

□ Procedure No.: PS/00462/2019

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: Through the "Internal Market Information System" (hereinafter IMI), regulated by Regulation (EU) No: 1024/2012, of the European Parliament and of the Council, of October 25, 2012, (IMI Regulation), whose objective is to favor the cross-border administrative cooperation, mutual assistance between States members and the exchange of information, was received in this Spanish Agency of Data Protection (AEPD), on 09/11/18, a claim made by a interested before the Data Protection and Freedom of Information Commissioner of Berlin-Hamburg, (hereinafter SA Berlin).

The transfer of this claim to the AEPD is carried out in accordance with the established in article 56 of Regulation (EU) 2016/679, of the European Parliament and of the Council, of April 27, 2016, regarding the Protection of Natural Persons regarding the Processing of Personal Data and the Free Circulation of these Data (GDPR); taking into account its cross-border nature, this Agency is competent to act as the main supervisory authority.

The aforementioned claim is made against the website ***URL.1 for lack of privacy policy. privacy and cookie policy. In addition, the claimant also denounces that "the entity refuses to issue an invoice unless it provides an identification number fiscal".

The letter stated the following:

"Ladies and Gentlemen

I hereby wish to file a complaint with the following company:

***URL.1.

Lack of data protection information or cookie warnings.

Also, the company refuses to issue an invoice after my purchase from

unless you give them a tax identification number.

I suspect that invoices are issued only on demand and that the company is

trying to evade taxes.

With our best wishes'

The claimant does not provide any additional documentation or evidence of the facts

denounced.

The Berlin control authority identifies the entity as responsible

FURNISHICON S.L.U. headquartered in Spain, and points out that the supplier

FURNISHCONCEPT S.L.U. web pages also depend on ***URL.2 and

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***URL.3 .

The data processing that is carried out affects interested parties in various

Member states. According to the information included in the IMI System,

In accordance with the provisions of article 56 of the RGPD, they have declared

concerned in this proceeding the supervisory authorities of the Rhineland

North-Westphalia, Rhineland-Palatinate, Lower Saxony, Saarland, Mecklenburg-Vorpommern

Occidental, France, Norway and Italy.

SECOND: In view of the exposed facts, the Subdirectorate General of Inspection

of Data proceeded to carry out actions for its clarification in the file E/1458/2019, under the investigative powers granted to the authorities of control in article 57.1 of the RGD. Thus, on 08/04/19, the web pages belonging to FURNISHYOURSPACE, S.L. (CIF: B67094375), in the which contains the privacy policy accessible from various links. I also know check that the reported websites have the option to collect personal data to open an account and make purchases online. The report of previous actions of inspection is issued on 04/09/2019.

Regarding the Privacy Policy, the following facts are verified:

The privacy policy of the website in Spanish, ***URL.2, is accessed

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from the links: "Terms and Conditions"; "Privacy and Cookies Policy" and "In-Legal Training", located at the bottom of the page.

The privacy policy of the website in German, ***URL.1, is accessed

-

from the links: "Geschäftsbedingungen"; "Datenschutzerklärung"; "Versandinformationen" "Widerrufsrecht" and "Reklamation", located at the bottom of the page.

To the privacy policy of the website in French, ***URL.3 is accessed

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from the links: "Terms and conditions"; "Données Protection Policy"; "Droit of rétractation" and "Mentions légales", located at the bottom of the page.

The information contained in the page that informs about the "Privacy Policy", both on the Spanish website, as well as on the German website and on the page French website, it is the same in any of the three languages. Then it Transcribe the information in Spanish:

ID.

-

In accordance with the information obligation under article 10 of the Law

34/2002, of July 11, on the Services of the Information Society and Commerce

Electronic Service, the information of the operator that appears below corresponds to the

home page serca.es

Company name: FURNISHYOURSPACE SL

Location: ***ADDRESS.1

Phone: ***PHONE.1

Email: ***EMAIL.1

CIF: B67094375

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In accordance with REGULATION (EU) 2016/679 of the European Parliament and of the

DATA PROTECTION POLICY

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Council, of April 27, 2016, on the protection of people with respect to

processing of personal data and the free movement of such data and its regulations

application, we inform you that the information you provided, the data for the

order processing, as well as for the information requested about our products.

products and services, are used to respond to and process your comments and suggestions.

hello

We collect information from you when you register on our website or place an order.

do of our products or services. If you voluntarily participate in surveys of

customers, provides feedback and participates in bids, information is collected about the client.

Website usage information is stored using cookies.

We store your IP address to diagnose problems on our server and to administer the website. An IP address is a number assigned to your computer when uses the Internet. This is also used to recognize you during a specific visit to the website.

In order for the purchase to be carried out, the following information may be requested:

name, address, email, date of birth, phone number and payment method.

After completing the contact forms on the website or sending emails

tronics or any other request to pass information to Iconmöbel, the interested party gives your express consent for the processing of personal data and for the sending of

Advertising messages.

Your data will be treated confidentially by Iconmöbel and will be used only-

mind for the purposes mentioned above. These will not be disclosed to third parties.

without the prior express consent of the client. The exception is the carrier,

who accepts the request. In this case, only the carrier you need will receive it, to

that he can process the shipping logistics of the orders placed. Said data

are only necessary for the treatment (name, delivery address and telephone number).

phone to contact). Iconic furniture, in turn, forces companies to comply

comply with the requirements of EU Regulation 2016/679.

Iconmöbel undertakes to maintain professional secrecy and take all measures

technical and organizational measures necessary to guarantee the information in accordance with

the requirements of the aforementioned Regulation.

Your personal data will be stored in our customer registry for two

years. However, you can revoke access to the data for rectification or deletion.

nation at any time, as well as the revocation of data processing or its transferability.

The buyer authorizes contact by phone or email on the details of the client who has provided Iconmöbel as a source of information about the organization den executed by him.

The user is solely responsible for the accuracy and correctness of the information provided. tioned In the case of the provision of false information or third parties without your permission Express, Iconmöbel reserves the right to destroy the information immediately to protect the right of the real owner.

Regarding the data, you can log in to your account by email to exercise their rights. The request must be accompanied by an identity document. certification so that we can be sure that you are the owner. Then

Your rights:

- Right to access your personal information and to know whether or not we are treating your personal information.

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- Right to request the correction of incorrect information or its elimination if, among other things, it is no longer needed for its original purpose.

- Right to request restriction of the processing of your data. In this case, these are only stored for the exercise or defense of claims.

- Right to object to the processing of your data in certain circumstances and in

relation to your personal situation.

- Right to transfer your data.
- Right to revoke consent, without which the revocation affects the legality of the prior data processing that has been approved.
- Right to file a claim with a control authority. If you think you know have violated your rights during data processing, you have the right to present a complaint to the Spanish Data Protection Agency.

THIRD: On 06/07/2019, the AEPD issues a draft decision where proposes a file of the procedure, considering that, based on the actions of inspection carried out, the privacy policy in question was adapted to the provided in the RGPD, for which I consider that article 13 of the GDPR.

FOURTH: On 07/02/2019, the Berlin control authority sends a letter in the which stated that the draft decision was incomplete. In short, he points out that the privacy policy does not inform about the legal basis of the treatment; I don't know provides information about the embedding of third-party cookies when using the web and the user only has the option to accept them (it even seems that are installed prior to their acceptance) deriving the disabling to the browser; and finally, that the draft decision makes no reference to the claim made that the buyer had requested the number of tax ID to issue an invoice.

FIFTH: On 10/17/2019, the AEPD issues a first revised draft decision in which the sections of the privacy policy that refer to the legal basis of the treatment, certain information is provided about the content that must appear on the simplified invoices, and it is reported that, regarding to the subject of cookies, information will be required from the complainant and may be sanctioned, in

your case, in accordance with Spanish regulations.

Based on the foregoing, the AEPD considered that article 13 of the RGD and proposed the file of the proceedings.

SIXTH: On 11/01/19, the Berlin control authority objects to the revised draft decision for the following reasons:

□ Existence of various infractions related to the information that is must provide the interested party because, in accordance with the policy of privacy of the web ***URL.1 valid on 10/29/2019:

o The legal basis of the treatment is not mentioned. This supposes a infringement of article 13.1.c) of the RGD.

o The information about cookies is erroneous and incomplete. This would mean www.aepd.es

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an infringement of article 13.1.a), c), e). f and 2.a) of the RGD (if the data have been obtained from the interested party) or from 14.1.a), c), e), f) and 2.a) of the RGD (if the data has not been obtained from the interested party).

o A list of third parties uploads content to the website, which is a communication of the IP address to those third parties. several of these third parties would use the data for marketing purposes. Some of these third parties appear to be based outside the Economic Area European. However, the privacy policy does not mention these third parties as possible recipients of data communication, but which indicates that it only communicates data to the transport company.

Nor does it inform that a transfer will take place

international transfer of data or the legal basis for such transfer.

Therefore, there would have been an infringement of article 13.1.a), c), e), f) and 2.a) of the RGPD (if the data has been obtained from the interested party) or of the article 14.1.a), c), e), f) and 2.a) of the RGPD (if the data has not been obtained from the interested party). In addition, there would have been an infringement of article 26.2 and possibly of article 44.

o The privacy policy is confusing and the language has errors grammatical and uses terms that do not belong to the German language common. This supposes a violation of article 12.1 of the RGPD in relation to articles 13 and 14.

o The privacy policy does not mention the right to object to the treatment in accordance with article 21.2 of the RGPD (which supposes a violation of article 21.4) and only refers to the AEPD as authority to file a claim with (violation of article 13.2.d).

☐ The only way to reject the installation of cookies is through the browser settings. Therefore, the consent obtained for accept cookies and third-party content is invalid, since it has not been lent freely. Likewise, the consent obtained does not cover the communication of data to third parties that load content on the web or to their use for their own purposes. All this leads to a violation of the article 6 of the RGPD.

☐ The Berlin control authority does not agree that it is enforceable the tax identification number for issuing an invoice simplified. In addition, information about the requirements for

issuance of an invoice is only collected inconsistently in

the Terms and Conditions section of the privacy policy. This

would be a violation of article 6 of the RGPD.

EIGHTH: On 06/03/2020, the AEPD adopts, in accordance with Organic Law 3/2018,

of December 5, Protection of Personal Data and guarantee of digital rights

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such (hereinafter, LOPDGDD or Organic Law), a draft agreement to initiate

Penalty procedure for alleged violation of article 13 of the RGPD.

NINTH: On 06/26/2020, the AEPD issues a second draft decision revised in

in which a synthesis of the project of the initial agreement is shared with the following

contents:

Summary of the complaint

The Spanish authority received a claim against Furnishicom, S.L.U., since in

the website ***URL.1, property of Furnishicom, S.L.U., in its views in different

languages, it does not include the necessary information.

Competition

Article 56, paragraph 1, article 58 paragraphs 2 and 4 and article 60 of the RGPD, and of

in accordance with article 48, section 1, and article 64 of Organic Law 3/2018, of 5

December, Protection of Personal Data, the Director of the authority

Spanish authority will have competence to:

ADOPTION OF THIS REVISED DECISION

Investigation of the Spanish control authority

On the website it has been verified that personal data is collected. On the website is-

In Spanish, the Privacy Policies are included, with other contents such as Terms and

Conditions of use, on a page from which it is accessed from different links:

Three in the INFORMATION section and others from the cookie banner.

Something similar happens on the German page, although in this case it is accessed from five

co links:

Conditions

Privacy Policy

Shipment information

Withdrawal

Complain

And from the page in French from another five.

In relation to the information provided to users, information is provided on:

- the identity and contact details of the responsible person
- The purposes of the processing for which the personal data is intended and the basis

legal treatment

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- The recipients or categories of recipients of the personal data
- the period during which the personal data will be available
- the existence of the right to request access to the data controller.

personal data related to the interested party, its rectification, deletion, limitation of its

treatment, opposition, as well as the right to data portability. and the right

to file a claim with a supervisory authority.

A revised draft decision will be included in the procedure exchange system.

cross-border procedures for preparatory work, which will include infractions

tions of article 13 of the RGPD, the non-inclusion of a legal basis for the treatment,

differences in the coverage of the privacy policy, the information on the de-

right of opposition, the lack of information on the possibility of presenting claims

tions before other control authorities, and the request for a DNI for simplified invoices.

falls.

As for cookies, it is being penalized in accordance with our national legislation.

tional.

Interested supervisory authorities

The following supervisory authorities will be informed of this draft decision:

Italy

☐ Mecklenburg-Western Pomerania

☐ France

☐

☐ Lower Saxony

☐ North Rhine-Westphalia

☐ Norway

☐ Rhineland-Palatinate

☐ Saarland

☐ Berlin

rule allegedly violated

-

Transparency and information (article 13)

Draft decision on measures to be taken

Regarding the "Privacy Policy" of the website ***URL.2,***URL.1 and ***URL.3 and

In application of the provisions of article 13 of the RGD, the following have been detected:

following anomalies:

— Information is provided on the purposes of personal data processing,

but not on the legal basis of the treatment (article 6.1 of the RGD).

— According to the German Data Protection Authority, the Privacy Policy of the

***URL.1 website contains a lot of grammatical and spelling errors.

It uses terms that do not correspond to the terms used in everyday German language.

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dian and are therefore fully intelligible".

— In the Privacy Policy, it only allows the right of interested parties to oppose

to the processing of data in accordance with article 21.1 of the RGD but not to the treatment

of personal data for direct marketing purposes, to the right to obtain at any time

any time the processing of personal data.

— In the section "Right to file a claim with a compliance authority,

control" indicates that: "If you believe that your rights have been violated during the treatment,

processing of the data, you have the right to file a claim with the Spanish Agency

Data Protection Law", even if the users are citizens or are

on German or French territory.

In the 'D-INVIOSING' section of the 'C-SHIPMENTS/deliveries' section of the

Privacy Policy states: "Future Design will generate a simplified invoice

with payments accepted and received as long as the total order does not exceed the

3000 EUR in accordance with current legislation. It will not be possible to process orders higher than this amount if the DNI or NIF is not notified", but it is not specified that the communication of personal data (in this case the NIF or CIF) is a legal requirement or contract, according to article 13.2.e).

These facts could constitute an infraction, for violation of article 13 of the RGPD, which establishes the information that must be provided to the interested party at the time to collect your personal data.

It is considered appropriate to impose a sanction of "WARNING", for the violation of article 13 of the RGPD.

Regarding cookies, it is being penalized -according to Spanish legislation-, the results will subsequently be communicated to the control authorities of the States. Member states that have declared their interest in the topics.

Communications

As the main control authority, the AEPD will present this draft decision to the other interested control authorities to receive their opinions, in accordance with article 60, paragraph 3, of the RGPD.

Likewise, in accordance with article 64, section 2, of Organic Law 3/2018, of 5 of December, of Protection of Data of Personal Character, the present project of decision will be formally communicated to the person in charge or in charge of the treatment.

The adoption of this draft decision will interrupt the prescription of the offence.

In accordance with the provisions of article 64, section 4, of the Organic Law on Protection of Data and Guarantee of Digital Rights, the terms established in said article will be automatically suspended when information must be collected.

information, consultation, request for assistance or mandatory pronouncement of one or more authorities of another Member State in accordance with the provisions of the RGPD, by the time between the request and the notification of the pronouncement to the Agency

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Spanish Data Protection.

After analyzing the comments submitted by the control authorities interested in
sadas, the project of decision of agreement of initiation of the sanctioning procedure
will notify the person in charge or in charge of the treatment, complying with all the requirements
sites specified in article 68 of the aforementioned Organic Law.

Finally, in accordance with article 112, section 1, of Law 39/2015, of October 1,
tuber, of Common Administrative Procedure of the Public Administration, there is no
right of appeal against this Decision. '

TENTH: On 07/08/2020, the Berlin control authority presents a series of objections
tions to this revised draft decision (A60RD 133963)

1. Third party content and co-responsibility

"As stated in our second relevant and reasoned objection to the project-
revised decision document, we have found that the website icmobel.de, loads content
gives from the following servers on a first load of the home page:

[...]

Obviously, most of them are third parties, therefore, Furnishicon reveals to the me-
us the personal data "IP address" to third parties, many of them located in third-
other countries.

At least some of these third parties, probably the majority, use the personal data.
website visitor data provided by Furnishicon for tracking
and other marketing purposes. With respect to the jurisprudence of the ECJ, at least many

Many of these inclusions of third-party content will result in joint control between the company that manages the website (Furnishicon) and the third-party provider.

For your review, in Section 6 of the "Google Terms of Service Analytics" (<https://marketingplatform.google.com/about/analytics/terms/us/> in English or <https://marketingplatform.google.com/about/analytics/terms/de/> in German), Google is reserves the right to use the personal data of website users to their own ends. The same applies to Yahoo Analytics (Yahoo Web-Analytics, see <https://policies.yahoo.com/xa/en/yahoo/privacy/topics/analytics/index.htm> in English or <https://policies.yahoo.com/ie/de/yahoo/privacy/topics/webanalytics/index.htm> in German man). Twitter analytics and Twitter Audience are comparable to Facebook's Insights service.

cek (reference to the ECJ, judgment of June 5, 2018 — C-210/16 — Wirtschafts-Academy Schleswig-Holstein).

Therefore, Furnishicon has also breached the second sentence of Article 26 (2) GDPR, and article 44 GDPR (which will be investigated by the LSA).

From the first access to the website, the principle that must exist before the data processing (CEPD, Guidelines 05/2020 on consent under the Regulation 2016/679, considering 90), since "consent" cannot legitimize sea treatment. In addition, the wording of the "consent" collected later

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current treatment is not covered. Furthermore, as discussed in detail in our second relevant and reasoned objection, the "consent" is invalid, since it is not fairly and continued use of a website does not constitute consent.

to valid. In fact, such consent would be necessary at least to:

(1) any disclosure of IP address and other personal data to third parties for whom

there should be no guarantee that they will not use the data for their own purposes and

(2) any use of techniques that allow user interaction to be delayed.

This results in a violation of Article 6(1) and Article 5(1),

letter a), of the RGPD. '

two.

Language and structure of the privacy policy

'The first sentence of article 12 (1) of the GDPR requires that you provide any

information referred to in article 13 and article 14 of the RGPD in a con-

concise, transparent, intelligible and easily accessible, using clear and simple language.

As the AEPD states, the Privacy Policy is legible. Contains a large quantity

number of grammar and spelling errors, uses terms that do not correspond to

terms used in the GDPR or in German law or in everyday German language

they are not fully intelligible.

In addition, the structure of the Privacy Policy is wrong. For example, under the title

the "cookies", also deals with social networks and the rights of interested parties.

two. Outside of the Privacy Policy section, in the terms and conditions, there are

a section "Identity of the person in charge (contact)", which contains the subsections

"Child Protection Policy" (containing a statement not valid for all

two less users) and "Links to other websites".

Therefore, the first sentence of Article 12(1) of the

GDPR".

3. Information is missing on the right to obtain treatment under the

Article 21 (2) GDPR.

"As the AEPD states, the Privacy Policy only allows the modification of the right

right of the interested parties to obtain the treatment under Article 21 (1) RGPD (and this in a hard way). The Privacy Policy does not mention the right of in-data subjects under article 21 (2) of the RGPD and, therefore, and as is the case with the information on the right of opposition of article 21 (1) of the RGPD, it is wrong and misleading.

Therefore, Furnishicon also violated article 21 (4) of the GDPR, which is likely to prevent data subjects from exercising their treatment rights with direct marketing purposes."

4. Obligation to provide the tax identification number.

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"In its second revised draft decision, the AEPD mentions that Furnishicon requires the DNI (obviously as a synonym of the tax identification number that Furnishicon requires the plaintiff) even for simplified invoices on which it does not. There is a legal basis for it, as well as what we indicated in our second objective. relevant and motivated target.

Therefore, Furnishicon also violated article 6 (1) and art. 5 (1) (a) GDPR.'

5. Proposed measures

"The AEPD proposes to issue a warning against Furnishicon. Given that Furnishicon has not substantially changed his illegal behavior, a warning is not an acceptable measure.

We suggest that the Spanish Data Protection Agency order the adaptation to the GDPR. The Privacy Policy on iconmobel.de is explained in the same way

in which it is documented in our relevant and motivated objection, that the AEPD, considers an infringement of article 13 of the RGPD and that, as indicated above, it also violates other provisions of the GDPR. Even so, when the site is built web iconmobel.de, the same cookie banner appears, which only allows the use of the website completely when the user clicks 'I accept' ('Ich akzeptiere'). The other "More Information" button (in English only) links to the terms and general conditions, which also face the Privacy Policy, but not they make the cookie banner disappear. There is no way to refute the configuration of cookies except through browser settings. The wording of the consent data collected does not cover the interruption of personal data by integrating tion of third-party content on the website, and there is no other legal basis. Also, As discussed in detail above, Furnisicon has violated many more provisions. GDPR regulations and still hasn't fixed it.

Furthermore, the infringement cannot be considered minor because the illegality of the transfer of personal data to third parties, especially in third countries, the lack of agreement and training in accordance with article 26 of the RGPD and the total lack of usefulness of the Privacy Policy pose a significant threat to the rights of protection data of the interested parties, affects the very essence of the legal obligations concerned and indicates a systemic problem (253). The infraction was intentional (see WP253 III.b)). Also, the specific violation is not fixed after detected, and has not been corrected to date, and Furnishicon has maintained this situation even after Furnishicon had realized the illegality of their actions and the AEPD would have intervened (see WP253 III.c), (f)).

As a result of the objections raised, the AEPD has prepared this project revised agreement to initiate a sanctioning procedure, in order to submit subject to the opinion of the other interested control authorities.

ELEVENTH: On July 1, 2021, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure against the claimant, for the alleged infringement of Article 6 of the GDPR, Article 21 of the GDPR, Article 13 of the RGD, typified in Article 83.5 of the RGD.

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TWELFTH: The initiation agreement was electronically notified to the defendant.

This is required by article 14.2 of Law 39/2015 on Common Administrative Procedure of the Public Administrations (LPACAP) according to which "In any case they will be obliged to interact through electronic means with the Administrations Public to carry out any formality of an administrative procedure, to the least, the following subjects: a) Legal persons".

Works in the file the Certificate issued by the Notification Service

Electronic and Authorized Electronic Address of the FNMT-RCM, which leaves proof of sending the start agreement, notification from the AEPD addressed to FURNISHYOURSPACE, S.L., through this medium, being the date of disposal in the electronic headquarters of the body on 07/02/2021 and the date of rejection automatic on 07/13/2021.

Article 43.2. of the LPACAP establishes that when the notification by means electronic devices is mandatory -as is the case in this case- "it is shall be understood as rejected when ten calendar days have elapsed since the disposition of the notice without accessing its content." (The underlining is from the AEPD)

Add that articles 41.5 and 41.1, third paragraph, of the LPACAP say,

respectively:

"When the interested party or his representative rejects the notification of an action administrative, it will be recorded in the file specifying the circumstances of the notification attempt and the means, considering the procedure completed and following the process." (The underlining is from the AEPD)

"Regardless of the means used, the notifications will always be valid. that allow proof of its sending or making available, of the reception or access by the interested party or their representative, their dates and times, the content complete, and the reliable identity of the sender and recipient thereof. The accreditation of the notification made will be incorporated into the file".

Thus, considering that the notification of the agreement from start to FURNISHYOURSPACE, S.L., was carried out electronically due to legal imperative (Article 14 LPACAP) and that the notification was rejected after ten days, as provided in article 43.2 of the aforementioned law, the procedure will be considered carried out and the procedure continued its course (former article 41.5 LPACAP)

THIRTEENTH: In accordance with article 73.1 of the LPCAP, the term for formulate allegations to the Home Agreement is ten days computed from the following the notification.

Article 64.2. LPACAP, indicates that the defendant will be informed of the right to formulate allegations, the "right to be heard in the procedure and the deadlines for its exercise, as well as the indication that in case of not making allegations in the term established on the content of the initiation agreement, it may be considered motion for a resolution when it contains a precise pronouncement about the imputed responsibility. (The underlining is from the AEPD)

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the

responsibility of

The agreement to initiate the sanctioning file in question contained a

precise statement on

the entity

FURNISHYOURSPACE, S.L.: in the aforementioned agreement it was specified what was the conduct

offending, the type of sanction in which it was subsumable, the circumstances

modifications of the responsibility described in articles 45.4 and 45.5 LOPD that are

estimated to be in attendance and the amount of the sanction that, in the opinion of the AEPD,

to impose.

In consideration of the foregoing and in accordance with the provisions of article

64.2.f) of the LPACAP, the initiation agreement of PS/00462/2019 is considered

Resolution Proposal.

In view of everything that has been done, by the Spanish Data Protection Agency

In this proceeding, the following are considered proven facts:

FACTS

FIRST: The web pages ***URL.2; ***URL.1 and ***URL.3 provide information

on:

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the identity and contact details of the controller;

the period during which the personal data will be kept;

on the rights of users, (Right to access their personal information)

sound; Right to request correction of information; Right to request res-

restrict the processing of your data; Right to object to the processing of your data

cough under certain circumstances; Right to transfer your data;

Right to revoke consent and Right to file a complaint with a

Spanish control authority).

However, the following deficiencies have been identified:

☐ On the ***URL.1 website, the identity and contact details of the responsible are provided under a misleading title ("***TITLE.1", which seems to mean a business purpose).

☐

The purposes of the treatment are not clearly established, but only can be derived from information given in another context. Spanish law requires that the person in charge keep some documents that contain personal data of customers for tax purposes, and this is not included information.

☐ No information is provided on the legal basis for the treatment of personal information.

☐ The period during which the personal data will be stored will only be provides with respect to "customer registration"; without informing about

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period of conservation of the personal data of the clients for purposes

tax.

☐ The right of the interested parties to oppose the processing of data is mentioned

pursuant to Article 21(1) GDPR, but no reference is made to the

right of the interested party under article 21, paragraph 2, that "When

the processing of personal data is for the purpose of direct marketing,

The interested party will have the right to oppose the treatment at any time.

of personal data concerning you, including profiling

to the extent that it relates to such marketing".

☐ Information is provided on the right to file a claim with the

the Spanish Data Protection Agency, even if the users are

citizens or individuals on German or French territory. Article 13,

paragraph 2, letter d), refers to the "right to lodge a complaint with

a supervisory authority", which means that the claim can be

submitted to any supervisory authority, not only to the Agency

Spanish Data Protection.

☐ In the "D-BILLING" section of the "Terms and Conditions", it is

states that "a simplified invoice will be generated for the order once

that the payment has been accepted and received provided that the total order does not

exceeds 3,000 euros in accordance with current legislation. orders

above this amount cannot be processed if you do not notify your

identification card or NIF", but it is not specified whether providing these data

(in this case NIF or CIF) is a legal or contractual requirement.

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SECOND: The privacy policy on the ***URL.1 website is difficult to read and

its structure is confusing. Contains a large number of grammatical errors and

spelling and uses terms that do not correspond to words used in the everyday German language, in German law or in the GDPR (thus being completely unintelligible).

THIRD: There is no information on the right of the interested party to oppose the data processing when the purpose is direct marketing and information presented regarding the right to object to treatment is drafted in a confusing way, misleading the interested parties. This would make it difficult for interested parties their exercise of the right to oppose data processing for the purpose of direct marketing.

FOURTH: FURNISHYOURSPACE, S.L., requests that you provide a number of tax identification in order to issue the simplified invoice. The responsible informs on its website that a simplified invoice will be issued in transactions that do not exceed 3,000 euros and that orders that exceed that amount if a tax identification number is not provided.

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FOUNDATIONS OF LAW

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By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of control, and as established in arts. 47 and 48.1 of the LOPDGDD, the Director of The Spanish Agency for Data Protection is competent to resolve this process.

II

Article 5 of the RGPD regarding the principles that must govern the processing of data personal mentions among them that of transparency. Section 1 of the provision provides ne: "The personal data will be:

a) processed in a lawful, loyal and transparent manner in relation to the interested party («lawfulness, loyalty and transparency»)"

Manifestation of the principle of transparency is the obligation incumbent on the responsible for the treatment of informing, in the terms of article 13 of the RGPD, to the holder of the personal data when they are obtained directly from the interested party:

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

a) the identity and contact details of the person in charge and, where appropriate, of their representative. presenter;

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

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

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

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

f) where appropriate, the intention of the controller to transfer personal data to a third country or international organization and the existence or absence of a decision adequacy assessment by the Commission, or, in the case of transfers indicated in articles 46 or 47 or article 49, paragraph 1, second paragraph, reference lack of adequate or appropriate safeguards and means of obtaining a copy of these or the fact that they have been loaned.

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 personal data is obtained, personal, the following information necessary to guarantee data processing fair and transparent

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

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

c) when the treatment is based on article 6, paragraph 1, letter a), or the Article 9, paragraph 2, letter a), the existence of the right to withdraw consent at any time, without affecting the legality of the treatment based on sado in the consent prior to its withdrawal;

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

e) if the communication of personal data is a legal or contractual requirement, or a necessary requirement to sign a contract, and if the interested party is obligated to provide personal data and is informed of the possible consequences acknowledgments that you do not provide such data;

f) the existence of automated decisions, including profiling, to referred to in article 22, sections 1 and 4, and, at least in such cases, inform

significant information about applied logic, as well as the importance and con-
planned sequences of said treatment for the interested party.

3. When the person in charge of the treatment projects the subsequent treatment of data
personal data for a purpose other than that for which they were collected, you will provide
to the data subject, prior to such further processing, information about that other
purpose and any additional information relevant to the meaning of paragraph 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.”

Article 5.1.a) of the RGPD sets forth the principle of “lawfulness, fairness and transparency”,
principle in which Recital 39 affects: "All processing of personal data

It must be lawful and fair. For natural persons, it should be made absolutely clear that
are collecting, using, consulting or otherwise processing personal data

that concern them, as well as the extent to which said data is or will be processed. The

The principle of transparency requires that all information and communication regarding the
treatment of said data is easily accessible and easy to understand, and that it is

use simple and clear language. This principle refers in particular to the

information of the interested parties about the identity of the person in charge of the treatment and the
purposes of the same and to the added information to guarantee a fair treatment and

transparent with respect to the affected natural persons and their right to obtain

confirmation and communication of personal data concerning them that are

treatment object. Individuals must be aware of the risks,

the rules, safeguards and rights relating to data processing

as well as how to assert their rights in relation to the

treatment. In particular, the specific purposes of the processing of personal data

they must be explicit and legitimate, and must be determined at the time of collection.

[...]"

For its part, Recital 60 links the duty of information with the principle of transparency, by establishing that “The principles of fair and transparent treatment require that the interested party be informed of the existence of the treatment operation and their ends. The data controller must provide the interested party with

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supplementary information is necessary to ensure fair treatment and transparent, taking into account the specific circumstances and context in which process personal data. The interested party must also be informed of the preparation of profiles and the consequences of said elaboration. If personal data is they obtain from the interested parties, they must also be informed if they are obliged to facilitate them and the consequences if they did not [...]”. In this order,

Article 12.1 of the RGPD regulates the conditions to ensure its effectiveness materialization and article 13 specifies what information must be provided when data is obtained from the interested party.

Article 12.1 of the RGPD establishes that “The data controller will take the appropriate measures to provide the interested party with all the information indicated in the articles 13 and 14, as well as any communication under articles 15 to 22 and 34 related to the treatment, in a concise, transparent, intelligible and easily access, in clear and plain 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 interested, the information may be provided verbally as long as the

identity of the interested party by other means.

III

One part of the claim refers to the privacy policy included in the web pages whose responsible is FURNISHYOURSPACE, S.L.

In relation to transparency, according to what was stated by the authority of control of Berlin, the privacy policy on the website ***URL.1, which is written in German, it is difficult to read. Contains a large number of grammatical errors and spelling and uses terms that do not correspond to words used in the everyday German language, in German law or in the GDPR (thus being completely unintelligible).

Also, the structure of the privacy policy is confusing, since, for example, Under the heading of cookies, reference is also made to social networks and privacy rights. the interested. Outside the privacy policy section, there is a section of "Identity of the person in charge" that what it contains are two subsections referring to child protection policy and links to other websites.

Based on the above, the privacy policy violates article 12.1 of the RGPD regarding the duty to provide information in a concise, transparent, intelligible and easily accessible.

Regarding the "Privacy Policy" included in the web pages ***URL.2; ***URL.1 and ***URL.3 and in application of the provisions of article 13 of the RGPD, it has been verified that, in them, information is provided on: the identity and data of responsible contact; the period during which the data will be kept personal; and on the rights of users, (Right to access your information staff; Right to request correction of information; Right to request restriction the processing of your data; Right to object to the processing of your data in

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certain circumstances; Right to transfer your data; Right to revoke consent and Right to file a complaint with a law enforcement authority (Spanish check).

However, the following deficiencies have been identified, already included in the proven facts:

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☐ On the ***URL.1 website, the identity and contact details of the responsible are provided under a misleading title ("****TITLE.1", which seems to mean a business purpose).

The purposes of the treatment are not clearly established, but only can be derived from information given in another context. Furthermore, the law Spanish requires that the person in charge keep some documents that contain personal customer data for tax purposes; this is missing information.

☐ Information is provided on the purposes of the treatment to which they are intended personal data (with some limitations, as has been mentioned), but not on the legal basis thereof (article 13 (1) (c)).

☐ The period during which the personal data will be stored will only be provides with respect to "customer registration". However, Spanish law requires that the person in charge keep some documents that contain personal data of customers for tax purposes; missing this period retention for this treatment.

☐ The right of the interested parties to oppose the processing of data is mentioned

pursuant to Article 21(1) GDPR, but no reference is made to the

right of the interested party under article 21, paragraph 2, that "When

the processing of personal data is for the purpose of direct marketing,

The interested party will have the right to oppose the treatment at any time.

of personal data concerning you, including profiling

to the extent that it relates to such marketing".

☐ Information is provided on the right to file a claim with the

the Spanish Data Protection Agency, even if the users are

citizens or individuals on German or French territory. Article 13,

paragraph 2, letter d), refers to the "right to lodge a complaint with

a supervisory authority", which means that the claim can be

submitted to any supervisory authority, not only to the Agency

Spanish Data Protection.

☐ In the "D-BILLING" section of the "Terms and Conditions", it is

states that "a simplified invoice will be generated for the order once

that the payment has been accepted and received provided that the total order does not

exceeds 3,000 euros in accordance with current legislation. orders

above this amount cannot be processed if you do not notify your

identification card or NIF", but it is not specified whether the provision of data

(in this case NIF or CIF) is a legal or contractual requirement, such as

it is established in article 13 (2) (e).

Thus, the known facts constitute an infraction, attributable to the

claimed, for violation of article 13 of the RGPD, which establishes the information that

must be provided to the interested party at the time of collecting their data

personal.

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The claimed party, in its capacity as data controller, in accordance with article 13

RGPD was obliged to include in its web pages, through which it collects the data

various information from third parties that you have totally and absolutely dispensed with.

The web pages through which it collects personal data violates the article

12 and article 13 of the RGPD, conduct that is subject to article 83.5 of the

RGPD that provides: "Infractions of the following provisions will be sanctioned

in accordance with section 2, with administrative fines of 20,000,000 Eur as

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

amount of the global total annual turnover of the previous financial year, opting-

I know for the highest amount:

(...)

a)

a) The rights of the interested parties pursuant to articles 12 to 22;"

For the mere purposes of prescription, article 72.1.h) of the LOPDGDD qualifies as very

serious "The omission of the duty to inform the affected party about the treatment of their

personal data in accordance with the provisions of articles 13 and 14 of the Regulation (EU)

2016/679 and 12 of this Organic Law". The statute of limitations for very serious offenses

serious foreseen in the LOPDGDD is three years.

IV

Derived from the fact included in the Legal Basis II and III about the lack of

information on the right of the interested party to oppose the processing of data

when the purpose is direct marketing and that the information presented regarding the right to oppose the treatment, by virtue of article 21.1, is worded in a confusing way, it would be misleading the interested parties.

The foregoing entails the consequence of making it difficult for the interested parties to exercise right to oppose data processing for direct marketing purposes, and for

Therefore, the provisions of article 21.4 are being infringed. which provides that "More late at the time of the first communication with the interested party, the right indicated in sections 1 and 2 will be explicitly mentioned to the interested party and will be presented clearly and apart from any other information"

The facts indicated are constitutive of an infraction, attributable to the claimed, for violation of article 21 of the RGPD, which establishes the right to oppose the processing of your personal data for advertising purposes.

For its part, article 72.1.k) of the LOPDGDD considers it very serious, for the purposes of prescription, "The impediment or the obstruction or the repeated non-attention of the exercise of the rights established in articles 15 to 22 of the Regulation (EU) 2016/679"

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

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As stated above, article 5.1.a) of the RGPD states, as one of the principles relating to treatment, the obligation that personal data be processed "in a lawful, loyal and transparent manner in relation to the interested party ("lawfulness, loyalty and transparency") and for said treatment to be lawful, it must be possible to be based on any of the legitimizing bases established by the RGPD in its article 6.1:

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

- a) the interested party gave their consent for the processing of their personal data final for one or several specific purposes;
- b) the treatment is necessary for the execution of a contract in which the third party is a party or for the application at the request of the latter of pre-contractual measures;
- c) the treatment is necessary for the fulfillment of an applicable legal obligation. cable to the data controller;
- d) the processing is necessary to protect the vital interests of the data subject or of another natural person;
- e) the treatment is necessary for the fulfillment of a mission carried out in public interest or in the exercise of public powers vested in the person responsible for the treatment;
- f) the treatment is necessary for the satisfaction of legitimate interests per-guided by the person in charge of the treatment or by a third party, provided that on said interests do not override the interests or fundamental rights and freedoms of the interested party that require the protection of personal data, in particular when the teresa be a child.

The provisions of letter f) of the first paragraph shall not apply to the treatment conduct carried out by public authorities in the exercise of their functions."

In relation to the foregoing, the claim made by the interested party referred to to the request, by the merchant, of the need to provide a number of tax identification in order to proceed with the issuance of the invoice. Taking into account that, as reported by the person in charge on its website, an invoice will be issued simplified in transactions that do not exceed 3,000 euros and that may not Orders in excess of that amount will be processed if a shipping number is not provided. tax identification, the fact that the request of the interested party had been processed without that it was necessary to provide that tax identification number would imply that the interested party has the right to request a simplified invoice without it being lawful require the aforementioned identification number for its issuance.

In accordance with the foregoing, the request for a tax identification number made lacks a legitimizing basis, which is a violation of article 6.1 and, in consequence, of the principle established in article 5.1.a) of the RGPD.

For its part, article 72.1.b) of the LOPDGDD considers it very serious, for the purposes of prescription, "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 (EU) 2016/679"

This infraction can be sanctioned with a maximum fine of €20,000,000 or, www.aepd.es

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in the case of a company, an amount equivalent to a maximum of 4% of the global total annual turnover of the previous financial year, opting for the of greater amount, in accordance with article 83.5.b) of the RGPD.

SAW

In accordance with the evidence available at the present time,
considers that the exposed facts fail to comply with the provisions of articles 5.1 a),
6.1, 12.1, 13 and 21.4 of the RGPD, which implies the commission of respective infractions
typified in article 83.5 of the RGPD.

The corrective powers available to the Spanish Agency for the Protection of
Data, as a control authority, is established in article 58(2) of the RGPD. These
include the power to direct a warning (article 58 (2) (b)), the power to impose
an administrative fine under article 83 GDPR — article 58 (2) (i) — or the
power to order the person in charge or person in charge to ensure that the operations
of treatment comply with the provisions of the RGPD, when applicable, of a
determined manner and within a specified period — Article 58.2 (d) -.

In accordance with article 83 (2) GDPR, the measure provided for in article 58 (2) (d)
RGPD is compatible with the sanction in the form of an administrative fine.

In order to determine the administrative fine to be imposed, the
provisions of articles 83.1 and 83.2 of the RGPD, precepts that indicate:

"1. Each control authority will guarantee that the imposition of fines
administrative actions under this article for violations of this

Regulation 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, in addition to or as a substitute for the measures contemplated in the
Article 58, paragraph 2, letters a) to h) and j). When deciding to impose a fine
administration and its amount in each individual case will be duly taken into account:

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

such as the number of interested parties affected and the level of damages that

have suffered;

b) intentionality or negligence in the infringement;

c) any measure taken by the controller or processor to

alleviate the damages suffered by the interested parties;

d) the degree of responsibility of the person in charge or of the person in charge of the treatment,

taking into account the technical or organizational measures that they have applied under

of articles 25 and 32;

e) any previous infringement committed by the person in charge or the person in charge of the treatment;

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

infringement and mitigate the possible adverse effects of the infringement;

g) the categories of personal data affected by the infringement;

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

particular whether the person in charge or the person in charge notified the infringement and, if so, in what

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measure;

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

previously against the person in charge or the person in charge in question in relation to the

same matter, compliance with said measures;

j) adherence to codes of conduct under article 40 or 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 financial benefits obtained or losses avoided, directly or indirectly, through the infringement.”

For its part, article 76 “Sanctions and corrective measures” of the LOPDGDD has:

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

2. In accordance with the provisions of article 83.2.k) of Regulation (EU) 2016/679 may also be taken into account:

- a) The continuing nature of the offence.
- b) The link between the activity of the offender and the performance of treatment of personal information.
- c) The profits obtained as a result of committing the offence.
- d) The possibility that the conduct of the affected party could have induced the commission of the offence.
- e) The existence of a merger by absorption process subsequent to the commission of the infringement, which cannot be attributed to the absorbing entity.
- f) Affectation of the rights of minors.
- g) Have, when not mandatory, a data protection officer.
- h) Submission by the person in charge or person in charge, on a voluntary basis, to alternative conflict resolution mechanisms, in those cases in which there are controversies between them and any interested party.”

In accordance with the precepts transcribed, in order to set the amount of the penalties fine to be imposed in this case on the defendant, as responsible for offenses typified in article 83.5.a) and b) of the RGPD, the fine should be graduated that should be imposed for each of the imputed infractions.

For the quantification of the fines for each infraction, as a mitigating circumstance

Of all the infractions, we have to consider that it is a small company.

And as aggravating circumstances of the infractions, we must consider the following:

1. Infraction due to breach of article 12 and article 13 of the RGPD, as defines in article 83, paragraph 5, letter b), of the RGPD:

It is considered that the following criteria are met to be taken into consideration:

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. The nature, seriousness and duration of the infringement, since the lack of information prevents knowing in all its extension what the data treatment consists of and hampers the exercise of rights by the interested parties.

. The continuing nature of the offense.

. High number of interested parties, since all those who access the pages and whose data is processed, from various EU countries.

In light of the aforementioned factors, the amount of the fine for this infringement is 3,000 euros.

2. Infringement due to breach of article 21 of the RGPD, as defined in the Article 83, paragraph 5, letter a), of the RGPD:

The following criteria are considered to be met:

. The nature, seriousness and duration of the offence, taking into account the nature, scope or purpose of the processing operations in question, since the exercise of a right to the interested parties is effectively prevented.

. The continuing nature of the offense;

In light of the aforementioned factors, the amount of the fine for this infringement is 1,000 euros.

3. Violation due to breach of article 5, section 1, letter a), and article 6, paragraph 1 of the GDPR, as defined in article 83, paragraph 5, letter a), of the GDPR:

It is considered that the following criteria are met to be taken into consideration:

. The nature, seriousness and duration of the offence, taking into account the nature, scope or purpose of the processing operations in question, given that the lack of legitimacy in relation to the application for the number of Tax identification by itself makes the processing of personal data impossible.

In light of the above factors, the amount of the fine for the infraction is 2,000 euros”

7th

In accordance with the provisions of article 58.2.d) of the RGPD, each authority of control may “order the person responsible or in charge of the treatment that the processing operations comply with the provisions of this Regulation, when appropriate, in a certain way and within a specified period...”.

In this case, considering the circumstances expressed in relation to the defects appreciated, from the point of view of data protection regulations, it is appropriate require the data controller to provide the following:

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Align your privacy policy with article 12 of the RGPD in terms of

☐

conciseness, transparency and intelligibility, which in particular requires the use of

terms used in the data protection law or at least in a language

common and an easily understandable structure that mentions each piece of information

under the correct title;

Align the information with article 13 of the RGPD, which in particular

☐

requires clearly stating:

o All the purposes pursued with the treatment, including the treatment

that the person in charge is obliged to carry out by law;

o The term during which the personal data will be kept,

stated in such a way as to leave no doubt as to what period of

conservation applies to the processing of what data and for what purpose;

o The legal basis of each treatment, indicated in a way that does not leave

doubt as to what legal basis applies to the processing of what

data and for what purpose;

o The right to object to processing for marketing purposes

o Under what circumstances the client is obliged to provide his number

of tax identification and that this follows from the legislation

Spanish;

o That in accordance with the provisions of article 13, section 2, letter

d), of the RGPD, must inform of the right to file a claim

before a supervisory authority.

direct;

Do not ask for the tax identification number of the clients unless the

□

controller has obtained valid consent for this or is bound by

law to treat these data in order to include them in an invoice

Give a period of three months from the date of publication of the resolution to

follow the above steps.

In addition, the measures that may be taken in the decision ending the

procedure, in relation to the treatment activities, the information provided

to the interested parties and the exercise of the rights, will be applied in all the countries of the

European Union in which the required entity operates.

It is warned that not meeting the requirements of this organization may be

considered as a serious administrative infraction by “not cooperating with the Authority

of control” before the requirements made, being able to be valued such behavior to the

time of the opening of an administrative sanctioning procedure with a fine

pecuniary

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

Spanish Data Protection RESOLVES:

FIRST: Sanction the entity FURNISHYOURSPACE, S.L., with CIF B67094375,

for an infringement of articles 12 and 13 of the RGPD, typified in article 83.5.b) and

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classified as very serious for prescription purposes in article 72.h) of the

LOPDGDD, with a fine amounting to 3,000 euros (three thousand euros).

SECOND: Penalize the entity FURNISHYOURSPACE, S.L., with CIF B67094375,

for an infringement of article 21.4 of the RGPD, typified in article 83.5.b) and classified as very serious for prescription purposes in article 72.k) of the LOPDGDD, with a fine amounting to 1,000 euros (one thousand euros).

THIRD: Sanction the entity FURNISHYOURSPACE, S.L., with CIF B67094375, for an infringement of article 5.1.a) and 6 of the RGPD, typified in article 83.5.a) and classified as very serious for prescription purposes in article 72.1.b) of the LOPDGDD, with a fine amounting to 2,000 euros (two thousand euros).

FOURTH: Require the entity FURNISHYOURSPACE, S.L., with NIF B67094375, so that, within a period of three months, it adapts to the data protection regulations personal the treatment operations that it carries out, the information offered to its clients, with the scope expressed in the Legal Basis VII. such suitability It must also be implemented in all the countries of the European Economic Area. in which FURNISHYOURSPACE operates.

FIFTH: NOTIFY this resolution to FURNISHYOURSPACE, S.L.,

SIXTH: Warn the sanctioned person that he must make the imposed sanction effective once that this resolution is enforceable, in accordance with the provisions of art.

98.1.b) of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations (hereinafter LPACAP), within the voluntary payment period established in art. 68 of the General Collection Regulations, approved by Real

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

December, through its entry, indicating the NIF of the sanctioned and the number of procedure that appears in the heading of this document, in the account

restricted number ES00 0000 0000 0000 0000 0000, opened on behalf of the Agency

Spanish Department of Data Protection in the banking entity CAIXABANK, S.A.. In case Otherwise, it will be collected in the executive period.

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

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

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

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

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

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

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

Against this resolution, which puts an end to the administrative procedure in accordance with art. 48.6 of the

LOPDGDD, and in accordance with the provisions of article 123 of the LPACAP, the

Interested parties may optionally file an appeal for reconsideration before the

Director of the Spanish Agency for Data Protection within a month from

counting from the day following the notification of this resolution or directly

contentious-administrative appeal before the Contentious-Administrative Chamber of the

National Court, in accordance with the provisions of article 25 and section 5 of

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the fourth additional provision of Law 29/1998, of July 13, regulating the

Contentious-administrative jurisdiction, within a period of two months from the

day following the notification of this act, as provided in article 46.1 of the

aforementioned Law.

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

may provisionally suspend the firm resolution in administrative proceedings if the

The interested party expresses his intention to file a contentious-administrative appeal.

If this is the case, the interested party must formally communicate this fact by

writing addressed to the Spanish Agency for Data Protection, presenting it through Electronic Register of the Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through any of the other registers provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. You must also transfer to the Agency the documentation proving the effective filing of the contentious appeal-administrative. If the Agency was not aware of the filing of the appeal contentious-administrative within a period of two months from the day following the notification of this resolution would end the precautionary suspension.

Sea Spain Marti

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