

□ Procedure No.: PS/00172/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) dated October 28, 2019
filed a claim with the Spanish Data Protection Agency. The
claim is directed against POSADA LAS ANIMAS VIGO SPAIN, S.L. with NIF
B27793926 (hereinafter, the claimed) for some facts that could be violating
the legislation on personal data protection. The main reasons in which
the claim is based on are as follows:

“On 09/21/2019, they made public a video of me where you can see
perfectly my face and that of other people in the facilities of the ALLEGED
RECLAIMED. This video is recorded inside the premises and published on the social network
INSTAGRAM in the official profile of the establishment: "la_posada_vigo". I dispose of
screenshots and witnesses that can corroborate this publication.

In addition, the video has been edited with graphic elements according to the situation that
is being recorded, which is me kissing another person. In the video, which
It lasts approximately 20 seconds, my face and body can be seen perfectly.
act.

When they give me transfer of this publication, which I did not know at the time that
was recorded, because they had recognized me from the Internet, I try to get in touch
with the ALLEGED RESPONDENT at the contact telephone number that appears in his profile of
INSTAGRAM, instructing him to immediately withdraw these contents, to which
He answers "whoever enters his premises is exposed to being recorded".

This telephone conversation has not been recorded.

Consequently, I have suffered significant non-pecuniary damage, since the person with whom I kissed me was not my partner at that time.

I request that the corresponding sanction contemplated by law be applied, before an act of disclosure of sensitive personal images, without my consent, even if it is taken into account counts the edition of the contents as an encumbrance of the broadcast image [...]»

Along with the claim, it provides several frames of the alleged recorded video.

SECOND: Prior to the acceptance of this claim for processing, it is transferred the claimed, in accordance with the provisions of article 65.4 of the Law Organic 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights (hereinafter, LOPDGDD).

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2/13

On 12/03/2019, this Agency received a response letter from LA

POSADA DE LAS ÁNIMAS VIGO SPAIN S.L., in which it states the following:

"1. In the access to the hotel establishment there is an express communication of the fact that the place takes pictures and videos of the environment, made not of automated way but by a photographer.

2. It is also indicated that in case of any doubt, contact the management.

3. As the same claimant indicates, the withdrawal of the video was not requested in an written, but by phone and without success.

4. That there are channels of communication by email or in writing available on the premises, open from Monday to Friday from 8:30 p.m.

In any case, the photographs and images of the environment are deleted and replaced by others on a weekly basis, with any client having the right, upon being informed in advance access to address address. In the event that the photograph or video was carried out without being aware of it, there are mechanisms to request the withdrawal immediately from it."

Attached image of the sign that appears at the entrance of the establishment.

THIRD: The claim was admitted for processing by resolution of June 2 of 2020.

FOURTH: On July 17, 2020, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure against the claimant, for the alleged violations of article 6.1 and 7 of Regulation (EU) 2016/679 (Regulation General Data Protection, hereinafter RGPD) typified in article 83.5 of the aforementioned rule, granting a period of ten days to present allegations.

FIFTH: Having been notified of the aforementioned initiation agreement, the respondent submitted a written allegations in which he stated that:

"[...] the fact is omitted that they are photographs and videos of the environment that are performed as specified by the poster that occupies 25% of the upper frame of the only access door to the premises.

It is therefore that it is unfailingly necessary that every client who has access to the store have the poster in your field of vision

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3/13

1. In the access to the hotel establishment there is an express communication of the

fact that the place takes pictures and videos of the environment, made not of automated way but by a photographer.

Apart from this fact, as also indicated in the answer, the photographs and small clips (videos) are made manually by a photographer. being possible at any time, since it is a digital camera, to request its elimination or even asking that his image not be captured.

In accordance with article 4 of the RGPD, it must be a “manifestation of will free, specific, informed and unequivocal by which the interested party accepts, either by means of a declaration, or a clear affirmative action, the treatment of the data people who concern you»

The fact that the information sign occupies a prominent place on the only road to access, together with the fact that the person who captures the images is accessible in all moment in the opinion of the merchant "La posada de las animas" respond to the need for a clear affirmative action, through access to the establishment and the not communicate any impediment to the person taking the photographs.

As far as responsibility for removing the image is concerned, it is clear that corresponds to the interested party, disproportionately, in what corresponds

This qualification is considered from the mercantile that does not correspond to reality, since not only could he have told the photographer to delete the video clip, but as soon as he wanted he could put in telephone contact with the establishment, could also have done it by email, in any case the

Images and video clips are deleted by default on a weekly basis.

That is why it is requested that this document be considered as presented and that it proceed to close the open file against POSADA LAS ANIMAS VIGO SPAIN SL.”

SIXTH: On September 3, 2020, the instructor of the procedure agreed to the opening of a period of practice of tests, taking for reproduced, for purposes

evidence of the claim filed by the claimant and its documentation, the documents obtained and generated by the Subdirector General for Inspection of Data and allegations presented by the respondent.

SEVENTH: On October 13, 2020, a resolution proposal was formulated, proposing that a sanction of warning be imposed on the defendant, for individual violations of articles 6.1 and 7 of the RGPD, typified in article 83.5 of the same standard. In this proposal, a period of 10 days was granted for the claimed could allege whatever he considered in his defense as well as present the documents and information that it considers pertinent, in accordance with article 89.2 of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations (hereinafter, LPACAP).

On October 30, the respondent filed a pleadings brief in which stated the following:

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4/13

1- The proposed resolution is based on “The fact that the mere existence of a information poster does not guarantee that all customers who access the premises are aware of the possible capture of their physical image” this as indicated prevents compliance with the provisions of article 7.1 of the RGPD “When the treatment is Based on the consent of the interested party, the person in charge must be able to demonstrate that the person consented to the processing of their personal data”

2- In the absence of specific regulations on signage in terms of

data protection, this regulation should be extrapolated from the only two regulations existing in the matter and from which the entire legal basis of another type of law is extrapolated. signals not contemplated in them. Royal Legislative Decree 339/1990 of 2 of March approving the articulated text of the law on traffic, circulation of Motor vehicles and road signs and the other is RD 485 on signs in matters of security and health.

In both cases, a signaling system is established by means of panels of different nature (prohibition, mandatory warning, etc.) where

All users of the roads subject to this Law are obliged to obey the traffic signs that establish an obligation or a prohibition and to adapt their behavior to the message of the rest of the regulatory signals that are found on the roads through which they circulate. (Art 53.1 of the Regulation)

This paragraph together with the extensive and abundant jurisprudence is what leads to the fact that if an informative panel sign in a private company (RD485/97) or on a road (RD 339/1990) indicates that the maximum speed is 20 KM and I access the road

I am accepting that said maximum speed is 20 km hour. no effect liberating the fact that the signal was seen or not (provided it exists).

This principle extrapolated to all types of signaling is that it creates signals as disparate as

Some wear the blue color of obligation, others the red of emergency, however none is standardized since it is not to regulate road traffic or conditions of access and safety at work.

Nor the warning sign of the mercantile, the posada de las animas Vigo Spain it is, however it makes clear the warning "Ambient photographs are taken that They go up on social media."

This signaling, being placed in the only access door, complies with

perfectly meet the requirements of a warning sign. can the person

that you do not want to consent not to access.

The fact that the reading of the warning sign cannot be guaranteed does not

invalid nor the fulfillment of the requirements that extrapolating from the abundant

jurisprudence in panel signs could only be for one of these reasons.

- That the signal is not covered or hidden in such a way that its visualization is prevented.

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5/13

- Make it readable

- That precedes the obligation, danger zone, etc.

- That in concurrence with other signals is contradictory.

None of these reasons is given and therefore the claimant accesses the interior of the premises

being able to be informed or not, but at no time has he been denied the right to

the information and therefore your consent when expressly accessing the

establishment is free and conscious.

Imposing a warning for this matter eliminates the validity of warning signs.

informative panel in any field since in all it is based on the same

reference rules.

With regard to the facility (Symmetry) art 7.3, to oppose being recorded or

photographed I return to art 7.1 already commented on the express consent shown to the

access the premises, being able to be duly informed and as which accepting of

expressly and voluntarily the possibility of being recorded or photographed.”

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 claimant filed a brief on October 28, 2019 with the Data Protection Agency that the one that shows that on the 21st of September 2019 the establishment POSADA DE LAS ÁNIMAS VIGO published in the social network Instagram a video of his person while he was inside said establishment, video that would have been recorded without their consent (and presumably edited). Please provide screenshots.

SECOND: The hotel establishment takes photographs and videos of the atmosphere of some of his clients. These photographs and videos are taken by a photographer and published in the profile of the establishment in a social network during a period one week temporary.

THIRD: The respondent has placed a sign at the entrance of the establishment in which warns that in the interior photographs and videos of the environment are taken to its publication on the official page and that with the entrance to the establishment it is presumed the client's consent.

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

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6/13

The Spanish Agency for Data Protection is competent to resolve this

process.

II

The defendant is imputed the commission of an infraction for violation of article 6.1

of the RGPD, which states that:

"1. The treatment will only be lawful if it meets at least one of the following

conditions:

a) the interested party gave their consent for the processing of their personal data

for one or more specific purposes;

b) the treatment is necessary for the execution of a contract in which the interested party

is part of or for the application at the request of the latter of pre-contractual measures;

c) the treatment is necessary for the fulfillment of a legal obligation applicable to the

data controller;

d) the treatment is necessary to protect the vital interests of the interested party or another

Physical person.

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

public or in the exercise of public powers vested in the data controller;

f) the treatment is necessary for the satisfaction of legitimate interests pursued

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

interested is a child.

The provisions of letter f) of the first paragraph shall not apply to the processing

carried out by public authorities in the exercise of their functions."

Likewise, an infraction of article 7 of the same legal text is imputed, which provides

that:

"1. When the treatment is based on the consent of the interested party, the person in charge

You must be able to demonstrate that you consented to the processing of your data personal.

2. If the data subject's consent is given in the context of a written statement that also refers to other matters, the request for consent will be submitted in such a way as to be clearly distinguishable from other matters, in an intelligible and easily accessible and using clear and simple language. None will be binding part of the declaration that constitutes an infringement of these Regulations.

3. The interested party shall have the right to withdraw their consent at any time. The Withdrawal of consent will not affect the legality of the treatment based on the consent prior to withdrawal. Before giving their consent, the interested party You will be informed of this. It will be as easy to withdraw consent as to give it.

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7/13

4. When assessing whether the consent has been freely given, it will be taken into account in the greatest extent possible whether, among other things, the performance of a contract, including the provision of a service, is subject to data consent personal that are not necessary for the execution of said contract.

The infractions are typified in article 83.5 of the RGPD:

“The infractions of the following dispositions will be sanctioned, in accordance with the paragraph 2, with administrative fines of a maximum of EUR 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 largest amount:

a) the basic principles for the treatment, including the conditions for the consent under articles 5, 6, 7 and 9; [...]"

For the purposes of the limitation period for infractions, those indicated in paragraph above are considered very serious and prescribe after three years, in accordance with article 72.1 of the LOPDGDD, which establishes that:

"Based on the provisions of article 83.5 of Regulation (EU) 2016/679, considered very serious and will prescribe after three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

[...] b) The processing of personal data without the concurrence of any of the conditions of legality of the treatment established in article 6 of Regulation (EU) 2016/679.

c) Failure to comply with the requirements of Article 7 of the Regulation (EU) 2016/679 for the validity of consent [...]"

III

The present procedure has its origin in the consideration as violator of the Current policy of recording images and videos of clients of the establishment of hospitality and leisure POSADA LAS ÁNIMAS VIGO for subsequent dissemination on networks social or website. The defendant bases the legitimate basis of the treatment on the consent of the interested parties.

The RGPD regulates the different legitimate bases for the processing of personal data in its article 6.1, and on this issue of the legality of the treatment, also affects the

Considering 40 of the aforementioned RGPD, when it states that "For the processing is lawful, personal data must be processed with the consent of the interested party or on any other legitimate basis established in accordance with Law, either either in this Regulation or by virtue of other law of the Union or of the Member States covered by this Regulation, including the need to

comply with the legal obligation applicable to the data controller or the need to execute a contract to which the interested party is a party or in order to take measures at the request of the interested party prior to the conclusion of a contract.”

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8/13

According to what was stated by the respondent, he has based the treatment of

data object of the procedure in the consent of the interested parties and to this

In this regard, it is necessary that it be linked to the specific purposes of the

treatment of your data. In relation to the definition of consent, the article

4.11 of the RGPD supposes a paradigm shift with respect to the current scheme with

prior to the aforementioned norm, because it makes the legal reality disappear

called “presumed consent”. Thus, this definition indicates that it is considered

consent of the interested party that "manifestation of free will, specific,

informed and unequivocal by which the interested party accepts, either through a

declaration, or a clear affirmative action, the processing of personal data that

concern”.

Regarding the form of consent, according to Recital 32 «Consent

must be given through 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, such as a declaration by

written, including by electronic means, or an oral statement. This could include

check a box on a website on the internet, choose technical parameters for the

use of services of the information society, or any other declaration or

conduct that clearly indicates in this context that the data subject accepts the proposal for the processing of your personal data. Therefore, the silence, the boxes already markings or inaction should not constitute consent. The consent must be given for all treatment activities carried out with the same or the same purposes. When the treatment has several purposes, consent must be given to all of them. If the data subject's consent is to be given following a request for electronic means, the request must be clear, concise and not disturb unnecessarily the use of the service for which it is provided."

And abounding in this need for a clear and unequivocal declaration, the Recital 42 establishes that: "When the treatment is carried out with the consent of the data subject, the data controller must be able to demonstrate that the data controller has consented to the processing operation. In particular in the context of a written statement made on another matter, there must be guarantees that the interested party is aware of the fact that he gives his consent and the extent to which that makes. In accordance with Directive 93/13/EEC of the Council [of April 5, 1993, on abusive clauses in contracts concluded with consumers], a model declaration of consent drawn up must be provided previously by the person in charge of the treatment with an intelligible formulation and of easy access that uses clear and simple language, and that does not contain clauses abusive In order for the consent to be informed, the interested party must know at least the identity of the person responsible for the treatment and the purposes of the treatment to which the personal data is intended. The consent must not be considered freely provided when the interested party does not enjoy true or free choice or may not withhold or withdraw consent without prejudice."

Likewise, article 7 of the RGPD lists the conditions that must be met to the granting of consent and in our legal system, the LOPDGDD indicates

in its article 6, which bears the rubric "Processing based on the consent of the affected" the following:

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9/13

"1. In accordance with the provisions of article 4.11 of Regulation (EU) 2016/679, consent of the affected party is understood as any manifestation of free will, specific, informed and unequivocal by which it accepts, and asea through a declaration or a clear affirmative action, the treatment of personal data that concern.

2. When it is intended to base the processing of the data on the consent of the affected for a plurality of purposes, it will be necessary to state specific and unequivocal that said consent is granted for all of them.

3. The execution of the contract may not be subject to the affected party consenting to the processing of personal data for purposes unrelated to the maintenance, development or control of the contractual relationship."

In accordance, therefore, with the provisions of article 6.1 of the RGPD, in relation to

Considering 32 and 42, when the treatment is based on the consent of the affected, to consider said consent valid, it must be informed,

refer specifically to specific purposes, lend themselves freely and be

unequivocal. On this issue, Guidelines 5/2020, adopted by the Committee

European Data Protection, offer some mechanisms to help the

interpretation of these criteria and their compliance by those responsible for the treatments.

□ In relation to the need for informed consent, it will be necessary to

Go to article 13 of the RGPD, an article that determines the information that must be provided when the data is obtained from the interested party. To achieve this end, the article 11 of the LOPDGDD articulates the way to offer the information of article 13 of the RGPD, establishing what basic information must be provided, at least in a directly, and without prejudice to the due indication of the means or place where access the complete information that must be offered by virtue of the aforementioned article 13 of the RGPD. The elements that make up the information to be provided in the assumption that the consent is established as the legitimizing basis of the treatment they must reach: the identity of the person in charge, the purposes of the treatment or treatments, what type of data is collected, the existence of the right to withdraw the consent, information on whether the data will be subject to automated decisions and the possible risks in the event that a transfer is planned international data collection in the absence of an adequacy decision and the corresponding safeguards.

□ The requirement of specificity is closely linked to the requirement of informed consent and refers to the fact that consent is given solely for the purpose for which it is established and in the event that they are various purposes, the consent must be differentiated for each of them. This consent requirement must, logically, be based on the information specified previously provided.

□ A freely given consent means that the interested party must have a real option not to grant it. Consequently, it cannot be considered granted the consent freely when the subject cannot deny its granting without suffering

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some kind of negative consequence, an extreme that must be proven by the person responsible for the treatment..

□ Lastly, with respect to non-equivocalness, this requirement would manifest itself in the fact that the

The interested party unequivocally accepts the processing of their data through a

deliberate affirmative action and prior to the start of treatment

of the data.

The RGPD does not prescribe a specific way to record the consent given and

therefore, it will be up to the person in charge to determine that, in line with the principle

of proactive responsibility established by article 4.2 of the RGPD, in such a way

that can prove that the interested party has validly provided the aforementioned

consent, that is, that it is informed, free, specific, and provided

unequivocal way.

In relation to the foregoing and in accordance with the proven facts highlighted

In this procedure, the respondent carries out data processing

consisting of taking photographs of the clients of the establishment for their

subsequent dissemination on social networks based on consent, which is not

in accordance with data protection regulations for the following reasons.

Thus, in those cases in which the captured photographs affect people

identifiable and that they are not aware of the moment in which those photographs are

being taken, it cannot be considered that the consent obtained is valid since

that:

1. It is not possible to prove that the people who are the object of the images have been

duly informed. The fact, by itself, of having a poster of

adequate dimensions at the entrance of the premises (it occupies more than 25% of the entrance to the premises), even when collecting at least the basic information provided in the article 11 of the LOPDGDD and indicate an address where to go to know the rest of the information that must be provided to the interested parties is not sufficient to those data treatments whose legitimating basis is consent since does not allow to prove that each and every one of the people whose data is going to be treated, have read the poster and have been informed. A different question would result, for example, of data processing carried out for security reasons through a video surveillance camera, data processing whose legitimate basis is the public interest and not consent, and where the requirement of the duty of information it is understood that the provision of a poster that meets the minimum requirements has been fulfilled.

2. It cannot be considered that people who are recruited without being aware of their recording have unquestionably consented to the taking of a photograph or video of their physical image because they may not even know that they are being of that treatment. As noted above, presumed consent has ceased to be valid within the framework of the data protection regulations arising from the approval of the RGPD, and must be express.

On the other hand, in those photographs in which the client appears looking directly and intentionally into the camera, it would be possible to conclude, unlike the supposed above, that the consent is unequivocal. Now, it is important to note that

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11/13

In these cases, all the requirements that have been established must be met in all ways.

mentioned above as necessary for the provision of a consent valid, which implies, therefore, the need for consent to also be reported for each and every one of the purposes (in this case, capturing the image and its subsequent dissemination through social networks) and free, and the responsible must be able to prove that these extremes have been fulfilled in all cases.

Taking the foregoing into account, therefore, the arguments of the claimed since these are settled on the basis that the claimed party provides clearly visible information at the entrance of the establishment and that would fall on the sphere of responsibility of the clients the fact of reading it or not; how has it indicated, the framework that configures the RGPD for the processing of personal data whose legitimate basis is the consent of the interested parties, requires a clear affirmative action in the provision of said consent that must comply with all and each of the conditions referred to above, eliminating from this forms the so-called tacit or presumed consent. Therefore, to fulfill with the data protection regulations when the legitimizing basis of the treatment is constitutes the consent of the interested party, the sole provision of this information —whose reading in this case cannot even be accredited— is configured as a necessary but not sufficient budget.

On the other hand, it is indicated that, in the face of the affirmation of the absence of signaling in terms of data protection, although it is true that there are no provisions on the type of informative signs, articles 13 and 14 of the RGPD collect the information that the person in charge is obliged to provide depending on whether the data is obtained or not from the interested party and article 11 of the LOPDGDD offers a means of fulfilling this obligation through the so-called system of layers (in which a distinction is made between basic information that must be provided

immediately and the complementary information that can be offered in a second moment). The form of compliance with this duty of information will depend, logically, on the type of treatment in particular, being the responsibility responsible for the design and provision of that information.

IV

Without prejudice to the provisions of article 83.5, sections a) and b), of the RGPD, its art. 58.2 b) establishes the possibility of sanctioning with a warning, in relation to what stated in Recital 148:

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

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12/13

In the present case, when deciding the sanction to be imposed, they have taken into account account the following elements:

☐ That it is a company whose main activity is not linked to the treatment of personal data.

□ That there is no recidivism or reiteration, as there is no record of the commission of previous breaches of data protection.

For all these reasons, it is considered that the sanction that should be imposed is warning, in accordance with the provisions of article 58.2 b) of the RGPD, in relation to what is stated in Considering 148, cited above.

On the other hand, in accordance with the provisions of the aforementioned article 58.2 d) of the RGPD, according to which each control authority may "order the person in charge or in charge of the treatment that the treatment operations comply with the provisions of the this Regulation, where appropriate, in a certain way and within a specified period [...]", the person in charge must adopt the necessary measures to prove that the consent given by the interested parties is informed, specific, free and unquestioned.

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

FIRST: IMPOSE POSADA LAS ANIMAS VIGO SPAIN, S.L., with NIF B27793926, for two violations of articles 6.1 and 7 of the RGPD, typified in Article 83.5 of the aforementioned rule, a sanction of WARNING.

SECOND: ORDER POSADA LAS ANIMAS VIGO SPAIN, S.L so that prove, within a maximum period of ONE MONTH from the notification of this resolution, the adoption of the necessary measures to prove that the consent given by stakeholders is informed, specific, free and unquestioned.

THIRD: NOTIFY this resolution to POSADA LAS ANIMAS VIGO SPAIN, S.L. and inform the claimant.

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

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13/13

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

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

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

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

aforementioned Law.

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

may provisionally suspend the firm resolution in administrative proceedings if the

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

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

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

Electronic Register of the Agency [[https://sedeagpd.gob.es/sede-electronica-](https://sedeagpd.gob.es/sede-electronica-web/)

[web/](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

Director of the Spanish Data Protection Agency

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