 File No.: EXP202210404

RESOLUTION OF TERMINATION OF THE PROCEDURE FOR PAYMENT

VOLUNTEER

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

to the following

BACKGROUND

FIRST: On November 23, 2022, the Director of the Spanish Agency

of Data Protection agreed to start a sanctioning procedure against DISPLAY

CONNECTORS, S.L. (hereinafter, the claimed party), through the Agreement that

transcribe:

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File No.: PS/00555/2022

AGREEMENT TO START THE SANCTION PROCEDURE

Of the actions carried out by the Spanish Data Protection Agency and in

based on the following

FACTS

FIRST: A.A.A. (hereinafter, the complaining party), dated December 13,

2021, filed a complaint with the Spanish Agency for Data Protection. The

The reasons on which the complaint was based are the following:

B.B.B. posted on his Twitter profile a thread related to the "C.C.C." case. In its

tweet (...), the name and surname of C.C.C.'s underage son appears, relating to the

analysis of possible sexual abuse suffered by the minor.

SECOND: On December 15, 2021, in accordance with article 65 of

Organic Law 3/2018, of December 5, on the Protection of Personal Data and

guarantee of digital rights (hereinafter, LOPDGDD), the

claim filed by the complaining party.

FOURTH: The General Subdirectorate of Data Inspection proceeded to carry out

of previous investigative actions to clarify the facts in

matter, by virtue of the functions assigned to the control authorities in the

article 57.1 and the powers granted in article 58.1 of the Regulation (EU)

2016/679 (General Data Protection Regulation, hereinafter GDPR), and

in accordance with the provisions of Title VII, Chapter I, Second Section, of the

LOPDGDD, having knowledge of the following extremes:

For B.B.B. was issued, on December 15, 2021, precautionary measure of

urgent removal of content, in such a way that it makes it impossible to access and dispose it by

third parties.

On January 11, 2022, this Agency received a letter sent by

B.B.B., which points out that the screenshot in which the name and surname of the

minor "was incorporated from a news item generated by the newspaper "PÚBLICO" on

DATE.1, whose owner is “HOLDER.1”, accessible from the URL ***URL.1.

It continues to indicate B.B.B. that, to such news, the media attached

screenshots of judicial reports, from which personal data has been redacted, if

well in one of them the name and surname of the minor was left.

B.B.B. attached to his brief, among other documents, a full copy of the notice that was

see in the URL ***URL.1

On January 13, 2021, it was issued to DISPLAY CONNECTORS, S.L. (in

forward, Display), with NIF B65749715, provisional measure regarding the image

***URL.2 of the published article dated ***DATE.1 in the URL ***URL.1

consisting of eliminating or anonymizing, as immediately as possible, the data

minor E.E.E. of the web addresses from which they are accessible,

avoiding, to the extent that the state of technology allows it, the re-upload or re-

upload of copies or exact replicas by the same or other users.

On February 1, 2022, this Agency received a letter sent by

Display, noting that on January 17, 2022, it proceeded with the precautionary withdrawal of the

personal data referred to E.E.E..

On January 19, 2022, it was verified that Display had anonymized

correctly the data of the minor.

FUNDAMENTALS OF LAW

Yo

Competence

By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of

control and as established in articles 47, 48.1, 64.2 and 68.1 of the LOPDGDD,

The Director of the Agency is competent to initiate and resolve this procedure

Spanish Data Protection.

Likewise, article 63.2 of the LOPDGDD determines that: "Procedures

processed by the Spanish Data Protection Agency will be governed by the provisions

in Regulation (EU) 2016/679, in this organic law, by the provisions

regulations dictated in its development and, insofar as they do not contradict them, with character

subsidiary, by the general rules on administrative procedures."

II

Right to data protection

Article 4 of the GDPR, "Definitions", in its sections 1 and 2 states:

“1) «personal data»: any information about an identified natural person or identifiable (“the data subject”); An identifiable natural person shall be considered any person whose identity can be determined, directly or indirectly, in particular by means of an identifier, such as a name, an identification number, data of location, an online identifier or one or more elements of identity physical, physiological, genetic, mental, economic, cultural or social of said person;

2) "processing": any operation or set of operations carried out on personal data or sets of personal data, either by procedures automated or not, such as the collection, registration, organization, structuring, conservation, adaptation or modification, extraction, consultation, use, communication by transmission, diffusion or any other form of authorization of access, collation or interconnection, limitation, deletion or destruction;” (underlining is our).

This procedure is initiated because Display published, on the website referred to in the facts, an expert report in which the name and surname of the minor son of age of C.C.C. to illustrate a piece of news related to the legal proceedings of the latter.

People have the power to dispose of their personal data, as well as on its dissemination, resulting, without a doubt, deserving of protection the person whose personal data is disseminated in violation of the legal system.

Thus, STC 292/2000, of November 30, provides that "the content of the right Fundamental to data protection consists of a power of disposal and control

on personal data that empowers the person to decide which of those data

provide to a third party, be it the State or an individual, or which can this third party

collect, and which also allows the individual to know who owns that personal data

and for what, being able to oppose that possession or use. These powers of disposition and

control over personal data, which constitute part of the content of the right

fundamental to data protection are legally specified in the power to

consent to the collection, obtaining and access to personal data, its subsequent

storage and treatment, as well as its use or possible uses, by a third party, be it the

state or an individual. And that right to consent to knowledge and treatment,

computerized or not, of personal data, requires as complements

essential, on the one hand, the ability to know at all times who has

these personal data and to what use you are submitting them, and, on the other hand, the power

oppose such possession and uses".

In this sense, and regardless of the legal basis legitimizing the

treatment, all controllers must respect the principles of

treatment included in article 5 of the GDPR. We will highlight article 5.1.c) of the

GDPR which establishes that:

"1. Personal data will be

c) adequate, pertinent and limited to what is necessary in relation to the purposes for which

that are processed ("data minimization");"

However, we are faced with a fundamental right that is not absolute,

since, if necessary, the Fundamental Right to Data Protection can

give in to the prevalence of other rights and freedoms also constitutionally

recognized and protected, such as, for example, the Fundamental Right to Freedom of

Information, weighing it on a case-by-case basis.

However, in the present case, as we will explain, it must be considered that the

treatment carried out by Display within the framework of freedom of information has

been excessive, as there was no prevailing public interest in informative dissemination of the

name and surname of the minor, information that, added to the fact that he is the son of

a person immersed in a highly mediated legal proceeding, clearly makes

identifiable to the minor. By weighing the conflicting interests and, taking into account

the concurrent circumstances of this case, that is, the situation of special

vulnerability when dealing with a minor and the intense affectation to the privacy of the

affected, the interest of the holder of the right to the protection of

their personal data and that they are not disclosed against the alleged public interest in their

diffusion.

II

Information right

In the struggle between the Fundamental Rights to Freedom of Information in

relation to the Fundamental Right to the Protection of Personal Data, even

when an equal degree of protection is recognized for both constitutional rights,

ordinarily the first is usually endowed with prevalence by our courts, after

assess and weigh all the elements at stake.

However, preponderance does not mean prevalence when, after all the

concurrent circumstances in a specific case, the limits set are exceeded

normatively and jurisprudentially.

In this sense, the Article 29 Working Group in its Opinion 06/2014 on the

concept of legitimate interest of the data controller under the

Article 7 of Directive 95/46/EC, when examining the legal basis of the legitimate interest of the

Article 7.1.f) of Directive 95/46/CE, fully transferable to the current art. 6.1.f) of

GDPR, includes the right to freedom of expression or information as one of the

cases in which the question of legitimate interest may arise, stating that "without

regardless of whether the interests of the data controller will ultimately prevail

term on the interests and rights of the interested parties when the

weighing test".

IV.

Limits to the Fundamental Right to Freedom of Information.

That said, the Fundamental Right to Freedom of Information is not

absolute. We can observe very clear limits established by the courts in the

civil sphere in relation to the Right to Honor, to Personal and Family Privacy and to

the Own Image, especially when it comes to minors, under the protection of the

established in article 20.4 of the E.C.

Thus, we will cite, for all, the STC 134/1999, of July 15 (recurso de amparo

209/1996) which provides that "6. Consequently, the legitimate interest of both

minors not to disclose data relating to their personal or family life, such as

happens here, seems to impose an insurmountable limit both to the freedom of

expression art. 20.1 a) E.C. de doña (...) as the fundamental right to communicate

freely truthful information art. 20.1 d) E.C. of the magazine «Soon», which is what

now matters, without the supposed veracity of what has been revealed exonerating the media
communication of responsibility for the interference in the private life of both
minors. In these cases, whether or not the information is true, no matter how inseparable
Be of the judgment on the initial framing of the message in the art. 20.1.d) E.C. to
purposes of determining whether it deserves constitutional protection, it is irrelevant
to establish whether or not there has been an injury to art. 18.1 C.E., since, if the information
transgresses one of its limits (art. 20.4 C.E.), its veracity does not excuse the violation of
another right or constitutional good (SSTC 171 and 172/1990, 197/1991 and 20/1992). As
it is also completely irrelevant that the disclosed data were already in the public domain,
Well, if on that occasion this Court already said that its revelation was its source
Whatever it was, it could be an intrusion into the injurious privacy of art. 18.1 E.C.
(STC 197/1991), it will not be so now to a lesser extent." (underlining is ours).
We will add the STS, of its First Civil Chamber, 631/2004, of June 28 (rec.
4445/1998), which states that "The requirement to protect the
minors in cases such as the present in which a sensationalist purpose
determines an excessive treatment of a family misfortune of such seriousness
as that of the proceedings, all the more so since the public relevance of the matter is rather relative,
and that the freedom of information corresponds to the purpose of contributing to the
formation of public opinion on matters of general interest. The mention
repeated identification data of the minor, together with his classification as a boy
disobedient and conflictive and the reference to having killed his stepsister, constitutes
an evident excess of information, making identification unnecessary, as
It also occurs with the inclusion of the photograph of the same that appears in the report
although his eyes have been covered with a white stripe. Such form of publication is
totally negative for the moral integrity and formation of minors,
contravening the constitutional requirement of protection of youth and childhood

(art. 20.4), and detrimental to social rehabilitation (...).” (underlining is ours).

As we can see, a clear reference is made to the excessive treatment of

personal data of minors to provide the information,

considering them absolutely unnecessary due to the special protection of which

enjoy in accordance with article 20.4 of the C.E.

SAW

Balance between the Fundamental Right to Freedom of Information and the Right

Fundamental to the Protection of Personal Data.

In the specific case examined, as we have indicated, Display published, on the site

website referred to in the facts, an expert report in which the name and surnames can be seen

of the minor son of C.C.C. to illustrate a notice regarding the procedure

court of this

Thus, it is not a question of giving prevalence to one fundamental right over another,

having to choose which one has more weight in a specific case. If not, rather

find a balance between the two to achieve the achievement of the purpose of the

first without distorting the second. The reconciliation of both rights is nothing

new, since the European legislator mandates such conciliation in article 85 of the

GDPR.

As we have seen previously, the Fundamental Right to Freedom of

Information is not unlimited, since the jurisprudential interpretation when confronting it

with other rights and freedoms does not allow the same in any case and with all breadth,

but, nevertheless, the prevalence that the courts usually endow it can be seen
limited by other fundamental rights that must also be respected. Thus
observe its limitation when it comes to personal data of minors.
Let us remember, for merely illustrative purposes, that Organic Law 1/1996, of 15
of January, of Legal Protection of the Minor, of partial modification of the Civil Code and
of the Civil Procedure Law, provides special protection for minors in
rights such as Honor, Personal and Family Privacy and Own Image,
prohibiting the dissemination of data or images referring to minors in the
media when it is contrary to their interest.
In this case, the situation of the minor must be considered and what the
dissemination of your name and surname, as well as the special protection that must be provided
the legal system that, without constraining the supply of information, must be done
compatible with the principle of data minimization due to the immediate affectation of the
personal data and the identification of the minor.
Precisely because the obvious informative public interest in the news is not denied,
In this specific case, it is not a question of diminishing the Fundamental Right to
Freedom of Information due to the prevalence of the Fundamental Right to Protection
of Personal Data, but to make them fully compatible so that
both are absolutely guaranteed. That is, there is no question of the
freedom of information from the media but the weighting with the
right to data protection based on proportionality and the need to
publish the specific personal data of the names and surnames of the minor.
The older we have to mean that, although the name and surname of the
parents of the minor affected by being immersed in a
highly mediated judicial procedure, our Constitutional Court affirms, for all
the aforementioned STC 134/1999, of July 15, that "Neither the disclosure of information by

said adoptive parents, which they themselves have recognized as false, nor their being

characters with public notoriety, nor the eventual knowledge and diffusion that this

alluded to information could have had in advance, nor that its source was one

of its protagonists, (...), justify such impairment of art. 18.1 C.E., since

The data disclosed does not only refer to the persons of the adoptive parents or of the

supposed biological mother of one of the minors, but to those events of life

of both minors that we have already described as belonging to their personal privacy and

familiar, and that legitimately should remain sheltered from the curiosity of others while

the aforementioned adopted minors cannot exercise their power of disposal over that

information, in exercise of their rights guaranteed in art. 18.1 E.C. (STC

197/1991).” (underlining is ours).

VII

Every person responsible for the treatment has conferred obligations in terms of

data protection, in the terms prescribed in the GDPR and in the LOPDGDD,

being able to highlight, in terms of what interests us, proactive responsibility,

article 5.2 of the GDPR, the assessment of risks and the implementation of measures

of adequate security. Obligations that are even more relevant when, as in

In the case we are examining, this one is especially sensitive.

Such obligations do not decline because we are before a data controller

that it is a means of communication.

If we combine the dissemination of the name and surname of the minor, which makes him or her

identifiable and can be recognized by third parties, with the fact of being the son of a

person immersed in a highly mediated legal proceeding, there is a very high risk

and very likely that you may suffer damage to your rights and freedoms.

It is tremendously significant that, in the case examined, Display has

Immediately anonymize the name and surname of the minor upon request

of the AEPD, without prejudice to which the information continues to be available and continues to be

supplying with all its breadth. This shows that to supply this

Specific information was not necessary, under the terms of art. 5.1.c) of the GDPR give

diffusion to the name and surname of the affected person.

VIII

Excess data processing

In accordance with the evidence available at the present time of

agreement to start the disciplinary procedure, and without prejudice to what results from the

instruction, it is considered that Display has processed data that was excessive as it was not

necessary for the purpose for which they were processed.

The known facts could constitute an infringement, attributable to Display,

of article 5.1.c) of the GDPR, which, if confirmed, could imply the commission of the

infringement typified in article 83.5, section a) of the GDPR, which under the rubric

"General conditions for the imposition of administrative fines" provides that:

Violations of the following provisions will be sanctioned, in accordance with the

paragraph 2, with administrative fines of maximum EUR 20,000,000 or,

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

total annual global business volume of the previous financial year, opting for the

of greater amount:

a) the basic principles for the treatment, including the conditions for the

consent in accordance with articles 5, 6, 7 and 9;”

In this regard, the LOPDGDD, in its article 71 establishes that "They constitute

offenses the acts and behaviors referred to in sections 4, 5 and 6 of the

Article 83 of Regulation (EU) 2016/679, as well as those that are contrary to the

present organic law”.

For the purposes of the limitation period, article 72 of the LOPDGDD indicates:

Article 72. Offenses considered very serious.

"1. Based on what is established in article 83.5 of Regulation (EU) 2016/679,

are considered very serious and will prescribe after three years the infractions that

a substantial violation of the articles mentioned therein and, in particular, the

following:

a) The processing of personal data in violation of the principles and guarantees

established in article 5 of Regulation (EU) 2016/679.”

IX

Penalty for the infringement

In order to determine the administrative fine to be imposed, the

provisions of articles 83.1 and 83.2 of the GDPR, precepts that state:

"Each control authority will guarantee that the imposition of administrative fines

under this Article for infringements of this Regulation

indicated in sections 4, 5 and 6 are effective in each individual case,

proportionate and dissuasive.”

"Administrative fines will be imposed, depending on the circumstances of each

individual case, in addition to or in lieu of the measures contemplated in

Article 58, paragraph 2, letters a) to h) and j). When deciding to impose a fine

administration and its amount in each individual case shall 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

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

have suffered;

b) intentionality or negligence in the infraction;

c) any measure taken by the controller or processor to

alleviate the damages and losses suffered by the interested parties;

d) the degree of responsibility of the controller or processor,

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 controller or processor;

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

extent;

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

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

same matter, compliance with said measures;

j) adherence to codes of conduct under article 40 or to mechanisms of

certification approved in accordance with article 42, and

k) any other aggravating or mitigating factor applicable to the circumstances of the case,

such as financial benefits obtained or losses avoided, directly or

indirectly, through the infringement."

Regarding section k) of article 83.2 of the GDPR, the LOPDGDD, article 76,

"Sanctions and corrective measures", provides:

"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 data processing.

personal information.

c) The benefits obtained as a consequence of the commission of the infraction.

d) The possibility that the conduct of the affected party could have led to the commission

of the offence.

e) The existence of a merger by absorption process subsequent to the commission of the

violation, which cannot be attributed to the absorbing entity.

f) The affectation of the rights of minors.

g) Have, when it is not mandatory, a data protection delegate.

h) Submission by the person responsible or in charge, on a voluntary basis, to

alternative conflict resolution mechanisms, in those cases in which

there are controversies between those and any interested party."

In an initial assessment, the graduation criteria are considered concurrent

following:

- Aggravating factors:

- Article 83.2.b) of the GDPR: Intentional or negligent infringement: Yes

Although the Agency considers that there was no intentionality on the part of the means of

communication, the Agency concludes that it was negligent in failing to ensure that all

personal data of the images that he had attached to the news were

duly anonymized, especially because it deals with data of a minor,

where the care that must be taken is greater because it is a vulnerable person.

- Article 72.2.f) of the LOPDGDD: Affectation of the rights of minors,

since the name and surnames treated without having legitimizing cause for it belonged to a

younger.

The amount of the fine that would correspond, without prejudice to what results from the

instruction of the procedure, is €50,000 (fifty thousand euros).

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

Spanish Data Protection,

HE REMEMBERS:

FIRST: INITIATE SANCTION PROCEDURE against DISPLAY CONNECTORS,

S.L., with NIF B65749715, for the alleged violation of article 5.1.c) of the GDPR,

typified in article 83.5.a) of the GDPR.

SECOND: CONFIRM the following provisional measures imposed on DISPLAY

CONNECTOR, S.L.:

- Elimination or anonymization of the personal data of the minor E.E.E. of the

web addresses from which they are accessible, avoiding to the extent that the

state of the technology allows it, the re-upload or re-upload of copies or exact replicas

by the same or other users.

- Withdrawal or anonymization of the contents in such a way that it makes it impossible to access them and

disposal by third parties, but guarantees its conservation, in order to safeguard the

evidence that may be required in the course of the police investigation or

administrative or judicial process that may be investigated.

THIRD: APPOINT as instructor R.R.R. and, as secretary, to S.S.S.,

indicating that any of them may be challenged, if applicable, in accordance with the

established in articles 23 and 24 of Law 40/2015, of October 1, on the Regime

Legal Department of the Public Sector (LRJSP).

FOURTH: INCORPORATE into the disciplinary file, for evidentiary purposes, the

complaint filed by the complainant and its documentation, as well as the

documents obtained and generated by the Sub-directorate General of Inspection of

Data in the actions prior to the start of this sanctioning procedure.

FIFTH: THAT for the purposes provided for in art. 64.2 b) of Law 39/2015, of 1

October, of the Common Administrative Procedure of Public Administrations, the

sanction that could correspond would be €50,000 (fifty thousand euros), without prejudice

of what results from the instruction.

FIFTH: NOTIFY this agreement to DISPLAY CONNECTORS, S.L., with NIF

B65749715, granting a hearing period of ten business days to formulate

the allegations and present the evidence it deems appropriate. In his writing of allegations must provide your NIF and the procedure number that appears in the heading of this document.

If, within the stipulated period, he does not make allegations to this initial agreement, the same may be considered a resolution proposal, as established in article 64.2.f) of Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations (hereinafter, LPACAP).

In accordance with the provisions of article 85 of the LPACAP, you may recognize your responsibility within the period granted for the formulation of allegations to the present initiation agreement; which will entail a reduction of 20% of the sanction that should be imposed in this proceeding. With the application of this reduction, the sanction would be established at €40,000 (forty thousand euros), resolving the procedure with the imposition of this sanction.

In the same way, it may, at any time prior to the resolution of this procedure, carry out the voluntary payment of the proposed sanction, which will mean a reduction of 20% of its amount. With the application of this reduction, the sanction would be established at €40,000 (forty thousand euros), and its payment will imply the completion of the procedure.

The reduction for the voluntary payment of the penalty is cumulative to the corresponding apply for acknowledgment of responsibility, provided that this acknowledgment of the responsibility is revealed within the period granted to formulate

allegations at the opening of the procedure. Voluntary payment of the referred amount in the previous paragraph may be done at any time prior to the resolution. In In this case, if both reductions were to be applied, the amount of the penalty would remain established at €30,000 (thirty thousand euros).

In any case, the effectiveness of any of the two aforementioned reductions will be conditioned to the withdrawal or resignation of any action or appeal via administrative against the sanction.

In the event that you choose to proceed with the voluntary payment of any of the amounts previously indicated €40,000 (forty thousand euros), or €30,000 (thirty thousand euros), You must make it effective by depositing it into account number ES00 0000 0000 0000 0000 0000 open in the name of the Spanish Data Protection Agency in the banking entity CAIXABANK, S.A., indicating the reference number in the concept of the procedure that appears in the heading of this document and the cause of reduction of the amount to which it receives.

Likewise, you must send proof of income to the General Subdirectorate of Inspection to continue with the procedure in accordance with the quantity entered.

The procedure will have a maximum duration of nine months from the date of the initiation agreement or, where appropriate, of the draft initiation agreement. After this period, its expiration will occur and, consequently, the file of performances; in accordance with the provisions of article 64 of the LOPDGDD.

In compliance with articles 14, 41 and 43 of the LPACAP, it is noted that, as regards successively, the notifications that are sent to you will be made exclusively in a electronically, through the Unique Authorized Electronic Address (dehu.redsara.es) and the Electronic Notification Service (notifications.060.es), and that, if you do not access their rejection will be recorded in the file, considering the process completed and

following the procedure. You are informed that you can identify before this Agency

an email address to receive the notice of making available to the

notifications and that failure to practice this notice will not prevent the notification

be considered fully valid.

Finally, it is noted that in accordance with the provisions of article 112.1 of the

LPACAP, there is no administrative appeal against this act.

Mar Spain Marti

C / Jorge Juan, 6

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935-110422

www.aepd.es

sedeagpd.gob.es

Director of the Spanish Data Protection Agency

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SECOND: On December 14, 2022, the claimed party has proceeded to the

payment of the penalty in the amount of 30,000 euros using the two reductions

provided for in the initiation Agreement transcribed above, which implies the

recognition of responsibility.

THIRD: The payment made, within the period granted to formulate allegations to

the opening of the procedure, entails the waiver of any action or appeal via

against the sanction and acknowledgment of responsibility in relation to

the facts referred to in the Commencement Agreement.

FUNDAMENTALS OF LAW

Yo

Competence

In accordance with the powers that article 58.2 of Regulation (EU) 2016/679

(General Data Protection Regulation, hereinafter GDPR), grants each

control authority and as established in articles 47, 48.1, 64.2 and 68.1 of the

Organic Law 3/2018, of December 5, on the Protection of Personal Data and

guarantee of digital rights (hereinafter, LOPDGDD), is competent to

initiate and resolve this procedure the Director of the Spanish Protection Agency

of data.

Likewise, article 63.2 of the LOPDGDD determines that: "The procedures

processed by the Spanish Data Protection Agency will be governed by the provisions

in Regulation (EU) 2016/679, in this organic law, by the provisions

regulations dictated in its development and, insofar as they do not contradict them, with character

subsidiary, by the general rules on administrative procedures."

II

Termination of the procedure

Article 85 of Law 39/2015, of October 1, on Administrative Procedure

Common for Public Administrations (hereinafter, LPACAP), under the heading

"Termination in disciplinary proceedings" provides the following:

"1. Initiated a disciplinary procedure, if the offender acknowledges his responsibility,

The procedure may be resolved with the imposition of the appropriate sanction.

2. When the sanction has only a pecuniary nature or it is possible to impose a

pecuniary sanction and another of a non-pecuniary nature but the

inadmissibility of the second, the voluntary payment by the presumed perpetrator, in

any moment prior to the resolution, will imply the termination of the procedure,

except in relation to the replacement of the altered situation or the determination of the

compensation for damages caused by the commission of the offence.

3. In both cases, when the sanction is solely pecuniary in nature, the

The competent body to resolve the procedure will apply reductions of at least

20% of the amount of the proposed penalty, these being cumulative among themselves.

The aforementioned reductions must be determined in the notification of initiation

of the procedure and its effectiveness will be conditioned to the withdrawal or resignation of

any administrative action or resource against the sanction.

The percentage reduction provided for in this section may be increased

according to regulations."

According to what has been stated,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: DECLARE the termination of procedure EXP202210404, in

in accordance with the provisions of article 85 of the LPACAP.

SECOND: NOTIFY this resolution to DISPLAY CONNECTORS, S.L..

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

Resolution will be made public once the interested parties have been notified.

Against this resolution, which puts an end to the administrative process as prescribed by

the art. 114.1.c) of Law 39/2015, of October 1, on Administrative Procedure

Common of Public Administrations, interested parties may file an appeal

administrative litigation before the Administrative Litigation Chamber of the

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 for in article 46.1 of the

referred Law.

Mar Spain Marti

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