collection, registration, organization, structuring, conservation, adaptation or modification, extraction, consultation, use, communication by transmission, diffusion or any other form of authorization of access, collation or interconnection, limitation, suppression or destruction;

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

Article 13.h) of the LPACAP indicates:

“Those who, in accordance with article 3, have the capacity to act before the Public Administrations, are holders, in their relations with them, of the following Rights:

h) To the protection of personal data, and in particular to the security and confidentiality of the data contained in the files, systems and applications of the Public administrations.”

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IV

The respondent argues that for the validity of the act to be notified, it must be notified by any means that allows proof of receipt, as well as the date, identity of the person receiving it, and the full content of the notified act. refers to the item

41 of the LPACAP that indicates, within the section of the effects of the acts of the public administrations, its delay when it is subject to its notification.

Article 41 of the LPACAP points out: "General conditions for the practice of notifications":

"1. The notifications will preferably be made by electronic means and, in all case, when the interested party is obliged to receive them by this means.

Notwithstanding the foregoing, the Administrations may make notifications by non-electronic in the following cases:

a) When the notification is made on the occasion of the spontaneous appearance of the interested party.

sado or his representative at the registration assistance offices and request the communication or personal notification at that time.

b) When, in order to ensure the effectiveness of the administrative action, it is necessary to notify the notification by direct delivery of a public employee of the Administration notifying-tea.

Regardless of the means used, the notifications will be valid as long as they allow so have proof of its sending or making available, of the reception or access by the interested party or their representative, their dates and times, the full content, and the identity trustworthy of the sender and recipient thereof. The accreditation of the notification made da will be incorporated into the file.

3. In the procedures initiated at the request of the interested party, the notification will be made by the medium designated for that purpose. This notification will be electronic in the cases in which that there is an obligation to relate in this way with the Administration.

When it is not possible to make the notification in accordance with what is indicated in the request, It will be carried out in any suitable place for that purpose, and by any means that allows to have proof of receipt by the interested party or his representative, as well as the date, identity and content of the notified act."

The purpose of the notification is to ensure that the administrative act is known by the interested so that, ultimately, you can calm down or react to it with all defense guarantees. The judgment of the Supreme Court (3rd Chamber, section 4) of 04/30/1998, ECLI:ES:TS:1998:8258 that «the importance and transcendence of all notification is that the interested party becomes aware of the action of the Administration and this in such conditions that it allows you to know the content of the diligence so that it can use the appropriate means of defence. The same comes to Say the ruling of the Constitutional Court No. 55/2003, of 03/24, ECLI:ES:TC:2003:55, to point out that the notifications “have the material purpose of bringing to the knowledge of the affected the judicial [or administrative] resolutions so that they can adopt the

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posture that they deem pertinent for the defense of their interests, avoiding the occurrence of defenseless situations.

The term to be notified, “by any means that allows proof of the content of the notified act” does not imply per se that the specific content should be noted of the act that is contained in an envelope, support containing the resolution is not adequate because it is not the envelope that gives proof of the notified act, but the postal card that correlates the contents of the envelope with the copy that remains in the file. that card is which must indicate enough elements to derive delivered content, with credited content. Nothing to do with the envelope in which the content of the resolution travels.

The matter is summarized, in terms of the validity and effects of the notification, it would be that it allows have evidence, among other elements, of the content of what is notified. By way of

example, the Judgment of the Supreme Court, contentious chamber, appeal 2467/2001, Section 4 of 02/10/2004 refers to the acknowledgment of receipt card, which must contain a reference on its cover to the object and nature of the resolution that is notified and the Administration has to provide data that directly justifies such extreme, despite the fact that in the file

A copy of the resolution that accompanied the remission of the card must be kept with some type of authentication that proves it, referring at all times to the fact that it is the card that can prove the reference to the content of the act, not the envelope as discussed here, because it is not the envelope that remains in power as a receipt, but the card that certifies the shipment, reception and the brief content that allows to identify what was sent. Nope it is enough that the acknowledgment proves that a document prepared or originating from the body is sent competent, but must refer to the specific resolution on the face of the acknowledgment of receipt, being the Administration responsible for reliably proving that the act notified is the one who says he is on said notice card. In this case, it is not that the envelope with the express literal in capital letters is the one that must contain the reference to its content, being only the card that is the one that remains giving evidence in the file that is guarded in this case by the administration. The opposite could validate notifications with envelopes in which they could be disproportionately contained literals that can violate the privacy of those notified, in matters such as "expulsion file" for irregular foreigners, for "possession of substances", etc., which also refer to the notified act.

In addition, the respondent asserts that she keeps said notice card that accredits the content of the notified act, affirming that the literal embodied helps to decide to take the shipment. It is nothing but a unilateral affirmation that does not take into account that it is a physical support that along with that information, there is the personal data of the interested party, and that it can help that third parties not related to the notification become aware of facts that are neither necessary for it to take effect, are not expressly provided for in its regulation, and

they violate the right not to know the content of the correspondence by the title that it can carry. It is also not unusual for the dealing of the cards to be handled by farm employees, administrators, etc. Correction of system of envelopes

It also implies respect for the minimization of data when said treatment is not necessary, proportional or adequate.

As for the letter of the envelope accrediting the content of the act, it should be noted that the mere external title is not indicative of its content. The "integral content" refers, among others, by the ruling of the National High Court, Contentious-Administrative Chamber, Section 4, Judgment 45/2016 of 02/03/2016, Appeal 68/2014, which considers the

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notification for not containing the full content of the administrative act (refers to the act complete, reasoning, statement of facts, resolution, means of appeals, if any, that fit against the not to the literal that warns of the content. "They appreciate each other, we said, when I us, the omission of three legal requirements, namely, it does not contain the full content of the act administrative agreement, simply limiting and informing the representative of the interested party that the resolution and its operative part have been issued, it is not mentioned whether it is of a definitive act or not in administrative proceedings, a requirement imposed by article 58.2 of the Law 30/92, nor is any instruction or information indicated on the resources that can be be filed against the notified administrative act."

Therefore add, as the respondent does, that it is intended to meet the requirement of complete the "full content" of the act by putting "providence of urgency" not only is it not fits with a rational interpretation of the notification system, but is not

proportional that part of the substantive content of what is notified in the  
about, when it does not ensure any aspect of its entire content.

v

On the other hand, the LPACAP article refers to “notifications”, without differentiating against  
those that can be appealed or not, are processed or not, the validity being different, since the  
reception, which can be alleged by the affected party, being on the other hand, the principles  
general to practice identical in any notification.

The facts, suppose an infraction in the matter of protection of data incardinated in the  
article 32 of the RGD, which indicates:

"1. Taking into account the state of the art, the application costs, and the  
nature, scope, context and purposes of the treatment, as well as risks of  
variable probability and severity for the rights and freedoms of natural persons, the  
responsible and the person in charge of the treatment will apply technical and organizational measures  
appropriate to guarantee a level of security appropriate to the risk, which in its case  
include, among others:

- a) pseudonymization and encryption of personal data;
- b) the ability to ensure confidentiality, integrity, availability and resilience  
permanent treatment systems and services;
- c) the ability to restore the availability and access to personal data in a  
fast in the event of a physical or technical incident;
- d) a process of regular verification, evaluation and assessment of the effectiveness of the  
technical and organizational measures to guarantee the security of the treatment.

2. When evaluating the adequacy of the security level, particular account shall be taken  
the risks presented by the data processing, in particular as a consequence of the  
accidental or unlawful destruction, loss or alteration of transmitted personal data,  
stored or otherwise processed, or unauthorized communication or access to such

data.

3. Adherence to an approved code of conduct under article 40 or to a certification mechanism approved under article 42 may serve as an element for

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demonstrate compliance with the requirements established in section 1 of this

Article.

4. The person in charge and the person in charge of the treatment will take measures to guarantee that any person acting under the authority of the person in charge or the person in charge and access to personal data can only process said data following instructions from the responsible, unless it is obliged to do so by virtue of Union Law or the Member states."

The nature, context and purpose of the notification in relation to what is indicated in the legal precept of the LPACAP, does not suggest that it is necessary, proportional or appropriate that contain in the envelopes the explicit reference that allows to know the specific and detailed content of what is transferred to the recipient of the shipment, not corresponding with the meaning of the full content of what was notified or proving proof of what was notifies. It would normally be appropriate to reflect in the acknowledgment of receipt that a generic mention of the act, together with some type of identifier that, as has been said, corresponds to the content notified and that appears in the file.

Data security is important not only because it is a legal requirement, but because it contributes to good data governance and to accrediting the compliance that GDPR enforces. When it is not shown that the treatment to be recorded in the



envelopes, the terms providence of urgency or embargo for not being suitable, necessary or proportional to the purposes, it must be added that the administrative rule does not refer to have to add the qualifiers in the notifications, since it directly affects the reputation of the person, without needing it.

SAW

The infringement is included in article 83.4.a) of the RGPD, which indicates:

"4. Violations of the following provisions will be sanctioned, in accordance with the section 2, with administrative fines of a maximum of EUR 10,000,000 or, in the case of a company, of an amount equivalent to a maximum of 2% of the total turnover annual global of the previous financial year, opting for the highest amount:

a) the obligations of the person in charge and the person in charge pursuant to articles 8, 11, 25 to 39, 42 and 43;"

Article 58.2 of the RGPD indicates: "Each control authority will have all the following corrective powers indicated below:

"b) send a warning to any person responsible or in charge of the treatment when the treatment operations have violated the provisions of this Regulation;"

"d) order the person responsible or in charge of the treatment that the operations of treatment comply with the provisions of this Regulation, where appropriate, in accordance with a specified manner and within a specified time.

"i) impose an administrative fine under article 83, in addition to or instead of the measures mentioned in this section, according to the circumstances of each case

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particular"

Article 83.7 of the RGPD adds:

"Without prejudice to the corrective powers of the control authorities under the

Article 58(2), each Member State may lay down rules on whether it can, and

To what extent, impose administrative fines on authorities and public bodies

established in that Member State.

The Spanish legal system has chosen not to fine entities

public, as indicated in article 77.1. c) and 2. 4. 5. and 6. of the LOPDDGG: "1. The

regime established in this article will be applicable to the treatments that are

responsible or in charge:

"c) The General Administration of the State, the Administrations of the communities

autonomous and the entities that make up the Local Administration."

"two. When those responsible or in charge listed in section 1 committed

any of the infractions referred to in articles 72 to 74 of this organic law, the

competent data protection authority will issue a resolution sanctioning

the same with warning. The resolution will also establish the measures that

appropriate to adopt so that the conduct ceases or the effects of the infraction are corrected.

would have committed

The resolution will be notified to the person in charge or in charge of the treatment, to the body of which

depends hierarchically, where appropriate, and those affected who had the status of

interested, if any."

"4. The resolutions that

fall in relation to the measures and actions referred to in the sections

previous.

5. They will be communicated to the Ombudsman or, where appropriate, to the analogous institutions of

the autonomous communities the actions carried out and the resolutions issued to the

protection of this article.

6. When the competent authority is the Spanish Agency for Data Protection, this will publish on its website with due separation the resolutions referring to the entities of section 1 of this article, with express indication of the identity of the responsible or in charge of the treatment that had committed the infraction.”

Article 73 of the LOPDGDD indicates: "Infringements considered serious":

“Based on the provisions of article 83.4 of Regulation (EU) 2016/679, considered serious and will prescribe after two years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

f) The lack of adoption of those technical and organizational measures that result appropriate to guarantee a level of security appropriate to the risk of the treatment, in the terms required by article 32.1 of Regulation (EU) 2016/679.”

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As a specific measure in this matter, it is recommended that they cease to be used in notifications the envelopes with the literals analyzed in this resolution.

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

RESOLVES:

FIRST: IMPOSE BARAÑÁIN CITY COUNCIL, with NIF P3138600F, for a infringement of article 32 of the RGPD, in accordance with article 83.5 b) of the RGPD, a warning sanction.

SECOND: In accordance with article 58.2. d) of the RGPD, the person in charge of the treatment that the treatment operations comply with the provisions of this Regulation, and must inform this AEPD of its execution within a period of one month.

THIRD: NOTIFY this resolution to the CITY COUNCIL OF BARAÑÁIN.

FOURTH

in accordance with the provisions of article 77.5 of the LOPDGDD.

: COMMUNICATE this resolution to the OMBUDSMAN, of

FIFTH: 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 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 period of one month from the day

following the notification of this resolution or directly contentious appeal

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

in accordance with the provisions of article 25 and section 5 of the fourth additional provision

of Law 29/1998, of 13/07, regulating the Contentious-administrative Jurisdiction, in the

period of two months from the day following the notification of this act, as

provided for 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, it may be

precautionary suspension of the firm decision in administrative proceedings if the interested party expresses

its intention to file a contentious-administrative appeal. If this is the case, the

The interested party must formally communicate this fact in writing addressed to the Agency

Spanish Data Protection, presenting it through the Electronic Registry of the

Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through one of the

remaining records provided for in art. 16.4 of the aforementioned LPACAP. You will also need to transfer

the Agency the documentation that proves 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 terminate the precautionary suspension.

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