

□ File No.: EXP202100274

## 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 complaining party) dated July 6, 2021

filed a claim with the Spanish Data Protection Agency. The

claim is directed against COMMUNITY OF OWNERS \*\*\* COMMUNITY.1,

(hereinafter, the claimed party). The grounds on which the claim is based are  
following:

“presence of video-surveillance cameras in public spaces” without just cause  
confirmed, “not considering the explanations of the respondent to be valid” (folio nº 1).

It is attached as documentary evidence (camera photographs) that prove the  
their presence and the presumed orientation towards an adjacent rural road.

SECOND: In accordance with article 65.4 of Organic Law 3/2018, of 5

December, of Protection of Personal Data and guarantee of digital rights (in  
hereinafter LOPDGDD), said claim was transferred to the claimed party in fe-

date 07/08/21, to proceed with its analysis and inform this Agency on the  
period of one month, of the actions carried out to adapt to the foreseen requirements  
cough in the data protection regulations.

THIRD: On August 9, 2021, the Director of the Spanish Agency for

Data Protection agreed to admit for processing the claim presented by the party  
clamant.

FOURTH: On 12/27/21, a written statement is received from the claimed statement.

stating that you have been mistakenly notified of an Initiation Agreement that does not correspond

with the reality of the facts object of the claim.

## 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 according to the provisions of articles 47 and 48 of the LOPDGDD, the Director of the Spanish Agency for Data Protection is competent to initiate and to resolve this procedure.

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On 12/27/21, this Agency received a letter from the respondent stating

Obvious “error” in the Start Agreement dated 12/01/21.

Confirmed the same when the Start Agreement of another procedure was notified.

sanctioning proceeding processed by this Agency proceeds to leave without effect the same through this act.

The claimed entity was associated with sanctioning procedure no.

\*\*\*PROCEDURE.1 Community of Owners \*\*\*COMMUNITY.1, although it is established B.B.B. as claimed by computer error.

Article 109 section 1 of Law 39/2015 (October 1) provides the following:

“Public Administrations may revoke, as long as the

the limitation period, its encumbrance or unfavorable acts, provided that such re-

vocation does not constitute a dispensation or exemption not permitted by law, nor is it contrary to

ria to the principle of equality, the public interest or the legal system.

The revocation can be given for reasons of legality, in the event that the act is valid.

nullity or voidability, but also for reasons of opportunity.

Therefore, it proceeds to leave it without effect, ordering the actions

necessary for the beginning of a new sanctioning procedure where the

the facts, which will be notified to the parties by this body, as there has been no

deduced the prescription of the facts that are the object of the claim.

Therefore, in accordance with the applicable legislation and after assessing the graduation criteria

tion of the sanctions whose existence has been proven,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: Agree on the REVOCATION of the Startup Agreement of this Agency dated

12/01/21, annulling the administrative act in question.

SECOND: NOTIFY this resolution to the COMMUNITY OF OWNERS

\*\*\*COMMUNITY.1 and INFORM the complaining party A.A.A.

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

resents may optionally file an appeal for reconsideration before the Director

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

the day following the notification of this resolution or directly contentious appeal

before the Contentious-Administrative Chamber of the National High Court,

in accordance with the provisions of article 25 and section 5 of the additional provision

Final fourth of Law 29/1998, of July 13, regulating the Contentious Jurisdiction-

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administrative, within a period of two months from the day following the notification

tion of this act, as provided for in article 46.1 of the aforementioned Law.

Sea Spain Marti

Director of the Spanish Data Protection Agency

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