

Procedure No.: PS/00555/2021

RESOLUTION OF SANCTIONING PROCEDURE

pages

www.cumlouder.com;

Of the actions carried out ex officio by the Spanish Agency for the Protection of

Data before the entity, TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, owner of

<https://www.serviporno.com/>,

the

Web:

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>,

for the alleged violation of the regulations of

data protection: Regulation (EU) 2016/679, of the European Parliament and of the

Council, of 04/27/16, regarding the Protection of Physical Persons in what

regarding the Processing of Personal Data and the Free Circulation of these Data

(GDPR) and Organic Law 3/2018, of December 5, on Data Protection

Personal Rights and Guarantee of Digital Rights (LOPDGDD) and Law 34/2002, of 11 December

July, of Services of the Information Society and Electronic Commerce (LSSI) and

considering the following:

BACKGROUND

FIRST: On 03/11/21, the Director of the Spanish Agency for the Protection of

Datos agreed to open preliminary investigation proceedings against the entity,

TECHPUMP SOLUTIONS S.L. according to the investigative powers that the

supervisory authority may provide for this purpose, established in section 1), of the

Article 58 of the GDPR, and in relation to the possible processing of personal data of minors under fourteen years of age, obtained while browsing the web pages and the possible profiling of the same, opening the file: E/02419/2021.

SECOND: On 03/23/21, by this Agency, in relation to the stipulated in article 65.4 of the LOPDGDD Law, was sent to the entity, TECHPUMP SOLUTIONS S.L. letter requesting information on the following points: - The management of the risks associated with the treatment activities in which it could be produce illegitimate access by a minor to the content they offer; - The impact assessment related to data protection regarding the analysis of risks; - Technical and organizational measures implemented in your entity that suppose limitation of access of minors to the contents offered; - Limitations for minors to access said content; - Privacy and location policy public of the same; - Technical and organizational measures to be taken in your entity before possible verification of improper access by a minor to its contents; - Technical and organizational measures that reflect the protection of personal data and the verification and evaluation processes of the effectiveness of the measures and whether they carry out profiling of the personal data of those who access its contents.

THIRD: On 04/05/21, the entity, TECHPUMP SOLUTIONS S.L., sends to this Agency, answering brief, in which, among others, it indicates the following:

“TECHPUMP SOLUTIONS S.L., owns different domains in internet, created with adult content. I understand that reference is made to one of our web pages, and at this moment we do not know exactly

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to which page or domain the Control Authority refers that may fail to comply.

We would need more accuracy to be able to provide more information about

what you request in your letter. In any case, and in general

indicate that Techpump Solutions S.L., does not treat personal data of

minors.

We only process personal data, in a specific section of

the pages that are dedicated to "MEMBERS", and to access a

User and password. In order to access this section,

They collect basic contact information through a form. not applying in

our data collection forms, any sensitive data that may be

framed in Art. 9 of the GDPR.

We provide a screenshot of the member access area as well as

of the registration form, where you can check how to request a

email account and a credit card number, where

expressly states that, when proceeding with the payment, it would be certifying that the

user is, once again, of legal age according to their jurisdiction, which on the other

part is adjusted to banking regulations on payment services that

requires the cardholder to be of legal age.

We also do not do any DATA PROFILING, in relation to the data

that our clients can give us, in any case our cookies, as

As indicated in our cookie policy, what they do is an analysis of the

visits we receive, mainly where users navigate in our

pages.

TECHPUMP SOLUTIONS S.L., has my advice as DPD, and

with a department formed and in charge of supervising that in all our

websites is adequately informed and complied with, informing both the content adult, such as the obligation to be over 18 years of age.

There is also an affirmative click, noting that the website is only for adults, informing that to enter and use it it is mandatory to have at least 18 years of age and the age of majority in the jurisdiction in which you find, all with the purpose of putting a barrier to the fact of enter a website with adult content. At the time, it was decided implement said measure as an access control measure or at least notify through this measure that the content is for adults. We make reference even in writing saying "you have to be over 18 to see it" , on our websites, just as we warn that everything that appears on the web pages are made by professionals (actors and actresses) and who all are over 18 years old. Fact that we collect in each of the contracts that we have to be able to record the films. Regardless the mandatory click to enter. We attach the treatment record of people who access our website and are included in the section members, as requested.

At the time, the information that was collected was evaluated and treated automated in the MEMBERS section. It was verified in relation to the

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need to carry out a PIA or EIPD, in relation to the data that we tried We thought it convenient that the information we stored not

justified having an obligation to carry out a DPIA. What was done, such as indicated by the legislation on data protection, it was a risk analysis in relation to privacy and data management and always in relation to the obtaining, processing and conservation of data.

In relation to the RISK OF ACCESS BY MINORS on our pages

web: At the time, we saw that it could be a problem, but a problem that should not be in our realm. The Civil Code was analyzed, and the control that our entity could have on the acts of minors that were

connect to our website, reaching the conclusion that the measure to be taken

drastic and effective in Spain was to use the electronic DNI to access

web pages, but this a priori effective solution and possible to implement at

all the people who connect to our websites, it is impossible to

implement for various reasons: a) The people connecting are not

all located in Spain in countries that lack this system of

valid identification. b) In Spain (if we limit ourselves to people who access

from Spain) the possession and use of the DNI is mandatory from the age of 14. By

what was decided, how could it be otherwise, than in accordance with art. 1903

of the CC, in relation to the responsibility belongs to the people who have the

Custody.

We believed that we could not take a risk that we could not control

that the risk was assumable by implementing a control system by our

part where it is remembered that the pages were for adults and have

a banner indicating if the user is older or younger.

Just as minors cannot (by legal capacity) contract a service

of the internet, nor be responsible for what our limitation does, according to

our risk analysis remains at the moment when the parents have a

duty of vigilance and responsibility for what minors do. Art.

154 and 269 of the Civil Code, there is a Responsibility In vigilando being able to implement in use applications aimed specifically at children and launchers that prevent the minor from accessing other types of applications or any of the parental control applications offered by the developers themselves operating systems, telephone operators and other companies, such as control device usage time, blocking access to applications, control of time of use by application, control of activity in social networks, management remote for parents and guardians and even GPS location.

As an alternative to parental control applications, there are other Tools that allow you to prevent access to inappropriate content by the configuration of DNS servers that will filter and not resolve those requests that may direct the minor to this type of content. Therefore, We understood at the time that the formula is for parents to apply a PARENTAL CONTROL, just like the Agency itself, is an element that makes that our risk of these events decreases.

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We do not advertise in media, other than for adults, our web pages content for adults, so it is difficult for regular search engines of use by minors are announced, if you do not access voluntarily. We give you the privacy policy of our website.

We have proceeded to hold a meeting between the Delegate for Protection of

data, the Mercantile Management and the Programming Director, where the

The result of this has been that a verification of

all the web pages owned by the company affected, to correct the

barriers that were agreed to incorporate in order to protect that a

minor to access adult content.

The Guide that the AEPD sends us ideas such as those set out in the

itself, and that it may be a more robust solution to what we have

implemented. Like the YOTI tool that appears according to the Guide as the

more suitable. We will carry out a study of the possible implantation”.

FOURTH: On 09/09/21, this Agency carries out the following

checks on the website www.cumlouder.com :

a).- Regarding access to web pages and parental control:

1.- When entering the website for the first time, a warning banner appears

adult content at the bottom of the page: “You have to be over 18 years old to be able to

visit him. All the models on this website are of legal age.

2.- Through the "Members ☐ Register now" tab, located at the top

from the main page, a form is displayed where you can enter data

users' personal data, such as name and email, as well as data

of the credit card.

Before sending the form to register, you must click on the button "_Is

in accordance with the <<Terms and Conditions>>, the <<Return Policy>>, the

<<Privacy Policy>>, Techpump Solutions S.L.U. for this purchase.

b).- Regarding the Privacy Policy:

1.- If you access the <<Privacy Policy>>, through the existing link in the

registration form and at the bottom of the main page, the web redirects to the

user to a new page: <https://www.cumlouder.com/legal/> where it is provided

information, only in English, about the ownership of the website; The data contact information for the person responsible for data processing; - information on protection data from customer data files; the intended purpose; - the legitimacy of user consent; - the recipients of data transfers; - as exercise your rights; - confidentiality; - information about the stored data, for how long; - on the deletion of the information distribution list; - on the legitimacy of consent and on the recipients of data transfers data.

c).- About the Cookies Policy:

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1.- When entering the web for the first time, without accepting cookies or taking any action on the page, it has been verified that cookies that are not technical or necessary, among which are cookies whose domains belong to third parties parts, such as "Google Analytics": `_ga`, `_gid`, `_gat`, but that are installed associated with the domain of the person in charge of the web.

2.- There is no type of banner on the main page that informs about the "Policy of Cookies".

3.- There is no mechanism that makes it possible to reject cookies that are not technical or necessary. There is also no cookie control panel that makes it possible to manage them, in a granular way or by groups.

4.- If you choose to access the <<Cookies Policy>>, through the existing link at the bottom of the main page, the web redirects the user to a new

page: <https://www.cumlouder.com/es/cookies-policy/>, where it is provided, in

English language, information about what cookies are and what types of cookies exist and

On the management of cookies, the web refers the user to do it through the browser

installed on your terminal equipment.

FIFTH: On 09/09/21, this Agency carries out the following

checks on the website: <https://www.serviporno.com/>:

a).- Regarding the processing of personal data:

1.- When entering the web for the first time, no type of advertising banner appears.

adult content warning.

2.- Through the "Register" tab, located at the top of the page

main screen, a form is displayed where you can enter personal data of

users, such as first name, last name, email and date of birth.

In the same form, there is the following message pre-marked in the "I accept" option:

"X I agree to the terms and conditions".

b).- Regarding the Privacy Policy:

1.- If you access the "Terms and Conditions Policy", through the link

existing in the registration form and at the bottom of the main page

<<Terms and Conditions>>, the web redirects the user to a new page:

<https://www.serviporno.com/terms/> where information is provided, only in

English language, about: the acceptance of the terms and conditions; the description; he

access; the account termination policy; the guarantees; warranty disclaimer; the

limitation of liability and indemnification.

2.- If the "Privacy Policy" is accessed, through the existing link in the part

bottom of the main page <<Legal Notice>>, the web redirects the user to a new

<https://www.serviporno.com/legal/> where information is provided,

page:

only in English, about: The property of the website; contact details

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of the data controller; - information on the data protection of
customer data files; the intended purpose; - the legitimacy of
user consent; - the recipients of data transfers; - as
exercise your rights; - confidentiality; - information about the stored data,
for how long; - on the deletion of the information distribution list; -
on the legitimacy of consent and on the recipients of data transfers
data.

c).- About the Cookies Policy:

1.- When entering the web for the first time, without accepting cookies or taking any action
on the page, it has been verified that cookies that are not technical or
necessary, among which are cookies whose domains belong to third parties
parts, such as "Google Analytics": _ga, _gid, _gat, but that are installed associated with the
domain of the person in charge of the web (.serviporno.com).

2.- There is no type of banner on the main page that informs about the "Policy
of Cookies".

3.- There is no mechanism that makes it possible to reject cookies that are not
technical or necessary. There is also no cookie control panel that
makes it possible to manage them, in a granular way or by groups.

4.- If you choose to access the <<Cookies Policy>>, through the existing link
at the bottom of the main page, the web redirects the user to a new

page: <https://www.serviporno.com/cookies-policy/>, where it is provided, in language English, information about what cookies are and what types of cookies exist; On management of cookies, the web refers the user to do it through the browser installed on your terminal equipment.

SIXTH: On 09/09/21, this Agency carries out the following checks on the web pages <https://www.soloporno.xxx/>

a).- Regarding the processing of personal data:

1.- When entering the web for the first time, no type of advertising banner appears. adult content warning at footer.

2.- Through the "Contact" tab, located at the bottom of the main page,

The user's email is displayed to be able to send a message to the email address: san@techpump.com with the subject: "SoloPorno – Contact"

3.- Through the "Webmasters" tab, located at the bottom of the page

main, the user's email is displayed to be able to send a message to the email address: san@techpump.com

with the subject: "SoloPorno – Webmasters".

4.- Through the "Advertise Here" tab, located at the bottom of the page main page, a form <https://www.trfpump.com/> is displayed, where you can enter personal data of the user such as name and email.

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b).- Regarding the Privacy Policy:

1.- If the "Privacy Policy" is accessed, through the existing link in the part bottom of the main page <<Legal>>, the web redirects the user to a new page, <https://www.soloporno.xxx/legal.html>

where information is provided

only in English, about: The property of the website; contact details

of the data controller; - information on the data protection of

customer data files; the intended purpose; - the legitimacy of

user consent; - the recipients of data transfers; - as

exercise your rights; - confidentiality; - information about the stored data,

for how long; - on the deletion of the information distribution list; -

on the legitimacy of consent and on the recipients of data transfers

data.

c).- About the Cookies Policy:

1.- When entering the web for the first time, without accepting cookies or taking any action

on the page, it has been verified that cookies that are not technical or

necessary, among which are cookies whose domains belong to third parties

parts, such as "Google Analytics": `_ga`, `_gid`, `_gat`, but that are installed associated with the

domain of the person in charge of the web (`.soloporno.xxx`).

2.- There is no type of banner on the main page that informs about the "Policy of Cookies".

3.- There is no mechanism that makes it possible to reject cookies that are not technical or necessary. There is also no cookie control panel that enables the management of these, in a granular way or by groups.

4.- If you choose to access the <<Cookies Policy>>, through the existing link at the bottom of the main page, the web redirects the user to a new page: <https://www.soloporno.xxx/cookies-policy.html>, where it is provided, in

English language, information about what cookies are and what types of cookies exist and

On the management of cookies, the web refers the user to do it through the browser

installed on your terminal equipment.

SEVENTH: On 09/09/21, this Agency carries out the following

checks on the website: <https://www.porn300.com/es/>:

a).- Regarding the processing of personal data:

1.- When entering the website for the first time, a warning banner appears

adult content footer:

Porn300 is classified with the RTA label. Parents, you can easily block the

access to this site. Please read <<this page>> for more information.

PARENTAL CONTROL

However, if it is accessed through the link (<<this page>>) it is verified that,

on the landing page, <https://www.rtalabel.org/index.php?content=parents&t=.es#> ,

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the content is extremely outdated. Most of the links lead to

pages that do not exist, and even in the case of one of the links, it leads to

a store selling access packages to adult content sites.

2.- Through the "Register" tab, located at the top of the page

main screen, a form is displayed where you can enter personal data of

users, such as name and email, date of birth, and location.

In the same form, there is the following message premarked in the "I accept" option,

in English: "X I agree to the <<terms & conditions>>".

b).- Regarding the Privacy Policy:

1.- If you access the "Terms and Conditions Policy", through the link

existing in the registration form and at the bottom of the main page

<<terms & conditions>>, the web redirects the user to a new page:

<https://www.porn300.com/terms/> where information is provided, only in

English language, about: the acceptance of the terms and conditions; the description; he

access; the account termination policy; the guarantees; warranty disclaimer; the

limitation of liability and indemnification.

2.- If the "Privacy Policy" is accessed, through the existing link in the part

bottom of the main page <<Legal Notice>>, the web redirects the user to a new

<https://www.porn300.com/terms/> where information is provided,

page:

only in English, about: The property of the website; contact details

of the data controller; - information on the data protection of

customer data files; the intended purpose; - the legitimacy of

user consent; - the recipients of data transfers; - as

exercise your rights; - confidentiality; - information about the stored data,

for how long; - on the deletion of the information distribution list; -

on the legitimacy of consent and on the recipients of data transfers

data.

c).- About the Cookies Policy:

1.- When entering the web for the first time, without accepting cookies or taking any action

on the page, it has been verified that cookies that are not technical or

necessary, among which are cookies whose domains belong to third parties

parts, such as "Google Analytics": `_ga`, `_gid`, `_gat`, but that are installed associated with the

domain of the person in charge of the web ([.porno300.com](https://www.porno300.com)).

2.- There is no type of banner that informs about cookies on the main page or first layer of the web.

3.- There is no mechanism that makes it possible to reject cookies that are not technical or necessary. There is also no cookie control panel that enables the management of these, in a granular way or by groups.

4.- If you choose to access the <<Cookies Policy>>, through the existing link at the bottom of the main page, the web redirects the user to a new page: <https://www.porn300.com/cookies-policy/> <https://www.serviporno.com/cookies->

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policy/, where information is provided, in English, on what are the cookies and what types of cookies exist and about the management of cookies, the website sends user to do so through the browser installed on their terminal equipment.

EIGHTH: On 09/09/21, this Agency carries out the following

checks on the website: <https://www.diverporno.com/>

a).- Regarding the processing of personal data:

1.- When entering the web for the first time, no type of advertising banner appears. adult content warning at footer.

2.- Through the "Contact" tab, located at the bottom of the main page,

The user's email is displayed to be able to send a message to the email address: san@techpump.com with the subject: "DiverPorno – Contact"

3.- Through the "Webmasters" tab, located at the bottom of the page main, the user's email is displayed to be able to send a message

to the email address: san@techpump.com

with the subject: "DiverPorno –

Webmasters".

4.- Through the "Advertise with Us" tab, located at the bottom of the main page, a form <https://www.trfpump.com/> is displayed where you can enter personal data of the user such as name and email.

b).- Regarding the Privacy Policy:

<https://www.diverporno.com/legal/>

1.- If the "Privacy Policy" is accessed, through the existing link in the part bottom of the main page <<Legal>>, the web redirects the user to a new page,

where information is provided

only in English, about: The property of the website; contact details

of the data controller; - information on the data protection of

customer data files; the intended purpose; - the legitimacy of

user consent; - the recipients of data transfers; - as

exercise your rights; - confidentiality; - information about the stored data,

for how long; - on the deletion of the information distribution list; -

on the legitimacy of consent and on the recipients of data transfers

data.

c).- About the Cookies Policy:

1.- When entering the web for the first time, without accepting cookies or taking any action

on the page, it has been verified that cookies that are not technical or

necessary, among which are cookies whose domains belong to third parties

parts, such as "Google Analytics": `_ga`, `_gid`, `_gat`, but that are installed associated with the

domain of the person in charge of the web ([.diverporno.com](https://www.diverporno.com)).

2.- There is no type of banner on the main page that informs about the "Policy of Cookies".

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3.- There is no mechanism that makes it possible to reject cookies that are not technical or necessary. There is also no cookie control panel that enables the management of these, in a granular way or by groups.

4.- If you choose to access the <<Cookies Policy>>, through the existing link at the bottom of the main page, the web redirects the user to a new page: <https://www.diverporno.com/cookies-policy/>, where it is provided, in language English, information about what cookies are and what types of cookies exist; On management of cookies, the web refers the user to do it through the browser installed on your terminal equipment.

NINTH: On 01/12/22, by the Board of Directors of the Spanish Agency for Data Protection, a sanctioning procedure is initiated against the entity, when appreciating indications Reasonable violation charges, on the web pages owned by www.cumlouder.com;

<https://>

www.porn300.com/es/; <https://www.diverporno.com/>, of the following articles:

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

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6.1 of the GDPR, for the illegal use of personal data obtained through their web pages, with an initial penalty of 25,000 euros (twenty-five thousand euros), 5,000 euros for each offense committed in each of the 5 web pages owned by them.

13 of the GDPR, for the wording of the privacy policy on its pages websites, with an initial penalty of 25,000 euros (twenty-five thousand euros), 5,000 euros for each infraction committed in each of the 5 web pages of its owner.

ridity.

22.2 of the LSSI, regarding the irregularities detected in the "Policy of Cookies" of the web pages owned by them, with an initial sanction of 25,000 euros (twenty-five thousand euros), 5,000 euros for each offense committed on each of the 5 web pages owned by it.

TENTH: The initiation agreement was notified to the entity on 01/14/22, the latter in writing dated 01/28/22 formulated, in summary, the following allegations:

"That we have analyzed the agency's statement in depth, gathering the data protection team of the entity, and given the facts that the Agency staff exposes in the letter, we see that some of the breaches that are attributed to us in the web pages that are ours property:

www.serviporno.com c)
www.soloporno.xxx d) www.porn300.com/es e) www.diverporno.com
www.cumlouder.com b)
to)

Starting with one of those that is repeated, we see that we are offered a sanction for the use of the ENGLISH LANGUAGE, in our legal texts and

for certain cases that are exposed to us in the communication. In

regarding the request for consent for data processing, art.

6.1 GDPR, as well as in relation to the application of art. 12.1 GDPR in

relation to the duty of information of art. 13 GDPR Techpump Solutions

S.L. has its headquarters in Gijón (Spain), but most of its clients are

from outside Spain.

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Both from Anglo-Saxon countries and from non-English-speaking countries, and some from

they (the minority) are Spanish-speaking. It is evident that putting the texts in

English, who we were addressing was analyzed, the pros and cons were studied

in relation to the legislation, and the timely decision was made to do so in

this way. Taking into account that the most spoken language in the world, and more

in the digital world is English, at the time and in the analysis we did on

data protection team of Techpump Solutions S.L., was to think about the

principle of Transparency, included in the GDPR in its article 5, together with the

legality and loyalty in data processing. And at the time and seeing the

origin of our clients we decided for all these reasons, to put

both the legal notice and the privacy policy, as well as the terms and

conditions of use of the web pages in English. Using this language

delving into the matter, implied using an official language in the Union

Union since 1973, and given that the GDPR is the Regulation that governs the

right to data protection throughout the EU and even with the departure of the Kingdom

Kingdom, the language has been maintained as OFFICIAL in the EU, we maintained the decision to use English.

Even though the company is based in Spain, and it is not an official language in Spain the English, it will be necessary to determine what prevails more if the transparency and loyalty in the rights of people or the fact that the company is in Spain, and then we should put the texts in the languages co-official in Spain, and should include some that are spoken in a valley like Aranese (with all due respect to that language) or Bable since we are in Asturias, without naming Catalan, Basque or Galician, all of them being

They are official languages in Spain.- Using a news item from the newspaper Información of 2012¹ indicates: "English is the most widely taught language in the rest of the United States. members of the EU, a trend that has been increasing in recent years. In high school, the percentage of students learning English exceeds the 90% and in the case of Spain close to 100%. Far behind are the French, Spanish, German and Russian. Only a minimal percentage (between 0 and 5%) study other languages.

The report confirms a fact that Brussels sees as surprising: few countries requires trainee language teachers to spend a period of immersion abroad. Only 53.8% of language teachers state have spent more than a month studying in a country where the language is spoken language you teach. Spain leads the classification as 79.7% of the Spanish teachers have spent more than a month studying the language they have chosen to teach in a country where it is spoken, while only 11% of Estonian teachers have done it." Furthermore, and by way of example, the TC, expresses the applicable legislation in the Institution in English with a link within its web page to the legislation in that language, perhaps it is because it can

there are people who are affected by this language.

2 Therefore, indicating that the English language is "unintelligible" seems to me a very serious statement, since it is not so. And reality doesn't have to be, for certain people who living in Europe is applicable to them in regarding their rights, simply by the principle of transparency the language. Therefore, we believe that we have requested the consent of

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our clients in a totally clear and intelligible way, with a easy access (it appears clearly in legal texts), and except in two cases that indeed the option appears pre-marked as indicated in the written in a way that obviously we had not realized and that is corrected immediately by putting it in Spanish, and also removing the pre-marked since we effectively understand that this was the error.

4.- That in relation to and to finish with the language of the legal texts, it is necessary to indicate the same as to what is indicated in art. 12.1 in connection with the duty of information, communication and modalities of exercise of rights.

Techpump Solutions S.L., informs about everything that is required in art.

13 regarding the data it collects, as well as the contact details of DPO,

the purposes of data collection, the time of use, the revocation

Consent, rights and how to request them.... Etc, yes, in

English.

Following the advice of GT29, in relation to art. 12, indicates that you should

be in clear and simple language, and ADAPTED to the recipients. 3 of

Again we have to say that the Principle of Transparency led us to think

in a formula that was understandable by most of our users.

Data that is easily verifiable by the agency.

5.- Regarding access to the Privacy Policy on all pages

web, and to the facility to them, it is necessary to indicate that they are all of easy

access. At the bottom of all of them are the links to the Policies

Privacy and/or legal notice. For what I differ with the Inspection of what it says

on page 19/36 in the first paragraph indicates that "there is no access

simple and direct to the "Privacy Policy" of the web... ". has always been

and we have also tried to make it clearly differentiated. we understand

that in this way we comply, as indicated in the communication of the

Agency, and also in recital 32 with the requirements that are requested.

As I have already indicated, except in two boxes, in all the other

consent is requested having had the possibility of accessing the

texts of the privacy policies prior to granting your consent. In the

web pages www.soloporno.xxx and www.diverporno.com, where the

user's email as indicated, is requested through the

word "ADVERTISE HERE", a form addressed to business people and/or

legal persons, in order that they can advertise their services and

products on the two web pages.

Data that can be considered as non-personal, if not professional or

business. Therefore, in principle, art. 19 of the

LOPDGDD, and therefore included as legitimate interest in relation to the

art. 6.1 f) of the GDPR, given that the conditions required by the

LOPDGDD to process this data in order for companies and/or

natural persons with business (individual entrepreneurs) can be advertised

using our web pages. Therefore, it would not be necessary

express consent.

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6.- Of course, and having as reference the art. 58.2 of the GDPR, and in the

power that the Agency in its functions has to be able to require the measures

corrective, indicate that we have corrected our legal texts, and

We have proceeded to change the language on all the websites, putting all the

texts in Spanish, but also leaving the texts in English, in order to

to improve what already exists and fleeing quickly from a controversy that does not help

to thrive in regulatory compliance.

Likewise, and in the boxes that should be blank so that the

people express their consent in the data forms, we have

proceeded to leave it unmarked, despite the fact that in both cases

pre-marked were on pages that the legitimation was the legitimate interest of Art.

6, 1f).

7.- In relation to cookies, and the installation of systems that allow granting

or reject the consent prior to the installation of the same, and to the

maybe we have a banner that allows us to give information about the installation

of cookies on the person's computer, we can say little, the Inspection

clearly he is right in his arguments, and the only thing and before we

urge to comply with the legislation, and in order to be able to reduce the sanctions

As much as possible, we indicate that we have proceeded to correct this fact, placing those banners where 3 The European Data Protection Regulation Data and the LOPDGDD: Everything you need to know. Publisher Wolter Kluwers. September 2020 corresponds to the functions described in the statement of the Inspectorate of the Data Protection Agency.

8.- Finally, indicate that in relation to the sanctions proposed by the Agency, they seem excessive to us, not for the amounts that we know could even be older, if not, because Techpump Solutions S.L., is a company small, and therefore, we believe that even having made mistakes that we recognize, and others that we do not agree with the criteria of the Agency, and we indicate why they have been carried out, we have corrected them immediately without the Agency having intervened requiring that rectification.

Pursuant to art. 58 of the GDPR, and within the powers of the Agency, In order for the Data Controller to comply with or cease certain behaviors of the latter, it should be noted that, in this case, and for part of the company, every effort has been made to try to meet strict with what the regulations impose on us as Responsible.

For all these reasons, we request that the Agency within its power of art. 58, 2 of the GDPR, and seeing everything done by the company as an attitude proactive, can impose a collected sanction such as the WARNING, a fact that would make it not so affected in the payment of a high amount of money that could jeopardize the continuity of it.

In addition, I think we should take into account the also favorable fact that have never been penalized. We understand that it may be a request reasonable, in a tight application of the principle of proportionality,

general principle of public law that supports the requirement that

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any action of the public powers limiting or restricting rights

meets the criteria of necessity and adequacy for the purpose pursued. In a

stricter meaning, represents the existence of a due adequacy

between the seriousness of the act constituting the offense and the sanction applied

that can be contemplated in its normative aspect or in its application aspect

by the Administration or the Courts.

The principle of proportionality has been treated in jurisprudence as a

important mechanism of control before the Courts of the exercise of the

sanctioning power when the norm establishes for an infraction several

possible sanctions or indicates a quantitative margin for setting the

penalty imposed. In fact, both in the previous Law 30/1992 and in the

current Law 40/2015 includes such a principle as one of the informants of the

sanctioning power of the Administration in its normative aspect and

applicative. Regarding the discretion of the Administration in the

graduation of the sanction, it should be taken into account that, although the

Administration may use some discretion in grading

the sanction to accommodate it to the set of concurrent circumstances in the

infringement, it is no less true that the principle of proportionality of the

sanction is subject to judicial control.

The discretion granted to the Administration must be developed

weighing in any case the concurrent circumstances in order to achieve the necessary and due proportionality between the alleged facts and the responsibility required, given that any sanction must be determined in consistency with the entity of the offense committed and according to a criterion of proportionality considering the objective circumstances of the fact, proportionality that constitutes a normative principle that is imposed as a precept more to the Administration and that reduces the scope of its powers sanctioning, since to the jurisdictional activity corresponds not only the qualification to subsume the conduct in the legal type, but also to adapt the sanction for the act committed, since in both cases the subject is the application of legal evaluative criteria embodied in the written norm, as they are in this sanctioning field, those of congruence and proportionality between the infraction and the sanction, which must be taken into consideration for that Agency, in view of the concurrent circumstances, described in the body of this writing. For the above stated,

REQUEST 1.- The allegations in File No.

PS/00555/2021 in due time and form. 2.- That the sanctions can be graduated based on the allegations presented, where the intentionality is key when it comes to sanctioning financially, being the null intentionality, and also having proceeded to correct aspects with the purpose of alleviating any damage to anyone affected by these events. 3.-

That according to art. 58. 2 of the GDPR, may be issued by the Body of Control, a WARNING sanction, in accordance with the regulations disciplinary action, taking into account all the allegations presented

ELEVENTH: On 06/20/22, this Agency agrees to open

test practice period, according to the provisions of article 77 and 78 of the Law

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39/2015, of October 1, of the Common Administrative Procedure of the

Public Administrations (LPACAP) and practice the following tests:

- Consider reproduced for evidentiary purposes the documents obtained and generated during the phase of admission to processing of the claim, and the report of previous investigative actions that are part of the procedure E/ 02419/2021.

- To consider reproduced for evidentiary purposes, the allegations to the initiation agreement of the referenced disciplinary procedure, presented by TECHPUMP SOLUTIONS S.L., and the documentation that accompanies them.

,

,

www.soloporno.xxx

www.serviporno.com

- Require TECHPUMP SOLUTIONS S.L. so that within ten days working days computed from the receipt of this writing, send a report regarding of each and every one of the web pages and individually, that is:

www.cumlouder.com

,

www.porn300.com.es and www.diverporno.com, in relation to access to the web pages, without the need to register: - when a user accesses the web pages, determine what user data they collect. And this because

indicates by the company that sometimes they process browsing data such as IP, Wi-Fi etc. purpose of data collection; indication of which treatments perform with said data; transfers made of the data; determination of period of conservation of the data collected and justification of the period of conservation; contribution of the RAT in relation to data processing personal information of users who access and browse the web pages; mechanisms implemented to confirm that only data from adults; description of the technical and organizational measures that are established and their operation to limit the access of minors age to web pages; report on the risk analysis that, after the risk assessment and assessment, have determined the choice of such technical and organizational measures; established mechanisms to confirm that you are of legal age; specification of whether checks are performed subsequent, after clicking affirmatively on the banner, to ensure that The person who has accessed the web pages is of legal age.

- Regarding the web pages www.cumlouder.com, www.serviporno.com and www.porn300.com.es, in relation to access to the web pages of registered users: in view of the contradiction between the information that is supplied to the AEPD in response to our requirements (April 5 of 2021) in relation to the information contained in the Legal Notice and the RAT content; determine what user data they collect with the registration and subsequent navigation through the web pages in the user area registered, in addition to those provided in the form (in the reply to the requirement and in the RAT it is indicated that username, password, mail and IP address; in the legal notice it is indicated by the company that Contact information is collected, such as name, surname, e-mail, telephone, etc. and

also that sometimes they treat browsing data such as IP, Wi-Fi, etc.);

purpose of data collection; indication of what treatments they perform

with said data; transfers made of the data; determination of the period of

conservation and justification of the conservation period and technical measures and

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organizational procedures established to verify and confirm the age of the user who is going to register.

- Carry out diligence related to the access of the web pages www.cumlouder.com

and the operation of the banner established to warn and confirm that

requires the age of majority to access pornographic content.

- Carry out diligence regarding access to the registered area of the web pages

www.cumlouder.com to proceed with the registration and verify if the age is confirmed

of the user who intends to register or registered and if personal data is processed

minors.

- Carry out diligence to verify who appears responsible for the

treatment and in what language are the terms and conditions of the service and the

privacy policy to register as a member on the web pages

www.cumlouder.com.

- Carry out diligence related to the access of the web pages www.serviporno.com

and the operation of the banner established to warn and confirm that

requires the age of majority to access pornographic content.

- Carry out diligence regarding access to the registered area of the web pages

www.serviporno.com to proceed with the registration and verify if the age is confirmed of the user who intends to register or registered and if personal data is processed minors.

- Carry out diligence related to the access of the web pages www.soloporno.xxx

and the operation of the banner established to warn and confirm that requires the age of majority to access pornographic content.

- Carry out due diligence on the the web pages

www.porn300.com/es and the operation of the banner established to warn and confirm that the age of majority is required to access content pornographic.

access of

- Carry out diligence regarding access to the registered area of the web pages

www.porn300.com/es to proceed with the registration and verify if the age of the user who intends to register or registered and if personal data is processed minors.

- Carry out diligence related to the access of the web pages www.diverporno.com and the operation of the banner established to warn and confirm that requires the age of majority to access pornographic content.

TWELFTH: Dated 06/24/22, 08/17/2022 and 08/18/2022, by this

Agency the following procedures are carried out on the website www.serviporno.com/:

a).- Regarding access to web pages and parental control:

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When entering the website for the first time, a content warning banner appears for adults:

"You're of age?

This site contains adult-only content.

<<NO>>

<< ENTER>>

Parents, you can easily block this site. Please read <<this page>> to

Serviporno uses Cookies. To learn more, read our <<Cookies Policy>>.

more information.

(i).- There is a link to the parental control tool for easier navigation

minors, through the link <<this page>>. However, it

located in

check that in

<https://www.rtalabel.org/index.php?content=parents&t=.es#>

content is

extremely outdated. Most of the links lead to pages that are not

exist, and even in the case of one of the links, it leads to a store of

online sale.

the landing page

he

(ii).- If the <<NO>> option is clicked, the website disappears, returning the user to the

browser page being used. However, if you click on the arrow

(□) back of the search engine, the main page of the web appears

<https://www.serviporno.com/>, in which the banner of

adult content warning, allowing access to any content

of the page, without any type of impediment.

(iii).- There is a defined area to declare that one is of legal age (<<ENTRAR>>)

where you must click to declare it and be able to enter the website. However, if

we "click" anywhere on the screen, the banner disappears and the web

allows access to its content, without any impediment.

(iv).- If you click on the option <<Cookies Policy>> existing in the banner, the web

redirects to a new page, <https://www.serviporno.com/cookies-policy/>, where

information about the website's cookie policy appears but if you click later

in the link located in the upper left part, <<SERVIPORNO>>, it is verified

as the web redirects the user back to the main page noting that the

warning banner has disappeared and the web allows navigation without any

of impediment.

b).- On the possibility of obtaining personal data of users:

(i).- Through the "<<Register>>" tab, located at the top of the page

main screen, a form is displayed where you can enter personal data of

users, such as first name, last name, email, gender, city, country and date

of birth (which must be prior to 01/01/2004), since the year closest to the

The current year that can be entered is 2004. To proceed with the registration, no

no other type of requirement or accreditation of the age of majority. I also know

prompts you to create a password and confirm it. It is verified that

All data are required.

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In the same form, there is the following message, which must be clicked before to be able to send the form (it is mandatory): "_ I agree with the <<terms and conditions>>".

The terms and conditions appear in English indicating that "The Serviporno website allows for uploading, sharing and general viewing various types of content allowing registered and unregistered users to share and view visual depictions of adult content, including sexually explicit images. In addition, BUBBAPORN contains video content, information and other materials posted/uploaded by users. BUBBAPORN allows its users to view the Content and Website subject to the terms and conditions of this Agreement" –"The Serviporno website allows uploading, sharing and viewing in general various types of content, allowing registered and unregistered users share and view visual representations of adult content, including sexually explicit images. In addition, BUBBAPORN contains video content, information and other materials posted/uploaded by users. BUBBAPORN allows its users to view the Content and the Website subject to the terms and conditions of this Agreement" (the translation is ours) -.

Once registered, the user accesses his profile, in which he shares with others users, their name, age, sex, as well as the country and city of this (its location).

A photograph can be uploaded to the profile. It is possible to subscribe to the profile of user. Also the possibility of giving a "like" or an "unlike" and the number of User uploaded videos.

The user can share videos and view the videos shared by other users and their profiles in the previously expressed terms.

(ii).- There is also the possibility of entering personal data through the link existing at the bottom of the page "<<Advertise Here>>", through which, the web redirects to a new page, <https://www.trfpump.com/>, where users are informed

users of the following: "Techpump is the exclusive owner of one of the networks of biggest adult traffic in the world - with brands like Cumlouder, BUBBAPORN or Porn300, several of the largest websites in the entire industry. We support thousands of advertisers who have the possibility of segmenting their ads by device, by city, by browser, by schedule or by any specific need for your product (...)"

On this page you can enter personal data of the user, such as name, email and the subject whose title is: "Use this space to make a brief introduction of your company or your needs: (Required)", not being forbidden to the introduction of personal data of natural persons.

It is observed that, in this form, there is no tool where the consent or access to the "Privacy Policy". To submit the form You just have to click on the option <<Send>>".

c).- Regarding the Privacy Policy:

If you access the "Privacy Policy", through the existing link in the part bottom of the main page <<Legal Notice>>, the web redirects the user to a new

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page: <https://www.serviporno.com/aviso-legal/> where it is provided, among other things, information about: the ownership of the website; the contact details of the person in charge; information on data protection of customer data files; the intended purpose; the legitimacy in the treatment of the data; the possible recipients of data transfers; How to exercise your rights over the

personal data or for how long the data will be kept in relation to

certain treatments.

The following information should be highlighted from all of the above:

In the section entitled "1.2 Privacy Policy-Duty of information in accordance with the

RGPD 679/2016", expressly indicate that, "The user, by agreeing to provide data

personal information in the contact forms of this website, in accordance with the written

in this paragraph of this legal notice, EXPRESSLY DECLARES THAT:

"AUTHORIZES FREELY AND VOLUNTARILY the entity TECHPUMP

SOLUTIONS SL with address at Calle San Bernardo N° 60, 2º D 33203 -

Gijón (Asturias), to collect and process the personal data of the undersigned.

Likewise, the user declares to have been duly informed about the

following table related to the right provided for in article 13 of the

GDPR".

Regarding the "intended purpose" it is specified that:

"Management of the data provided in the data collection forms of the

web page website. Digital advertising delivery.

Under the heading "Basic information on data protection data file

clients" is indicated with respect to the "Recipients of data transfers" that will be to:

"(...) Other companies of the same group No data will be transferred unless it is

absolutely necessary to comply with the requested service.

They will transfer data except legal mandate Tax and accounting advice. (in case

purchase through the web).

In relation to "How to exercise your rights", it is indicated:

"Request our forms to exercise your rights at: A.A.A., lawyer

(...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle

Langreo nº 2, 1º D, 33204, Gijón, Asturias. Telephone number 608781399 a

email address gdpr@techpump.com".

It is then provided that:

"The TIME OF TREATMENT: It is indefinite since it is you who determine how long you want to be a member."

In the information provided regarding the customer data file, although it is indicates that legitimization will be obtained through the express consent of the

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concerned, it is not indicated that it can be revoked at any time by the interested.

Likewise, in a separate paragraph, they indicate that:

"This website is for adults and, therefore. It is for people over 18 years.

Minors under 14 years of age cannot provide their personal data in our data collection forms, since it is contrary to article 8 GDPR. In

If the minor's consent is required, it must be given

by, and therefore collect data from, the person who holds parental authority and / or guardianship of the minor.

In section 1.4 related to "How can I exercise my rights" it is stated that:

TECHPUMP SOLUTIONS SL will inform all its workers about the procedure to attend to the rights of the interested parties; We have defined a protocol to be able to respond to all the exercises of rights.

You can send us your request to exercise your rights to gdpr@techpump.com

or by postal mail to our address that we put in accordance with art. 10

of the LSSI - CE. We ask that, always for the exercise of this, you take into account account the following:

Upon presentation of their ID or passport, the owners of the data personal (interested parties) may exercise their rights of access, rectification, deletion, opposition, portability and limitation of treatment. He exercise of rights is free.

The person responsible for the treatment must respond to the interested parties without delay improperly and in a concise, transparent, intelligible manner, with clear language and simple and keep proof of compliance with the duty to respond to requests for the exercise of rights made.

If the application is submitted electronically, the information will be provided by these means whenever possible, unless the interested party requests the contrary.

Requests must be dealt with within 1 month of receipt,

It can be extended for another two months taking into account the complexity or number of applications, but in this case the interested party must be informed of the extension within one month from the receipt of the request. application, indicating the reasons for the delay.

Regarding the "Information of the stored data", it is indicated in section 2.3 that:

"The data we keep are those included in the forms on the website such as contact details (basic information): name, surname, email email, phone, etc. This information is received by TECHPUMP

SOLUTIONS SL and is never sold, shared or rented to other companies, with the logical exception of the provision of the service.

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Sometimes, we collect browsing data, such as IP or Wi-Fi data.

It is not specified whether there is a subsequent collection of personal data, once

made the registration. The purpose for which the data will be dedicated is not indicated either.

collected from the user's IP or Wi-Fi, as indicated in the "legal notice": "(...)

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

Regarding the time that the personal data collected will be in their possession, the section

2.4 indicates:

"Data collected for sending our newsletter: From the subscription

until the user's request to unsubscribe from the service by sending

an email.

User data uploaded to websites and social networks: From the moment

that the user gives his consent until he tells us that he is no longer

willing to give this consent.

d).- About the Cookies Policy:

1.- When entering the web for the first time, once the terminal equipment has been cleaned of cookies

and without accepting cookies or performing any action on the page, it has been verified

that third-party non-technical or necessary cookies are used:

cookies detected

(not technical)

`_ga_RKCN8YSRSF`

`_ga`

`_gid`

Provider Description

Consent

Google

of

Collection

the

statistics on

site visits and navigation

Web

installed

without

consent of the

user

2.- There is no type of independent banner that informs about cookies in the

main page or first layer of the web. The only reference made to the

cookies on the main page is in the content warning banner for

Adults: "ServiPorno uses cookies, to find out more, read our <<Policy of

cookies>>".

3.- There is no mechanism that makes it possible to reject cookies that are not

technical or necessary. There is also no cookie control panel that

makes it possible to manage them, in a granular way or by groups.

the Web

4.- If you choose to access the <<Cookies Policy>>, through the existing link

in the warning banner or in the existing link at the bottom of the page

major,

user to a new page:

<https://www.serviporno.com/cookies-policy/>, where it is provided, in English, information about what cookies are and what types of cookies exist, but it is not informs about the cookies used by the page, whether they are their own or from third parties, their task and the time they will be active. On the management of cookies, the web refers user to do so through the browser installed on their terminal equipment redirects to

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It is also verified that, if this "Cookies Policy" is accessed from the banner warning on the home page and then click on the link located on the top left, <<SERVIPORNO>>, the user is redirected directly to the content of the web without having previously accepted the "being of legal age" in the banner.

THIRTEENTH: On 06/24/22 and 08/17/2022, this Agency carry out the following procedures on the website www.cumlouder.com:

a).- Regarding access to web pages and parental control:

When entering the website for the first time, a content warning banner appears for adults in English:

"You're of age?

This site contains adult-only content.

<<NO>>

<< ENTER>>

Parents, you can easily block this site. Please read <<this page>> to

Cumlouder uses Cookies. To learn more, read our <<Cookies Policy>>.

more information.

(i).- There is a link to the parental control tool for easier navigation

minors, through the link <<this page>>. However, it

located in

check that in

<https://www.rtalabel.org/index.php?content=parents&t=.es#>

content is

extremely outdated. Most of the links lead to pages that are not

exist, and even in the case of one of the links, it leads to a store of

online sale.

the landing page

he

(ii).- If the <<NO>> option is clicked, the website disappears, returning the user to the

browser page being used. However, if you click on the arrow

(☐) back of the search engine, the main page of the web appears

<https://www.serviporno.com/>, in which the banner of

adult content warning, allowing access to any content

of the page, without any type of impediment. Also, going back in history

browser, looking for [diverporno.com](https://www.serviporno.com/) and selecting it, or directly

typing in the address field of the browser <https://www.cumlouder.com> will

check that you enter directly on the website without being shown again

coming of age warning banner.

(iii).- There is a defined area to declare that one is of legal age (<<ENTRAR>>)

where you must click to declare it and be able to enter the website. However, if

we "click" anywhere on the screen, including the cross (X), the banner

disappears and the web allows access to its content, without any kind of impediment.

(iv).- If you click on the option <<Cookies Policy>> existing in the banner, the web redirects to a new page, <https://www.cumlouder.com/cookies-policy/>, where provides information on the cookie policy, in English. If later I know

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click on the link at the top left, <<CUMLOUDER>>, you will

Check that the web redirects the user back to the main page by observing

that the warning banner has disappeared and the web allows navigation without no kind of impediment

b).- About obtaining personal data on the web:

On web pages there are several ways to obtain personal data from users.

users:

(i).- Through the "MEMBER ☐ Register now" tab, located at the top

from the main page, the website redirects the user to a new page:

[https://gw.cgpaytech.com/v1/api/payment_form/page/038b30ce-3283-4294-843d-](https://gw.cgpaytech.com/v1/api/payment_form/page/038b30ce-3283-4294-843d-5a9aafa48df7?_cgbn=63162)

[5a9aafa48df7?_cgbn=63162](https://gw.cgpaytech.com/v1/api/payment_form/page/038b30ce-3283-4294-843d-5a9aafa48df7?_cgbn=63162) displaying a form where you can enter

personal data of users, such as name and email, as well as the

credit card details. On this page there is the following information:

"By proceeding with the payment, you certify that you are of legal age according to your

jurisdiction and agree to the collection and processing of your data

in accordance with what is explained in the Terms and Conditions and the

Privacy Policy .

<http://www.cumlouder.com> is managed by Techpump Solutions SLU and

registered at Calle San Bernardo 60, 2 D, 33201, Gijón, Spain.

The charge appears on your credit card statement as

CGBILLINGCOM*Techpump.

For your convenience, the subscription will automatically renew after 1

day at a cost of EUR 19.95 until cancelled. CommerceGate acts

as facilitator and payment processor in this transaction

Need help? Seller: support@cumlouder.com . Payment processor:

support@cgbilling.com or +34 931 640 684. You can get more information at cgbilling.com.”

Before sending the form to register, you must click on the button:

“_You agree with the <<Terms and Conditions>>, the <<Policy of returns>>, the <<Privacy Policy>>, of Techpump Solutions S.L.U. for this purchase.

It should be mentioned that the credit card data form,

managed by the entity, COMMERCEGATE PAYMENT SOLUTIONS S.L.U. HE

requires accepting in a single click the Terms and Conditions, the Privacy Policy

Returns and Privacy Policy. However, the three links direct

only to the document "Legal Notice" offered only in English.

(ii).- There is the possibility of entering personal data through the existing link in

"Contact and Support",

<https://www.cumlouder.com/en/support/>, where personal data may be included

the page

the part

of

lower

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such as name, email and subject. Does not exist in this form

no tool where consent can be provided. Only

there is the following message: "All fields are required--<<Send>>".

lower

of

the part

(iii).- There is the possibility of entering personal data through the existing link

in

"Uploads Register",

<https://uploads.cumlouder.com/auth/register?>

[_ga=2.171188192.195363995.1657273287-596503173.1657273287](#)

, where I know

They may include personal data such as name, email. does not exist in

this form any tool where consent can be provided or

access to the "Privacy Policy". To send the information you only have to

click on the option <<sign up>>

the page:

c).- Regarding the Privacy Policy:

1.- If you access the <<Privacy Policy>>, through the existing link in the

registration form and at the bottom of the main page, the web redirects to the user to a new page: <https://www.cumlouder.com/legal/> where it is provided, among others, information about: the ownership of the website; the contact details of the responsible; information on the data protection of the data files of customers; the intended purpose; the legitimacy in the treatment of the data; the possible recipients of data transfers; How to exercise your rights over the personal data or for how long the data will be kept in relation to certain treatments.

The following information should be highlighted from all of the above:

In the section entitled "1.2 Privacy Policy-Duty of information in accordance with the RGPD 679/2016", expressly indicate that, "The user, by agreeing to provide data personal information in the contact forms of this website, in accordance with the written in this paragraph of this legal notice, EXPRESSLY DECLARES THAT:

"AUTHORIZES FREELY AND VOLUNTARILY the entity TECHPUMP SOLUTIONS SL with address at Calle San Bernardo nº 60, 2º D 33203 - Gijón (Asturias), to collect and process the personal data of the undersigned.

Likewise, the user declares to have been duly informed about the following table related to the right provided for in article 13 of the GDPR".

Regarding the "intended purpose" it is specified that:

"Management of the data provided in the data collection forms of the website from the website. Digital advertising delivery.

Under the heading "Basic information on data protection data file clients" is indicated with respect to the "Recipients of data transfers" that will be to: "(...) Other companies of the same group No data will be transferred unless it is absolutely necessary to comply with the requested service.

They will transfer data except legal mandate Tax and accounting advice. (in case purchase through the web).

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In relation to "How to exercise your rights", it is indicated:

"Request our forms to exercise your rights at: A.A.A., lawyer

(...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle

Langreo nº 2, 1º D, 33204, Gijón, Asturias. Telephone number 608781399 a

email address gdpd@techpump.com".

It is then provided that:

"The TREATMENT TIME: It is undefined since it is you who determines the time you want to be a member.

In the information provided regarding the customer data file, although it is indicates that legitimization will be obtained through the express consent of the concerned, it is not indicated that it can be revoked at any time by the interested.

Likewise, in a separate paragraph, they indicate that:

"This website is for adults and, therefore. It is for people over 18 years.

Minors under 14 years of age cannot provide their personal data in our data collection forms, since it is contrary to article 8 GDPR. In

If the minor's consent is required, it must be given

by, and therefore collect data from, the person who holds parental authority and /

or guardianship of the minor.

In section 1.4 related to "How can I exercise my rights" it is stated that:

TECHPUMP SOLUTIONS SL will inform all its workers about the procedure to attend to the rights of the interested parties; We have defined a protocol to be able to respond to all the exercises of rights.

You can send us your request to exercise your rights to gdpr@techpump.com

or by postal mail to our address that we put in accordance with art. 10

of the LSSI - CE. We ask that, always for the exercise of this, you take into account account the following:

Upon presentation of their ID or passport, the owners of the data personal (interested parties) may exercise their rights of access, rectification, deletion, opposition, portability and limitation of treatment. He exercise of rights is free.

The person responsible for the treatment must respond to the interested parties without delay improperly and in a concise, transparent, intelligible manner, with clear language and simple and keep proof of compliance with the duty to respond to requests for the exercise of rights made.

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If the application is submitted electronically, the information will be provided by these means whenever possible, unless the interested party requests the contrary.

Requests must be dealt with within 1 month of receipt,

It can be extended for another two months taking into account the complexity or number of applications, but in this case the interested party must be informed of the extension within one month from the receipt of the request. application, indicating the reasons for the delay.

Regarding the "Information of the stored data", it is indicated in section 2.3 that:

"The data we keep are those included in the forms on the website such as contact details (basic information): name, surname, email email, phone, etc. This information is received by TECHPUMP SOLUTIONS SL and is never sold, shared or rented to other companies, with the logical exception of the provision of the service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

It is not specified whether there is a subsequent collection of personal data, once made the registration. The purpose for which the data will be dedicated is not indicated either.

collected from the user's IP or Wi-Fi, as indicated in the "legal notice": "(...)

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

Regarding the time that the personal data collected will be in their possession, the section 2.4 indicates:

"Data collected for sending our newsletter: From the subscription until the user's request to unsubscribe from the service by sending an email.

User data uploaded to websites and social networks: From the moment that the user gives his consent until he tells us that he is no longer willing to give this consent.

d).- About the Cookies Policy:

When entering the web for the first time, once the terminal equipment has been cleaned of cookies and without accepting cookies or performing any action on the page, it has been verified that

Cookies that are not technical or necessary are used:

cookies detected

user_country

Supplier

addition

technologies

GmbH

Description

Space management

advertising on the web

Consent

installed without

consent

cookies detected

Supplier

Description

Consent

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Google

_gat_UA-38248820-

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_ga

_gid

_ga_8WNV1D198Q

of

Collection

statistics on

the

visits and navigation in

website

installed without

consent

of the user

There is no type of independent banner that informs about cookies on the page

main or first layer of the web. The only reference made to cookies in the

main page is in the warning banner that the page is out of content

pornographic: "Coumlouder uses cookies, to learn more, read our << Privacy Policy cookies>>".

There is no mechanism that makes it possible to reject cookies that are not technical or necessary. There is also no cookie control panel that makes it possible to management of these, in a granular way or by groups.

4.- If you choose to access the <<Cookies Policy>>, through the existing link

at the bottom of the main page, the web redirects the user to a new

page: <https://www.cumlouder.com/es/cookies-policy/>, where it is provided, in

English language, information about what cookies are and what types of cookies exist,

but the cookies used by the page are not reported. About the management of

cookies, the website sends the user to do so through the browser installed on their computer

terminal.

It is also verified that, if accessed from the existing warning banner in the main page to the "Cookies Policy" and then click on the link located at the top left <<CUMLOUDER>>, the user is redirected directly to the content of the web without having previously accepted the "being of legal age" in the banner.

FOURTEENTH: On 06/24/22 and 08/17/2022, this Agency carry out the following procedures on the website <https://www.soloporno.xxx/>

a).- Regarding access to web pages and parental control:

When entering the website for the first time, a content warning banner appears for adults footer:

"You're of age?

This site contains adult-only content.

<<NO>>

<< ENTER>>

Parents, you can easily block this site. Please read <<this page>> to Serviporno uses Cookies. To learn more, read our <<Cookies Policy>>. more information.

(i).- There is a link to the parental control tool for easier navigation minors, through the link <<this page>>. However, it

check that in

located in

<https://www.rtalabel.org/index.php?content=parents&t=.es#> where the content is

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extremely outdated. Most of the links lead to pages that are not exist, and even in the case of one of the links, it leads to a store of online sale.

(ii).- If the <<NO>> option is clicked, the website disappears, returning the user to the browser page being used. However, if you click on the arrow

(□) back of the search engine, the main page of the web appears

<https://www.soloporno.com/>, in which the banner of

adult content warning, allowing access to any content

of the page, without any type of impediment. The same thing happens since if

we write directly in the address field of the browser

<https://www.soloporno.com/>, it is verified that you enter directly on the website

without the coming of age warning banner being displayed again.

The explanation of this anomalous behavior is that at the moment in which

the NO option is chosen in the age warning banner the key stored in the

user's computer under "Local Storage -> <https://www.soloporno.xxx>" and with name

"disclaimer-confirmed" is stored with value 1, when in fact, when choosing the option

NO, it should be saved with value 0.

(iii).- There is a defined area to declare that one is of legal age (<<ENTRAR>>)

where you must click to declare it and be able to enter the website. However, if

we "click" anywhere on the screen, including the cross (X), the banner

disappears and the web allows access to its content, without any kind of

impediment.

(iv).- If you click on the option <<Cookies Policy>> existing in the banner, the web

redirects to a new page,

, and

then click on the link located at the top left,

<<SOLOPORNO>>, it is verified that the web redirects the user again to the page

noting that the warning banner has disappeared and the web allows

navigation without any impediment

<https://www.soloporno.xxx/cookies-policy.html>

b).- About obtaining personal data on the web:

On web pages there are several ways to obtain personal data from users.

users:

(i).- Through the "Contact" tab, located at the bottom of the page

main, the user's email is displayed to be able to send a message

to the email address: san@techpump.com with the subject: "SoloPorno – Contact"

(ii).- Through the "Webmasters" tab, located at the bottom of the page

main, the user's email is displayed to be able to send a message

to the email address: san@techpump.com

with the subject: "SoloPorno –

Webmasters".

(iii).- Through the "Advertise Here" tab, located at the bottom of the page

main page, a form <https://www.trfpump.com/> is displayed, where you can

enter personal data of the user such as name and email.

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(iv).- There is the possibility of entering personal data through the existing link

at the bottom of the "Add Here" page, through which the web redirects to a new page, <https://www.trfpump.com/>, where the following is reported:

"Techpump is the sole owner of one of the largest adult trafficking networks in the world - with brands such as Cumlouder, Serviporno or Porn300, several of the websites largest in the industry. We support thousands of advertisers who have the possibility to segment their ads by device, by city, by browser, by schedule or by any specific need for your product. (...)" and where you can include personal data such as name, email and subject whose title is: "Use this space to make a brief introduction of your company or your needs: (Required)", not being therefore forbidden to the introduction of personal data of natural persons. Does not exist in this form any tool where you can provide consent or access to the "Privacy Policy". To submit the form, simply click on the option <<Send>>".

c).- Regarding the Privacy Policy:

1.- If the "Privacy Policy" is accessed, through the existing link in the part bottom of the main page <<Legal>>, the web redirects the user to a new <https://www.soloporno.xxx/aviso.html>, where it is provided, among other things, page, information about: the ownership of the website; the contact details of the person in charge; information on data protection of customer data files; the intended purpose; the legitimacy in the treatment of the data; the possible recipients of data transfers; How to exercise your rights over the personal data or for how long the data will be kept.

The following information should be highlighted from all of the above:

In the section entitled "1.2 Privacy Policy-Duty of information in accordance with the

RGPD 679/2016", expressly indicate that, "The user, by agreeing to provide data

personal information in the contact forms of this website, in accordance with the written

in this paragraph of this legal notice, EXPRESSLY DECLARES THAT:

"AUTHORIZES FREELY AND VOLUNTARILY the entity TECHPUMP

SOLUTIONS SL with address at Calle San Bernardo nº 60, 2º D 33203 - Gijón

(Asturias), to collect and process the personal data of the undersigned.

Likewise, the user declares to have been duly informed about the

following table related to the right provided for in article 13 of the

GDPR".

Regarding the "intended purpose" it is specified that:

"Management of the data provided in the data collection forms of the website

from the website. Digital advertising delivery.

Under the heading "Basic information on data protection data file

clients" is indicated with respect to the "Recipients of data transfers" that will be to:

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"(...) Other companies of the same group No data will be transferred unless it is

absolutely necessary to comply with the requested service.

They will transfer data except legal mandate Tax and accounting advice. (in case

purchase through the web).

In relation to "How to exercise your rights", it is indicated:

"Request our forms to exercise your rights at: A.A.A., lawyer

(...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle

Langreo nº 2, 1º D, 33204, Gijón, Asturias. Telephone number 608781399 a email address gdpr@techpump.com".

It is then provided that:

"The TREATMENT TIME: It is undefined since it is you who determines the time you want to be a member.

In the information provided regarding the customer data file, although it is indicates that legitimation will be obtained through the express consent of the concerned, it is not indicated that it can be revoked at any time by the interested.

Likewise, in a separate paragraph, they indicate that:

"This website is for adults and, therefore. It is for people over 18 years.

Minors under 14 years of age cannot provide their personal data in our data collection forms, since it is contrary to article 8 GDPR. In

If the minor's consent is required, it must be given

by, and therefore collect data from, the person who holds parental authority and / or guardianship of the minor.

In section 1.4 related to "How can I exercise my rights" it is stated that:

TECHPUMP SOLUTIONS SL will inform all its workers about the procedure to attend to the rights of the interested parties; We have defined a protocol to be able to respond to all the exercises of rights.

You can send us your request to exercise your rights to gdpr@techpump.com

or by postal mail to our address that we put in accordance with art. 10

of the LSSI - CE. We ask that, always for the exercise of this, you take into account account the following:

Upon presentation of their ID or passport, the owners of the data

personal (interested parties) may exercise their rights of access, rectification, deletion, opposition, portability and limitation of treatment. He exercise of rights is free.

The person responsible for the treatment must respond to the interested parties without delay improperly and in a concise, transparent, intelligible manner, with clear language and

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simple and keep proof of compliance with the duty to respond to requests for the exercise of rights made.

If the application is submitted electronically, the information will be provided by these means whenever possible, unless the interested party requests the contrary.

Requests must be dealt with within 1 month of receipt,

It can be extended for another two months taking into account the complexity or number of applications, but in this case the interested party must be informed of the extension within one month from the receipt of the request. application, indicating the reasons for the delay.

Regarding the "Information of the stored data", it is indicated in section 2.3 that:

“The data we keep are those included in the forms on the website

such as contact details (basic information): name, surname, email

email, phone, etc. This information is received by TECHPUMP

SOLUTIONS SL and is never sold, shared or rented to other companies,

with the logical exception of the provision of the service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

It is not specified whether there is a subsequent collection of personal data, once made the registration. The purpose for which the data will be dedicated is not indicated either. collected from the user's IP or Wi-Fi, as indicated in the "legal notice": "(...)

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

Regarding the time that the personal data collected will be in their possession, the section

2.4 indicates:

"Data collected for sending our newsletter: From the subscription until the user's request to unsubscribe from the service by sending an email.

User data uploaded to websites and social networks: From the moment that the user gives his consent until he tells us that he is no longer willing to give this consent.

d).- Regarding the Terms of Use:

The terms of use appear in English indicating that “The [www.soloporno.xxx](#)

Website allows for uploading, sharing and general viewing various types of content

Allowing registered and unregistered users to share and view visual depictions of adult content, including sexually explicit images. In addition, [www.soloporno.xxx](#) contains video content, information and other materials posted/uploaded by users.

[www.soloporno.xxx](#) allows its users to view the Content and Website subject to the terms and conditions of this Agreement” –“The [www.soloporno.xxx](#) website allows upload, share and generally view various types of content, allowing users to registered and unregistered users share and view visual representations of adult content, including sexually explicit images.

Besides,

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www.soloporno.xxx contains video content, information and other materials

posted/uploaded by users. www.soloporno.xxx allows its users

view the Content and the Website subject to the terms and conditions of this

Agreement” (the translation is ours) -.

e).- About the Cookies Policy:

When entering the web for the first time, once the terminal equipment has been cleaned of cookies and

without accepting cookies or performing any action on the page, it has been verified that

third-party cookies (Google) are used that are not technical or necessary:

cookies detected

Provider Description

Consent

_ga_JREJ5KRZQT

_gat_UA-50005236-1

_ga

_gid

Google

statistics collection

about

the visits and

website navigation

installed without

consent

of the user

There is no type of independent banner that informs about cookies on the page main or first layer of the web. The only reference made to cookies in the main page is in the warning banner that the page is out of content pornographic: "SoloPorno uses cookies, to learn more, read our <<Policy of cookies>>".

There is no mechanism that makes it possible to reject cookies that are not technical or necessary. There is also no cookie control panel that makes it possible to management of these, in a granular way or by groups.

If you choose to access the <<Cookies Policy>>, through the existing link in the bottom of the main page, the website redirects the user to a new page:

<https://www.soloporno.xxx/cookies-policy.html>, where it is provided, in language

English, information about what cookies are and what types of cookies exist, but not information about the cookies used by the page. Regarding the management of cookies, the web refers the user to do so through the browser installed on their terminal equipment.

It is also verified that, if accessed from the warning banner to the "Policy Cookies" and then click on the link located in the upper left

<<SOLOPORNO>>, the user is redirected directly to the content of the web without having previously accepted the "being of legal age" in the banner.

FIFTEENTH: On 06/24/22 and 08/18/2022, this Agency

carry out the following procedures on the website: <https://www.porn300.com/es/>:

a).- Regarding access to web pages and parental control:

When entering the website for the first time, a content warning banner appears for adults footer:

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"You're of age?

This site contains adult-only content.

<<NO>>

<< ENTER>>

Parents, you can easily block this site. Please read <<this page>> to

Porn300 uses Cookies. To learn more, read our <<Cookies Policy>>.

more information.

(i).- There is a link to the parental control tool for easier navigation

minors, through the link <<this page>>. However, it

located in

check that in

<https://www.rtalabel.org/index.php?content=parents&t=.es#>

content is

extremely outdated. Most of the links lead to pages that are not

exist, and even in the case of one of the links, it leads to a store of

online sale.

the landing page

he

(ii) If the <<NO>> option is clicked, the website disappears, returning the user to the

browser page being used. If you click on the arrow (□) of

recoil of

the Web

<https://www.porn300.com/> , in which the warning banner of

adult content. The same thing happens if you try to access the website

from the browser.

the main page

appears

seeker,

of

(iii).- There is a defined area to declare that one is of legal age (<<ENTRAR>>)

where you must click to declare it and be able to enter the website. However, if

we "click" anywhere on the screen, including the cross (X), the banner

disappears and the web allows access to its content, without any kind of

impediment.

(iv).- If you click on the option <<Cookies Policy>> existing in the banner, the web

redirects to a new page, Cookies policy - Porn300.com , popping up a banner

in which the age is requested to be declared that only allows us to enter if it is declared that

if you are of legal age.

b).- About obtaining personal data on the web:

On web pages there are several ways to obtain personal data from users.

users:

(i).- Through the "<<Register>>" tab, located at the top of the page

main screen, a form is displayed where you can enter personal data of

users, such as first name, last name, email, gender, city, country and date

of birth (which must be prior to 01/01/2004), since the year closest to the

The current year that can be entered is 2004. To proceed with the registration, no

no other type of requirement or accreditation of the age of majority. I also know

prompts for the creation of a password and confirmation of the password. It is verified that

All data are required.

In the same form, there is the following message, which must be clicked before

be able to send the form (it is mandatory):

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“_ I agree to the <<terms and conditions>>”.

Once registered, the user accesses his profile, in which he shares with others, his

username, age, sex, as well as the country and city of this (location).

You can put a photo on your profile.

It is possible to subscribe to the user profile. Also the possibility of giving a

"like" or "unlike" and contains the number of videos uploaded by the user.

The user can share videos and view the videos shared by other users and

their profiles in the previously expressed terms.

(ii).- There is the possibility of entering personal data through the existing link

at the bottom of the "Add Here" page, through which the web redirects to

a new page, <https://www.trfpump.com/>, where the following is reported:

“Techpump is the sole owner of one of the largest adult trafficking networks

in the world - with brands such as Cumlounder, Serviporno or Porn300, several of the websites

largest in the industry. We support thousands of advertisers who

have the possibility to segment their ads by device, by city, by

browser, by schedule or by any specific need for your product. (...)” and

where you can include personal data such as name, email and

subject whose title is: "Use this space to make a brief introduction of your

company or your needs: (Required)”, not being therefore forbidden to the

introduction of personal data of natural persons. Does not exist in this form

no tool where consent can be provided. to send the

form, you only have to click on the option <<Send>>”.

c).- Regarding the Privacy Policy:

If you access the "Privacy Policy", through the existing link in the part

bottom of the main page <<Legal Notice>>, the web redirects the user to a new

page: <https://www.porn300.com/es/viso-legal/> where it is provided, among other things,

information about: the ownership of the website; the contact details of the person in charge;

information on data protection of customer data files; the

intended purpose; the legitimacy in the treatment of the data; the possible

recipients of data transfers; How to exercise your rights over the

personal data or for how long the data will be kept.

The following information should be highlighted from all of the above:

In the section entitled "1.2 Privacy Policy-Duty of information in accordance with the

RGPD 679/2016”, expressly indicate that, “The user, by agreeing to provide data

personal information in the contact forms of this website, in accordance with the written

in this paragraph of this legal notice, EXPRESSLY DECLARES THAT:

"AUTHORIZES FREELY AND VOLUNTARILY the entity TECHPUMP

SOLUTIONS SL with address at Calle San Bernardo nº 60, 2º D 33203 -

Gijón (Asturias), to collect and process the personal data of the undersigned.

Likewise, the user declares to have been duly informed about the

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following table related to the right provided for in article 13 of the GDPR”.

Regarding the "intended purpose" it is specified that:

“Management of the data provided in the data collection forms of the website from the website. Digital advertising delivery.

Under the heading "Basic information on data protection data file clients" is indicated with respect to the "Recipients of data transfers" that will be to: "(...) Other companies of the same group No data will be transferred unless it is absolutely necessary to comply with the requested service.

They will transfer data except legal mandate Tax and accounting advice. (in case purchase through the web).

In relation to "How to exercise your rights", it is indicated:

“Request our forms to exercise your rights at: A.A.A., lawyer (...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle Langreo nº 2, 1º D, 33204, Gijón, Asturias. Telephone number 608781399 a email address gdpr@techpump.com”.

It is then provided that:

“The TREATMENT TIME: It is undefined since it is you who determines the time you want to be a member.

In the information provided regarding the customer data file, although it is indicates that legitimation will be obtained through the express consent of the concerned, it is not indicated that it can be revoked at any time by the interested.

Likewise, in a separate paragraph, they indicate that:

“This website is for adults and, therefore. It is for people over 18 years.

Minors under 14 years of age cannot provide their personal data in our

data collection forms, since it is contrary to article 8 GDPR. In

If the minor's consent is required, it must be given

by, and therefore collect data from, the person who holds parental authority and /

or guardianship of the minor.

In section 1.4 related to "How can I exercise my rights" it is stated that:

TECHPUMP SOLUTIONS SL will inform all its workers about the

procedure to attend to the rights of the interested parties; We have defined

a protocol to be able to respond to all the exercises of rights.

You can send us your request to exercise your rights to gdpr@techpump.com

or by postal mail to our address that we put in accordance with art. 10

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of the LSSI - CE. We ask that, always for the exercise of this, you take into account

account the following:

Upon presentation of their ID or passport, the owners of the data

personal (interested parties) may exercise their rights of access,

rectification, deletion, opposition, portability and limitation of treatment. He

exercise of rights is free.

The person responsible for the treatment must respond to the interested parties without delay

improperly and in a concise, transparent, intelligible manner, with clear language and

simple and keep proof of compliance with the duty to respond to

requests for the exercise of rights made.

If the application is submitted electronically, the information will be provided by these means whenever possible, unless the interested party requests the contrary.

Requests must be dealt with within 1 month of receipt,

It can be extended for another two months taking into account the complexity or number of applications, but in this case the interested party must be informed of the extension within one month from the receipt of the request. application, indicating the reasons for the delay.

Regarding the "Information of the stored data", it is indicated in section 2.3 that:

"The data we keep are those included in the forms on the website

such as contact details (basic information): name, surname, email

email, phone, etc. This information is received by TECHPUMP

SOLUTIONS SL and is never sold, shared or rented to other companies,

with the logical exception of the provision of the service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

It is not specified whether there is a subsequent collection of personal data, once made the registration. The purpose for which the data will be dedicated is not indicated either.

collected from the user's IP or Wi-Fi, as indicated in the "legal notice": "(...)"

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

Regarding the time that the personal data collected will be in their possession, the section 2.4 indicates:

"Data collected for sending our newsletter: From the subscription

until the user's request to unsubscribe from the service by sending an email.

User data uploaded to websites and social networks: From the moment

that the user gives his consent until he tells us that he is no longer

willing to give this consent.

d).- Regarding the Cookies Policy:

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When entering the web for the first time, once the terminal equipment has been cleaned of cookies and

without accepting cookies or performing any action on the page, it has been verified that

third-party cookies (Google) are used that are not technical or necessary:

cookies detected

_ga_KJ5V9F3XJJ

_ga

_gid

Supplier

Google

Description

statistics collection

about

the visits and

website navigation

Consent

installed without

consent

of the user

There is no type of independent banner that informs about cookies on the page

main or first layer of the web. The only reference made to cookies in the main page is in the warning banner that the page is out of content pornographic: "Porn300 uses cookies, to find out more, read our <<Policy of cookies>>".

There is no mechanism that makes it possible to reject cookies that are not technical or necessary. There is also no cookie control panel that makes it possible to management of these, in a granular way or by groups.

If you choose to access the <<Cookies Policy>>, through the existing link in the bottom of the main page, the website redirects the user to a new page:

<https://www.porn300.com/cookies-policy/> where it is provided, in English, information about what cookies are and what types of cookies exist, but it is not informs about the cookies used by the page. On the management of cookies, the web refers the user to do so through the browser installed on his terminal equipment. About the management of cookies, the web refers the user to do it through the browser installed on your terminal equipment.

It is also verified that, if accessed from the warning banner to the "Policy Cookies" and then click on the link located in the upper left <<PORN300>>, the user is redirected directly to the content of the web without having previously accepted the "being of legal age" in the banner

SIXTEENTH: On 06/24/22 and 08/18/2022, this Agency carry out the following procedures on the website <https://www.diverporno.com/>

a).- Regarding access to web pages and parental control:

When entering the website for the first time, a content warning banner appears for adults footer:

"You're of age?

This site contains adult-only content.

<<NO>>

<< ENTER>>

Parents, you can easily block this site. Please read <<this page>> to

DIVERPORN0 uses Cookies. To learn more, read our <<Policy of
more information.

Cookies>>.

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(i).- There is a link to the parental control tool for easier navigation

minors, through the link <<this page>>. However, it

Check that on the landing page it is located at:

<https://www.rtalabel.org/index.php?content=parents&t=.es#>

The content is extremely outdated. Most of the links lead to

pages that do not exist, and even in the case of one of the links, it leads to

an online store.

(ii).- If the <<NO>> option is clicked, the website disappears, returning the user to the

browser page being used. However, if you click on the arrow

(□) back of the search engine, the main page of the web appears

<https://www.diverporno.com/>, in which the banner of

adult content warning, allowing access to any content

of the page, without any type of impediment. Likewise, if you directly type in

the browser the address <https://www.diverporno.com/> is verified that it is entered

directly on the website without displaying the warning banner of the

coming of age

(iii).- There is a defined area to declare that one is of legal age (<<ENTRAR>>)

where you must click to declare it and be able to enter the website. However, if

we "click" anywhere on the screen, including the cross (X), the banner

disappears and the web allows access to its content, without any kind of

impediment.

(iv).- If you click on the option <<Cookies Policy>> existing in the banner, the web

redirects to a new page, <https://www.diverporno.com/cookies-policy.html> , and

then click on the link located at the top left,

<<DIVERPORNO>>, it is verified that the web redirects the user again to the page

noting that the warning banner has disappeared and the web allows

navigation without any impediment

b).- About obtaining personal data on the web:

On web pages there are several ways to obtain personal data from users.

users:

(i).- Through the "Contact" tab, located at the bottom of the page

main, the user's email is displayed to be able to send a message

to the email address: san@techpump.com with the subject: "DiverPorno – Contact"

(ii).- Through the "Webmasters" tab, located at the bottom of the page

main, the user's email is displayed to be able to send a message

to the email address: san@techpump.com

with the subject: "DiverPorno –

Webmasters".

(iii).- Through the "Advertise Here" tab, located at the bottom of the page

main page, a <https://www.trfpump.com/> form is displayed where you can

enter personal data of the user such as name and email.

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(iv).- There is the possibility of entering personal data through the existing link

at the bottom of the "Add Here" page, through which the website redirects to

a new page, <https://www.trfpump.com/>, where the following is reported:

"Techpump is the sole owner of one of the largest adult trafficking networks

in the world - with brands such as Cumlouder, Serviporno or Porn300, several of the websites

largest in the industry. We support thousands of advertisers who

have the possibility to segment their ads by device, by city, by

browser, by schedule or by any specific need for your product. (...) and

where you can include personal data such as name, email and

subject whose title is: "Use this space to make a brief introduction of your

company or your needs: (Required)", not being therefore forbidden to the

introduction of personal data of natural persons. Does not exist in this form

any tool where you can provide consent or access to the

"Privacy Policy". To submit the form, simply click on the

option <<Send>>".

c).- Regarding the Privacy Policy:

1.- If the "Privacy Policy" is accessed, through the existing link in the part

bottom of the main page <<Legal Notice>>, the web redirects the user to a new

page, where information is provided, among other things: the ownership of the site

Web; the contact details of the person in charge; information on data protection

from customer data files; the intended purpose; the legitimacy in the

data processing; the potential recipients of data transfers;

how to exercise your rights over personal data or for how long

will retain the data.

The following information should be highlighted from all of the above:

In the section entitled "1.2 Privacy Policy-Duty of information in accordance with the

RGPD 679/2016", expressly indicate that, "The user, by agreeing to provide data

personal information in the contact forms of this website, in accordance with the written

in this paragraph of this legal notice, EXPRESSLY DECLARES THAT:

"AUTHORIZES FREELY AND VOLUNTARILY the entity TECHPUMP

SOLUTIONS SL with address at Calle San Bernardo nº 60, 2º D 33203 -

Gijón (Asturias), to collect and process the personal data of the undersigned.

Likewise, the user declares to have been duly informed about the

following table related to the right provided for in article 13 of the

GDPR".

Regarding the "intended purpose" it is specified that:

"Management of the data provided in the data collection forms of the website

from the website. Digital advertising delivery.

Under the heading "Basic information on data protection data file

clients" is indicated with respect to the "Recipients of data transfers" that will be to:

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"(...) Other companies of the same group No data will be transferred unless it is

absolutely necessary to comply with the requested service.

They will transfer data except legal mandate Tax and accounting advice. (in case purchase through the web).

In relation to "How to exercise your rights", it is indicated:

"Request our forms to exercise your rights at: A.A.A., lawyer

(...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle

Langreo nº 2, 1º D, 33204, Gijón, Asturias. Telephone number 608781399 a

email address gdpr@techpump.com".

It is then provided that:

"The TREATMENT TIME: It is undefined since it is you who determines the

time you want to be a member.

In the information provided regarding the customer data file, although it is indicates that legitimization will be obtained through the express consent of the concerned, it is not indicated that it can be revoked at any time by the interested.

Likewise, in a separate paragraph, they indicate that:

"This website is for adults and, therefore. It is for people over 18 years.

Minors under 14 years of age cannot provide their personal data in our data collection forms, since it is contrary to article 8 GDPR. In

If the minor's consent is required, it must be given

by, and therefore collect data from, the person who holds parental authority and / or guardianship of the minor.

In section 1.4 related to "How can I exercise my rights" it is stated that:

TECHPUMP SOLUTIONS SL will inform all its workers about the procedure to attend to the rights of the interested parties; We have defined a protocol to be able to respond to all the exercises of rights.

You can send us your request to exercise your rights to gdpr@techpump.com

or by postal mail to our address that we put in accordance with art. 10

of the LSSI - CE. We ask that, always for the exercise of this, you take into account

account the following:

Upon presentation of their ID or passport, the owners of the data

personal (interested parties) may exercise their rights of access,

rectification, deletion, opposition, portability and limitation of treatment. He

exercise of rights is free.

The person responsible for the treatment must respond to the interested parties without delay

improperly and in a concise, transparent, intelligible manner, with clear language and

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simple and keep proof of compliance with the duty to respond to

requests for the exercise of rights made.

If the application is submitted electronically, the information will be provided

by these means whenever possible, unless the interested party requests the

contrary.

Requests must be dealt with within 1 month of receipt,

It can be extended for another two months taking into account the complexity or

number of applications, but in this case the interested party must be informed of

the extension within one month from the receipt of the request. application,

indicating the reasons for the delay.

Regarding the "Information of the stored data", it is indicated in section 2.3 that:

“The data we keep are those included in the forms on the website

such as contact details (basic information): name, surname, email

email, phone, etc. This information is received by TECHPUMP

SOLUTIONS SL and is never sold, shared or rented to other companies,

with the logical exception of the provision of the service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

It is not specified whether there is a subsequent collection of personal data, once

made the registration. The purpose for which the data will be dedicated is not indicated either.

collected from the user's IP or Wi-Fi, as indicated in the "legal notice": "(...)

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

Regarding the time that the personal data collected will be in their possession, the section

2.4 indicates:

"Data collected for sending our newsletter: From the subscription

until the user's request to unsubscribe from the service by sending

an email.

User data uploaded to websites and social networks: From the moment

that the user gives his consent until he tells us that he is no longer

willing to give this consent.

d).- Regarding the Terms of Use:

The terms of use appear in English indicating that “The Diver Porno website

allows for uploading, sharing and general viewing various types of content allowing

registered and unregistered users to share and view visual depictions of adult content,

including sexually explicit images. In addition, Diver Porn contains video content,

information and other materials posted/uploaded by users. Diver Porn allows its

users to view the Content and Website subject to the terms and conditions of this

Agreement” –“The Diver Porno website allows uploading, sharing and general viewing

various types of content, allowing registered and unregistered users

share and view visual representations of adult content, including

sexually explicit images. In addition, Diver Porno contains video content,

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information and other materials posted/uploaded by Diver users

Porno allows its users to view the Content and the Website subject to the

terms and conditions of this Agreement” (the translation is ours)-.

e).- About the Cookies Policy:

1.- When entering the web for the first time, once the terminal equipment has been cleaned of cookies

and without accepting cookies or performing any action on the page, it has been verified

that third-party cookies (Google) are used that are not technical or necessary:

cookies detected

ga_CKL7S7S25E

_ga

_gid

Supplier

Google

Description

statistics collection

about

the visits and

website navigation

Consent

installed without

consent

of the user

There is no type of independent banner that informs about cookies on the page

main or first layer of the web. The only reference made to cookies in the

main page is in the warning banner that the page is out of content

pornographic: "DiverPorno uses cookies, to learn more, read our << Privacy Policy

cookies>>".

There is no mechanism that makes it possible to reject cookies that are not technical or

necessary. There is also no cookie control panel that makes it possible to

management of these, in a granular way or by groups.

4.- If you choose to access the <<Cookies Policy>>, through the existing link

at the bottom of the main page, the web redirects the user to a new

page: <https://www.diverporno.com/cookies-policy/>, where it is provided, in language

English, information about what cookies are and what types of cookies exist, but not

information about the cookies used by the web. On the management of cookies, the web

refers the user to do so through the browser installed on his terminal equipment.

It is also verified that, if accessed from the warning banner to the "Policy

Cookies" and then click on the link located in the upper left

<<DIVERPORN<>>, the user is redirected directly to the content of the web without

have previously accepted the "being of legal age" in the banner

SEVENTEENTH: On 07/04/22, this Agency received a written

response by the entity to the requirement made in the period of

tests, in which, among others, the following is indicated:

"It should be noted that in the five web pages that request us, the process is

the same in three of them, and in www.diverporno.com

like in

www.soloporno.xxx THERE IS NO DATA PROCESSING.

In relation to the web pages www.cumlouder.com - Data that is

collect: Name, surname, username, email,

password, sex, date of birth, country and province. When they access the

web, the I.P. from which it does.

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Document No. 1 screenshot is attached with the data collected on the web.

- Purpose of data collection: Management of the data provided in the

data collection forms of the website of the web pages for the

delivery of digital advertising, obtaining the consent for it according to

to art. 21 of the LSSI-CE. The IP is obtained for purposes of collaboration with the

State security forces and bodies when responding to any

request for information. Given the criminal level that can exist using this

type of web pages, as well as the use of the same to try to hang

photographs and videos of other people who are not actors / actresses

professionals, this company actively collaborates with the bodies and forces

of State security, in the detection of crimes related to

child pornography and other crimes that may be of this legal nature.

- Assignments made of the data: To other companies of the same group, not

transferring data unless they are absolutely necessary to give

compliance with the requested service. No data is transferred except by legal mandate, tax and accounting advice (in case of purchase through the web).

- Determination of the conservation period with the data collected and

Justification of the conservation period: Indefinite, as long as it is not

request the determination of the time you want to be a member of the pages

Web. They can request the annulment of consent whenever they wish

just communicating it. As indicated in the RAT.

- Contribution of the RAT: RECORD OF PROCESSING ACTIVITIES:

INFORMATION ABOUT TREATMENT OF WEB CUSTOMERS. PART

RESPONSIBLE TECHPUMP SOLUTIONS SL INTENDED PURPOSE Management

of the data provided in the data collection forms of the website of

web pages for the delivery of digital advertising. DPO (Delegate of

data protection) A.A.A. - Lawyer (...) LEGITIMACY Consent of the

user. RECIPIENTS OF DATA TRANSFERS Other

companies of the same group No data will be transferred unless it is absolutely

necessary to comply with the requested service No data will be transferred

except legal mandate Tax and accounting advice. (in case of purchase at

through the web) RIGHTS Right to request access to data

personal information of the user, Right to request its correction or deletion, Right

to request the limitation of your treatment, Right to oppose the treatment,

Right to data portability; MORE INFORMATION The TIME OF

TREATMENT: It is undefined since it is you who determines the time

you want to be a member. You can view our privacy policy at:

www.cumlouder.com/en/privacy/ HOW TO EXERCISE YOUR RIGHTS

Request our forms to exercise your rights at: A.A.A., lawyer

(...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle

Langreo nº2, 1st. D., 33204, Gijón, Asturias. Telephone number 984.182.679

an email address gdpr@techpump.com

- Mechanisms implemented to confirm that only data from

of legal age: We understand that all possibilities apply

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technology in force for this and the existing recommendations, existing

greater ease and availability for this in the field of security services

parental control through applications on mobile devices and in other

proactive liability measures in apps for mobile devices

published by that Agency. If you know of any reinforcement system, please

notify us because this company does not know more than those that

effectively applied, making all reasonable efforts from the outset

to verify the data provided by the user, taking into account the

available technology.

In relation to the web pages www.serviporno.com

- Data collected: Name, surname, username, email

email, password, sex, date of birth, country and province. When

access the web, the IP is also obtained. from which it does. HE

attached document no. 1 screenshot with the data collected on the web. -

Purpose of data collection: Management of the data provided in the

data collection forms of the website of the web pages for the

delivery of digital advertising, obtaining the consent for it according to

to art. 21 of the LSSI-CE. The IP is obtained for purposes of collaboration with the

State security forces and bodies when responding to any

request for information. Given the criminal level that can exist using this

type of web pages, as well as the use of these to try to post photographs and

videos of other people who are not professional actors/actresses, this

The company actively collaborates with the security forces and bodies of the

State, in the detection of crimes related to child pornography and other

crimes that may be of that legal nature.

- Assignments made of the data: To other companies of the same group, not

transferring data unless they are absolutely necessary to give

compliance with the requested service. No data is transferred except by legal mandate,

tax and accounting advice (in case of purchase through the web). -

Determination of the conservation period with the data collected and

Justification of the conservation period: Indefinite, as long as it is not

request the determination of the time you want to be a member of the pages

Web. They can request the annulment of consent whenever they wish

just communicating it. As indicated in the RAT.

- Contribution of the RAT: RECORD OF PROCESSING ACTIVITIES:

INFORMATION ABOUT TREATMENT OF WEB CUSTOMERS. PART

RESPONSIBLE TECHPUMP SOLUTIONS SL INTENDED PURPOSE Management

of the data provided in the data collection forms of the website of

web pages for the delivery of digital advertising. DPO (Delegate of

data protection) A.A.A. - Lawyer (...) LEGITIMACY Consent of the

user. RECIPIENTS OF DATA TRANSFERS Other

companies of the same group No data will be transferred unless it is absolutely

necessary to comply with the requested service No data will be transferred

except legal mandate Tax and accounting advice. (in case of purchase at
through the web) RIGHTS Right to request access to data
personal information of the user, Right to request its correction or deletion, Right

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to request the limitation of your treatment, Right to oppose the treatment,

Right to data portability; MORE INFORMATION The TIME OF

TREATMENT: It is undefined since it is you who determines the time

you want to be a member. You can view our privacy policy at:

<https://www.serviporno.com/terms/> HOW TO EXERCISE YOUR RIGHTS

Request our forms to exercise your rights at: A.A.A., lawyer

(...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle

Langreo nº2, 1st. D., 33204, Gijón, Asturias. Telephone number 984.182.679

an email address gdpr@techpump.com

- Mechanisms implemented to confirm that only data from

of legal age: We understand that all possibilities apply

technology in force for this and the existing recommendations, existing

greater ease and availability for this in the field of security services

parental control through applications on mobile devices and in other

proactive liability measures in apps for mobile devices

published by that Agency. If you know of any reinforcement system, please

notify us because this company does not know more than those that

effectively applied, making all reasonable efforts from the outset

to verify the data provided by the user, taking into account the available technology.

- In relation to the page www.soloporno.xxx:

The IP is taken into account, without collecting the data, only to be able to know

From which country the user connects. The data is not collected, and also

They adjust the order of videos by the country that they have connected to.

- Data collected: NONE.- - Purpose of data collection:

No personal data is collected.- - Transfers made of the

data: No personal data is transferred.- - Determination of the term of

conservation with the data collected and justification of the period of

Storage: No data is stored on this website. - Contribution

of the RAT: RECORD OF PROCESSING ACTIVITIES: There is no

data processing and therefore the Record of Treatment Activity, does not make sense.

- Mechanisms implemented to confirm that only data from

of legal age: We understand that all possibilities apply

technology in force for this and the existing recommendations, existing

greater ease and availability for this in the field of security services

parental control through applications on mobile devices and in other

proactive liability measures in apps for mobile devices

published by that Agency. If you know of any reinforcement system, please

notify us because this company does not know more than those that

effectively applied, making all reasonable efforts from the outset

to verify the data provided by the user, taking into account the available technology.

- In relation to www.porn300.com/en:

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It must be indicated that the AEPD tells us in your request that we send you information of the web pages www.porn300.com.es not being owned by the company TECHPUMP SOLUTIONS S.L, as we understand that it is an error of the instructing body of this file, as well as the other pages we send the information requested in relation to the page of our property that is www.porn300.com/es

- Data collected: Name, surname, username, email email, password, sex, date of birth, country and province. When access the web, the IP is also obtained. from which it does. HE attached document no. 1 screenshot with the data collected on the web.

- Purpose of data collection: Management of the data provided in the data collection forms of the website of the web pages for the delivery of digital advertising, obtaining the consent for it according to art. 21 of the LSSI-CE. The IP is obtained for purposes of collaboration with the State security forces and bodies when responding to any request for information. Given the criminal level that can exist using this type of web pages, as well as the use of these to try to post photographs and videos of other people who are not professional actors/actresses, this The company actively collaborates with the security forces and bodies of the State, in the detection of crimes related to child pornography and other crimes that may be of that legal nature.

- Assignments made of the data: To other companies of the same group, not

transferring data unless they are absolutely necessary to give

compliance with the requested service. No data is transferred except by legal mandate,

Tax and accounting advice (in case of purchase through the web).- -

Determination of the conservation period with the data collected and

Justification of the conservation period: Indefinite, as long as it is not

request the determination of the time you want to be a member of the pages

Web. They can request the annulment of consent whenever they wish

just communicating it. As indicated in the RAT.

- Contribution of the RAT: RECORD OF PROCESSING ACTIVITIES:

INFORMATION ABOUT TREATMENT OF WEB CUSTOMERS. PART

RESPONSIBLE TECHPUMP SOLUTIONS SL INTENDED PURPOSE Management

of the data provided in the data collection forms of the website of

web pages for the delivery of digital advertising. DPO (Delegate of

data protection) A.A.A. - Lawyer (...) LEGITIMACY Consent of the

user. RECIPIENTS OF DATA TRANSFERS Other

companies of the same group. No data will be transferred unless it is absolutely

necessary to comply with the requested service No data will be transferred

except legal mandate Tax and accounting advice. (in case of purchase at

through the web) RIGHTS Right to request access to data

personal information of the user, Right to request its correction or deletion, Right

to request the limitation of your treatment, Right to oppose the treatment,

Right to data portability; MORE INFORMATION The TIME OF

TREATMENT: It is undefined since it is you who determines the time

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you want to be a member. You can view our privacy policy at:

<https://www.porn300.com/en/legal-notice/> HOW TO EXERCISE YOUR RIGHTS

Request our forms to exercise your rights at: A.A.A., lawyer

(...) with dispatch of notifications in HONOS ABOGADOS SLP in Calle

Langreo nº2, 1st. D., 33204, Gijón, Asturias. Telephone number 984.182.679

an email address gdpr@techpump.com

- Mechanisms implemented to confirm that only data from

of legal age: We understand that all possibilities apply

technology in force for this and the existing recommendations, existing

greater ease and availability for this in the field of security services

parental control through applications on mobile devices and in other

proactive liability measures in apps for mobile devices

published by that Agency. If you know of any reinforcement system, please

notify us because this company does not know more than those that

effectively applied, making all reasonable efforts from the outset

to verify the data provided by the user, taking into account the

available technology.

- In relation to www.diverporno.com:

The IP is taken into account, without collecting the data, only to be able to know

From which country the user connects. The data is not collected, and also

They adjust the order of videos by the country that they have connected to. - Data that is

collect: NONE.- - Purpose of data collection: They are not collected

personal data.- - Transfers made of the data: They are not transferred

personal data.- - Determination of the conservation period with the

Data collected and justification for the retention period: Not retained

no data on this web page.

- Contribution of the RAT: RECORD OF TREATMENT ACTIVITIES: No

there is no data processing and therefore the Activity Record of

treatment, it doesn't make sense. - Mechanisms implemented to confirm that

only data of adults are processed: We understand that all the

current technological possibilities for this and existing recommendations,

there being a greater facility and availability for it in the field of

parental control services through applications on mobile devices and

in other measures of proactive responsibility in apps for devices

mobile phones published by that Agency.

If you know of any reinforcement system, please let us know.

this company does not know more than those that it effectively applies, carrying out from

a start all reasonable efforts to verify the data provided

by the user, taking into account the available technology.-

Due to the foregoing, I REQUEST That the

allegations in File No. PS/00555/2021 in due time and form,

continuing the procedure for its legal procedures and remaining at

disposition of that organism for any clarification".

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Likewise, attached as document No. 1 "Data collected on the websites" a

screenshot of the data collected on the websites where it is observed that it is collected

Regarding a video, the identification of the user, the date and time when it was uploaded to the web and shared with other users, the IP from which the video was uploaded, the duration, the sexual orientation of the video -in what is sent it says "Straight" doing reference to the fact that it is of heterosexual orientation-, its title, its description and keywords.

Next, and with respect to said user, his identification, his name user name, country, email, the date you registered on the web, the IP from which you registered, the date and time of registration, your name and surname, gender, date of birth and the city

The last times you have logged in are also recorded, indicating the date and the time at which the user has logged in, the country and the city from which it has been connected and the IP from which it has connected.

EIGHTEENTH: On August 24, 2022, the Instruction formulated a proposal resolution that he proposed and submitted to the competent body to resolve, with the following proposal:

“FIRST: That by the Director of the Spanish Agency for the Protection of Data proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with www.cumlouder.com;

CIF.: B33950338, owner of the web pages:

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 5.1.a) of the GDPR, which constitutes a

infringement typified in article 83.5.a) of the GDPR, classified as very serious for the purposes of the prescription in article 72.1.a) of the LOPDGDD for the lack of loyalty and transparency, with a penalty of 75,000 euros (seventy-one five thousand euros).

SECOND: That by the Director of the Spanish Agency for the Protection of Data proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with www.cumlouder.com;

CIF.: B33950338, owner of the web pages:

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 5.1.b) of the GDPR, which constitutes a infringement typified in article 83.5.a) of the GDPR, classified as very serious for the purposes of the prescription in article 72.1.a) of the LOPDGDD, with a penalty of 75,000 euros (seventy-five thousand euros).

THIRD: That by the Director of the Spanish Agency for the Protection of Data proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with www.cumlouder.com;

CIF.: B33950338, owner of the web pages:

<https://www.soloporno.xxx/>,

<https://www.serviporno.com/>,

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www.aepd.es

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 5.1.e) of the GDPR, which constitutes a

infringement typified in article 83.5.a) of the GDPR, classified as very serious

for the purposes of the prescription in article 72.1.a) of the LOPDGDD

indefinite maintenance of users' personal data

registered, with a penalty of 75,000 euros (seventy-five thousand euros).

headline

the webpages:

FOURTH: That by the Director of the Spanish Data Protection Agency

proceed to sanction the entity TECHPUMP SOLUTIONS S.L. with CIF.:

www.cumlouder.com;

of

B33950338,

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 6.1 of the GDPR, typified in article

83.5.a) of the GDPR and classified as very serious for the purposes of prescription

in article 72.1.b of the LOPDGDD, with a penalty of 125,000 euros

(one hundred twenty-five thousand euros).

headline

the webpages:

FIFTH: That by the Director of the Spanish Data Protection Agency

proceed to sanction the entity TECHPUMP SOLUTIONS S.L. with CIF.:

www.cumlouder.com;

of

B33950338,

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 13 of the GDPR, typified in article

83.5.b) of the GDPR and classified as mild for the purposes of prescription in the

Article 74.a) of the LOPDGDD, with a penalty of 15,000 euros (fifteen thousand

euro).

headline

the webpages:

SIXTH: That by the Director of the Spanish Data Protection Agency

proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with CIF.:

www.cumlouder.com;

of

B33950338,

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 12.1 of the GDPR, typified in article

83.5.b) of the GDPR and classified as mild for the purposes of prescription in the

Article 74.a) of the LOPDGDD, for providing information on the privacy policy

privacy in English, with a penalty of 25,000 euros (twenty-five thousand euros).

SEVENTH: That by the Director of the Spanish Agency for the Protection of

Data proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with

www.cumlouder.com;

CIF.: B33950338, owner of the web pages:

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

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provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 12.2 of the GDPR, typified in article

83.5.b) of the GDPR and classified as very serious for the purposes of prescription

in article 72.1.k) of the LOPDGDD, due to the requirement to provide the DNI or the

passport in any case and prior to the exercise of the rights

conferred in the GDPR, regardless of whether there are reasonable doubts about

the identity of the interested party, with a penalty of 25,000 euros (twenty-five thousand

euro).

headline

the webpages:

EIGHTH

: That by the Director of the Spanish Data Protection Agency

proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with CIF.:

www.cumlouder.com;

B33950338,

of

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 30.1 of the GDPR, typified in article

83.4.a) of the GDPR and classified as mild for the purposes of prescription in the

article 74.l) of the LOPDGDD, for not incorporating the registry of activities

of the treatment all the information required by art. 30.1 of the GDPR, with a

with a penalty of 5,000 euros (five thousand euros).

headline

the webpages:

NINTH: That by the Director of the Spanish Data Protection Agency

proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with CIF.:

www.cumlouder.com;

B33950338,

of

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 8 of the GDPR, typified in article

83.4.a) of the GDPR and classified as serious for the purposes of prescription in the

article 73.a) and b) of the LOPDGDD, with one with a penalty of 30,000 euros

(thirty thousand euros).

headline

the webpages:

TENTH: That by the Director of the Spanish Data Protection Agency

proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with CIF.:

www.cumlouder.com;

B33950338,

of

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article 25 of the GDPR, typified in article

83.4.a) of the GDPR and classified as serious for the purposes of prescription in the

article 73.d) of the LOPDGDD, with one with a penalty of 50,000 euros

(fifty thousand euros).

ELEVENTH: That by the Director of the Spanish Agency for the Protection of

Data proceed to sanction the entity, TECHPUMP SOLUTIONS S.L. with

www.cumlouder.com;

CIF.: B33950338, owner of the web pages:

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<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, in accordance with the

provided in articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations

(LPACAP), for the violation of article Violation of article 22.2 of the LSSI,

regarding the irregularities detected in the "Cookies Policy" of the

web pages, with a penalty of 25,000 euros (twenty-five thousand euros).

TWELFTH: That by the Director of the Spanish Agency for

Data Protection proceed to request the entity TECHPUMP

SOLUTIONS S.L. to implement, within a month, the corrective measures

necessary to adapt their actions to the data protection regulations

personal data, as well as to inform this Agency within the same term about the

measures taken".

Said proposed resolution was notified on August 24, 2022 and

after the period of 10 business days granted to allege whatever it considers in its

defense and present the documents and information that it deems pertinent, in

According to article 89.2 in relation to art. 82.2 of Law 39/2015, of 1

October, of the Common Administrative Procedure of Public Administrations, the entity TECHPUMP SOLUTIONS, S.L., has not made allegations.

PROVEN FACTS

Of the actions carried out in this procedure, of the information and documentation presented by the entity have been accredited the following facts about the processing of personal data, the privacy policy and the policy of cookies, on the web pages: www.cumlouder.com; <https://www.serviporno.com/>, <https://www.soloporno.xxx/>, <https://www.porn300.com/es/> <https://www.diverporno.com/>

First: Regarding access to the pages and the processing of personal data,

The following facts are proven, common to four web pages, that is,

www.cumlouder.com;

and

<https://www.diverporno.com/>:

<https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

Regarding the adult page warning banner, it has been detected that, when entering for the first time on the site a pop-up window (banner) appears warning of the adult content and requesting the user to declare, before entering the site, that he is of legal age.

"You're of age?"

This site contains adult-only content.

<<NO>>

<< ENTER>>

Parents, you can easily block this site. Please read <<this page>> to

Porn300 uses Cookies. To learn more, read our <<Cookies Policy>>.

more information.

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The banner in question allows three options:

1.- Option: "Enter": Defined area to declare that you are of legal age (<<enter>>)

and where to click to declare it and be able to enter the website. Nevertheless,


if we click anywhere on the banner, outside the confirmation area,

("enter"), or even outside the banner itself, the web allows access to its content

without any impediment.

2.- Option: "No": If you choose to leave the site, by clicking on the <<No>> option, the

web returns the user to the browser being used. However, if

click on the back arrow () in the navigation, the page appears again

main page of the web, in which the warning banner of

content for adults, making it possible to browse the page without any kind of

impediment. The same happens if the address of the web page is entered

directly in the browser.

3.- "Parental Control" option. The link <<read this page>> redirects the user to

a new page <https://www.rtalabel.org/index.php?content=parents&t=.es#> where

parental control tools are available for safer browsing

of the minors. However, this page is outdated as most of the

links it contains lead to pages that do not exist or even to a store

online sale.

4.- Option "Cookies Policy": If you click on the option <<Cookies Policy>>

existing in the banner, the web redirects to a new page, where information appears

about the website's cookie policy but if you then click on the link located

In the upper left part of the web page, it is verified how the web redirects to the user back to the main page noting that the warning banner has disappeared and the web allows navigation without any type of impediment.

Regarding access to the pages and the processing of personal data, it is accredited

the website

<https://www.porn300.com/en/>:

the following facts in connection with

When entering the website for the first time, a content warning banner appears for adults footer:

"You're of age?"

This site contains adult-only content.

<<NO>>

<< ENTER>>

Parents, you can easily block this site. Please read <<this page>> to

Porn300 uses Cookies. To learn more, read our <<Cookies Policy>>.

more information.

The banner allows three options:

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1.- Option: "Enter": Defined area to declare that you are of legal age (<<enter>>)

and where to click to declare it and be able to enter the website. Nevertheless,

if we click anywhere on the banner, outside the confirmation area, ("enter"), or even outside the banner itself, the web allows access to its content without any impediment.

2.- Option: "No": If the option <<NO>> is clicked, the web disappears returning to the user to the browser page being used. If you click on the arrow (□) back of the search engine, the main page of the web appears <https://www.porn300.com/> , in which the warning banner of adult content. The same thing happens if you try to access the website from the browser.

3.- "Parental Control" option. The link <<read this page>> redirects the user to a new page <https://www.rtalabel.org/index.php?content=parents&t=.es#> where parental control tools are available for safer browsing of the minors. However, this page is outdated as most of the links it contains lead to pages that do not exist or even to a store online sale.

4.- Option "Cookies Policy": If you click on the option <<Cookies Policy>> existing in the banner, the web redirects to a new page, Cookies policy - Porn300.com , appearing a banner requesting to declare the age that only It allows us to enter if you declare that you are of legal age.

Second: About obtaining personal data from users on web pages

<https://www.serviporno.com/>, and <https://www.porn300.com/es/>:

It is verified that the webs can obtain personal data of the users, to through the "<<Register>>" tab, where you can enter personal data such as name, surname, email, city, gender, country and date of birth (which must be prior to 01/01/2004), since the year closest to the current that can be entered is 2004. To proceed with the registration, no other

type of requirement or accreditation regarding the age of majority. It is also requested that a password is created and confirmed. It is also requested that a password and its confirmation. All data are required.

In the same form, there is the following message, which must be clicked before to be able to send the form (it is mandatory): "_ I agree with the <<terms and conditions>>".

On 09/09/201, in the same form, there was the following pre-marked message in the "I accept" option: "X I agree with the terms and conditions".

The terms and conditions appear in English indicating that the website "allows upload, share and generally view various types of content, allowing users to registered and unregistered users share and view visual representations of

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adult content, including sexually explicit images" (translation is our).

Once registered, the user accesses his profile, in which he shares with others users, their name, age, sex, as well as their country and city (their location).

A photograph can be uploaded to the profile. It is possible to subscribe to the profile of user. Also the possibility of giving a "like" or an "unlike" and the number of User uploaded videos.

The user can share videos and view the videos shared by other users and their profiles in the previously expressed terms.

In the case of a minor under 14 years of age, under the terms

collected in the privacy policy, consent is not required from the person holding parental authority or guardianship of the minor.

There is another possibility of entering personal data on the web and it is through the existing link at the bottom of the "Advertise Here" page, through which the web redirects to a new page, <https://www.trfpump.com/>. On this page you can enter personal data of the user, such as name, email and subject whose title is: "Use this space to make a brief introduction of your company or your needs: (Required)", not being prohibited from introducing personal data of natural persons.

There is no tool in this form where you can provide the consent and agree to the privacy policy or the terms and conditions conditions. To send the form you just have to click on the option "<<Send>>".

Likewise, it is expressly indicated that "We provide support to thousands of advertisers that have the possibility of targeting their ads by device, by city, by browser, by schedule or by any specific need for your product (...)"

Third: About obtaining personal data from users on the website www.cumlouder.com:

It is verified that the web can obtain personal data through the form of https://gw.cgpaytech.com/v1/api/payment_form/page/038b30ce-3283-4294-843d-5a9aafa48df7?_cgbn=63162,

where you can enter the name and email email, as well as credit card details.

On this page there is the following information:

"By proceeding with the payment, you certify that you are of legal age according to your jurisdiction and

You agree to the collection and processing of your personal data in accordance with the explained in the Terms and Conditions and Privacy Policy.

<http://www.cumlouder.com> is managed by Techpump Solutions SLU and registered at Calle San Bernardo 60, 2 D, 33201, Gijón, Spain.

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The charge appears on your credit card statement as

CGBILLINGCOM*Techpump.

For your convenience, the subscription will automatically renew after 1 day with a cost of 19.95 EUR until its cancellation. CommerceGate acts as a facilitator and payment processor in this transaction

Need help? Seller: support@cumlouder.com . Payment processor:

support@cgbilling.com or +34 931 640 684. You can get more information at cgbilling.com."

Before sending the form to register, you must click on the button:

"_You agree with the <<Terms and Conditions>>, the <<Policy of returns>>, the <<Privacy Policy>>, of Techpump Solutions S.L.U. for this purchase".

In the credit card data form, managed by the entity,

COMMERCEGATE PAYMENT SOLUTIONS S.L.U. one-click accept required

the Terms and Conditions, the Return Policy and the Privacy Policy. No

However, the three links direct only to the "Legal Notice" document offered

only in English.

In the case of a minor under 14 years of age, under the terms collected in the privacy policy, consent is not required from the person holding parental authority or guardianship of the minor.

There is also the possibility of entering personal data through the link existing "Contact and Support", where you can include personal data such as the name, email and subject. None exist in this form tool where you can provide consent or access to the "Policy Of privacy". There is only the following message: "All fields are mandatory—and to send the information you just have to click on <<Send>>".

There is also the possibility of entering personal data through the link "Uploads Register", where you can include personal data such as name, email. There is no tool in this form where you can provide consent or access to the "Privacy Policy". to send the information you only have to click on the option <<Sign up>>

Fourth: About obtaining personal data from users on web pages <https://www.soloporno.xxx> and <https://www.diverporno.com/>:

It is verified that the websites allow obtaining personal data through the tab "Contact", where you can send a message to the email address: san@techpump.com ; and through the "Webmasters" tab, where you can send a message to the email address: san@techpump.com

There is another possibility of entering personal data on the web and it is through the existing link at the bottom of the "Advertise Here" page, through which the

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sedeagpd.gob.es

web redirects to a new page, <https://www.trfpump.com/>. On this page you can enter personal data of the user, such as name, email and subject whose title is: "Use this space to make a brief introduction of your company or your needs: (Required)", not being prohibited from introducing personal data of natural persons.

There is no tool in this form where you can provide the consent and agree to the privacy policy or the terms and conditions conditions. To send the form you just have to click on the option "<<Send>>".

Likewise, it is expressly indicated that "We provide support to thousands of advertisers that have the possibility of targeting their ads by device, by city, by browser, by schedule or by any specific need for your product (...)".

Regarding the page <https://www.soloporno.xxx> the user can share videos and view videos shared by other users and their profiles under the terms provided in the terms of use.

Fifth: Regarding the Privacy Policy, common to the five web pages indicated:

It is verified that it provides information on: the ownership of the website; the contact details of the person in charge; information on data protection customer data files; the intended purpose; legitimacy in the treatment of the data; the potential recipients of data transfers; how to exercise your rights over personal data or for how long the data will be kept regarding certain treatments.

As of 09/09/2021, the privacy policy was only displayed in English in all websites.

The following information should be highlighted from all of the above:

In the section entitled "1.2 Privacy Policy-Duty of information in accordance with the RGPD 679/2016", expressly indicate that, "The user, by agreeing to provide data personal information in the contact forms of this website, in accordance with the written in this paragraph of this legal notice, EXPRESSLY DECLARES THAT:

"AUTHORIZES FREELY AND VOLUNTARILY the entity TECHPUMP SOLUTIONS SL with address at Calle San Bernardo nº 60, 2º D 33203 - Gijón (Asturias), to collect and process the personal data of the undersigned.

Likewise, the user declares to have been duly informed about the following table related to the right provided for in article 13 of the GDPR".

In the same section and regarding the information provided to the interested parties

Regarding the customer data file, it is indicated:

"BASIC INFORMATION ON THE DATA PROTECTION OF THE

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CUSTOMER DATA FILES

RESPONSIBLE PARTY TECHPUMP SOLUTIONS SL

INTENDED PURPOSE

(Delegate of

DPO

Data Protection)

LEGITIMACY

RECIPIENTS OF

THE

TRANSFERS FROM

DATA

RIGHTS

MORE INFORMATION

HOW TO EXERCISE YOUR

RIGHTS

Management of the data provided in the forms of

website data collection from the web page. Delivery

digital advertising.

A.A.A. - Lawyer (...)

User consent.

Other companies of the same group No data will be transferred except

that is absolutely necessary to comply with the

requested service No data will be transferred except by legal mandate

Tax and accounting advice. (in case of purchase at

through the web)

Right to request access to the personal data of the

user, Right to request its correction or deletion,

Right to request the limitation of your treatment, Right

to oppose the treatment, Right to the portability of the

data;

The TREATMENT TIME: It is indefinite since it is

You who determine the time you want to be a member.

Can see

at: <https://www.soloporno.xxx>

Request our forms to exercise your rights at:

A.A.A., lawyer (...) with office of notifications in

HONOS ABOGADOS SLP in Calle Langreo nº 2, 1º D,

33204, Gijón, Asturias. Telephone number 608781399 a

email address gdpr@techpump.com"

our privacy policy

In the information provided regarding the customer data file, although it is indicates that legitimization will be obtained through the express consent of the concerned, it is not indicated that it can be revoked at any time by the interested.

Likewise, in a separate paragraph, they indicate that:

"This website is for adults and, therefore. It is for people over 18 years.

Minors under 14 years of age cannot provide their personal data in our data collection forms, since it is contrary to article 8 GDPR. In

If the minor's consent is required, it must be given

by, and therefore collect data from, the person who holds parental authority and / or guardianship of the minor.

In section 1.4 related to "How can I exercise my rights" it is stated that:

TECHPUMP SOLUTIONS SL will inform all its workers about the procedure to attend to the rights of the interested parties; We have defined a protocol to be able to respond to all the exercises of rights.

You can send us your request to exercise your rights to gdpr@techpump.com

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or by postal mail to our address that we put in accordance with art. 10 of the LSSI - CE. We ask that, always for the exercise of this, you take into account account the following:

Upon presentation of their ID or passport, the owners of the data personal (interested parties) may exercise their rights of access, rectification, deletion, opposition, portability and limitation of treatment. He exercise of rights is free.

The person responsible for the treatment must respond to the interested parties without delay improperly and in a concise, transparent, intelligible manner, with clear language and simple and keep proof of compliance with the duty to respond to requests for the exercise of rights made.

If the application is submitted electronically, the information will be provided by these means whenever possible, unless the interested party requests the contrary.

Requests must be dealt with within 1 month of receipt,

It can be extended for another two months taking into account the complexity or number of applications, but in this case the interested party must be informed of the extension within one month from the receipt of the request. application, indicating the reasons for the delay.

Regarding the conservation of data, it is indicated in section 2.3 that:

“The data we keep are those included in the forms on the website such as contact details (basic information): name, surname, email email, phone, etc. This information is received by TECHPUMP

SOLUTIONS SL and is never sold, shared or rented to other companies,

with the logical exception of the provision of the service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

It is not specified whether there is a subsequent collection of personal data, once made the registration of users in some of the web pages. Nor is it indicated purpose for which the data collected from the user's IP or Wi-Fi will be dedicated, as as stated in the "legal notice": "Sometimes, we collect browsing data, such as IP data or wi-fi".

Regarding the time that the personal data collected will be in their possession, the section 2.4 indicates:

"Data collected for sending our newsletter: From the subscription until the user's request to unsubscribe from the service by sending an email.

User data uploaded to websites and social networks: From the moment that the user gives his consent until he tells us that he is no longer willing to give this consent.

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Sixth: The entity TECHPUMP SOLUTIONS, S.L., according to the document presented by this on 04/05/2021, within the framework of the previous investigation actions, indicates that the registration of the activities of the treatment of the members of the web pages is the following:

"Record of Treatment Activities: MEMBERS WEB PAGE

□

☐

☐

UNIT/S WITH ACCESS TO THE FILE OR TREATMENT

1.

2.

3.

4.

TechpumpSolutions Management.

Economic Administration of the entity.

Entity Programming Department

treatment manager

DESCRIPTION: File with customer data. Data of

☐

personal identification.

LEGITIMATION AND ORIGIN OF THE DATA:

☐

Express consent through free and voluntary acceptance. Click on
a form acceptance box.

☐

FILE OR TREATMENT:

APPLICABLE LAWS OR REGULATIONS AFFECTING THE

GDPR 2016/679

Organic Law 3/2018 on the Protection of Personal Data

1.

2.

and guarantee of digital rights.

RESPONSIBLE FOR PRIVACY DPD: A.A.A..

FILE STRUCTURE: name, ID, address, telephone,

☐

☐

email, IP number.

PURPOSE AND INTENDED USES: Customer management. collection of

☐

services contracted as members. Customer access control to

advertising on the pages.

RECIPIENTS: Techpump tax and tax advice for

☐

issue invoices to the platform. Service collection platforms and

member management.

TREATMENT SYSTEM:

1.

automated

DEADLINES FOR DATA CANCELLATION:

1.

2.

3.

Provided by tax legislation

Provided by criminal law

As long as the business relationship lasts.

The entity TECHPUMP SOLUTIONS, S.L., according to the letter presented by it on

07/04/2022 within the framework of the test procedure, it presents as a record of activities

of the treatment of data of registered clients with respect to the web pages

www.cumlouder.com, <https://www.serviporno.com/> and <https://www.porn300.com/es/>, the

which is totally coincident with the structure and content of the information

provided to users in the privacy policy of the web pages (section

1.2 of the same).

So, regarding the website www.cumlouder.com the following:

“REGISTRY OF PROCESSING ACTIVITIES:

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INFORMATION ABOUT TREATMENT OF WEB CUSTOMERS.

RESPONSIBLE PARTY TECHPUMP SOLUTIONS SL

INTENDED PURPOSE Management of the data provided in the forms of

website data collection from the web page for advertising delivery

digital.

DPO (Data Protection Officer) A.A.A. - Lawyer (...)

LEGITIMACY Consent of the user.

RECIPIENTS OF DATA TRANSFERS Other companies

from the same group No data will be transferred unless absolutely necessary

to comply with the requested service. No data will be transferred except

legal mandate Tax and accounting advice. (in case of purchase through

the Web)

RIGHTS Right to request access to the user's personal data,

Right to request its correction or deletion, Right to request the limitation

of your treatment, Right to oppose the treatment, Right to

data portability;

MORE INFORMATION The TREATMENT TIME: It is indefinite given

that it is you who determines how long you want to be a member. Can see

our privacy policy at: www.cumlouder.com/en/privacy/

HOW TO EXERCISE YOUR RIGHTS Request our forms to exercise

your rights in: A.A.A., lawyer (...) with office of notifications in

HONOS ABOGADOS SLP in Calle Langreo nº2, 1st. D., 33204, Gijón,

Asturias. Telephone number 984.182.679 an email address

gdpr@techpump.com".

Regarding the website <https://www.serviporno.com/>:

"REGISTRY OF PROCESSING ACTIVITIES:

INFORMATION ABOUT TREATMENT OF WEB CUSTOMERS.

RESPONSIBLE PARTY TECHPUMP SOLUTIONS SL INTENDED PURPOSE

Management of the data provided in the data collection forms of the site

web of the website for the delivery of digital advertising.

DPO (Data Protection Officer) A.A.A. - Lawyer (...)

LEGITIMACY Consent of the user.

RECIPIENTS OF DATA TRANSFERS Other companies

from the same group No data will be transferred unless absolutely necessary

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to comply with the requested service. No data will be transferred except

legal mandate Tax and accounting advice. (in case of purchase through

the Web)

RIGHTS Right to request access to the user's personal data,

Right to request its correction or deletion, Right to request the limitation

of your treatment, Right to oppose the treatment, Right to

data portability;

MORE INFORMATION The TREATMENT TIME: It is indefinite given

that it is you who determines how long you want to be a member. Can see

our privacy policy at: <https://www.serviporno.com/terms/>

HOW TO EXERCISE YOUR RIGHTS Request our forms to exercise

your rights in: A.A.A., lawyer (...) with office of notifications in

HONOS ABOGADOS SLP in Calle Langreo nº2, 1st. D., 33204, Gijón,

Asturias. Telephone number 984.182.679 an email address

gdpr@techpump.com".

Finally, in relation to the website <https://www.porn300.com/es/>:

"REGISTRY OF PROCESSING ACTIVITIES:

INFORMATION ABOUT TREATMENT OF WEB CUSTOMERS.

RESPONSIBLE PARTY TECHPUMP SOLUTIONS SL

INTENDED PURPOSE Management of the data provided in the forms of

website data collection from the web page for advertising delivery

digital.

DPO (Data Protection Officer) A.A.A. - Lawyer (...)

LEGITIMACY Consent of the user.

RECIPIENTS OF DATA TRANSFERS Other companies

from the same group No data will be transferred unless absolutely necessary

to comply with the requested service. No data will be transferred except

legal mandate Tax and accounting advice. (in case of purchase through

the Web)

RIGHTS Right to request access to the user's personal data,

Right to request its correction or deletion, Right to request the limitation

of your treatment, Right to oppose the treatment, Right to

data portability;

MORE INFORMATION The TREATMENT TIME: It is indefinite given

that it is you who determines how long you want to be a member. Can see

our privacy policy at: <https://www.porn300.com/es/adviso-legal/>

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HOW TO EXERCISE YOUR RIGHTS Request our forms to exercise

your rights in: A.A.A., lawyer (...) with office of notifications in

HONOS ABOGADOS SLP in Calle Langreo nº2, 1st. D., 33204, Gijón,

Asturias. Telephone number 984.182.679 an email address

gdpr@techpump.com”

The registration initially declared does not coincide with the one presented in the

test procedure, the latter suffering from the categories of personal data and

the technical and organizational security measures of article 32.1 of the GDPR.

the

Regarding

and

<https://www.diverporno.com/> there is no record of treatment activities at

consider the entity TECHPUMP SOLUTIONS, S.L. that there is no data processing

personal.

<https://www.soloporno.xxx/>

pages

Web

However, there is processing of personal data, admitted by the entity itself to the state in its letter of 07/04/2022 that "IP is taken into account, without collecting the data, only to be able to know from which country the user connects. I don't know collects the data, and also adjusts the order of videos by country that have been connected".

And regarding the web pages www.cumlouder.com, <https://www.serviporno.com/> and <https://www.porn300.com/es/> admits that "when you access the web, you get likewise the IP from which it does."

Seventh: About the Cookies Policy in the five web pages indicated:

It has been detected that, when entering the web for the first time, once cleared of cookies terminal equipment and without accepting cookies or performing any action on the page, has verified that cookies are used that are not technical or necessary from third parties.

There is no type of independent banner that informs about cookies on the page main or first layer of the web. The only reference made to cookies in the main page is in the adult content warning banner where informs only that cookies are used, but there is no mechanism that make it possible to reject cookies that are not technical or necessary. Nor does it exist no cookie control panel that enables the management of these, in a way granular or by groups.

On the "Cookies Policy" page, information is provided in English. about, what cookies are and what types of cookies exist. There is no mechanism that enables the rejection of non-technical cookies or the

Possibility to manage them in a granular way. For the management of cookies, calls the user to the configuration of the browser installed on the terminal equipment. Finally, if you access from the warning banner to the "Cookies Policy" and then click on the link located at the top left, access directly to the content of the websites without any qualms.

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Eighth: From the actions carried out, it is verified that in the five web pages treat users' personal data, that is, the IP address (of any user who accesses, registered or not), the name and surname and email.

In addition, in the web pages in which users can register, this is

<https://www.serviporno.com/> and <https://www.porn300.com/es/> name and user's last name, email, gender, age (date of birth), country and city.

Credit card data is collected on the www.cumlouder.com page.

Once users have registered on the web pages www.cumlouder.com, <https://www.serviporno.com/> and <https://www.porn300.com/es/> data related to the date and time of registration, date and time of login, the last connection, the last times you have logged in indicating the date and time in which the user logged in, the country and city from which you connected, and the IP from which that you have connected; the number of videos uploaded or the number of views of videos, date and time when a video was uploaded to the web and shared with others users, the IP from which the video was uploaded, the duration, sexual orientation

of the video -in the documentation sent regarding a video it says "Straight" doing reference to the fact that it is of heterosexual orientation-, its title, its description and keywords; likewise, the image and voice are processed (for the photo of the user profile, In addition to sharing videos on web pages that may be their own) and tastes, preferences and sexual habits, in attention to the orientation of the videos sex, that you can also comment on the videos with the people who make up part of the user community, even giving a like.

FUNDAMENTALS OF LAW

I.- Competition:

- About the GDPR:

In accordance with the powers that article 58.2 of Regulation (EU) 2016/679

(General Data Protection Regulation, hereinafter GDPR), grants each

control authority and as established in articles 47 and 48.1 of the Law

Organic 3/2018, of December 5, Protection of Personal Data and guarantee of

digital rights (hereinafter, LOPDGDD), is competent to initiate and resolve

this procedure the Director of the Spanish Data Protection Agency.

Likewise, article 63.2 of the LOPDGDD determines that: "Procedures

processed by the Spanish Data Protection Agency will be governed by the provisions

in Regulation (EU) 2016/679, in this organic law, by the provisions

regulations dictated in its development and, insofar as they do not contradict them, with character

subsidiary, by the general rules on administrative procedures.

- About the Cookies Policy:

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It is competent to resolve this Disciplinary Procedure, the Director of the Spanish Data Protection Agency, in accordance with the provisions of art.

43.1, second paragraph, of the LSSI Law.

II.- Processing of personal data.

Article 4 of the GDPR, under the heading "Definitions", provides the following:

“1) “personal data” means any information about an identified natural person or identifiable (“the data subject”); Any identifiable natural person shall be considered person whose identity can be determined, directly or indirectly, in by means of an identifier, such as a name, a number identification, location data, an online identifier, or one or more elements of physical, physiological, genetic, psychological, economic, cultural or social of said person;

2) "processing": any operation or set of operations carried out on about personal data or sets of personal data, either by means of automated or not, such as the collection, registration, organization, structure-tion, conservation, adaptation or modification, extraction, consultation, use, communication by transmission, diffusion or any other form of authorization of access, collation or interconnection, limitation, deletion or destruction”.

7) "responsible for the treatment" or "responsible": the natural or legal person, authority, service or other body which, alone or jointly with others, determines the purposes and means of processing; if the law of the Union or of the States members determines the purposes and means of processing, the data controller treatment or the specific criteria for their appointment may be established the law of the Union or of the Member States.

In this case, it is clear that the entity TECHPUMP SOLUTIONS, S.L. is the

responsible for data processing referred to in the proven facts of the procedure disciplinary action, since according to the definition of article 4.7 of the GDPR is the one that determines the purpose and means of the treatments carried out with the finalities data indicated in its record of processing activities and in its privacy policy. city.

The entity indicates, in its letter dated 07/04/22, responding to the requirement of information derived from the test process, that there is no data processing through the websites www.diverporno.com and www.soloporno.xxx.

This is an obvious contradiction with reality because, first of all, it is admits in the privacy policy of both pages, the collection and treatment of personal information.

Secondly, because these pages can obtain personal data through the "Contact" tab, where the email server is displayed, being able to send a message to the address, san@techpump.com. They can also be collected personal data through the "Webmasters" tab, through which you can send a message to the email address: san@techpump.com or enter data

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through the "Advertise Here" link, where the website redirects to a new page, www.trfpump.com/, in which personal data such as the name, email and subject.

And, thirdly, and most importantly, because as stated in the facts proven, recognize that "IP is taken into account, without collecting the data, only

to be able to know from which country the user connects. The data is not collected, and

In addition, the order of videos is adapted by the country that has been connected”.

The company seems to assume that the use of the IP with a

certain purpose - to know the place of connection of the person who accesses the content of the

web page without registering and adapting the order of the videos by the country of connection-

It is not a processing of personal data, since "the data is not collected".

However, as stated in article 4.2) of the GDPR, data processing

Personal data includes any operation carried out on personal data such as the

collected, what happens in the case examined.

Regarding the IP, it is undisputed that we are dealing with data of a

personnel as it has been considered by the AEPD through its Reports

of his Legal Cabinet 327/2003 or of March 1, 2007 or widely by the

jurisprudence (for all, Judgment of the Supreme Court of 16/2014 of January 30

o October 3, 2014 o Judgment of the National Court of September 1

of 2011 or Judgment of the Court of Justice of the European Union of October 19,

2016, case C-582/14).

On the websites: www.serviporno.com/, and www.porn300.com/es/: as evidenced by

considered, the user profile, once registered, contains more personal data than the

that are collected in the registry -the user's name, email, gender, date of birth-

foundation, the country and the city-, since it allows sharing with the rest of the members the

location, gender, age, image and voice, as well as the last connection, the number

number of videos uploaded or the number of video views, which together with the co-

comments that can be made, show tastes and sexual habits.

Credit card data is also collected on the website www.cumlouder.com.

In all of them the browsing data is collected, the IP of the person who accesses the pages

nas, your browsing data or Wi-Fi. Likewise, for all of them it is indicated that

pick up the phone.

And all this without prejudice to the rest of the data collected, in the terms established in the proven facts.

Finally, we must indicate that, however, the entity asserts in its writ of

04/05/2021 responding to the requirement made by the AEPD in p that it is obligatory

You must not be of legal age to enter and use the website - "...the website is only for

adults, informing that to enter and use it it is mandatory to have at least

18 years of age" - and in the same sense in its privacy policy - "This website is

for adults and therefore. It is for people over 18 years old"-, the truth is that

it cannot be affirmed that it does not process personal data of minors.

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Especially when in its privacy policy, of the five web pages, it states so

manifesto referring to the fact that "Minors under 14 years of age cannot give their data.

personal data in our data collection forms, since it is contrary to the art

Article 8 GDPR. If the minor's consent is required, the latter must

be granted by, and therefore collect data from, the person who holds parental authority

tad and/or guardianship of the minor".

In conclusion, it has been proven that the entity TECHPUMP SOLUTIONS

S.L., owner of the web pages: www.cumlouder.com; <https://www.serviporno.com/>,

<https://www.soloporno.xxx/>,

<https://www.diverporno.->

com/, as data controller, processes personal data through

through these five web pages, both for adults and minors

age.

<https://www.porn300.com/es/>

III.- On the lack of loyalty and transparency.

Article 5.1.a) of the GDPR provides that "Personal data will be: a) treated-

two in a lawful, loyal and transparent manner in relation to the interested party ("lawfulness, loyalty and transparency»);».

Recital 38 of the GDPR on loyalty and transparency determines that:

"All processing of personal data must be lawful and fair. For the people

Physical data must be made completely clear that they are collecting, using, con-

revealing or otherwise processing personal data concerning them, as well

as the extent to which said data is or will be processed. The principle of

Transparency requires that all information and communication relating to treatment

of such data is readily accessible and easy to understand, and is used

simple and clear language. This principle refers in particular to information

information of the interested parties on the identity of the person responsible for the treatment and the

purposes of this and to the added information to guarantee a fair treatment and

transparent with respect to the natural persons affected and their right to

obtain confirmation and communication of personal data concerning them

nam that they are the object of treatment".

Likewise, recital 60 of the GDPR states that.

"The principles of fair and transparent treatment require that the interested party be informed

informed of the existence of the processing operation and its purposes. The responsible-

The data controller must provide the interested party with all the complementary information

necessary to guarantee fair and transparent treatment, given

account of the specific circumstances and context in which the data is processed.

personal coughs”.

Article 12 of the GDPR establishes how the transparency of information is articulated and the communication to the interested party. And articles 13 and 14 of the GDPR specify the information specific information that must be provided to the interested party to guarantee loyalty and transparency.

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The principle of transparency is not exhausted in the material concretion of supplying the information formation of articles 13 and 14 of the GDPR, under the terms of article 12 of the GDPR and 11 of the LOPDGDD.

The principle of transparency established in article 5.1.a) of the GDPR is much more and has ne entity in itself. Linked to the principle of loyalty, it implies effective knowledge of the precise information on the part of the interested parties that redounds in the power of disposition and control that the interested parties have regarding the processing of their data personal, in the terms provided in the Constitutional Court Judgment 292/2000, of November 30, 2000: "Luckily, without the guarantee that the right to appropriate information by fulfilling certain requirements legal requirements (art. 5 L.O.P.D.) would undoubtedly frustrate the right of the interested party to control and dispose of your personal data, since it is clear that they would prevent you from exercising other faculties that are integrated into the content of the fundamental right to which we are referring to”.

In this sense, the Guidelines of the Article 29 Working Group on transparency reference under Regulation (EU) 2016/679, adopted on November 29,

2017 and last revised and adopted on April 11, 2018 (WP 260) prevent

that “10. A fundamental consideration of the principle of transparency outlined in

these provisions is that the interested party must be able to determine in advance the scope

and the consequences derived from the treatment, and that you should not be surprised in

a later moment for the use that has been given to your personal data. It is, thus-

same, of an important aspect of the principle of loyalty under article 5, par-

Clause 1 of the GDPR and, indeed, it is related to recital 39...”.

It is useless to formally provide the information required in the articles

13 and 14 of the GDPR if this does not agree with the reality of the treatment established in the re-

cord of processing activities or if the information is contradictory, obscure and

does not allow interested parties to really know what the treatment of their

personal information.

Regarding loyalty, CEPD Guidelines 4/2019 related to article 25 Protection

of data from the design and by default, adopted on October 20, 2020 dis-

they put that “69. Loyalty is a general principle that requires that personal data

are not treated in a manner that is unreasonably prejudicial, unlawfully discriminatory, unfairly

permissible or misleading for the interested party”. They continue to establish a manifestation of loyalty

will be that “The interested parties must have the maximum degree of autonomy possible

to determine the use made of your personal data, as well as the scope and

conditions of said use or treatment (...) The treatment must correspond to

the reasonable expectations of the interested parties (...) The data controller does not

will abuse the needs or vulnerabilities of the data subjects. (...) The person in charge

ble should not “force” the choice of its users unfairly (...) Those responsible

The data controllers must not transfer the risks of the company to the data subjects.

(...) The information and options for the processing of personal data must provide

act objectively and neutrally, avoiding any kind of language or deceptive design.

mischievous or manipulative (...) The person in charge must appreciate the general effects that the treatment on the rights and dignity of people. (...) The responsible must make available to the interested party the information related to the way in which personal data are processed, you must act as you have stated that you will, and not mislead the interested party”.

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Thus, we can observe a clear inconsistency between the content of the register of the activities of the treatment of users (RAT) of the web pages referred to this AEPD on 04/05/2021 and those sent on 07/04/22, the information provided through of the privacy policy of the web pages and the test carried out.

In the first place, there is vagueness, a lack of specificity and transparency regarding regarding the personal data processed and the information provided for this purpose to the users, which obviously generates an obvious confusion that shows the lack of transparency and loyalty.

In relation to the web pages www.diverporno.com and www.soloporno.xxx, although the entity TECHPUMP SOLUTIONS, S.L. asserts in its brief of 07/04/2022 that it does not there is processing of personal data -and this without prejudice to what is stated in the foundation-prior law regarding the I.P.-, the privacy policy informs on the processing of personal data through data collection forms.

Remember that these web pages collect data through the "Contact" tabs. to", "Webmasters" and "Advertise here".

Thus, contrary to what was stated to the AEPD, in addition to the IP, the name

bre and email at least.

In addition, in the privacy policy itself it is indicated that "The data that we keep are those included in the forms of the website such as contact information (basic information): name, surname, email, telephone, etc. This information is received by TECHPUMP SOLUTIONS SL and is never sold, shared or rented to other companies, with the logical exception of the provision of the service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

In the rest of the web pages, that is, www.serviporno.com, www.cumlouder.com and www.porn300.com/es, the company in its letter of 07/04/2022 provides that the following data: "Name, surname, username, email, password, sex, date of birth, country and province. When they access the web, the I.P. from which it does."

In addition to those expressly indicated, attached as document No. 1 "Data that are collected on the websites" with the letter of 07/04/2022 a screenshot of the data that collected on the websites: regarding a video, the identification of the user, the date and time when it was uploaded to the web and shared with other users, the IP from the that the video has been uploaded, the duration, the sexual orientation of the video -as referred puts "Straight" referring to the fact that he is of heterosexual orientation-, the title of the yourself, your description and keywords.

Regarding said user, in addition to the data cited by the company in its letter, contains the date you registered on the web, the IP from which you registered, the date date and time of your registration, the last times you have logged in indicating the date date and time the user logged in, the country and city from which has connected and the IP from which it has connected.

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To this we must add that credit card details are requested on the page

on the website www.cumlouder.com.

And also other data not indicated by the company and that they obtain after registering the user, since he shares the image and voice with other users, the number of videos added bids, the number of views and the "likes" to those of other users, showing their preferences, tastes and sexual habits.

Surprisingly, they do not coincide at all with the data indicated in the privacy policy.

privacy of the web pages, which specify the personal data processed in "The data that we keep are those included in the forms on the website such as data

Contact cough (basic information): name, surname, email, telephone,

etc This information is received by TECHPUMP SOLUTIONS SL and is never sold.

given, shared or rented to other companies, with the logical exception of the provision from service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

Likewise, and in accordance with the information provided in the privacy policy

Regarding the transfer of data, it seems that more personal data is collected than those mentioned therein, specifically and with respect to purchases that may be made on the web, the precise data to carry them out, which could include name and surnames, DNI or NIE, account number or debit or credit card, address of delivery etc

We can verify that many of the personal data processed by the company or are mentioned in the privacy policy, which, on the contrary, cites others than the entity

dad nor does he consider in his letter of 04/04/2022 (such as the telephone number or the Wi-Fi).

In addition to the vagueness and lack of definition that the "etc." that accompanies the allusion of the personal data processed in the privacy policy or the "how" referred to the navigation data that it provides by way of example. This results in again in the lack of loyalty and transparency.

Therefore, other personal data that is collected is not specifically reported.

lan and that are shared with other registered users (www.serviporno.com/, and www.porn300.com/es/), such as the contents in the file or user profile and that are, as stated in the proven facts, age, sex, as well as the country and city of this (location), the profile photograph and the videos that the user decides to share. rio (image and voice), as well as the comments you make.

In addition, we will indicate that article 30.1 of the GDPR provides, in terms of content of the registration of processing activities the obligation to include by the responsible for the treatment "c) a description of the categories of interested parties and the the categories of personal data".

In the record of processing activities presented in the brief of 07/04/2022 such a forecast is not understood.

We must make specific mention of the personal data of the I.P. that is collected alone mind in the connection with the sole purpose of knowing the State or Country from which the person connects (www.soloporno.xxx and www.diverporno.com), or for purposes of

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collaboration with state security forces and bodies (www.porn300.com/es

, www.cumlouder.com; and www.serviporno.com).

However, in the privacy policy of the referenced web pages it is stated in

section 2.3 "INFORMATION ABOUT THE STORED DATA" that "The data

All that we keep are those included in the forms on the website such as the data

Contact (basic information): name, surname, email, telephone, etc.

This information is received by TECHPUMP SOLUTIONS SL and is never sold.

shared or rented to other companies, with the logical exception of the provision of the service.

Sometimes, we collect browsing data, such as IP or Wi-Fi data.

And that, regarding the collection of IP data, the company admits that it is collected always, the privacy policy clarifies that it is "sometimes", without making explicit to the users, registered or not, what are those occasions.

In view of the content of the privacy policy we can see how there are no differences between difference between the data that is collected from unregistered and registered users. two on any of their web pages in relation to the IP as well.

On the other hand, the company denies with respect to unregistered users that it treats da- personal data of these, admits that "The IP is taken into account, without collecting the data, only specifically to be able to know from which country the user is connecting. is not collected data, and also the order of videos is adapted by the country that have been connected", this es, there is treatment of personal data of unregistered users.

It is proven by the entity's own assertions that with respect to users unregistered channels at least "the IP is collected only in the connection with the only fi- purpose of knowing the State or Country from which the person connects or for the co- collaboration with the State security forces and bodies", since it makes no difference in the websites www.serviporno.com, www.cumlouder.com and www.porn300.com/es between registered and unregistered users.

Second, and in terms of the purpose of the treatment, it also suffers from a lack of transparency.

Thus, the purpose recorded in the activity record does not exactly coincide.

from the treatment with the provisions of the privacy policy. According to the record of activities of the treatment sent by means of the letter of 07/04/2022 the purpose would consist of "Management of the data provided in the data collection forms of the website of the web page for the delivery of digital advertising "while in the po- Privacy policy expresses the "Management of the data provided in the forms of website data collection from the web page. Digital advertising delivery.

It may seem the same, but it is not. In the first case, data management is produces with the sole purpose -"to"- deliver digital advertising. While in the police privacy ethics, two clearly different and unconnected purposes are collected each other: the management of the data provided in the forms and the delivery of advertising digital.

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As we can verify, in addition to the fact that the purpose of the record does not coincide of the treatment activities with what is stated in the privacy policy, there is a great vagueness as to what the purpose of the treatment consists of, since the "management" of the data provided in the forms in itself does not determine for what personal data is processed, given that all treatment includes a management of personal information.

In addition, in the transfer of personal data, both in the register of activities

From the treatment as in the privacy policy of the five web pages, it is refers to another purpose, which is making purchases, which is not collected expressly as a purpose, nor is the legal basis that would legitimize such data processing independently. This action results in a lack of loyalty and transparency of the person responsible for the treatment with respect to the interested parties.

On the other hand, the entity indicates, in its brief of 07/04/2022 in the test process, regarding the web pages www.serviporno.com, www.cumlouder.com and www.porn300.com/es a specific purpose not included in the activity log of the treatment nor in the privacy policy (users are not informed): "The I.P. HE obtained for purposes of collaboration with the state security forces and bodies to when responding to any request for information. Given the level of crime that may exist using this type of web pages, as well as the use of them to trying to post photos and videos of other people who are not professional actors/actresses professionals, this company actively collaborates with security forces and bodies of the State, in the detection of crimes related to child pornography and other crimes that may be of that legal nature." Thus, it seems that in addition to the use of the IP for the purposes of "Management of the data provided in the data collection forms" web page website for the delivery of digital advertising" use it to a purpose that they foresee as their own.

Thirdly, and regarding the transfer of data, while on the pages web sites www.diverporno.com and www.soloporno.xxx, by means of a letter sent with cha 07/04/2022 it is stated by the company that " THERE IS NO DATA TREATMENT-TOS", and therefore, there is no transfer of personal data, in its privacy policy the opposite is indicated: "Other companies of the same group No data will be transferred out-vo that is absolutely necessary to comply with the requested service No data will be transferred except legal mandate Tax and accounting advice. (in case of

buy through the web).

To the above we must also add the contradiction regarding the transfers of data in the privacy policy itself, because although it is stated that data will not be transferred except by legal mandate, transfers to companies of the same group are foreseen (without determining determine which these companies are and why their data is transferred), transfers to fulfill comply with the requested benefit (adding the great lack of definition of what the service requested), for tax and accounting advice in case of purchase through the Web.

Finally, we have to point out that the lack of loyalty and transparency would affect the free provision of consent with respect to unregistered users. two and registered, who do not receive the information in a fair and transparent way to the effects of including personal data in the forms.

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In conclusion, the entity's actions lack loyalty and transparency, since the information provided to the interested parties through the privacy policy vacancy of the web pages does not correspond to the treatment actually carried out. do. Loyalty and transparency imply that the interested party is perfectly aware aware that the processing of your personal data is taking place, with what nes and in what way.

For this reason, and in accordance with the evidence presented, the aforementioned facts presuppose a violation of the provisions of article 5.1.a), which gives rise to the application of the corrective powers that article 58 of the aforementioned Regulation grants to the Agency

Spanish Data Protection.

IV.- Violation

The facts exposed do not comply with the provisions of article 5.1.a) of the GDPR, with the scope expressed in the above Fundamentals of Law, which means the commission of an infraction typified in article 83.5.a) of the GDPR, which under the section "General conditions for the imposition of administrative fines" provides the following: "5. Violations of the following provisions will be sanctioned, according to accordance with paragraph 2, with administrative fines of maximum EUR 20,000,000. or, in the case of a company, an amount equivalent to a maximum of 4% of the total global annual turnover of the previous financial year, opting for the highest amount:

a) the basic principles for the treatment, including the conditions for the consent ment according to articles 5, 6, 7 and 9".

In this regard, the LOPDGDD, in its article 72.1.a) considers as an infraction "very serious" for prescription purposes "1. Based on what is established in article 83.5 of the Regulation (EU) 2016/679 are considered very serious and will prescribe after three years the infractions that suppose a substantial infringement of the articles mentioned therein and, in particular, the following:

a) The processing of personal data in violation of the principles and guarantees established in article 5 of Regulation (EU) 2016/679".

V.- On the limitation of the purpose.

Article 5.1.b) of the GDPR provides that personal data will be "collected for specific, explicit and legitimate purposes, and will not be further processed manner incompatible with said purposes; according to article 89, paragraph 1, the further processing of personal data for archiving purposes in the public interest, fi-scientific and historical research or statistical purposes shall not be considered incom-

compatible with the initial purposes ("purpose limitation")."

The purpose limitation principle requires that personal data be collected

both for specific, explicit and legitimate purposes.

Thus, the purposes must be perfectly identified so that the interested party

can determine if the treatment carried out by the person in charge is within such fi-

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purposes.

In addition, and linked to transparency, the fact that the purposes are explicit means that the

affected understands what these are, in order to maintain real control over their

personal data and can effectively exercise their rights. To understand which

is the explicit purpose, this must be revealed to the interested party.

Without forgetting that the purposes have to be legitimate, that is, as permitted

by the legal system.

In this sense, Opinion 3/2013 of the Working Group of the Article

29, adopted on April 2, 2013, on purpose limitation.

From all this it can be inferred that personal data processing cannot be carried out

because they may be useful in the future to the data controller. They have to be

linked to the determined, explicit and legitimate current purposes of the same and

about their own treatments.

The entity TECHPUMP SOLUTIONS, S.L. explicit in his writing

07/04/2022 in the test process, regarding the web pages www.serviporno.com,

www.cumlouder.com and www.porn300.com/ is a specific purpose not understood-

given in the record of processing activities or in the privacy policy:

“The I.P. It is obtained for purposes of collaboration with the security forces and bodies.

security of the state when responding to any request for information.

Given the criminal level that can exist using this type of web pages, as well

such as the use of them to try to post photographs and videos of other

people who are not professional actors/actresses, this company collaborates

actively with the bodies and security forces of the State, in the detection

tion of crimes related to child pornography and other crimes that may

be of that legal nature”.

Thus, this entity collects the data of the I.P. not only for the management of the data of the

users for the delivery of digital advertising (own purpose), but also with the fi-

purpose of supplying the P.I. to the State security forces and bodies (purpose

from a third party). These purposes are clearly different from each other.

In addition to the fact that they cannot process personal data for purposes that are not their own

but outside, in addition to the fact that said purpose is not included in the activity register.

of treatment, nor in the privacy policy (remember that the

purposes set forth in these instruments between themselves) and that is not even known

by the interested party, it turns out that they carry out personal data processing because they can

be useful in the future to the data controller, all of which implies a vulnerability.

tion of the purpose limitation principle.

On the other hand, in the privacy policy, when referring to the recipients

of the personal data it is indicated that these will be transferred for "Tax advice

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and accountant. (in case of purchase through the web)” (underlining is ours). Thereto we have to add the fact that at least one of the web pages, www.cum-louder.com, credit card information is expressly requested, for the purposes of to make certain payments.

This shows that the person responsible for the treatment carries out a treatment of data for a purpose other than those collected in the record of processing activities sent by letter of 07/04/2022 and in the privacy policy. purpose consisting of the treatment of user data to make purchases, this is, to maintain a contractual relationship with the user, with a legal basis that is not The consent; purpose that is not expressly provided for in or in the registration of treatment activities or in the privacy policy, nor is it explicitly reported to the interested party

In conclusion, everything made explicit supposes a violation of the principle of limitation. purpose, gives rise to the application of the corrective powers that the article 58 of the aforementioned Regulation grants the AEPD.

VI.- Violation.

The processing of personal data in accordance with an external purpose, not made explicit to the interested and willing with the intention of using the data as long as may be required in the future, fails to comply with the provisions of article 5.1.b) of the GDPR, with the scope expressed in the above Fundamentals of Law, which supposes the commission of an infraction typified in article 83.5.a) of the GDPR, which under the heading "General conditions for the imposition of administrative fines" provides the following:

"5. Violations of the following provisions will be penalized, according to with paragraph 2, with administrative fines of maximum EUR 20,000,000.

mo or, in the case of a company, of an amount equivalent to 4% as maximum of the overall annual total turnover of the preceding financial year prior, opting for the one with the highest amount:

a) the basic principles for the treatment, including the conditions for the consent in accordance with articles 5, 6, 7 and 9”.

In this regard, the LOPDGDD, in its article 72.1.a) considers as an infraction "very serious" for prescription purposes

"1. Based on what is established in article 83.5 of Regulation (EU)

2016/679 are considered very serious and will prescribe after three years the

offenses involving a substantial violation of the articles

mentioned therein and, in particular, the following: a) The treatment of personal data violating the principles and guarantees established in the

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

VII.- Conservation of personal data.

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Article 5.1.e) of the GDPR establishes that:

"Personal data will be: e) maintained in a way that allows identification;

cation of the interested parties for no longer than necessary for the purposes

of the processing of personal data; personal data may be kept

be stored for longer periods as long as they are treated exclusively with

archival purposes in the public interest, scientific or historical research purposes or

statistical purposes, in accordance with article 89, paragraph 1, without prejudice

of the application of the appropriate technical and organizational measures that im-

defines this Regulation in order to protect the rights and freedoms of the

resado ("retention period limitation").

Recital 39 refers to the fact that: "Personal data must be adequate, but relevant and limited to what is necessary for the purposes for which they are processed. It re-

In particular, it wants to ensure that its retention period is limited to a strict minimum.

vation", which implies that, in any case, personal data must be deleted

when these purposes have been fulfilled.

Adds recital 39 that: "To ensure that personal data is not con-
longer than necessary, the data controller must establish plans
zos for its suppression or periodic revision".

From all this it can be inferred that the indefinite maintenance of the personal data of a data subject.

However, the entity asserts in its letter of 07/04/22 responding to the request-
test carried out by the AEPD, and in relation to the data obtained from the
registered users, (www.serviporno.com/, and www.porn300.com/es/), that: “(...) In-
defined, as long as the determination of the time that wishes to be
member of the web pages. They can request the annulment of consent when
desired simply by communicating it”.

Similarly, the privacy policy of the five web pages provides that "The
TREATMENT TIME: It is undefined since it is you who determines the
time you want to be a member.

We must mean that, although the legitimizing basis of the treatment is the consent

this does not cover the indefinite maintenance of the data collected

two by the person responsible for the user. The information supplied by the person in charge of the

treatment transmits to the interested party that the treatment time "is indefinite" when

In fact, it is always defined by the treatment itself.

Furthermore, nothing is indicated to this AEPD in the letter of

06/04/2022, nor therefore to the interested party, on the period of conservation of personal data.

personal in relation to the purposes of using the IP to supply it to the

State security forces and bodies and purchases.

In conclusion, the action of the entity maintaining indefinitely the data

collected from users registered on the web pages (www.serviporno.-

com/, and www.porn300.com/es/ implies a violation of the GDPR, which gives rise to the

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application of the corrective powers that article 58 of the aforementioned Regulation grants to

the Spanish Data Protection Agency.

VIII.- Violation

The indefinite maintenance of personal data breaches the

established in article 5.1.e) of the GDPR, with the scope expressed in the

Previous legal grounds, which supposes the commission of an infraction

typified in article 83.5.a) of the GDPR, which under the heading "General conditions

for the imposition of administrative fines" provides the following:

"5. Violations of the following provisions will be penalized, according to

with paragraph 2, with administrative fines of maximum EUR 20,000,000.

mo or, in the case of a company, of an amount equivalent to 4% as

maximum of the overall annual total turnover of the preceding financial year

rior, opting for the one with the highest amount:

a) the basic principles for the treatment, including the conditions for the consent in accordance with articles 5, 6, 7 and 9”.

In this regard, the LOPDGDD, in its article 72.1.a) considers as an infraction "very serious" for prescription purposes "1. Based on what is established in article 83.5 of the Regulation (EU) 2016/679 are considered very serious and will prescribe after three years the infractions that suppose a substantial infringement of the articles mentioned therein and, in particular, the following: a) Data processing violating the principles and guarantees established in article 5 of the Regulation (EU) 2016/679”.

IX.- Regarding the obtaining of personal data and the lack of consent of the user.

Article 6 of the GDPR establishes the legality of data processing personal information obtained from users that their treatment will only be lawful if it is meets at least one of the conditions indicated in its first section, among which found, in its section a): "that the interested party has given his consent for the processing of your personal data for one or more specific purposes (...)”.

For its part, article 12.1 of the aforementioned GDPR establishes, on the requirements that must be comply with the information that the data controller must make available to the interested parties when requesting their consent, the following:

"1. The person in charge of the treatment will take the appropriate measures to facilitate to the interested party all the information indicated in articles 13 and 14, as well as any communication pursuant to articles 15 to 22 and 34 relating to the treatment, in a concise, transparent, intelligible and easily accessible form, with a clear and simple language, in particular any information directed specifically a child. The information will be provided in writing or by other means, including, if applicable, by electronic means. When requested by the interested party, the information may be provided verbally provided that

demonstrate the identity of the interested party by other means (...).".

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Articles 13 and 14 of the GDPR detail the information that must be provided-

the interested party when the data is collected directly from the interested party (art. 13), or through

through other means, (art. 14). In any case, the obligation to inform people

interested parties on the circumstances related to the processing of their data rests

about the data controller: a) If the data is obtained directly from the inter-

information must be made available to you at the time it is requested.

contain the data, prior to the collection or registration and b) if they are not obtained from the

concerned, they must be informed within a month from the date the personal data was obtained.

personal, or before or in the first communication with the interested party, or before the

data (if any) have been communicated to other recipients.

Regarding data processing based on the consent of the interested party, the

Article 7 of the GDPR indicates that the data controller must be able to determine

show that the interested party consented to the processing of their personal data. If he with-

sentiment is given in the context of a written statement that also refers to

other issues, it is required that the request for consent be clearly distinguished from

other matters and is presented in an intelligible form, easily accessible and using a

clear and simple language. It is also required to provide additional information

information to the interested party, among others, what will be the categories of data to be processed, the purposes

for which consent is sought and the right to withdraw consent

whenever.

Regarding the way to obtain the consent of the interested party for the treatment in matter, recital 32 of the GDPR provides that it:

It must be given by a clear affirmative act that reflects a manifestation of free, specific, informed and unequivocal will of the interested party to accept the processing of personal data concerning you" and that "silence, boxes already checked or inaction should not constitute consent."

Likewise, consent is required to be granted "for all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent must be given for all they". Finally, it establishes that, "if the consent of the interested party has to be give as a result of a request by electronic means, the request must be clear, concise and not unnecessarily disrupt the use of the service for which it is lend".

In the case at hand, when the processing of personal data is carried out through through a website, the "Privacy Policy" of the page is the document, to through which the owner of the website must inform its customers and users about the management that it will carry out of the personal data that will be collected when browsing the site.

Therefore, before the user provides their personal data and gives their consent to the treatment of these, a simple and direct access to the "Policy of Privacy" of the web.

Regarding the way to obtain the consent of the interested party, the request must be carried out through a clear and voluntary affirmative act, providing a box in target, or a similar mechanism, where the user must mark or click in an explicit acceptance of the "Privacy Policy", through formulas such as: "_ I have read-

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do and accept the conditions of the privacy policy" or equivalent.

In the present case, in the checks that were carried out on the web pages indicated on 09/09/21, regarding the processing of personal data, it was detected that,

First of all, the privacy policies of all web pages were found written in a non-official language in Spain, it is English and therefore it was not written in a language that is clear and intelligible to all recipients.

Apart from the above, on the websites:

and

<https://www.porn300.com/es/> could be verified as the box to decree the consent of the user of the registration form was pre-marked in the "I accept" option.

<https://www.serviporno.com/>

For its part, in relation to the proceedings carried out in the evidence process, in the websites <https://www.soloporno.xxx/>,

and <https://www.diverporno.com/> through the tabs "Contact", "Webmasters", the user's email is displayed to be able to send a message to the email address: san@techpump.com, without the prior information on the processing of personal data that may be obtained through this medium.

, <https://www.diverporno.com/> <https://www.serviporno.com/>

And on the web pages <https://www.soloporno.xxx/> www.serviporno.com/

and <https://www.porn300.com/es/> through the tab

"Advertise Here", a form is displayed, where you can enter data

user's personal information such as name and email, but there is no

simple and direct access to the "Privacy Policy" of the web or any mechanism

obtain the consent of the interested party.

In accordance with all of the above, there is a violation of article 6 of the GDPR,

which gives rise to the AEPD deploying its corrective powers in accordance with article

58.2 of the GDPR.

X.- Violation

The fact that the person in charge of the indicated web pages could obtain data

users' personal information without having previously obtained their consent for the

their treatment, through a clear and voluntary affirmative act, previously

informed in an intelligible manner, constitutes an infringement of article 6.1 of the

GDPR mentioned above, which implies the commission of an infraction classified in the

Article 83.5.a) of the GDPR, which under the heading "General conditions for the

imposition of administrative fines" provides the following:

"5. Violations of the following provisions will be penalized, according to

with paragraph 2, with administrative fines of EUR 20,000,000 as

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

maximum of the overall annual total turnover of the financial year

above, opting for the one with the highest amount:

a) the basic principles for the treatment, including the conditions for the

consent in accordance with articles 5, 6, 7 and 9".

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In this regard, the LOPDGDD, in its article 72.1.b) considers as an infraction "very serious" for prescription purposes "1. Based on what is established in article 83.5 of the Regulation (EU) 2016/679 are considered very serious and will prescribe after three years the infractions that suppose a substantial infringement of the articles mentioned therein and, in particular, the following:

"The processing of personal data without the concurrence of any of the conditions of legality of the treatment established in article 6 of the Regulation".

XI.- Lack of information to the interested party about the revocation of consent, about the right to file a claim with the control authority and on the existence for other purposes.

Article 13 of the GDPR establishes what information must be provided when the personal data is obtained from the interested party,

"1. When personal data relating to him or her is obtained from an interested party, the responsible for the treatment, at the time they are obtained, will provide you with

It will contain all the information indicated below:

a) the identity and contact details of the person in charge and, where appropriate, of his representative;

b) the contact details of the data protection officer, in his case;

c) the purposes of the processing for which the personal data is intended and the legal basis of the treatment;

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

e) the recipients or categories of recipients of the personal data

final, if any;

f) where appropriate, the intention of the person responsible for transferring personal data to a third country or international organization and the existence or absence of an adequacy decision by the Commission, or, in the case of transfers indicated in articles 46 or 47 or article 49, paragraph 1, second paragraph, reference to adequate or appropriate guarantees and the means to obtain a copy of these or the fact that they have been borrowed

2. In addition to the information mentioned in section 1, the person responsible for the treatment will provide the interested party, at the time the data is obtained, personal data, the following information necessary to guarantee a treatment

Fair and transparent data retention:

- a) the period during which the personal data will be kept or, when where this is not possible, the criteria used to determine this term;
- b) the existence of the right to request the data controller the access to personal data relating to the interested party, and its rectification or deletion, or the limitation of its treatment, or to oppose the treatment to, as well as the right to data portability;
- c) when the treatment is based on article 6, paragraph 1, letter a), or Article 9(2)(a), the existence of the right to withdraw consent at any time, without affecting the legality

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of the treatment based on the consent prior to its withdrawal;

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

e) if the communication of personal data is a legal or con-

tractual, or a necessary requirement to sign a contract, and if the inter-

resado is obliged to provide personal data and is informed of

the possible consequences of not providing such data;

f) the existence of automated decisions, including the elaboration of

profiles, referred to in article 22, sections 1 and 4, and, at least in

such cases, significant information about the applied logic, as well as

the significance and expected consequences of such processing for

the interested.

3. When the controller plans the subsequent processing of data

personal items for a purpose other than that for which they were collected, provided

provide the interested party, prior to said subsequent processing, information

about that other purpose and any additional information pertinent under paragraph

tado 2.

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

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

As we have expressed in previous legal grounds, of the facts

proven that at least for the website www.cumlouder.com they are treated

data related to the credit card, appearing in its privacy policy expressly

mind and with respect to the "recipients of the data transfer" that will occur

to "Other companies of the same group. No data will be transferred unless it is absolutely

necessary to comply with the requested service. No data will be transferred except

legal mandate Tax and accounting advice. (in case of purchase through the

Web)".

Therefore, another purpose is present, consisting of the treatment of the data of the users to make purchases, that is, to maintain a contractual relationship with the user, with a legal basis other than consent.

Also, the entity TECHPUMP SOLUTIONS, S.L. and regarding the web pages www.serviporno.com, www.cumlouder.com and www.porn300.com/es only prevents and for the first time in its brief of 07/04/2022 in the framework of the evidence process, a fi-specific purpose and that it considers its own, not included in the activity register. from the treatment or in the privacy policy.

This purpose consists of collecting the data of the I.P. to supply it to the forces police forces and state security forces. Obviously, this legal basis does not seem to may be the consent of the interested party.

Well then, article 13.1.c) of the GDPR requires the data controller to make provide the interested parties with information regarding “the purposes of the treatment for which it is personal data and the legal basis of the treatment”.

This obligation includes the information of each and every one of the purposes of the treatment. and the legal bases that support the treatment, information that in the position examined has not been provided to the interested parties.

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Likewise, article 6 of the GDPR provides that:

"1. Processing will only be lawful if at least one of the following is fulfilled conditions: a) the interested party gave his consent for the treatment of his personal data for one or more specific purposes”.

Regarding the conditions for consent, article 7.3 of the GDPR establishes states that "The interested party shall have the right to withdraw their consent at any time. to. The withdrawal of consent will not affect the legality of the treatment based on the consent prior to its withdrawal. Before giving consent, the interested party will be informed of it. It will be as easy to withdraw consent as to give it.

Thus, article 13.2.c) of the GDPR obliges the data controller to provide information training on the revocation of consent when it is the legitimate legal basis treatment provider: "when the treatment is based on article 6, section 1, letter a), or Article 9, paragraph 2, letter a), the existence of the right to withdraw the consent at any time, without affecting the legality of the treatment based on given in the consent prior to its withdrawal".

Based on the proven facts, it is verified that the entity TECHPUMP SOLUTIONS, S.L. No informs the interested parties of the possibility of revoking the consent at any time. sentiment provided by users regarding the forms in any of their websites.

This conduct is even more serious, when in the letter of 07/04/2022 it refers before the trial process, the company asserts, regarding the web pages www.serviporno.com, www.cumlouder.com and www.porn300.com/es that "They can request the annulment of consent when desired simply by communicating it. Just like indicated in the RAT". However, being aware of the right of the interested party to revoke consent, such information is not included in the submitted RAT nor is it reported to interested parties in this regard in the privacy policy.

On the other hand, article 13.2.d) of the GDPR also obliges the data controller to consent to provide information to interested parties on the right to file a claim before a control authority, an issue that does not appear in any section of the privacy policy.

In conclusion, a violation of article 13 of the GDPR is verified, by not supplying all the information imposed by the RGPD, in the terms previously previously expressed.

XII.- Violation

The accredited facts breach the provisions of article 13 of the GDPR, with the scope expressed in the above Fundamentals of Law, which implies the commission of an offense classified in article 83.5.b) of the GDPR, which under the heading "General conditions for the imposition of administrative fines" provides:

"5. Violations of the following provisions will be penalized, according to with paragraph 2, with administrative fines of maximum EUR 20,000,000.

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mo or, in the case of a company, of an amount equivalent to 4% as maximum of the overall annual total turnover of the preceding financial year rior, opting for the one with the highest amount:

b) the rights of the interested parties in accordance with articles 12 to 22".

In this regard, the LOPDGDD, in its article 74, considers as a "minor" offense prescription effects "the remaining infringements of a merely formal nature 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 lack of information of the affected party for not providing all the information required by articles 13 and 14 of Regulation (EU) 2016/679".

XIII.- Regarding the provision of information to the interested party in English.

Article 12.1 of the GDPR provides that,

"1. The person in charge of the treatment will take the appropriate measures to facilitate to the interested party all the information indicated in articles 13 and 14, as well as any any communication pursuant to articles 15 to 22 and 34 relating to the treatment information, in a concise, transparent, intelligible and easily accessible form, with a slow clear and simple language, in particular any information directed specifically- mind a child The information will be provided in writing or by other means, including, if applicable, by electronic means. When requested by the interested party, The information may be provided orally provided that identity is proven. of the interested party by other means".

For its part, recital 58 of the GDPR establishes that

"The principle of transparency requires that all information addressed to the public or to the concerned is concise, easily accessible and easy to understand, and used Use clear and simple language, and also, where appropriate, visualize it. This information information could be provided in electronic form, for example, when directed gives to the public, through a website. This is especially pertinent in situations tions in which the proliferation of agents and the technological complexity of the practice make it difficult for the data subject to know and understand if they are are collecting, by whom and for what purpose, personal data concerning you nen, as is the case with online advertising. Since children deserve specific protection, any information and communication whose processing treatment affects them should be provided in clear and simple language that is easy to to understand".

The Article 29 Working Party Guidelines on transparency under

of Regulation (EU) 2016/679, adopted on November 29, 2017 and revised

for the last time and adopted on April 11, 2018, indicate that,

“9. The requirement that the information be "intelligible" means that it must be understandable to the average member of the target audience. The intelligibility

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This quality is closely linked to the requirement to use clear and

simple. A data controller who acts with proactive responsibility

You will know the people about whom you collect information and can use

this knowledge to determine what that audience is likely to

grasp. For example, a controller who collects data

personalities of working professionals you may assume that your audience has a

greater degree of understanding than a data controller who obtains

children's personal data If the controllers are not sure

on the degree of intelligibility and transparency of the information and the effectiveness

user interfaces/advertisements/policies, etc., can put them to the test.

ba, for example, through mechanisms such as user groups, testing

readability, formal and informal interactions and dialogues with groups of the in-

industry, consumer advocacy groups and, where appropriate, regulatory bodies

lation, among others.

10. A fundamental consideration of the principle of transparency outlined in

these provisions is that the interested party must be able to determine in advance

the scope and consequences derived from the treatment, and that it should not be seen

surprised at a later time by the use that has been put to your data

personal (...)."

Thus, and in order for the interested party to hold and maintain the power of control over your personal data, the information provided to you must be done in a intelligible, clear and simple, in such a way that it is understandable to the average member of the target audience.

That said, from the proven facts it is verified that the entity provided

You have provided the information in your privacy policy in a non-official language in Spain, in-English, arguing, in the brief in response to the initiation of the file, the 01/14/22, the following:

"(...) It is evident that by putting the texts in English, whoever we we were conducting, the pros and cons were studied in relation to the legislation, and the timely decision was made to do so. Given that the most spoken language in the world, and more so in the digital world, is English, at the time and in the analysis carried out by the data protection team of Techpump Solutions S.L., was to think about the principle of Transparency, collected in the RGPD in its article 5, together with the legality and loyalty in the data processing (...)"

In the proceedings carried out by this Agency on 06/24/22 on the content of the "Privacy Policies", of the five web pages indicated, through the link

<<legal notice>>, it is verified that they have subsequently been drafted in Spanish language and provide information, among others, about: the ownership of the site Web; the contact details of the person in charge; information on data protection from customer data files; the intended purpose; the legitimacy in the data processing; the potential recipients of data transfers; how to exercise your rights over personal data or for how long will keep the data in relation to some treatments.

Well then, we have to mean, on the one hand, that Spanish is the official language in the Spanish State, as established in article 3 of the Spanish Constitution.

And, on the other, that the web pages are aimed at the Spanish market, which is evidenced by manifested by the undoubted fact that the entire web page is in this language and not in English.

It goes without saying, therefore, that the information should be provided in the language of the country to which that the web page is directed, without it being possible to claim otherwise that the

English for being "the most spoken language in the world", assertion of the company that

It is also not true, since the most widely spoken in the world is Mandarin Chinese and then Spanish.

Of course, the privacy policy will be understood by everyone who can read and understand English, but in no case will it be for the average member of the target audience, that is, a Spaniard, as established in the Guidelines mentioned. The privacy policy in English of these web pages is not intelligible within the meaning of the GDPR.

In conclusion, the entity's actions by not providing accurate information to the interested in non-official language in Spain until he was aware of the opening ture of this sanctioning procedure supposes a violation of the RGPD.

XIV.- Violation

The accredited facts breach the provisions of article 12.1 of the GDPR, with the scope expressed in the above Fundamentals of Law, which implies the

commission of an offense classified in article 83.5.b) of the GDPR, which under the section "General conditions for the imposition of administrative fines" provides the next:

"5. Violations of the following provisions will be penalized, according to with paragraph 2, with administrative fines of maximum EUR 20,000,000. mo or, in the case of a company, of an amount equivalent to 4% as maximum of the overall annual total turnover of the preceding financial year rior, opting for the one with the highest amount:

b) the rights of the interested parties in accordance with articles 12 to 22".

In this regard, the LOPDGDD, in its article 74, considers as a "minor" offense prescription effects "the remaining infringements of a merely formal nature 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 lack of information of the affected party for not providing all the information required by articles 13 and 14 of Regulation (EU) 2016/679".

XV.- Regarding the exercise of rights and the presentation of the DNI or passport by the interested

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The rights of individuals regarding the protection of personal data

They are regulated in articles 15 to 22 of the GDPR and 13 to 18 of the LOPDGDD. Be with-temper the rights of access, rectification, deletion, opposition, right to limitation

treatment and right to portability.

The formal aspects related to the exercise of these rights are established in the articles

Articles 12 of the GDPR and 12 of the LOPDGDD.

Article 12 "Transparency of information, communication and modalities of

exercise of rights" of the GDPR establishes the following:

"1. The person in charge of the treatment will take the appropriate measures to facilitate

to the interested party all the information indicated in articles 13 and 14, as well as

any communication pursuant to articles 15 to 22 and 34 relating to the

treatment, in a concise, transparent, intelligible and easily accessible form, with a

clear and simple language, in particular any information directed

specifically a child. The information will be provided in writing or by other

means, including, if applicable, by electronic means. When requested by the

interested party, the information may be provided verbally provided that

prove the identity of the data subject by other means.

2. The data controller will provide the interested party with the exercise of their

rights under articles 15 to 22. In the cases referred to in the

article 11.2, the person in charge will not refuse to act at the request of the interested party

in order to exercise your rights under articles 15 to 22, unless

can demonstrate that it is not in a position to identify the interested party.

3. The person responsible for the treatment will provide the interested party with information regarding

its actions on the basis of a request under articles 15 to

22, and, in any case, within one month from receipt of the

application. This period may be extended by another two months if necessary,

taking into account the complexity and number of requests. The responsible

will inform the interested party of any of said extensions within a period of one

month from receipt of the request, indicating the reasons for the delay.

When the interested party submits the application by electronic means, the Information will be provided by electronic means where possible, unless that the interested party requests that it be provided in another way.”

4. If the person responsible for the treatment does not process the request of the interested party, he will will inform without delay, and no later than one month after receipt of the application, the reasons for not acting and the possibility of presenting a claim before a control authority and to exercise actions judicial.

5. The information provided under articles 13 and 14 as well as any communication and any action carried out under articles 15 to 22 and 34 will be free of charge. When the requests are manifestly unfounded or excessive, especially due to its repetitive nature, the

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responsible for the treatment may: a) charge a reasonable fee based on administrative costs incurred in providing the information or communication or perform the requested action, or b) refuse to act with respect to of the request. The controller shall bear the burden of proving the manifestly unfounded or excessive nature of the request.

6. Without prejudice to the provisions of article 11, when the person responsible for the treatment has reasonable doubts as to the identity of the person Physicist who files the request referred to in art. 15 to 21, you can request provide additional information necessary to confirm the identity of the

interested.

7. The information that must be provided to the interested parties by virtue of the

Articles 13 and 14 may be transmitted in combination with standardized icons

that make it possible to provide in an easily visible, intelligible and clearly

readable an adequate overview of the planned treatment. the icons

submitted in electronic format shall be machine readable.

8. The Commission shall be empowered to adopt delegated acts in accordance

with article 92 in order to specify the information to be submitted to

through icons and the procedures for providing standardized icons”.

For its part, article 12 “General provisions on the exercise of rights”

of the LOPDGDD, in its sections 2 and 4, adds the following:

“2. The person in charge of the treatment will be obliged to inform the affected party about the methods

God at your disposal to exercise the rights that correspond to you. The means of-

They must be easily accessible to the person concerned. The exercise of the right may not be

denied for the sole reason that the affected party opted for another means”.

“4. Proof of compliance with the duty to respond to the request to exercise

their rights formulated by the affected party will fall on the person responsible”.

It also takes into account what is stated in Considering 59 et seq. of the

GDPR.

In accordance with the provisions of these regulations, the data controller

must arbitrate formulas and mechanisms to facilitate the exercise of their rights by the interested party.

rights, which will be free (without prejudice to the provisions of articles 12.5 and 15.3

of the GDPR); is obliged to respond to requests made no later than a

month, unless you can demonstrate that you are not in a position to identify the interested party.

do; as well as to express their reasons in case they did not respond to the request.

From the foregoing it can be deduced that the request for the exercise of rights made by the

interested party must be answered in any case, with the person responsible for the proof
ba of the fulfillment of this duty.

This obligation to act is not enforceable when the data controller
can demonstrate that it is not in a position to identify the interested party (in cases
referred to in article 11.2 of the GDPR). In cases other than those provided for in this

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article, in which the data controller has reasonable doubts regarding
with the identity of the applicant, may require additional information necessary to
confirm that identity.

In this regard, Recital 64 of the GDPR is expressed in the following terms:

“The data controller must use all reasonable measures to
verify the identity of the interested parties who request access, in particular in the
context of online services and online identifiers. The responsible

You should not retain personal data for the sole purpose of being able to respond
to possible requests.

Regarding the question related to verification of the identity of rights applicants,
the rules set forth above are clear in pointing out that this verification process
should be limited to specific cases in which the controller has “reasonable” doubts
nables” in relation to the identity of the natural person making the request.

Article 12.6 of the GDPR refers to all requests for rights and admits the possibility of
possibility of requiring, in those cases, "additional information" necessary to
confirm the identity of the interested party. In particular, in relation to requests

of access in the context of online services, Recital 64 of the same Re-

regulation refers to the possibility that the person in charge uses all the "measures reasonable" to verify the identity of the interested parties.

The rules that regulate the exercise of rights do not establish, therefore, the need to provide any specific identification document so that they can be attended to.

they do not even require that verification of identity be carried out through documents.

mentation. They refer to the possibility of collecting "additional information" and the use of "reasonable measures", corresponding to the person in charge to determine what information and what measures are reasonable in each case, given the circumstances competing and always resorting to the least invasive means for the privacy of the applicants. All this, under the prior condition that it is a sub-position in which there are "reasonable doubts" about the identity of the applicant.

The entity establishes in its privacy policy in relation to "How can I exercise my rights" which will be done "Upon presentation of your national identity document identity or passport, the holders of the personal data (interested parties) may exercise their rights of access, rectification, opposition, portability and limitation of treatment" (underlining is ours).

Well then, we can verify that it is established with a general character and *conditio sine qua non*, the contribution of the DNI or passport of the interested party as a requirement to attend right to be exercised. The rights management procedure designed by the entity itself, in its capacity as responsible, requires the aforementioned documentation in all cases, without previously analyzing whether or not these doubts were raised. reasonable.

Nor is the procedure designed by the entity TECHPUMP SOLUTIONS, S.L. contemplates the possibility of verifying the identity of the applicant through other information or measures other than the provision of those supporting documents.

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Consequently, in accordance with the evidence presented, the aforementioned facts

imply a violation of the provisions of article 12.2 of the GDPR, due to the

requirement to provide the DNI or passport in any case and prior to the

exercise of the rights conferred in the GDPR, regardless of whether there are doubts

Reasonable assumptions about the identity of the interested party, which gives rise to the application of the

corrective powers that article 58 of the aforementioned Regulation grants to the AEPD.

XVI.- Violation

The accredited facts breach the provisions of article 12.2 of the GDPR, with the

scope expressed in the above Fundamentals of Law, which implies the

commission of an offense classified in article 83.5.b) of the GDPR, which under the

section "General conditions for the imposition of administrative fines" provides

the next:

"5. Violations of the following provisions will be penalized, according to

with paragraph 2, with administrative fines of maximum EUR 20,000,000.

For natural persons, or, in the case of a company, of an amount equivalent to 4% as

maximum of the overall annual total turnover of the preceding financial year

prior, opting for the one with the highest amount:

b) the rights of the interested parties in accordance with articles 12 to 22".

In this regard, the LOPDGDD, in its article 72 considers as a "very serious" infraction

seen" for the purposes of prescription "infringements that involve a substantial infringement

of the articles mentioned therein and, in particular, the following:

k) The impediment or the obstruction or the repeated non-attention of the exercise

of the rights established in articles 15 to 22 of Regulation (EU)

2016/679".

XVII.- On the mandatory content of the record of processing activities.

Article 30 of the GDPR provides that:

"1. Each manager and, where appropriate, their representative shall keep a record of the

treatment activities carried out under its responsibility. said record

It must contain all the information indicated below:

a) the name and contact details of the person in charge and, where appropriate, the correspondent

person responsible, the representative of the person responsible, and the data protection delegate

data;

b) the purposes of the processing;

c) a description of the categories of data subjects and the categories of data

personal coughs;

d) the categories of recipients to whom the information was communicated or will be communicated;

personal data, including recipients in third countries or organizations

international purposes;

e) where appropriate, transfers of personal data to a third country or an organization

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international organization, including the identification of such third country or organization

international transfer and, in the case of transfers indicated in article

49, section 1, second paragraph, the documentation of adequate guarantees;

f) when possible, the deadlines set for the suppression of the different

data categories;

g) where possible, a general description of the technical and organizational measures

security measures referred to in article 32, paragraph 1”.

Thus, keeping and maintaining the record of processing activities is a

obligation of the controller for the sake of proactive liability, and

which serves to demonstrate compliance with the obligations of the controller in relation to

tion with the provisions of the GDPR. In this sense, recital 82 of the GDPR provides

states that "to demonstrate compliance with this Regulation, the person responsible for

o The processor must keep records of the processing activities.

I lie at your own risk. All those responsible and in charge are obliged

to cooperate with the supervisory authority and to make available, upon request, di-

such registries, so that they can be used to monitor processing operations.

I lie".

In the first place, and regarding the record of processing activities sent to the

AEPD on 04/05/2021, encompassing all the web pages, it did not indicate who the

responsible for the treatment in the terms of article 30.1.a) of the GDPR, but the units

administrative data with access to the file – “1. Techpum Solutions Management. 2.

Economic Administration of the entity. 3. Programming department of the entity.

3. Person in charge of treatment”-.

Nor did it include the security measures that, in accordance with article 30.1.g) of the

GDPR, must be described in general in this instrument.

Second, and in relation to the registration of the activities of the treatment sent me-

by letter of 07/04/2022, regarding the obligation on the part of the person in charge

of the treatment to describe in the register of the treatment activities "b) the fi-

treatment", it is verified according to the proven facts that it does not contain all

the purposes of the treatment, since the purposes related to the purchases on the page are missing.

na web and to supply the I.P. to the State security forces and bodies.

It also imposes the precept that it be included in the registry of the activities of the

treatment "c) a description of the categories of interested parties and the categories of

personal data", it should be noted that this provision is not included in it. And,

although they indicate in their allegations some of the data that is collected (which is not

all, as we have seen previously), these are not even cited

two in the record of processing activities.

On the other hand, the absence of determination of the general description of the

technical and organizational security measures article 32.1 of the GDPR; although he

This precept indicates that such measures will be included in the register of the activities of the

treatment "when possible", the person in charge of the treatment does not integrate them into the

record without explaining to us what the impossibility is.

Finally, we will mention that it is very curious that the log of activities of the

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treatment sent on 04/05/2021 does not coincide in many aspects with the record of

activities of the treatment sent on 06/04/2022, neither in the purposes, nor in the data

personal information collected, neither in the recipients, nor in the period of conservation of the

data.

Consequently, in accordance with the evidence presented, the aforementioned facts

imply a violation of the provisions of article 30.1 of the GDPR, since the

registration of activities the treatment does not include all the information

required by the standard, which gives rise to the application of the corrective powers that the Article 58 of the aforementioned Regulation grants the Spanish Agency for the Protection of data.

XVIII.- Violation

The accredited facts breach the provisions of article 30.1 of the GDPR, with the scope expressed in the above Fundamentals of Law, which implies the commission of an offense classified in article 83.4.a) of the GDPR, which under the heading "General conditions for the imposition of administrative fines" provides:

Violations of the following provisions will be penalized, according to

with paragraph 2, with administrative fines of maximum EUR 10,000,000.

or, in the case of a company, of an amount equivalent to 2% as

maximum of the overall annual total turnover of the preceding financial year

above, opting for the one with the highest amount: a) the obligations of the person responsible and of the manager in accordance with articles 8, 11, 25 to 39, 42 and 43".

In this regard, the LOPDGDD, in its article 74, considers as a "minor" offense prescription effects "the remaining infringements of a merely formal nature of the articles mentioned in paragraphs 4 and 5 of article 83 of Regulation (EU) 2016/679 and, in particular, the following:

I) Have a record of processing activities that does not include all the information required by article 30 of Regulation (EU) 2016/679".

XIX.- On the request for the consent of the person who holds parental authority or guardianship that of minors.

In the GDPR there are specific mentions in relation to minors in care of the special protection that children deserve, as provided for in recital 38 of the GDPR: "Children deserve specific protection of their personal data, who may be less aware of the risks, consequences, guarantees and rights

rights concerning the processing of personal data. Such specific protection should apply in particular to the use of personal data of children for the purpose of marketing or elaboration of personality or user profiles, and to obtaining of personal data relating to children when using services offered directly-
mind a child The consent of the holder of parental authority or guardianship must not be necessary in the context of preventive or advisory services offered di-
straight to the children."

Article 8 of the GDPR refers to the conditions applicable to the consent of the child

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in relation to information society services:

"1. Where Article 6(1)(a) applies in relation to the offer

direct provision of information society services to children, the treatment

of a child's personal data will be considered lawful when it has as its

minimum 16 years. If the child is under 16 years of age, such treatment is only

shall be considered lawful if the consent was given or authorized by the owner of the patria po-

testate or guardianship over the child, and only to the extent that it was given or authorized.

Member States may establish by law an age lower than such fi-

nes, provided that this is not less than 13 years.

2. The data controller will make reasonable efforts to verify in

such cases that the consent was given or authorized by the holder of the pa-

trial authority or guardianship over the child, taking into account the available technology.

3. Section 1 shall not affect the general provisions of Contract Law.

of the Member States, such as the rules relating to the validity, formation or effects of contracts in relation to a child".

Complete the previous provision of article 7 of the LOPDGDD that determines that:

"1. The processing of personal data of a minor only

may be based on your consent when you are over fourteen years of age.

The cases in which the law requires the attendance of the holders of parental authority or guardianship for the celebration of the act or legal business in whose context the consent for the treatment is obtained.

2. The treatment of the data of minors under fourteen years of age, based on the consent, it will only be lawful if that of the holder of parental authority or tutelage, to the extent determined by the holders of parental authority or guardianship.

Article 8 of the GDPR establishes in which cases it is applicable. let's examine if in the case now examined we find ourselves in this situation.

First, it requires that the treatment be related to services of the society of the information offered directly to a child.

Regarding what is understood by information society service, the Directive goes (EU) 2015/1535 of the European Parliament and of the Council of September 9, 2015 which establishes a procedure for information on regulatory matters technical rules and regulations relating to the services of the information society, disputes in its article 1.1.b) what is meant by service: "service": any service of the information society, that is, any service normally provided in exchange for a remuneration, remotely, electronically and at the individual request of a destination service tarry. For the purposes of this definition, the following shall be understood as: i) «at a distance cia", a service provided without the parties being present simultaneously, ii) "by electronically" means a service sent from the source and received by the recipient by through electronic processing equipment (including digital compression) and storage

data storage and that is transmitted, channeled and received entirely by wires, radio,

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optical means or any other electromagnetic means, iii) "at the individual request of a recipient of services' means a service provided by transmission of data to individual request".

After examining the web pages, they meet the expectations of being a service of the information society.

Second, the services are required to be offered directly to a child. This assumed not to be offered directly to a child if the provider of these services makes it clear to users that it offers them only to people of legal age (18 years).

Well, although the entity warns on the banner of all its web pages that the The website is for adults, stating that they do not process the data of minors and that there is an obligation to be over 18 years old, the truth is that in the policy of privacy of the web pages now examined, it is clearly stated that "This web is for adults and therefore. It is for people over 18 years of age. The minors under 14 years of age cannot give their personal data in our forms data collection, since it is contrary to article 8 GDPR. In case it is required the consent of the minor, this must be granted by, and therefore collect data of, the person who holds parental authority and / or guardianship of the minor. In this way it becomes clear that the service is offered directly to a child in the meaning of the GDPR, for which reason article 8 of said article is clearly applicable.

legal text.

Based on the processing of personal data consisting of the user's registration in the consent of the interested party, when he is under 14 years of age his consent

This will only be lawful if there is evidence of the holder of parental authority or guardianship. So it determines regulations and endorses the jurisprudence (for all Judgment of the National Court of January 2, 2013, RJCA 2013, 100).

It turns out that the registration system established by the entity in the web pages does not establishes no provision regarding the provision of consent by holders of parental authority or guardianship.

But there is more, because if it is the consent given by people over 14 years of age,

The person responsible for the treatment must establish reasonable measures that allow him to Verify that the minor is over 14 years of age, since he does not require more than his own consent. feeling. There is also no instrument on the web pages that verifies that the user who intends to register is over 14 years of age.

Consequently, in accordance with the evidence presented, the aforementioned facts imply a violation of the provisions of article 8 of the GDPR, in relation to the conditions applicable to the consent of the child in relation to the services of the information society, since neither the consent of the data holders is required.

parental authority or guardianship if they are children under 14 years of age or established mechanisms to ensure that a child over the age of 14 is registered, which results in the application of the corrective powers that article 58 of the mentioned Regulation granted to the Spanish Data Protection Agency.

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XX.- Violation

The accredited facts breach the provisions of article 8 of the GDPR, with the scope expressed in the above Fundamentals of Law, which implies the commission of an offense classified in article 83.4.a) of the GDPR, which under the heading "General conditions for the imposition of administrative fines" provides:

Violations of the following provisions will be penalized, according to paragraph 2, with administrative fines of maximum EUR 10,000,000. or, in the case of a company, of an amount equivalent to 2% as maximum of the overall annual total turnover of the preceding financial year prior, opting for the one with the highest amount:

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

In this regard, the LOPDGDD, in its article 73, considers as a "serious" offense prescription effects "infractions that involve a substantial violation of the articles mentioned therein and, in particular, the following:

a) The processing of personal data of a minor without obtaining their consent. feeling, when he has the capacity to do so, or that of the owner of his country testate or guardianship, in accordance with article 8 of Regulation (EU) 2016/679.

b) Not accrediting reasonable efforts to verify the validity of the consent given by a minor or by the owner of his country testament or guardianship over it, in accordance with the requirements of article 8.2 of the Regulation (EU) 2016/679".

XXI.- Privacy by design

Article 25 of the GDPR establishes that "Taking into account the state of the art, the cost of the application and the nature, scope, context and purposes of the treatment, as well as

as the risks of varying probability and severity involved in the treatment for the rights and freedoms of natural persons, the data controller applies will be, both at the time of determining the means of treatment and at the time of the processing itself, appropriate technical and organizational measures, such as the pseudonymization, designed to effectively apply the principles of protection data minimization, such as data minimization, and integrate the necessary safeguards into the treatment, in order to comply with the requirements of this Regulation and to protect the rights of the interested parties”.

It is complemented by the provisions of recital 78 of the GDPR, which indicates that “The protection of the rights and freedoms of natural persons with respect to the processing of personal data requires the adoption of technical and organizational measures appropriate in order to ensure compliance with the requirements of this Regulation. In order to be able to demonstrate compliance with this Regulation, the controller must adopt internal policies and implement measures that comply in particular with the principles of data protection by design and by definition.

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fect. These measures could consist, among others, of minimizing the treatment of personal data, pseudonymize personal data as soon as possible, transfer parity to functions and the processing of personal data, allowing interested parties responsible for supervising the data processing and for the data controller to create and measure improve security elements. When developing, designing, selecting and using applications, services and products that are based on the processing of personal data or that

process personal data to fulfill their role, data producers should be encouraged to develop products, services and applications that take into account the right to protection of data when they develop and design these products, services and applications, and that they ensure, with due regard to the state of the art, that those responsible for the treatment are in a position to fulfill their obligations. The principles of data protection by design and by default must also be considered in the context of the public contracts”.

The principle of privacy by design is an example of the transition from reactivity to the proactivity and risk approach imposed by the GDPR. Clear reflection of the responsible and proactive responsibility, imposes that, from the most initial stages of planning of a treatment must be considered this principle: the person responsible for the treatment from the moment an eventual data treatment is designed and planned. The person responsible must determine all the elements that make up the treatment, carried out through an exercise of analysis and detection of risks during the entire cycle of data processing, with the first and last purpose of protecting personal data and the rights and freedoms of the interested parties and not only when treatment actually takes place. This is expressed in Guidelines 4/2019 of the CEPD related to article 25 Protection of data from the design and by default, adopted on October 20, 2020.

The aforementioned Guidelines indicate in this regard that “35. The "moment to determine" the means of treatment» refers to the period of time in which the person responsible is deciding how it will carry out the treatment and how it will occur this, as well as the mechanisms that will be used to carry out said treatment. In the process of making such decisions, the controller must assess the appropriate measures and guarantees to effectively apply the principles

rights and rights of the data subjects, and take into account elements

such as the risks, the state of the art and the cost of application, as well as the nature
za, scope, context and purposes. This includes the time of acquisition and the im-
software and hardware implementation and data processing services.

36. Taking PDDD into consideration from the beginning is crucial for the correct
application of the principles and for the protection of the rights of the interested parties.

In addition, from the point of view of profitability, it is also of interest to those responsible
responsible for treatment take PDDD into consideration as soon as possible, since later
it may be difficult and costly to make changes to plans already formulated and operational.
pre-designed treatment goals”.

To do this, when designing the treatment, you must resort to the principles contained in the article
5 of the GDPR, which will serve to assess effective compliance with the GDPR. Thus, the
aforementioned Directives 4/2019 of the CEPD provide that “61. To make the PDDD effective,
Those responsible for the treatment must apply the principles of transparency, legality,

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loyalty, purpose limitation, data minimization, accuracy, term limitation

conservation, integrity and confidentiality, and proactive responsibility. These prin-
principles are included in article 5 and recital 39 of the GDPR”.

The AEPD Guide to Privacy by Design provides that "Privacy must be
form an integral and indissoluble part of the systems, applications, products and services,
as well as the business practices and processes of the organization. not a cape
additional or module that is added to something pre-existing, but must be integrated

in the set of non-functional requirements from the moment in which the conceives and designs (...) Privacy is born in the design, before the system is in functioning and must be guaranteed throughout the entire life cycle of the data”.

For this reason, privacy by design, an obligation of the data controller who born before the system is up and running, they are not patches that go away based on a system built with its back to the GDPR.

Linked to the construction of a true culture of data protection in the organization tion, also implies for the sake of proactive responsibility the ability to document monitor all decisions that are adopted with a “privacy design thinking” approach, demonstrating compliance with the GDPR in this regard as well.

Well then, all the facts described and proven in this resolution proposal solution in relation to the five web pages, to which we refer, added to the allegations made by the entity throughout the procedure, reveal to the complete absence of privacy from the design.

It seems, rather, as if the entity had started to process personal data of the users of its web pages directly, without stopping to evaluate the cycle of processing of personal data, what personal data will be processed, in what con-

The intended purpose of the treatment exists exactly, together with the assessment of the periods of conservation of personal data in all cases, the assignees data, the risks present, the adoption of technical and organizational measures appropriate to avoid its materialization, how and what has to be supplied as information. information, the procedure for managing the exercise of rights or the request for consent. and its accreditation, among other issues. And all this ignoring the principles collected in article 5 of the GDPR.

XXII.- Violation

The accredited facts breach the provisions of article 25 of the GDPR, with the

scope expressed in the above Fundamentals of Law, which implies the commission of an offense classified in article 83.4.a) of the GDPR, which under the heading "General conditions for the imposition of administrative fines" provides: Violations of the following provisions will be penalized, according to paragraph 2, with administrative fines of maximum EUR 10,000,000. or, in the case of a company, of an amount equivalent to 2% as maximum of the overall annual total turnover of the preceding financial year prior, opting for the one with the highest amount:

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

In this regard, the LOPDGDD, in its article 73, considers as a "serious" offense prescription effects "infractions that involve a substantial violation of the articles mentioned therein and, in particular, the following:

d) The lack of adoption of those technical and organizational measures that result appropriate to effectively apply the principles of data protection data from the design, as well as the non-integration of the necessary guarantees in the treatment, in the terms required by article 25 of the Regulation (EU) 2016/679".

XXIII.- Regarding the Warning of content for adults and the "Policy of the Protection of the Minor on the Internet".

Opinion 2/2009 of the Working Group of Article 29 on the protection of

personal data of children (General Guidelines and special reference to the schools) tells us that: "A child is a human being in the broadest sense of word. For this reason, you must enjoy all the rights of the person, including the right to the protection of personal data. Now the child is in a particular situation that must be considered from two perspectives: static and dynamic. From the static point of view, the child is a person who has not yet reached physical and psychological maturity. From a dynamic point of view, it He is in a process of physical and mental development that will make him an adult. The rights of the child and their exercise - including the right to data protection - should express themselves with both perspectives in mind.

Thus, the Article 29 Working Group highlights not only the importance of the child for the inherent dignity of the child as "a human being in the broadest sense of the word", but it shows the need for protection of this, also from the Fundamental Right to the Protection of Personal Data, by the situation of inferiority and risk in which he finds himself by not having reached full maturity and being in the process of developing towards adulthood.

Recital 39 of the GDPR highlights that "Children deserve protection specific to your personal data, as they may be less aware of the risks, consequences, guarantees and rights concerning data processing personal. Said specific protection should apply in particular to the use of personal data of children for marketing or profiling purposes personality or user, and to obtain personal data relating to children when using services offered directly to a child".

Regarding the risks, recital 75 of the GDPR exemplifies some of the present in our society, without prejudice to many others who may at the same time materialize, harm the rights and freedoms of natural persons. we will call

the attention in which it includes between the vulnerable people to the children, whose processing of personal data constitutes a risk in itself.

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Thus it provides that "The risks to the rights and freedoms of natural persons, of variable severity and probability, may be due to the processing of data that could cause physical, material or immaterial damages, in particular in cases where the processing may give rise to problems of discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of data subject to professional secrecy, reversion not of pseudonymization or any other economic or social harm significant; in cases in which the interested parties are deprived of their rights and freedoms or are prevented from exercising control over your personal data; In the cases in which the personal data processed reveal ethnic or racial origin, opinions political, religious or philosophical beliefs, union membership, and treatment of genetic data, data relating to health or data on sexual life, or the criminal convictions and offenses or related security measures; in cases where in which personal aspects are evaluated, in particular the analysis or prediction of aspects related to work performance, economic situation, health, preferences or personal interests, reliability or behavior, situation or movements, in order to create or use personal profiles; in cases where personal data of vulnerable people, in particular children, are processed; or in the cases in which the processing involves a large amount of personal data and

affect a large number of stakeholders.

Not only the processing of personal data of a child as a vulnerable person is a risk, but in the case of children, the risks that would affect any group are amplified by their situation of vulnerability, so that the dangers per se are older than if they affect an adult. This implies that, from the point of view of risk, a fundamental pillar of the GDPR, it is necessary to enable technical and organizational security measures to avoid the materialization of very high risk causing an injury to their rights and freedoms, taking into consideration as starting point that we find ourselves with the processing of personal data of children.

Recital 76 supports it by understanding that "The probability and severity of the risk for the rights and freedoms of the data subject must be determined with reference to the nature, scope, context and purposes of data processing. The risk should be weighted on the basis of an objective evaluation through which it is determined whether data processing operations involve a risk or if the risk is high".

The risks to which children are affected and their avoidance are based on the best interests of the child, enshrined in the United Nations Convention on the Rights of the Child (article 3) and subsequently confirmed by Convention 192 of the Council of Europe (article 6) and the Charter of Fundamental Rights of the EU (article 24, N.2).

In Opinion 2/2009 of the Working Group of Article 29 on the protection of children's personal data, it is provided that "The justification for this principle is that a person who has not yet reached physical and psychological maturity needs more protection than other people. Its purpose is to improve the conditions of the child and reinforce the right of the latter to develop his personality".

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Such provision is also contained in Spanish law. Thus, we can cite the Law Organic 1/1996, of January 15, of Legal Protection of Minors, of modification part of the Civil Code and the Civil Procedure Law or Organic Law 8/2021, of June 4, comprehensive protection for children and adolescents against violence.

Article 2 of Organic Law 1/1996 determines that "Every minor has the right to that their best interest is valued and considered paramount in all actions and decisions that concern you, both in the public and private spheres. In the application of this law and other regulations that affect it, as well as in the measures concerning minors adopted by institutions, public or private companies, the Courts, or the legislative bodies, the best interests of the themselves over any other legitimate interest that may arise".

The same protection is projected in data protection regarding minors.

It is significant that art. 76.2 of the LOPDGDD considers as criteria of graduation of sanctions the affectation of the rights of minors, which shows that the Spanish legislator, following in the wake of the law legal, refers to a vital importance in its protection, in the relevance and in the sensitivity of minors.

In the case that we are examining, pornography is considered by our legislator as a specific risk with respect to minors. Article 45 of the Law Orgánica 8/2021 affirms that it is a risk "the access and consumption of pornography among the underage population". Especially in an interconnected world where minors dive into the internet from ever younger ages.

This is understood in Opinion 02/2013 of the Working Group of Article 29 on applications of smart devices, which in relation to children establishes the following: «(...) 3.10 Children. Children are avid users of applications, either on their own devices or on shared devices (with their parents, siblings or in an educational institution), and there is clearly a large market of various applications for them. But, at the same time, the children hardly understand or know, if at all, the scope and sensitivity of the data that applications can access, or the scope of the data shared with third parties for advertising purposes.”

We will also cite the Agreement of the National Markets Commission and the Jurisdiction of June 16, 2022 in relation to the complaint against a pornography video sharing platform for the alleged breach of the obligation to establish age verification mechanisms, in which specifies the early age of access to these platforms, in the middle of the process of development of minors: "It must be taken into account that in the Spanish case, access to pornography on the internet is really worrying since more 50% of Spanish adolescents between the ages of 14 and 17 usually watch regularly pornography on the Internet, that the average age of initiation in the consumption of pornography is 14 years among male adolescents and 16 years in the case of women and that, however, at least one in four men has started before the age of 13 and the earliest age of access is already anticipated at 8 years.

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Pursuant to the aforementioned Agreement of the National Markets Commission and the Competition, it describes the characteristics of pornography in internet in relation to the risks to which minors are subjected:

“Among the main characteristics of Internet pornography is that the

It is easily accessible at any time and from anywhere. The

New technologies and the proliferation of devices for personal use have allowed a practically immediate degree of accessibility to this type of content by minors.

Another characteristic is that the supply of pornography is affordable, all time that it is perceived as mostly free, although it is undeniable the connection that pornography has with the advertising of services or articles sexual, paid content (live, on request, by catalogue), paid contacts, among others.

Related to the above, you can find various levels of end-user interaction, from minimal anonymous interaction (visualization of videos) to an intense interactivity of a face-to-face relationship face from distance contact, in a new context of access to prostitution (paid contacts), going through modalities of diverse implication.

Another important aspect to highlight is that part of the sexual practices that exhibits pornography on the internet shows the sexual relationship in a stereotyped, the satisfaction of male sexual desire and the representation of male sexual fantasies. They also include high-risk practices such as unprotected sex or those in which there is physical or verbal violence.

Access by minors to this type of internet pornography

especially concerned with the way in which the minor can come to understand interpersonal relationships and sex.

Indeed, the representation of stereotyped sexual relations, give foot to the sexual objectification of women, the exhibition of characters with predefined physical attributes negatively impacts the self-esteem of the minors (girls feel physically inferior and boys doubt their virility) and the normalization of certain extreme practices alter the perception of those on their acceptability.

The characteristics of Internet pornography described above favor and facilitate that there is a high interest on the part of minors to access pornographic content. In turn, the consequences of such access and mass consumption can have an important influence on the formation of the character of minors, whose protection must prevail”.

As we can see, and being fully applicable to the protection procured by the GDPR, each of the characteristics defined in this Agreement pose a clear risk to the psychological development of minors.

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Without prejudice to the obligations that the legal system imposes on parents with respect to minors, under the provisions of art. 154 of the Civil Code in

Regarding watching over them, educating them and providing them with an integral formation, this does not rob the responsible for the treatment compliance with the obligations imposed by the

GDPR regarding minors and the risks of these involved in the treatment

of personal data that concerns them.

It should also be mentioned that the parental control applications made available on the web pages by the company, as it has been verified, are obsolete and the Most of the links lead to pages that don't exist, and even in the case of one of the links, this leads to a store selling access packages to adult content sites.

In this sense, CEPD Guidelines 4/2019 provide for the principle of loyalty that "The data controllers should not transfer the risks of the company to interested parties.

The risks to which minors are affected, inherent to their development, must be be considered by data controllers, and not only by those who direct services directly and specifically to children, but by all those who carry out personal data processing aimed at other groups in which the minors can interact or intervene (in an increasingly technological society) and see their physical or psychological integrity at risk and their rights and liberties.

When the service is aimed exclusively at adults, when the responsible for the treatment limits its treatment to adults, with respect to services that may pose a risk to minors, then also their Efforts, derived from their obligations, must be aimed at guaranteeing that only treat data of adults.

The latter is the case in which we find ourselves, in which the entity asserts repeatedly in his allegations that the content of the websites is directed exclusively to adults and that it is mandatory to be of legal age, despite what established in their privacy policy regarding minors.

When designing a treatment, the data controller determines, among other things

questions, what are the categories of data subjects and the categories of data personal concerned in the treatment in relation to the purpose pursued by the same.

The entity decides that the categories of interested parties are limited to those of legal age, Therefore, it is up to you to implement the technical and organizational measures appropriate so that the treatment is carried out only with respect to interested parties adults. This means that it also implements the technical measures and appropriate organizational measures so that the data of minors are not processed.

In the case at hand, there is a certain risk that minors will access directly and without limitations to such harmful content for them.

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If we observe the limitations or precautions provided in the web pages, these are clearly insufficient to limit access to minors, both directly through the web pages (non-registered users) as to register on the web pages (registered users).

While there are mechanisms in place to "declare" age, none exist to verify it subsequently, nor any to verify it ab initio, which would constitute an appropriate measure to avoid the materialization of high risks in the rights and freedoms of minors who, as we have seen, are present. Amen that the treatment conforms to what was decided by the person in charge of the treatment (mandatory to be of legal age) and only data from the categories of interested parties "of legal age".

In addition, the mechanism to declare the age does not work properly, because except on one of the web pages, even clicking on the <<No>> option, if you click on anywhere else on the page, the warning banner disappears and the access to web content

As stated in the facts proven when entering the websites for the first time, a warning banner appears warning that the website that you are trying to access contains pornographic material and asks for confirmation of be of age.

However, if you choose to leave the site, by clicking on the <<No>> option, the webs return the user to the browser that is being used, but if you click on anywhere else on the page, the warning banner disappears and the access to web content.

In addition, Law 13/2022, of July 7, General Communication Audiovisual, in which article 89 and, as regards what interests us for the purposes illustrative and in force since July 9, 2022, in relation to the service of exchange of videos, measures are established for the protection of users and of minors in front of certain audiovisual content. It is established that “1.

The providers of the video exchange service through the platform, to protect minors and the general public from audiovisual content indicated in the previous article, will take the following measures: e) Establish and operate age verification systems for users with respect to the content that may harm the physical, mental or moral development of minors that, in any case, prevent their access to the most harmful, such as gratuitous violence or pornography” (emphasis added).

And it is that the entity provides a video exchange service through the web pages, as stated in the terms of use or terms and conditions of the

entity, as registered users add and share videos with other users,
being obliged to establish and operate age verification systems as a measure
to protect minors. And this in the terms of the Agreement of the Commission
National Markets and Competition of 06/16/22.

Well, at this point, the data controller, as part of his
proactive responsibility must meet and demonstrate compliance with the provisions

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of the RGPD and the LOPDGDD, among which are the legitimacy for the
processing of personal data and the adoption of appropriate security measures
to avoid risks to the rights and freedoms of natural persons.

Article 24 of the GDPR establishes that:

“taking into account the nature, scope, context and purposes of the
treatment, as well as risks of varying probability and severity for
rights and freedoms of natural persons, the data controller
apply appropriate technical and organizational measures in order to guarantee and
be able to demonstrate that the treatment is in accordance with this Regulation.

These measures will be reviewed and updated when necessary.

This precept does not limit the adoption of security measures to the subjects subject to the
treatment, but rather, focusing on the risk derived from the treatment considering
the nature, scope, context and purposes of the treatment, imposes the adoption of the
precise technical and organizational measures to guarantee that the treatment is
compliant with the GDPR.

In attention to all of the above, the entity must adapt the treatment of your data personal data to the GDPR, so you must take appropriate security measures by means of which the age of the users, registered or not, who access the the web pages of their property, guaranteeing that they are of legal age.

XXIV.- Measures

Article 58.2 of the GDPR establishes the corrective powers available to a control authority. Section d) of the aforementioned precept establishes that it may consist in "ordering the person in charge or in charge of the treatment that the operations of treatment comply with the provisions of this Regulation, where appropriate, in a certain way and within a specified period of time.

Likewise, it is appropriate to impose the corrective measure described in article 58.2.d) of the GDPR and order TECHPUMP SOLUTIONS, S.L. that, within a month, establish adequate security measures so that the age of the users, guaranteeing that they are of legal age, preventing them from occurring similar situations in the future.

The text of the resolution establishes the facts that determine the need to adapt to data protection regulations, from which it can be inferred clearly what are the measures to adopt, notwithstanding that the type of specific procedures, mechanisms or instruments to implement them corresponds to the sanctioned party, since it is the person responsible for the treatment who He fully knows his organization and has to decide, based on the responsibility proactive and risk-focused, how to comply with the GDPR and the LOPDGDD.

In any case, and for informational purposes only, we will indicate that it is mandatory implement age verification mechanisms by the entity with respect to what is foreseen in article 89 of Law 13/2022, of July 7, General Communication

Audiovisual, such measures can also serve to ensure that the treatment carried out is

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in accordance with the GDPR, which, in any case, will have to be assessed by the person in charge of the treatment.

XXV.- Corrective powers of the AEPD

In the event that there is an infringement of the provisions of the GDPR, among the pos-corrective rights available to the Spanish Data Protection Agency,

As control authority, article 58.2 of said Regulation contemplates:

"2 Each control authority will have all the following corrective powers in-stated below:

(...)

b) Sanction any controller or processor with a warning when

If the processing operations have infringed the provisions of this Regulation, mento;"

(...)

d) order the person in charge or person in charge of the treatment that the processing operations compliance with the provisions of this Regulation, where appropriate, in accordance with a certain way and within a specified period;

(...)

i) impose an administrative fine in accordance with article 83, in addition to or instead of the measures mentioned in this paragraph, according to the circumstances of each particular case;".

According to the provisions of article 83.2 of the GDPR, the measure provided for in letter d) above

rior is compatible with the sanction consisting of an administrative fine.

XXVI.- Sanctions

In order to determine the administrative fine to be imposed, the forecasts must be observed.

nes of articles 83.1 and 83.2 of the GDPR, precepts that indicate:

"1. Each control authority will guarantee that the imposition of fines admissible

administrative pursuant to this article for violations of this Regulation.

regulations indicated in sections 4, 9 and 6 are in each individual case

effective, proportionate and dissuasive.

2. Administrative fines will be imposed, depending on the circumstances

of each individual case, as an addition or substitute for the contemporaneous measures

specified in article 58, section 2, letters a) to h) and j). When deciding the tax

of an administrative fine and its amount in each individual case will be determined

duly note:

a) the nature, seriousness and duration of the offence, taking into account the

nature, scope or purpose of the processing operation in question,

as well as the number of interested parties affected and the level of damages.

cios who have suffered;

b) intentionality or negligence in the infraction;

c) any measure taken by the controller or processor

to alleviate the damages and losses suffered by the interested parties;

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d) the degree of responsibility of the data controller or processor

to, taking into account the technical or organizational measures that have been applied

under articles 25 and 32;

e) any prior infringement committed by the controller or processor

lie;

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

gave to the breach and mitigate the potential adverse effects of the breach;

g) the categories of personal data affected by the infringement;

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

particularly if the person in charge or the person in charge notified the infringement and, in such a case,

what extent;

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

previously filed against the person in charge or in charge in question in relation to

relation to the same matter, compliance with said measures;

j) adherence to codes of conduct under article 40 or to mechanisms

of certification approved in accordance with article 42, and

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

case, such as the financial benefits obtained or the losses avoided, direct

or indirectly, through the infringement”.

For its part, article 76 “Sanctions and corrective measures” of the LOPDGDD provides

ne:

"1. The sanctions provided for in sections 4, 5 and 6 of article 83 of the Regulations

Regulation (UE) 2016/679 will be applied taking into account the graduation criteria

tion established in section 2 of said article.

2. In accordance with the provisions of article 83.2.k) of Regulation (EU)

2016/679 may also be taken into account:

a) The continuing nature of the offence.

- b) Linking the activity of the offender with the performance of processing of personal data.
- c) The benefits obtained as a consequence of the commission of the infraction.
- d) The possibility that the conduct of the affected party could have led to the commission of the offence.
- e) The existence of a merger process by absorption after the commission of the infringement, which cannot be attributed to the absorbing entity.
- f) The affectation of the rights of minors.
- g) Have, when it is not mandatory, a data protection delegate.

cough.

- h) Submission by the person in charge or person in charge, voluntarily party, to alternative dispute resolution mechanisms, in those positions in which there are controversies between those and any interested party”.

In this case, considering the seriousness of the infractions verified, the imposition of a fine and, where appropriate, the adoption of measures.

In accordance with the precepts indicated, for the purpose of setting the amount of the sanctions to be imposed in the present case, it is considered appropriate to graduate the fines from according to the following criteria:

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1.- Regarding the infringement of article 5.1.a) of the GDPR typified in article 83.5.a) of the GDPR, classified as very serious for the purposes of prescription in the article Article 72.1.a) of the LOPDGDD, the criteria are considered concurrent as aggravating

established in art 83.2 GDPR:

- The scope or purpose of the data processing operation, as well as the

Affected stakeholders, (section a): Lack of loyalty and transparency

It affects all the treatments carried out with respect to the users of the

web pages, whether or not they are registered. Constrains and limits the ability to

decision of the users, who are thus losing control over their data

personal.

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In relation to the number of interested parties affected, it is taken into account

all potentially affected of the five web pages, according to

CEPD Guidelines 4/2020 on the calculation of administrative fines

in accordance with the GDPR, in its version of May 12, 2022, subject to

public consultation.

The intentionality or negligence of the infringement, on the part of the entity,

(section b), assuming that it is an entity whose activity carries out

coupled with continuous processing of personal data of the users of the

Web pages. It is considered especially important to remember at this point, the

SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the

The Supreme Court has understood that there is imprudence whenever

disregards a legal duty of care, that is, when the offender does not

behave with the required diligence. And in the assessment of the degree of diligence

the professionalism or not of the subject must be specially considered, and it is not possible to

doubt that, in the case now examined, when the activity of the appellant

is of constant and abundant handling of personal data must

insist on the rigor and the exquisite care to adjust to the preventions

in this regard". Therefore, if we abide by the jurisprudence of the TS,
we could even consider this section as a qualified aggravating circumstance,
The lack of diligence should be verified in this case, with respect to the management
of personal data.

The categories of personal data affected by the infringement
(section g), since, at least among registered users, it affects
personal data relating to the sexual life or sexual orientation of a
person. The type of videos that are added and shared, those that are
viewed by other users (with the ability to "like" it) and
add them to those shown in the user's profile, the comments that are
poured in this regard reveal this personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the
following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of
personal data, (section b), considering that in the activity that is developed
Rolla on the web involves the personal data of its users.

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The affectation of the rights of minors, (section f), since the treatment
procedures carried out affect minors in the terms set out in the
Privacy Policy.

Considering the exposed factors, the valuation that reaches the fine, for the violation of article 5.1.a) of the GDPR, is 75,000 euros (sixty-five thousand euros).

2.- Regarding the infringement of article 5.1.b) of the GDPR typified in article 83.5.a) of the GDPR, and classified as very serious for the purpose of prescription in article 72.1.a) the criteria established in article are considered concurrent as aggravating 83.2 GDPR:

- The scope or purpose of the data processing operation, as well as the affected stakeholders, (section a):

The lack of identification of all the purposes of the treatment, which are inferred from manifestations of the entity, but that are not included explicitly or in the record of processing activities or in the privacy policy, nor is it expose the interested party in all its breadth, constrains and limits the ability to decision of the users, who are thus losing control over their data personal data, as well as the possibility of effectively exercising the rights that conferred by the GDPR.

In relation to the number of interested parties affected, it is taken into account all potentially affected of the five web pages, according to CEPD Guidelines 4/2020 on the calculation of administrative fines in accordance with the GDPR, in its version of May 12, 2022, subject to public consultation.

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The intentionality or negligence of the infringement, on the part of the entity, (section b), assuming that it is an entity whose activity carries out coupled with continuous processing of personal data of the users of the Web pages. It is considered especially important to remember at this point, the SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the

The Supreme Court has understood that there is imprudence whenever disregards a legal duty of care, that is, when the offender does not behave with the required diligence. And in the assessment of the degree of diligence the professionalism or not of the subject must be specially considered, and it is not possible to doubt that, in the case now examined, when the activity of the appellant is of constant and abundant handling of personal data must insist on the rigor and the exquisite care to adjust to the preventions in this regard". Therefore, if we abide by the jurisprudence of the TS, we could even consider this section as a qualified aggravating circumstance, The lack of diligence should be verified in this case, with respect to the management of personal data.

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The categories of personal data affected by the infringement (section g), since, at least among registered users, it affects personal data relating to the sexual life or sexual orientation of a

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person. The type of purchases that are made, including the subscription to Certain sexual videos show sexual habits and preferences.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of personal data, (section b), considering that in the activity that is developed rolla in the webs the personal data of the users of this.

The affectation of the rights of minors, (section f), since the treatment procedures carried out affect minors in the terms set out in the Privacy Policy.

Considering the exposed factors, the valuation that reaches the fine, for the violation of article 5.1.b) of the GDPR, is 75,000 euros (seventy-five thousand euros).

3.- Regarding the infringement of article 5.1.e) of the GDPR typified in article 83.5.a) of the GDPR, classified as very serious for the purposes of prescription in the article Article 72.1.a) of the LOPDGDD, the criteria are considered concurrent as aggravating established in art 83.2 GDPR:

- The scope or purpose of the data processing operation, as well as the affected stakeholders, (section a):

The indefinite conservation of all the personal data of the registered users determines an absolute lack of legal certainty and the loss of control over your personal data.

In relation to the number of interested parties affected, it is taken into account all potentially affected of the five web pages, according to CEPD Guidelines 4/2020 on the calculation of administrative fines in accordance with the GDPR, in its version of May 12, 2022, subject to public consultation.

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The intentionality or negligence of the infringement, on the part of the entity, (section b), assuming that it is an entity whose activity carries out

coupled with continuous processing of personal data of the users of the Web pages. It is considered especially important to remember at this point, the SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the The Supreme Court has understood that there is imprudence whenever disregards a legal duty of care, that is, when the offender does not behave with the required diligence. And in the assessment of the degree of diligence the professionalism or not of the subject must be specially considered, and it is not possible to doubt that, in the case now examined, when the activity of the appellant is of constant and abundant handling of personal data must insist on the rigor and the exquisite care to adjust to the preventions in this regard". Therefore, if we abide by the jurisprudence of the TS, we could even consider this section as a qualified aggravating circumstance,

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The lack of diligence should be verified in this case, with respect to the management of personal data.

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The categories of personal data affected by the infringement (section g), since, at least among registered users, it affects personal data relating to the sexual life or sexual orientation of a person. The type of videos that are added and shared, those that are viewed by other users (with the ability to "like" it) and add them to those shown in the user's profile, the comments that are

poured in this regard reveal this personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of personal data, (section b), considering that in the activity that is developed rolla in the webs the personal data of the users of this.

The affectation of the rights of minors, (section f), since the treatment procedures carried out affect minors in the terms set out in the Privacy Policy.

Considering the exposed factors, the valuation that reaches the fine, for the violation of article 5.1.e) of the GDPR, is 75,000 euros (seventy-five thousand euros).

4.- Regarding the infringement of article 6.1 of the GDPR typified in article 83.5.a) of the GDPR, and classified as very serious for the purposes of the prescription in the article 72.1.b) the criteria established in article are considered concurrent as aggravating 83.2 GDPR:

- The scope or purpose of the data processing operation, as well as the affected stakeholders, (section a):

The processing of personal data without the consent of the interested party, when This is the legal basis of the treatment, it supposes the total loss of control about your personal data, delegitimizing the treatment itself.

In relation to the number of interested parties affected, it is taken into account all potentially affected of the five web pages, according to CEPD Guidelines 4/2020 on the calculation of administrative fines

in accordance with the GDPR, in its version of May 12, 2022, subject to public consultation.

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The intentionality or negligence of the infringement, on the part of the entity, (section b), assuming that it is an entity whose activity carries out coupled with continuous processing of personal data of the users of the Web pages. It is considered especially important to remember at this point, the SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the The Supreme Court has understood that there is imprudence whenever

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disregards a legal duty of care, that is, when the offender does not behave with the required diligence. And in the assessment of the degree of diligence the professionalism or not of the subject must be specially considered, and it is not possible to doubt that, in the case now examined, when the activity of the appellant is of constant and abundant handling of personal data must insist on the rigor and the exquisite care to adjust to the preventions in this regard". Therefore, if we abide by the jurisprudence of the TS, we could even consider this section as a qualified aggravating circumstance, The lack of diligence should be verified in this case, with respect to the management of personal data.

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The categories of personal data affected by the infringement

(section g), since, at least among registered users, it affects personal data relating to the sexual life or sexual orientation of a person. The type of videos that are added and shared, those that are viewed by other users (with the ability to "like" it) and add them to those shown in the user's profile, the comments that are poured in this regard reveal this personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of personal data, (section b), considering that in the activity that is developed rolla in the webs the personal data of the users of this.

The affectation of the rights of minors, (section f), since the treatment procedures carried out affect minors in the terms set out in the Privacy Policy.

Considering the exposed factors, the valuation that reaches the fine, for the infringement of article 6.1) of the GDPR, is 125,000 euros (one hundred and twenty five thousand euros). ros).

5. With regard to the infringement of article 13 of the GDPR, typified in article 83.5.b) of the GDPR, and classified as very serious for the purposes of prescription in the article 72.1.h) it is considered concurrent as aggravating the criteria established by the Article 83.2 GDPR:

- The scope or purpose of the data processing operation, as well as the affected stakeholders, (section a):

Interested parties who lack information cannot provide a valid consent under the terms of the GDPR, when this is the basis law legitimizing the same. Similarly, with respect to other purposes whose legitimizing basis is not consent, the lack of information narrows the decision on whether to undertake the treatment or not.

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The deficiencies detected, including the lack of information on the revocation and the possibility of going before the supervisory authority, curtail the Power of disposal over personal data by the interested party.

In relation to the number of interested parties affected, it is taken into account all potentially affected of the five web pages, according to CEPD Guidelines 4/2020 on the calculation of administrative fines in accordance with the GDPR, in its version of May 12, 2022, subject to public consultation.

The intentionality or negligence of the infringement, on the part of the entity, (section b), assuming that it is an entity whose activity carries out coupled with continuous processing of personal data of the users of the Web pages. It is considered especially important to remember at this point, the SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the The Supreme Court has understood that there is imprudence whenever disregards a legal duty of care, that is, when the offender does not behave with the required diligence. And in the assessment of the degree of diligence

the professionalism or not of the subject must be specially considered, and it is not possible to

doubt that, in the case now examined, when the activity of the appellant

is of constant and abundant handling of personal data must

insist on the rigor and the exquisite care to adjust to the preventions

in this regard". Therefore, if we abide by the jurisprudence of the TS,

we could even consider this section as a qualified aggravating circumstance,

The lack of diligence should be verified in this case, with respect to the management

of personal data.

We will highlight the special negligence due to the lack of information regarding the

revocation of consent, since being the entity aware of

which can be rescinded at any time, does not inform the

interested.

The categories of personal data affected by the infringement

(section g), since, at least among registered users, it affects

personal data relating to the sexual life or sexual orientation of a

person. The type of videos that are added and shared, those that are

viewed by other users (with the ability to "like" it) and

add them to those shown in the user's profile, the comments that are

poured in this regard reveal this personal data.

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It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the

following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of

personal data, (section b), considering that in the activity that is developed

rolla in the webs the personal data of the users of

this.

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The affectation of the rights of minors, (section f), since the treatment

procedures carried out affect minors in the terms set out in the

Privacy Policy.

Considering the exposed factors, the valuation that reaches the fine, for the

violation of article 13 of the GDPR, is 15,000 euros (fifteen thousand euros).

6.- Regarding the infringement of article 12.1 of the GDPR, typified in article

83.5.b) of the GDPR and classified as mild for the purposes of the prescription in the article

74.a) of the LOPDGDD, the criteria that

establishes art 83.2 GDPR:

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The intentionality or negligence of the infringement, on the part of the entity,

(section b), assuming that it is an entity whose activity carries out

coupled with continuous processing of personal data of the users of the

Web pages. It is considered especially important to remember at this point, the

SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the

The Supreme Court has understood that there is imprudence whenever

disregards a legal duty of care, that is, when the offender does not

behave with the required diligence. And in the assessment of the degree of diligence

the professionalism or not of the subject must be specially considered, and it is not possible to

doubt that, in the case now examined, when the activity of the appellant

is of constant and abundant handling of personal data must

insist on the rigor and the exquisite care to adjust to the preventions

in this regard". Therefore, if we abide by the jurisprudence of the TS,

we could even consider this section as a qualified aggravating circumstance,

The lack of diligence should be verified in this case, with respect to the management

of personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the

following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of

personal data, (section b), considering that the activity carried out is

personal data of its users are involved.

The affectation of the rights of minors, (section f), since the treatment

procedures carried out affect minors in the terms set out in the

Privacy Policy.

Considering the exposed factors, the valuation that reaches the fine, for the

violation of article 12.1 of the GDPR, is 25,000 euros (twenty-five thousand euros).

7.- Regarding the infringement of article 12.2 of the GDPR, typified in article

83.5.b) of the GDPR and classified as very serious for the purposes of prescription in the

article 72.1.k) of the LOPDGDD, are considered concurrent as aggravating circumstances

criteria established in article 83.2 GDPR:

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The intentionality or negligence of the infringement, on the part of the entity,

(section b), assuming that it is an entity whose activity carries out

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coupled with continuous processing of personal data of the users of the

Web pages. It is considered especially important to remember at this point, the

SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the

The Supreme Court has understood that there is imprudence whenever

disregards a legal duty of care, that is, when the offender does not

behave with the required diligence. And in the assessment of the degree of diligence

the professionalism or not of the subject must be specially considered, and it is not possible to

doubt that, in the case now examined, when the activity of the appellant

is of constant and abundant handling of personal data must

insist on the rigor and the exquisite care to adjust to the preventions

in this regard". Therefore, if we abide by the jurisprudence of the TS,

we could even consider this section as a qualified aggravating circumstance,

The lack of diligence should be verified in this case, with respect to the management

of personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the

following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of

personal data, (section b), considering that the activity carried out is

personal data of its users are involved.

Considering the exposed factors, the valuation that reaches the fine, for the violation of article 12.2 of the GDPR, is 25,000 euros (twenty-five thousand euros).

8.- Regarding the infringement of article 30.1 of the GDPR, typified in article 83.4.a) of the GDPR and classified as mild for the purposes of the prescription in the article 74.I) of the LOPDGDD, the criteria that are considered concurrent as aggravating establishes the art. 83.2:

-

The intentionality or negligence of the infringement, on the part of the entity, (section b), assuming that it is an entity whose activity carries out coupled with continuous processing of personal data of the users of the Web pages. It is considered especially important to remember at this point, the SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the The Supreme Court has understood that there is imprudence whenever disregards a legal duty of care, that is, when the offender does not behave with the required diligence. And in the assessment of the degree of diligence the professionalism or not of the subject must be specially considered, and it is not possible to doubt that, in the case now examined, when the activity of the appellant is of constant and abundant handling of personal data must insist on the rigor and the exquisite care to adjust to the preventions in this regard". Therefore, if we abide by the jurisprudence of the TS, we could even consider this section as a qualified aggravating circumstance, The lack of diligence should be verified in this case, with respect to the management of personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of personal data, (section b), considering that the activity carried out is personal data of its users are involved.

The affectation of the rights of minors, (section f), since the treatment procedures carried out affect minors in the terms set out in the Privacy Policy.

Considering the exposed factors, the balance of the circumstances contemplated previously allows to value the fine, for the infraction of the mentioned article in 5,000 euros (five thousand euros).

9.- With regard to the infringement of article 8 of the GDPR typified in article 83.4.a) of the GDPR and classified as serious for the purposes of the prescription in article 74.a) and b) of the LOPDGDD, the criteria established by the LOPDGDD are considered concurrent as aggravating factors. establishes article 83.2:

- The scope or purpose of the data processing operation, as well as the in-affected stakeholders, (section a): In the case of registration as a user in a web page that offers pornography, and in which identifiable data is shared names, age, location and in which to share videos of sexual, among other issues, the consent to be given by the parents or guardians of children under 14 years of age for them to register is essential such. It is unusually serious that no mechanisms are established to so-

request the consent and to prove its obtaining, paying special attention to
due to the special vulnerability of minors and the situation of exposure
situation that causes their registration as users.

In relation to the number of interested parties affected, it is taken into account
all those potentially affected, in accordance with Guidelines 4/2020 of the
CEPD on the calculation of administrative fines in accordance with the GDPR, in
its version of May 12, 2022, submitted to public consultation.

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The intentionality or negligence of the infringement, on the part of the entity, (apparently
Table b), assuming that it is an entity whose activity involves
a continuous treatment of personal data of the users of the pages
webs. It is considered of special importance to remember at this point, the SAN of
October 17, 2007 (rec. 63/2006), where it is indicated that: "...the Supreme Court
premo has been understanding that there is imprudence whenever
a legal duty of care, that is, when the offender does not behave with the
due diligence. And in assessing the degree of diligence, consideration must be
especially the professionalism or not of the subject, and there is no doubt that, in the
case now examined, when the appellant's activity is constant and
copious handling of personal data must insist on rigor and
exquisite care to comply with the legal precautions in this regard".

Therefore, if we abide by the jurisprudence of the TS, we could even consider
this section as a qualified aggravating circumstance, when verifying the lack of diligence
should in this case, with regard to the management of personal data.

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The categories of personal data affected by the infringement

(section g), since, at least among registered users under the age of

age, affects personal data related to sexual life or sexual orientation

of a person. The type of videos that are added and shared, the

that are viewed from other users (with the possibility of “giving it a like”) and

add them to those shown in the user's profile, the comments that are poured

have in this regard reveal this personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of personal data, (section b), considering that the activity carried out is

The personal data of the users of the web pages are involved.

Considering the exposed factors, the valuation that reaches the fine, for the violation of article 8 of the GDPR, is 30,000 euros (thirty thousand euros).

10.- Regarding the infringement of article 25 of the GDPR, typified in article

83.4.a) of the GDPR and classified as serious for the purposes of the prescription in article

73.d) of the LOPDGDD, the criteria that

establishes article 83.2:

- The scope or purpose of the data processing operation, as well as the affected stakeholders, (section a):

The processing of personal data starts from the design of the

treatment. The lack of design on the part of the data controller affects

immediately and directly to all the rights of the interested parties recognized in the GDPR, as in the present case; and this because in instead of responding to the treatment to an internal logic and parameters pre-established in advance following the GDPR, studied and examined based on proactive responsibility and risk approach, It turns out that none of the actions of the entity fit together, in such a way that way that produces confusion and dissent among users.

In relation to the number of interested parties affected, it is taken into account all those potentially affected, in accordance with Guidelines 4/2020 of the CEPD on the calculation of administrative fines in accordance with the GDPR, in its version of May 12, 2022, submitted to public consultation.

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The intentionality or negligence of the infringement, on the part of the entity, (section b), assuming that it is an entity whose activity carries out coupled with continuous processing of personal data of the users of the Web pages. It is considered especially important to remember at this point, the SAN of October 17, 2007 (rec. 63/2006), where it is indicated that: "...the The Supreme Court has understood that there is imprudence whenever disregards a legal duty of care, that is, when the offender does not behave with the required diligence. And in the assessment of the degree of diligence the professionalism or not of the subject must be specially considered, and it is not possible to

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doubt that, in the case now examined, when the activity of the appellant is of constant and abundant handling of personal data must insist on the rigor and the exquisite care to adjust to the preventions in this regard". Therefore, if we abide by the jurisprudence of the TS, we could even consider this section as a qualified aggravating circumstance, The lack of diligence should be verified in this case, with respect to the management of personal data.

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The categories of personal data affected by the infringement (section g), since, at least among registered users, it affects personal data relating to the sexual life or sexual orientation of a person. The type of videos that are added and shared, those that are viewed by other users (with the ability to "like" it) and add them to those shown in the user's profile, the comments that are poured in this regard reveal this personal data.

It is also considered that it is appropriate to graduate the sanction to be imposed in accordance with the following aggravating criteria, established in article 76.2 of the LOPDGDD:

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The linking of the activity of the offender with the performance of treatment of personal data, (section b), considering that in the activity that is develops on the websites the personal data of the users are involved this.

The affectation of the rights of minors, (section f), since the Treatments carried out and improperly projected and designed affect minors in the terms contained in the privacy policy.

Considering the exposed factors, the valuation that reaches the fine, for the

Violation of article 25 of the GDPR, is 50,000 euros (fifty thousand euros).

XXVII.- About the "Cookies Policy" of the web:

a).- Regarding the installation of cookies in the terminal equipment prior to the consent:

Article 22.2 of the LSSI establishes that users must be provided with information

clear and complete information on the use of storage devices and

data recovery and, in particular, on the purposes of data processing.

This information must be provided in accordance with the provisions of the GDPR. Therefore,

When the use of a cookie entails a treatment that enables the

identification of the user, those responsible for the treatment must ensure the

compliance with the requirements established by the regulations on the protection of

data.

However, it is necessary to point out that they are exempted from compliance with the

obligations established in article 22.2 of the LSSI those necessary cookies

for the intercommunication of terminals and the network and those that provide a service

expressly requested by the user.

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In this sense, the GT29, in its Opinion 4/201210, interpreted that among the cookies

excepted would be the user input Cookies" (those used to

fill in forms, or as management of a shopping cart); cookies from

authentication or user identification (session); user security cookies

(those used to detect erroneous and repeated attempts to connect to a site

Web); media player session cookies; session cookies to balance

load; user interface customization cookies and some of

complement (plug-in) to exchange social content. These cookies would remain

excluded from the scope of application of article 22.2 of the LSSI, and, therefore, it would not be

necessary to inform or obtain consent about its use.

On the contrary, it will be necessary to inform and obtain the prior consent of the user

before the use of any other type of cookies, both first and second

third party, session or persistent.

In the verification carried out on the web pages in question (www.cumlouder.com;

<https://www.serviporno.com/>, <https://www.soloporno.xxx/>, <https://www.porn300.com/es/>

<https://www.diverporno.com/>, it was found that, when entering its pages

and without performing any type of action on them, cookies are used

third parties not necessary, without the prior consent of the user.

b).- On the cookie information banner existing in the first layer (page

major):

The first layer cookie banner should include information regarding the

identification of the editor responsible for the website, in the event that their data identifies

captives do not appear in other sections of the page or that their identity cannot be revealed.

clearly catch on to the site itself. You must also include an ID

description of the purposes of the cookies that will be used and if they are their own or

also from third parties, without it being necessary to identify them in this first layer. Ade-

plus, you will need to include generic information about the type of data to be collected

and use in the event that user profiles are created and must include information

tion and the way in which the user can accept, configure and reject the use of

cookies, with the warning, where appropriate, that if a certain action is performed,

it will be understood that the user accepts the use of cookies.

Apart from the generic information about cookies, in this banner there must be an clearly visible lace directed to a second informative layer on the use of the cookies. This same link can be used to lead the user to the config panel. configuration of cookies, as long as access to the configuration panel is direct, this is, that the user does not have to navigate within the second layer to locate it.

In the case at hand, it has been found that there is no type of banner that informs in a generic way about cookies used by the web pages, without being own and/or third parties and its mission.

c).- Regarding consent to the use of non-necessary cookies:

For the use of non-excepted cookies, it will be necessary to obtain the consent user's consent expressly. This consent can be obtained by doing

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clicking on, "accept" or inferring it from an unambiguous action carried out by the user that denotes that consent has been unequivocally produced. Therefore, the mere inactivity of the user, scrolling or browsing the website, will not be considered to be all effects, a clear affirmative action in any circumstances and will not imply the provision of consent itself. Similarly, access to the second layer if the information is presented in layers, as well as the necessary navigation to for the user to manage their preferences in relation to cookies in the control panel control, it is not considered an active behavior from which the cookie acceptance.

The existence of "Walls of Cookies" is not allowed either, that is, windows

Pop-ups that block content and access to the web, forcing the user to accept the use of cookies to be able to access the page and continue browsing without offer the user any type of alternative that allows them to freely manage their preferences on the use of cookies.

If the option is to go to a second layer or cookie control panel, the link it should take the user directly to said settings panel. To facilitate the lesson, the panel can be implemented, in addition to a granular management system of cookies, two more buttons, one to accept all cookies and another to reject the all. If the user saves his choice without having selected any cookie, it will be You will understand that you have rejected all cookies. Regarding this second possibility, In no case are pre-marked boxes admissible in favor of accepting cookies.

If for the configuration of cookies, the web refers to the browser configuration installed in the terminal equipment, this option could be considered complementary to obtain consent, but not as the only mechanism. Therefore, if the editor opts for this option, it must also offer and in any case, a mechanism that allows you to reject the use of cookies and/or do it in a granular way.

On the other hand, the withdrawal of the consent previously given by the user de- It should be able to be done at any time. To this end, the publisher must offer a mechanism that makes it possible to easily withdraw consent at any time to. This facility will be considered to exist, for example, when the user has access to It is simple and permanent to the cookie management or configuration system.

If the editor's cookie management or configuration system does not allow avoiding the use of third-party cookies once accepted by the user, will be facilitated in- training on the tools provided by the browser and third parties, de- Please note that if the user accepts third-party cookies and subsequently wishes to delete them, you must do so from your own browser or the system enabled by the

third parties for it.

In the present case, it has been possible to verify that, on the web pages in question

(www.cumlouder.com;

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, there is no

mechanism that makes it possible to reject cookies that are not technical or

necessary and / or manage them in a granular way through a control panel.

<https://www.serviporno.com/>,

d).- Regarding the information provided in the second layer (Cookies Policy):

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The Cookies Policy should provide more detailed information about the

characteristics of cookies, including information about the definition and general function

cookie code (what are cookies); about the type of cookies that are used and

its purpose (what types of cookies are used on web pages); the identification of

who uses cookies, that is, if the information obtained by cookies is processed

only by the publisher and/or also by third parties with identification of the latter; the period-

do of conservation of cookies in the terminal equipment; and if so, information

on data transfers to third countries and the elaboration of profiles that imply

Apply automated decision making.

In the case at hand, the information on cookies provided in the

second layer of the web pages in question (www.cumlouder.com; <https://www.->

[serviporno.com/](https://www.serviporno.com/), <https://www.soloporno.xxx/>, <https://www.porn300.com/es/>

<https://www.diverporno.com/>,,

is written in English, not official in Spain.

XXVIII.-Infringement

The deficiencies detected in the "Cookies Policy" of the web pages in question

tion www.cumlouder.com; <https://www.serviporno.com/>, <https://www.soloporno.xxx/>,

<https://www.porn300.com/es/> <https://www.diverporno.com/>, suppose by the

entity the commission of the infringement of article 22.2 of the LSSI, since it establishes that:

“Service providers may use storage devices and

recovery of data in terminal equipment of recipients, provided

that they have given their consent after they have been

provided clear and complete information on its use, in particular on

the purposes of data processing, in accordance with the provisions of the Ley Or-

ganica 15/1999, of December 13, protection of personal data

nal.

When technically possible and effective, the recipient's consent

to accept the processing of the data may be facilitated through the use of the

appropriate parameters of the browser or other applications.

The foregoing will not prevent the possible storage or access of a technical nature

for the sole purpose of transmitting a communication over a communication network.

electronic communications or, to the extent strictly necessary,

for the provision of an information society service expressly

requested by the addressee”.

This infraction is typified as "mild" in article 38.4 g), of the aforementioned Law, which

considered as such: "Use data storage and recovery devices

when the information has not been provided or the consent of the destination has been obtained.

notary of the service in the terms required by article 22.2.", and may be penalized

nothing with a fine of up to €30,000, in accordance with article 39 of the aforementioned LSSI.

XXIX.- Penalty regarding the "Cookies Policies".

Regarding the infringement of article 22.2 of the LSSI, classified as "minor" in the

Article 38.4 g) of the aforementioned Law, it is deemed appropriate to impose a total penalty of

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25,000 euros (twenty-five thousand euros) for irregularities detected on its pages

web, 5,000 euros for each of the web pages it owns.

Therefore, in accordance with the applicable legislation and assessed the criteria of

graduation of sanctions whose existence has been accredited, the Director of the

Spanish Data Protection Agency RESOLVES:

the webpages:

FIRST: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, holder

<https://www.serviporno.com/>,

of

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the infringement of article 5.1.a) of the GDPR, typified

in article 83.5.a) of the GDPR, classified as very serious for the purposes of the

prescription in article 72.1.a) of the LOPDGDD for lack of loyalty and

transparency, a penalty of 75,000 euros (seventy-five thousand euros).

www.cumlouder.com;

the webpages:

SECOND: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, holder

<https://www.serviporno.com/>,

of

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the infringement of article 5.1.b) of the GDPR, typified

in article 83.5.a) of the GDPR, classified as very serious for the purposes of the

prescription in article 72.1.a) of the LOPDGDD, with a penalty of 75,000 euros

(seventy-five thousand euros).

www.cumlouder.com;

www.cumlouder.com;

the webpages:

THIRD: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, holder

<https://www.serviporno.com/>,

of

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the infringement of article 5.1.e) of the GDPR, typified

in article 83.5.a) of the GDPR, classified as very serious for the purposes of the

prescription in article 72.1.a) of the LOPDGDD maintenance on a

indefinite period of personal data of registered users, with a penalty of

75,000 euros (seventy-five thousand euros).

pages

www.cumlouder.com;

FOURTH: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, owner of

<https://www.serviporno.com/>,

Web:

the

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the violation of article 6.1 of the GDPR, classified as

Article 83.5.a) of the GDPR and classified as very serious for the purposes of the

prescription in article 72.1.b of the LOPDGDD, with a penalty of 125,000 euros

(one hundred twenty-five thousand euros).

pages

FIFTH: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, owner of

<https://www.serviporno.com/>,

Web:

the

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the violation of article 13 of the GDPR, typified in

Article 83.5.b) of the GDPR and classified as mild for the purposes of prescription in

article 74.a) of the LOPDGDD, with a penalty of 15,000 euros (fifteen thousand euros).

www.cumlouder.com;

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pages

www.cumlouder.com;

SIXTH: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, owner of

<https://www.serviporno.com/>,

the

Web:

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the infringement of article 12.1 of the GDPR, typified

in article 83.5.b) of the GDPR and classified as mild for the purposes of prescription

in article 74.a) of the LOPDGDD, for providing information on the privacy policy

privacy in English, with a penalty of 25,000 euros (twenty-five thousand euros).

www.cumlouder.com;

the webpages:

SEVENTH: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, holder

<https://www.serviporno.com/>,

of

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the infringement of article 12.2 of the GDPR, typified

in article 83.5.b) of the GDPR and classified as very serious for the purposes of the

prescription in article 72.1.k) of the LOPDGDD, due to the requirement to provide the DNI

or the passport in any case and prior to the exercise of the rights

conferred in the GDPR, regardless of whether there are reasonable doubts about the

identity of the interested party, with a penalty of 25,000 euros (twenty-five thousand euros).

pages

www.cumlouder.com;

: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, owner of

EIGHTH

<https://www.serviporno.com/>,

Web:

the

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the violation of article 30.1 of the GDPR, typified

in article 83.4.a) of the GDPR and classified as mild for the purposes of prescription

in article 74.l) of the LOPDGDD, for not incorporating the record of the activities of the

processing all the information required by art. 30.1 of the GDPR, with one with one

penalty of 5,000 euros (five thousand euros).

pages

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NINTH: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, owner of

<https://www.serviporno.com/>,

the

Web:

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the infringement of article 8 of the GDPR, typified in

Article 83.4.a) of the GDPR and classified as serious for the purposes of prescription in

article 73.a) and b) of the LOPDGDD, with one with a penalty of 30,000 euros

(thirty thousand euros).

pages

www.cumlouder.com;

TENTH: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, owner of

<https://www.serviporno.com/>,

the

Web:

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for the violation of article 25 of the GDPR, typified in

Article 83.4.a) of the GDPR and classified as serious for the purposes of prescription in

article 73.d) of the LOPDGDD, with one with a penalty of 50,000 euros (fifty

a thousand euros).

the webpages:

ELEVENTH: IMPOSE TECHPUMP SOLUTIONS S.L. with CIF.: B33950338, holder

<https://www.serviporno.com/>,

of

<https://www.soloporno.xxx/>,

<https://www.porn300.com/es/>

<https://www.diverporno.com/>, for violation of article Violation of article 22.2

of the LSSI, regarding the irregularities detected in the "Cookies Policy" of

web pages, with a penalty of 25,000 euros (twenty-five thousand euros).

www.cumlouder.com;

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TWELFTH: ORDER TECHPUMP SOLUTIONS S.L. that implant, in

within a month, the necessary corrective measures to adapt its action to the personal data protection regulations, as well as to inform this Agency in the same term on the measures adopted.

THIRTEENTH: NOTIFY this resolution to TECHPUMP SOLUTIONS

S.L. with CIF.: B33950338.

FOURTEENTH: Warn the penalized party that the sanction imposed must be made effective once this resolution is enforceable, in accordance with the provisions in article 98.1.b) of Law 39/2015, of October 1, on Procedure Common Administrative of Public Administrations, within the voluntary payment term indicated in article 68 of the General Collection Regulations, approved by Royal Decree 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 Data Protection Agency in the entity bank CAIXABANK, S.A. or otherwise, it will proceed to its collection in executive period.

Once the notification has been received and once executed, if the execution date is between the 1st and 15th of each month, both inclusive, the term to make the payment voluntary will be until the 20th day of the following or immediately following business month, and if between the 16th and the last day of each month, both inclusive, the payment term It will be until the 5th of the second following or immediately following business month.

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

Resolution will be made public once the interested parties have been notified.

Against this resolution, which puts an end to the administrative procedure (article 48.6 of the LOPDGDD), and in accordance with the provisions of articles 112 and 123 of the Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations, interested parties may optionally file

appeal for reversal by the Director of the Spanish Agency for Data Protection in
within one month from the day following the notification of this resolution
or directly contentious-administrative appeal before the Contentious-
of the National Court, in accordance with the provisions of article 25 and
in section 5 of the fourth additional provision of Law 29/1998, of July 13,
of the Contentious-Administrative Jurisdiction, within a period of two months from
count from the day following the notification of this act, as provided in the
Article 46.1 of the aforementioned legal text.

Finally, it is noted that in accordance with the provisions of art. 90.3 a) of Law 39/2015,
of October 1, of the Common Administrative Procedure of the Administrations
Public, the firm resolution may be temporarily suspended in administrative proceedings if
The interested party declares his intention to file a contentious-administrative appeal.

If this is the case, the interested party must formally communicate this fact through
writing addressed to the Spanish Data Protection Agency, presenting it through
of the Electronic Registry of the Agency [[https://sedeagpd.gob.es/sede-electronica-
web/](https://sedeagpd.gob.es/sede-electronica-web/)], or through any of the other registries provided for in art. 16.4 of the
aforementioned Law 39/2015, of October 1. You must also transfer to the Agency the

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documentation proving the effective filing of the contentious appeal-
administrative. If the Agency was not aware of the filing of the appeal
contentious-administrative proceedings within a period of two months from the day following the
Notification of this resolution would terminate the precautionary suspension.

Mar Spain Marti

Director of the Spanish Data Protection Agency

812-050522

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