

□ Procedure No.: PS/00422/2019

938-0419

- RESOLUTION OF PUNISHMENT PROCEDURE

In sanctioning procedure PS/00422/2019, instructed by the Spanish Agency for

Data Protection, to the entity EL PERIODICO DE CATALUNYA, S.L. with CIF:

B66485343, with C.I.F.: A80907397, (hereinafter, "the claimed entity"), given the de-

complaint filed by D. A.A.A., (hereinafter, "the claimant"), and based on the following

guides,

BACKGROUND

FIRST: On 06/09/19, he entered this Agency, a brief presented by

the claimant, in which he stated, among others, the following:

"This claim refers to file E/07525/2018: On the date

09/19/18, my request for the deletion of my data was registered with the AEPD in said

website (<https://www.elperiodico.com>).

In response to my request, on 04/09/19 I received a resolution from the Agency indicating-

do that the referred website proceeded to delete my data. Unfortunately, the pa

Saturday 05/02/19, I received another commercial communication from the aforementioned website, in

form of electronic mail with the subject "Electoral keys. The consequences of the

28-A".

The following documentation is provided, among others:

a).- Dated 04/02/19, Email sent from GRUPO ZETA, areque-

na@elperlodico.es; Subject: Spanish Data Protection Agency Claim;

To: ***EMAIL.1 , where it is indicated, among others:

"We inform you that once received on 10/16/18 the claim cur-

sada by you through the Spanish Agenda for Data Protection, in the

who claimed the deletion of his personal data, his request was answered in the following days and the AEPD was notified. Again we have received notification of the AEPD so that we can communicate it to you personally through of the email provided in your claim.

(...) In any case, we inform you that, once the request is received through of the AEPD, we have responded immediately to your request. the past day 10/22/18. The Newspaper of Catalonia, S.L. proceeded to cancel and delete definitively all your personal data”.

b).- Dated 04/06/19, File Resolution of the AEPD of File No.:

E/07525/2018, indicating therein, among others, that:

“(...) In response to said request, this Agency has received a letter of EL PERIODICO DE CATALUNYA, S.L. that for what is of interest here party the following: In the first place, they indicate that due to a punctual incident occurred in the computer system of El Periódico de Catalunya, S.L. during the last September, did not move correctly to the department

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corresponding moment the request for deletion of personal data made given by the claimant and that they regret this circumstance that was subsequently corrected. They add that once the request was received through the AEPD, they immediately responding to the claimant's request. On the 22nd of October 2018 El Periódico de Catalunya, S.L. proceeded to cancel and suppress definitively all the personal data of the claimant.

(...) In this case, once the reasons given by EL PERIODI-

CO DE CATALUNYA, S.L., which appear in the file, is considered not to

The initiation of a sanctioning procedure proceeds as the complaint has been attended to.

claim, proceeding to agree on the file of the examined claim”.

c).- Dated 05/02/19, email with newsletter, sent from EL-

PERIODICO.COM webmaster@elperiodico.com ; and Subject: The consequences of 28-

A addressed to the claimant's mailing address.

SECOND: In view of the facts set forth in the claim and the documents

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

to carry out actions for its clarification, under the investigative powers

tion granted to the control authorities in article 57.1 of the Regulation (EU)

2016/679 (GDPR). Thus, on 07/25/19 and 08/07/19, two separate requests are addressed

informative data to the claimed entity.

THIRD: According to a certificate from the Electronic Notifications Service and Address

Electronic Enabled, the request sent to the claimed entity, dated

07/25/19, and made available on 07/28/19 through the Notific@ service, it turned out

rejected, dated 08/05/19.

According to a certificate from the State Post Office, the notification sent to the company

claim, dated 08/07/19, through the SICER service, to the address: C/

Consell de Cent 425-427, 08009 Barcelona, was delivered on 08/09/19, being the

receiving person of the same B.B.B.. ***NIF.1

FOURTH: On 08/09/19, the entity claimed, sends to this Agency, the following-

notice you:

“Dear Sirs, please send a duplicate of the following notification with the following:

following identification data: sent by the aepd:

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that through said service the notification was sent:

reference: 18577595d397c8ee6c31

acting administration: Spanish data protection agency (AGPD)

Headline: El Periódico de Catalunya SL - b66485343

subject: "notification available in the folder or of the indicated holder"

with the following result: date of availability: 07/28/2019 05:00:28 "

FIFTH: On 10/09/19, the Agreement for Admission to Process of the complaint is issued

filed by the claimant on 06/09/19, as this Agency had not received any

type of documentation or information to the requirements sent to the entity claiming

mada.

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SIXTH: On 10/14/19, the General Subdirectorate for Data Inspection proceeded

He once again sent an information request to the entity claimed.

SEVENTH: On 10/31/19, the claimed entity sends this Agency a letter of

allegations, in which it indicates that:

“On 10/29/19, EPC again received the claim and request for information

formulated by the claimant before the A.E.P.D., on the right of cancellation and deletion

sion of your personal data.

That in said notification this party has been granted a period of ten (10) days to provide the relevant information. That, this party makes the following ARGUMENT-TION:

We inform the AEPD and the claimant that on October 22, 2018 your data was deleted from the EPC marketing database, as reported. However, due to an error between the editor and an ex-supplier, ternal, the personal data of the claimant were not completely eliminated from an EPC database and therefore the claimant received the newsletter at witch reffers to. To date, we have done an internal search and we can confirm that the claimant's data has already been completely deleted.

EIGHTH: In view of the reported facts, the documentation provided by the parties and in accordance with the evidence available, the Data Inspection of this Spanish Agency for Data Protection considered that the performance of the entity claimed did not meet the conditions imposed by the regulations in force, therefore that the opening of a sanctioning procedure proceeds. Thus, on 11/29/19, the Director of the Spanish Agency for Data Protection agreed to initiate a procedure sanctioning the claimed entity, by virtue of the powers established for infraction tion of articles 6 of the RGD, punishable in accordance with the provisions of art. 83.

NINTH: Once the initiation agreement has been notified, the entity claimed, by means of a letter of dated 12/20/19, made, in summary, the following allegations:

"After an initial, "Transfer of claim and request for information", (N/Ref:

E/07525/2018), received on October 16, 2018, in which E.P.C.

to explain why the request for deletion of personal data had not been met.

les of the claimant, E.P.C. replied to the A.E.P.D. reporting that, due to an incident incidence that occurred in its computer system in the month of September 2018, not

it had been possible to communicate the request for elimination to the corresponding department of personal data that the claimant had made.

In turn, in the aforementioned response, the A.E.P.D. that, upon receipt of that claim, E.P.C. had promptly complied with the claimant's request, having proceeded to the cancellation and suppression, on October 22, 2018, of the personal data of the claimant that he had.

One year later, specifically on October 29, 2019, E.P.C received a new "Requirement and request for information" from the A.E.P.D. in which we were informed

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I was aware that, despite the personal data of the claimant having been cancelled, he had once again received newsletters at the same email address on the who received the original emails. After the initial surprise, and after exhaustive internal investigation to find out what could have happened, EPC found that, indeed, as had been duly informed to the AEPD, a year before, that is, on October 22, 2018, if the personal data had been canceled and deleted. the claimant's data from the database held by the marketing department.

EPC ting. However, it was discovered that, due to a coordination error between the re-daction of El Periódico and an external provider, the personal data of the claimant had not been completely removed from an E.P.C. database, which is why that the claimant had continued to receive the bulletin from which he wanted to unsubscribe short.

It is evident that such an accumulation of circumstances, errors and coincidences, which

It is almost incomprehensible that they all occur together, they are or have been totally foreign.

to the will of E.P.C., a trading company that does not have the slightest interest in mo-
injure or harm the claimant or any other person, and that tries to address points
regularly all those requests for cancellation and deletion of data that periodically
cally receives.

In fact, the attitude carried out by E.P.C. throughout the process described has been
always to act in good faith, trying at all times to meet the request
made by the claimant, although, due to the circumstances and involuntary errors
previously exposed, this has not been possible until last October 2019.

In any case, in the response issued by EPC on October 31, 2019,
E.P.C. reported to the A.E.P.D. that, after an internal search and verification,
had been able to confirm that they had finally been canceled and definitively suppressed.
mind all the personal data of the claimant.

Once definitively eliminated by E.P.C. the personal data of the claimant
its databases, the A.E.P.D. notifies E.P.C., on December 5, 2019, the
agreement to initiate a sanctioning procedure, with reference number PS /
00422/2019. With all due respect, we do not understand or share why,

Once the problem has been solved and having stated at all times the reasons and
circumstances that explain why the claimant continued to receive for a
time the informative bulletins, it is agreed to start this sanctioning procedure
tioner

As it has been stated honestly, sincerely and transparently in each of the
requirements received from the A.E.P.D., the company E.P.C. always had the will
to attend to the claimant's data cancellation request, although, due to the circumstances
instances described and already known, this has not been possible until last October.
bre of 2019.

We must point out, in this sense, that the trading company E.P.C. is part of GRUPO ZETA, publishing group that has been acquired, in May of this year 2019, by another important communication group, which could help to understand that they have been able to produce some imbalances in the integration process of both groups.

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In any case, we understand that there was no E.P.C. a negligent attitude in his performance, but there were a host of errors and unfortunate circumstances. tunadas (some of them not even attributable to E.P.C.) that led to the request of the claimant was not duly attended to at first, a circumstance which, as we have pointed out, has already been corrected.

Obviously, not agreeing with the initiation of this sanctioning procedure, nor can we share, in any way, the hypothetical sanction of a fine of 25,000 euros, a very high amount that we consider out of place due to the circumstances. tances that concur in the present case. It is requested to remember the file of the sentencing procedure”.

TENTH: On 01/15/20, the test practice period began, agreeing-

se: a).- consider reproduced for evidentiary purposes the complaint filed by the de-advertiser and its documentation, the documents obtained and generated that form part of file E/9586/2019 and b).- consider reproduced for evidentiary purposes, the allegations to the initiation agreement of PS/00422/2019, presented by the entity de-announced.

ELEVEN: On 03/29/20, the Resolution Proposal is made in

which it is proposed that, by the Director of the Spanish Agency for Data Protection, the entity, EL PERIODICO DE CATALUNYA SL., is sanctioned for infraction of the article 6 of the RGPD, considered as “very serious”, for the purposes of prescription of the same, in article 72.1.b of the LOPDGDD. with a fine of 25,000 (twenty-five thousand euros), in accordance with the provisions of article 58.2) of the aforementioned RGPD.

TWELFTH: On 06/26/20, the respondent entity files a written allegation-

tions to the proposed resolution, in which, among others, it indicates:

“Once the notification is received, it is urgently transferred to its legal and technical department.

Nico, as well as its new data protection delegate, taking the appropriate measures

to ensure the security necessary to respond urgently.

The decision made by the departments involved regarding this claim

was to respond in a timely manner to the AEPD, as well as to determine, to the extent

possible, the situation that has brought us to this point, of which I had no con-

The new data protection delegate did not give any weight.

For all these reasons, we have invested these days not only in giving a prompt response but

also in verifying internally what was confirmed by the Agency.

Likewise, we want to record that during the time in which the

saw, due to an involuntary internal error, the data of the affected party, at no time and

under no circumstance, a fraudulent use of the same was made, no

They provided data to third parties and no economic benefit was obtained from them.

As stated by the claimant himself in his complaint before the AEPD dated 9

June 2019, the unauthorized sending of a single communication with

by E.P.C., having determined in the internal investigation that

was nothing more than a one-off and involuntary incident, having been sent a single

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communication once the order to erase and suppress the data had already been given

details of the claimant from the database of users of El Periódico de Cata-

lunya without the claimant's data being processed on any other occasion.

However, we greatly regret this error and reiterate that E.P.C. do not want

nor does it have the intention or interest in causing damage or inconvenience to the claimant or to any

another user and for this we work daily to improve and diligently attend to all

the data deletion requests we receive. In fact, the attitude of E.P.C.

has been at all times to act in good faith, trying to address the incidence

in the most correct and diligent way possible, with the intention of safeguarding privacy.

identity of the complainant at all times.

Please also note that, due to the editorial activity that we carry out,

When we start, we usually find ourselves faced with a huge number of requests for

exercises of rights, not only from registered users/subscribers but

also from third parties who request exercises of their rights over personal data-

existing in the news published in the newspaper's digital library. Must

point out that we try to make it easier for all applicants to exercise their rights,

seeking your satisfaction and without us having had until now, fortunately,

relevant incidents that have caused disciplinary proceedings by

that agency. However, even knowing our responsibility in this case and

Assuming our mistake in the case at hand, we consider and ask you to keep

take into account what was stated above for the resolution of this case, as well as

the measures we have applied to prevent this circumstance from happening again.

The risk of human error will always be present in the process. By

Therefore, we cannot guarantee 100% that this circumstance will not happen again if we receive

We received a claim and the corresponding transfer to the department is not given

effect, but we do let them know that our entity has implemented

Mentioned new human and protocol measures to reduce to a minimum

these types of incidents. We have adopted a single protocol for data suppression.

personal data claimed by those affected by joining the databases of the different

different departments involved, as well as implementing automated measures

to solve diligence problems that the staff may cause. For all

this, we indicate that an effort is being made both financially and organizationally

to resolve favorably this type of exercise of rights that we consider

We are of the utmost importance.

Likewise, we state that during the time in which they erroneously maintained

Mind the data of the affected E.P.C. at any time and under any circumstances

made fraudulent use of them or obtained economic benefit from them, for

what we have verified that what happened was a punctual error when sending that only

ca commercial communication. We are very sorry for this mistake and we want to leave

proof again that E.P.C. You do not want to cause damage or inconvenience to the claimant.

and that we work daily to improve and meet all requests for deletion.

data session we receive.

As corrective and reinforcing measures so that it never happens again

a similar fact in the future, the company has adopted the following:

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1. A new Data Protection Officer has recently been appointed,
which has been duly notified to the AEPD.
2. The Data Security Manager has been modified
3. A new risk analysis will be carried out shortly to guarantee the
appropriate level of security and the confidentiality, integrity and availability
of personal data.
4. It will be taught to the staff, and especially to the marketing departments.
ting and subscriptions, a course on data protection emphasizing the
topic of information security, consent and exercise of rights
chos, as well as everything related to databases and sending communications
commercial.

Error in the applied article and non-observance of the principle of proportionality in the sanction
proposed tion. With all due respect, we state that the application of
article 71.1.a of the LOPDGDD indicated in the proposed resolution de-
because said article does not exist, therefore not being sufficiently justified
the qualification of "very serious infraction", for which the file of the file is requested.
tea.

On the other hand, and with the same due respect, we consider that the sanction
proposes to impose is disproportionate in its amount and is not appropriate to the seriousness of
the infraction committed, given that what is sanctioned is an involuntary lapse in the
deletion of the claimant's data and the sending of ONE SINGLE NEWSLETTER that was sent
It was made by involuntary error and without the intention of breaching the data protection regulations,
and without that with her E.P.C. has obtained economic benefit of any kind or has
injured the claimant.

REQUESTS that this document be considered submitted in a timely manner, be admitted and
have made the previous allegations in order to nullify said

motion for a resolution and file the file accordingly”.

Of the actions carried out in this procedure, of the information and do-

documentation presented by the parties, the following have been accredited:

PROVEN FACTS

1º.- On 09/19/18 there is a first complaint from the claimant before this Agency against El Periódico de Catalunya, for not having responded to it, a request of right of cancellation and deletion of the personal data of the claimant, of the bases of entity data. This complaint gave rise to the opening, in this Agency, of the tooth E/07525/2018.

2º.- On 10/16/18, within the administrative procedure followed in said expending, (E/07525/2018), the complaint was transferred to the entity claimed.

3º.- On 10/30/18, the claimed entity sends letters to this Agency, alleging that: “Due to a specific incident that occurred in the computer system of El Periódico de Catalunya, S.L. during last September, it was not moved correctly-mind to the corresponding department the request for deletion of personal data made by the claimant. We regret this circumstance, beyond our control.

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will, which was later corrected. Once the request is received through the A.E.P.D., we have immediately attended to the request on 10/22/18 and proceeded to cancel and definitively delete all the personal data of the claimant. keep”.

4º.- On 04/06/19, the Director of the AEPD resolves by filing the file

E/07525/18, understanding that the respondent entity had proceeded diligently to

delete the personal data of the claimant from its databases.

5º.- However, two months later, on 06/09/19, this Agency received

a new complaint from the claimant indicating that he had received another communication

commercial cation of the claimed entity. This new complaint gave rise to the opening,

in this Agency, of a new file, E/09586/2019.

6º.- On 10/31/19, and after having transferred the complaint to the entity

claimed, it responds that, "due to an error between the drafting and an external provider

ternal, the personal data of the claimant were not completely eliminated from

an EPC database and thus the claimant received a new newsletter.

cias to which it refers, but that said error had already been corrected".

7º.- The entity acknowledges having carried out an illicit treatment of personal data

of the claimant, but alleges that, "during the time in which they remained

erroneously the data of the affected party, at no time and under no circumstances

made fraudulent use of them, nor obtained economic benefit from them. It

What happened was a punctual error when sending him that only commercial communication".

FOUNDATIONS OF LAW

The Director of the Spanish Agency is competent to resolve this procedure.

Data Protection, in accordance with the provisions of art. 58.2 of the RGPD in

the art. 47 of LOPDGDD.

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II

The joint assessment of the documentary evidence in the procedure brings to

knowledge of the AEPD a vision of the denounced action that has been reflected

jada in the facts declared proven above reported.

However, it should be remembered that, prior to this case, the claimant,

dated 09/19/18, he reported for the first time to PERIODICO DE CATALUNYA, before this Agency, for not agreeing to your request to delete personal data from your databases. This Agency filed that file, based on the response that offered by the Newspaper, considering that the claim had been addressed diligently by the entity claimed because at that time it stated that:

“due to a specific incident that occurred in the newspaper's computer system, the deletion request was successfully transferred to the corresponding department of personal data made by the claimant but which was subsequently corrected.

The entity claimed affirmed, at the time, that: “Once the request was received through the AEPD, immediately responded to the claimant's request and on the date

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10/22/18 El Periódico de Catalunya, S.L. proceeded to cancel and suppress definitely all your personal data.”

Well, as was shown a few months later, this incidence was not diligently corrected by the claimed entity as it was assured at the time, because on 05/02/19, the claimant again receives an email with a bulletin from news, sent from webmaster@elperiodico.com, denouncing the facts once again before this Agency.

The entity claimed alleges, in a new document sent to this Agency on 10/31/19, that, "although on 10/22/18 he proceeded to eliminate the personal data of the claimant from the EPC marketing database, as reported, by a

error between the newsroom and an external provider, the data was not fully removed from one of the EPC databases and the claimant therefore received a new newsletter.

The entity claimed reaffirms, now dated 10/31/19, that. "we have done an internal search and we can confirm that they have already been removed completely the data of the claimant".

Therefore, since 10/22/18, when the entity claimed affirms, for the first time, have eliminated the personal data of the claimant from their databases, until the 10/31/19, date on which the respondent entity reaffirms, for the second time, that this time it has definitively eliminated the personal data of the claimant from its databases, more than a year has passed during which the entity claimed has carried out an illicit treatment of the same, as it has been, in this case, in sending a new email to your address.

It is clear the lack of diligence, on the part of the claimed entity, in the adoption of adequate measures to manage the processing of personal data of its clients, especially if it is appreciated that as an entity aware of the regulations for the protection of data is required special rigor and care in order to ensure respect for the rights and principles established in the RGPD and, however, their conduct is not has adjusted, from the point of view of data protection, to the requirements minimum that derive from its activity, from which a continuous treatment of personal data, showing an ineffective management in the treatment of the same and a significant absence in the rigor that must be put into it, to prevent the commission of offenses of a similar nature.

With regard to the allegations of the claimed entity in which it indicates:

"(...) the application of article 71.1.a of the LOPDGDD indicated in the resolution proposal because said article does not exist (...), indicate in this regard

so that, in the “FIRST” point of the Resolution Proposal, where it says: “(...)

71.1.a of the LOPDGDD (...), it must read: “(...) 72.1.b. of the LOPDGDD (...)”, as

indicated in the letter of initiation of the file.

III

Thus, the known facts are constitutive of an infraction, attributable to the

claimed, for violation of article 6, of the RGPD, by not fulfilling any of the

conditions established therein for the processing of personal data

those of the interested party:

“The treatment will only be lawful if at least one of the following conditions is met:

nes: a) the interested party gave his consent for the treatment of his personal data-

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them for one or more specific purposes; b) the treatment is necessary for the execution

of a contract in which the interested party is a party or for the application at the request of this

of pre-contractual measures; c) the treatment is necessary for the fulfillment of

a legal obligation applicable to the data controller; d) the treatment is ne-

cessary to protect the vital interests of the data subject or of another natural person; e) the work

treatment is necessary for the fulfillment of a mission carried out in the public interest

or in the exercise of public powers conferred on the data controller; f) the

treatment is necessary for the satisfaction of legitimate interests pursued by the

responsible for the treatment or by a third party, provided that said interests are not

the interests or the fundamental rights and freedoms of the interested party prevail

that require the protection of personal data, in particular when the interested party

be a child (...)"

For its part, section b) of article 72.1 of the LOPDGDD considers as "very serious", for prescription purposes, the: "processing of personal data without consent any of the conditions of legality of the processing of personal data established cited in article 6 of the RGPD".

This infraction can be sanctioned with a maximum fine of €20,000,000 or, alternatively, being from a company, of an amount equivalent to a maximum of 4% of the volume of total annual global business of the previous financial year, opting for the greater amount, in accordance with article 83.5.a) of the RGPD.

In accordance with the precepts indicated, in order to set the definitive amount of the sanction to be imposed, it is considered appropriate to graduate the sanction again in accordance with the following criteria established in article 83.2 of the RGPD.

a).- As aggravating criteria, (taken into account, both in the initiation of the file- as in the motion for a resolution):

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The duration of the infringement, taking into account that the claimed entity affirms dated 10/22/18, that he had definitively erased the personal data of the claimant and that on 05/02/19 (6 months later), he re-sent a email to the claimant, verifying that the data had not been erased.

rrados as stated, (section a).

The intentionality or negligence in the infringement. In the present case we are before unintentional negligent action, (paragraph b).

The categories of personal data affected by the infringement,

The data processed in this case, are of a markedly personal nature and therefore person identifiers, (section g).

The way in which the supervisory authority became aware of the infringement. In

In this case, the infringement has been known through two de-complaints filed by the claimant, (section h).

- Any other aggravating factor. In the present case, the lack of diligence of the claimed entity when processing the data of his clients, since, although he affirmed categorically, that he erased all the personal data of the claimant, from their databases, this is not it was so, (paragraph k).

b).- As mitigating criteria, considered in this resolution:

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any measure taken by the controller or processor to mitigate the damages suffered by the interested parties, upon verifying that the entity entity claimed attempts to proceed to delete the data of the claimant when it is requested, (section c).

The absence of previous infractions of the same nature, committed by the claimed entity (section e).

- The degree of cooperation with the supervisory authority in order to remedy to the infraction and mitigate the possible adverse effects, (section f).

In accordance with the precepts indicated, and without prejudice to what results from the instruction procedure, in order to set the amount of the penalty to be imposed on the price

In this case, it is considered appropriate to graduate the sanction to be imposed in accordance with the following criteria established in article 76.2 of the LOPDGDD:

a).- As aggravating criteria, (taken into account, both in the initiation of the file- as in the motion for a resolution):

- The continuing nature of the infringement, as the personal data is registered of the claimant, in the databases of the claimed entity, at least 6 months more, since it affirmed that the data had been erased, (apartments do a).

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The link between the activity of the offender and the performance of treatment of personal data, (section b).

b).- As mitigating criteria, considered in this resolution:

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The non-existence of benefits obtained as a result of the commission of the infraction, (paragraph c).

The balance of the circumstances contemplated in article 83.2 of the RCPD, with res-

Regarding the infraction committed by violating what is established in article 6, it allows setting a fine of 10,000 euros (ten thousand euros).

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

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RESOLVE

FIRST: IMPOSE EL PERIODICO DE CATALUNYA, S.L. with CIF:

B66485343, a penalty of 10,000 euros (ten thousand euros), for violation of article

6) of the RGPD, punishable in accordance with the provisions of art. 83 of the aforementioned standard.

SECOND: NOTIFY this resolution to the entity, EL PERIODICO DE CATALUNYA, S.L. and INFORM the claimant of the outcome of the claim.

THIRD: Warn the sanctioned party that the sanction imposed must make it effective

Once this resolution is executed, in accordance with the provisions of art.

Article 98.1.b) of Law 39/2015, of October 1, of the Administrative Procedure Co-

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Public Administrations (LPACAP), within the voluntary payment period that

points out article 68 of the General Collection Regulations, approved by Royal De-

creree 939/2005, of July 29, in relation to art. 62 of Law 58/2003, of 17

December, by depositing it in the restricted account number ES00 0000 0000 0000 0000

0000, opened in the name of the Spanish Agency for Data Protection in the Bank

CAIXABANK, S.A. or otherwise, it will be collected in the executable period.

crop.

Received the notification and once executed, if the date of execution is

between the 1st and 15th of each month, both inclusive, the term to make the payment

will be until the 20th day of the following month or immediately after, and if

between the 16th and last day of each month, both inclusive, the payment term

It will be until the 5th of the second following month or immediately after.

In accordance with the provisions of article 82 of Law 62/2003, of December 30,

bre, of fiscal, administrative and social order measures, this Resolution is

will make public, once it has been notified to the interested parties. The publication is made

will be in accordance with the provisions of Instruction 1/2004, of December 22, of the Agency

Spanish Data Protection on the publication of its Resolutions.

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

established in articles 112 and 123 of the LPACAP, the interested parties may interpose

have, optionally, an appeal for reconsideration before the Director of the Spanish Agency

of Data Protection within a period of one month from the day following the notification

fication of this resolution, or, directly contentious-administrative appeal before the

Contentious-administrative Chamber of the National High Court, in accordance with the provisions

placed in article 25 and in section 5 of the fourth additional provision of the Law

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

two months from the day following the notification of this act, according to

the provisions of article 46.1 of the aforementioned legal text.

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

may provisionally suspend the firm resolution in administrative proceedings if the interested party

do states its intention to file a contentious-administrative appeal. Of being

In this case, the interested party must formally communicate this fact in writing

addressed to the Spanish Agency for Data Protection, presenting it through the Re-

Electronic Registry of the Agency [<https://sedeagpd.gob.es/sede-electronicaweb/>], or to

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

that proves the effective filing of the contentious-administrative appeal. If the

Agency was not aware of the filing of the contentious-administrative appeal

tive within two months from the day following the notification of this

resolution, would end the precautionary suspension.

Sea Spain Marti

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