

□ File No.: EXP202208091

RESOLUTION OF SANCTIONING 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 claiming party) dated June 20, 2022

filed a claim with the Spanish Data Protection Agency. The

claim is directed against GENERAL DIRECTORATE OF THE POLICE with NIF

S2816015H (hereinafter, DGP). The reasons on which the claim is based are the following:
following:

The complaining party states that in XXXXXXXXXX located in a building
belonging to the NATIONAL POLICE of ***ADDRESS.1, are being used to
note down XXXXXXXXXX some pages stapled as a notebook, in which, in the
on the back, there are personal data of citizens who visit the facilities of
the NATIONAL POLICE of said enclave, as well as the Police who work there,
thus exposing third-party data.

Together with the notification, it provides various photographs in which these
notebooks placed on the counter of XXXXXXXXXX, in which you can read
Personal data such as name, surname, ID, etc. and even, in some, it is shown
the coat of arms of the Ministry of the Interior.

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

December, Protection of Personal Data and guarantee of digital rights (in

forward LOPDGDD), said claim was forwarded to the DGP, so that

proceed to its analysis and inform this Agency within a month of the

actions carried out to adapt to the requirements established in the regulations of

Data Protection.

The transfer, which was carried out in accordance with the regulations established in Law 39/2015, of October 1, of the Common Administrative Procedure of the Administrations Public (hereinafter, LPACAP), was collected on 07/21/2022, as stated in the acknowledgment of receipt in the file.

On 08/11/2022, a letter from the Protection Delegate is received at this Agency of Data indicating:

On the part of this Data Protection Delegate, it is requested, through official July 22, 2022, to the Deputy Operations Directorate (DAO) the preparation of report in order to respond to the request for information from that AEPD.

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

2/13

As a result of said request and in order to verify the veracity of the statements contained in the claim and clarify the circumstances in which these events could have occurred, the DAO proceeds to evacuate the opportune consultation to the XXXXXXXXXXXXX, answering the same in the following terms detailed below.

Allegations contained in the requested report. Answer of the XXXXXXXXXXXX in its report dated August 2, 2022.

“- The photographs provided by the SR, A.A.A.. seem to correspond to the (...).

- The documents related to the complaint are two quarters of

folios: in one of them appear the names and surnames of Police officers assigned to

(...), all of them belong or have belonged to the (...), one of them being

deceased, event occurred on April 22 of the current year. The list

corresponds to (...) an undetermined day, since no date appears;

and in the other quarter of a page the name of a citizen appears, and

corresponds to the official form to report the loss or theft of a

document, (...). This time the date ***DATE.1 appears.

- The source of the pages is the office of (...) of the Provincial Police Station of

***LOCATION.1, in both cases, in the case of sheets written by a single

expensive and discarded after official use.

- To establish how these documents have arrived at XXXXXXXXXX, it has been

interviewed, on the one hand, (...) and on the other, the Inspector, Head of Section

Technique responsible for, (...).

Ms. (...) stated that in order to take advantage of "recycled paper, since it is about

sheets that are only printed on 1 side", he once asked the

offices (...), as well as (...), that when there was paper to recycle if it was

could facilitate, having given him some wads of paper (cut sheets

in 4 parts), which he used to make notes, but he does not remember that the

papers have been in view of the public that comes to XXXXXXXXXX.

Currently, he no longer uses these papers because in XXXXXXXXXX they take the

notes on loose papers that are not written and has also acquired

(...).

The Inspector (...), asked why these documents appear

in some photographs that have been taken at the XXXXXXXXXX counter,

agrees with what the person in charge of XXXXXXXXXX states, and

it also says that (...), or (...), labor personnel of this XXXXXXXXXX) will

were in charge of recycling some papers and making something like small

agendas for notes and that they provided them to XXXXXXXXXX.

- On the part of this Headquarters, there was no knowledge of the denounced fact

by Mr. A.A.A., nor had the existence been observed in XXXXXXXXXX of

those leaves.

- The sheets are made at source to establish the work shifts of

the different members of the Unit, not coming from any

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

3/13

database. In the case of communication by (...) it is a model

provided by the General Police Station in which the data provided is reflected

by the appearing party, which are subsequently verified (...).

- From the knowledge of the complaint, it has been verified the non-existence of

similar events, direct instructions have been issued to those responsible for

the different services and a circular has been drawn up to remind everyone

officials the way to proceed with the documents that are discarded,

all this while waiting to know the development of the AEPD file in case

there would be disciplinary action.

- In short, this is an incident that, without wishing to minimize the facts,

has been solely due to wanting to recycle paper, and all this within

police facilities where the public does not access except in cases of

some direct friendship of the officials and duly accompanied”.

Analysis report of the claim submitted by the AEPD.

After analyzing the documentation sent by the AEPD and the DAO, this

Data Protection Officer makes the following assessments:

First. The elimination of documents in the field of the General Directorate

of the Police (DGP) is regulated by the following regulations:

- The "Law 16/1985, of June 25, of Spanish Historical Heritage", which establishes that the elimination of documentary heritage must be authorized by the competent Administration.

- The "Royal Decree 1164/2002, of November 8, which regulates the conservation of documentary heritage with historical value, control of the elimination of other documents of the General State Administration and their public bodies and the preservation of administrative documents in support other than the original", which develops the previous Law and determines the corresponding procedure for deletion of documents, requiring the prior agreement of the Document Qualifying Commission Administrative of the department and the mandatory opinion of the Commission Superior Qualifier of Administrative Documents.

- The "Order INT/2528/2002, of October 2, which regulates the System Archives of the Ministry of the Interior", which refers to the elimination of documents.

- The "Instruction of the General Technical Secretariat, of July 10, 2007, on the elimination of documents in the Ministry of the Interior", which supplements the above Order.

- The "Resolution of the General Technical Secretariat, of October 20, 2014, by which instructions are issued on the removal of documents in the Ministry of the Interior", which, with respect to the previous Resolution, updates the normative and organic references, improves the wording and corrects

certain inaccuracies, all with the aim of favoring clarity

of the text and reinforce legal certainty.

It can be observed that the DGP has a wide normative regulation and

trajectory in terms of destruction of documentation in our

files and dependencies.

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

4/13

Second. The "Resolution of the General Technical Secretariat, of October 20

of 2014, by which instructions are issued on the deletion of documents

in the Ministry of the Interior" defines deletion of documents as "the

physical destruction of units or fractions of documentary series in

any support in accordance with what was determined in the previous process of

documentary evaluation". Likewise, it establishes: a general prohibition of

unauthorized deletions; some conditions to eliminate documents; a

removal procedure; as well as an archive of records of

elimination.

Third. The documents that appear in the photographs incorporated into the

claim correspond to internal documentation of the operation

dependency (the list corresponding to officials (...) a

day not determined) and an official form to communicate (...). In both

cases, its origin is in (...) *** LOCATION.1 and it is leaves

written on one side only, cut into four parts and discarded after

official use.

Likewise, there is no evidence that the personal data collected in said documents originate from one of the databases belonging to the DGP.

Quarter. Said documentation was reused in XXXXXXXXXX with a willingness to recycle paper, given that it is sheets that were only printed on one side, used to make notes and not were, in principle, in view of the people who come to XXXXXXXXXX from in accordance with what was stated in the report of the Higher Headquarters of the Country Basque.

Fifth. It is noteworthy that, after verifying the non-existence of similar facts, Direct instructions have been given to those responsible for the different services so that they are not repeated and a circular has been drawn up to remind all officials of the removal procedure Documents held at police stations.

Conclusion. In the opinion of this Data Protection Officer, custody, confidentiality and proper destruction of police documents (especially those that contain personal data) are priority objectives for the DGP. This commitment can be seen in the drafting of regulations, their distribution and the reiteration of the need for their knowledge, the training of officials and the purification of disciplinary and criminal responsibilities in those cases of greater seriousness through the procedures established for this purpose. In relation with the case at hand, it would be an isolated event that has already been remedied and for which appropriate measures have already been taken stated previously.

On 08/30/2022, a response letter was received indicating:

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

5/13

This Technical Office has received notification from the Agency

Spanish Data Protection Agency (AEPD), dated August 18, 2022, in

which requires expansion on the following aspects on the

EXP202208091:

- Description of the application of the documentation elimination protocol, applied to documents with personal data in the dependencies where the events that are the subject of the claim occurred.
- Current contract, if applicable, with a company specialized in destruction documentary film. - Instructions sent to those responsible for the services according to the letter received by this Agency.
- Circular reminder of the protocol for the elimination of documents that work in police units sent to all officials, according to accordance with the writing received by this Agency.
- Any other information that could be relevant. Performances of Data Protection Officer.

This Management Center transferred, by means of an official letter of August 26, 2022, to the

Provincial Police Station of

of the National Police

requirement for the preparation of the report and thus be able to respond to the

request for information from that AEPD.

(***LOCATION.2)

Allegations contained in the requested report. On August 29, 2022

report is received from the Provincial Police Station of ***LOCALIDAD.1 of allegations reporting the following:

- There is no contract with any document destruction company. The

Police station of (***)LOCATION.2) has a total of four machines

paper shredders, one of them specifically for the use of XXXXX, with

ability to destroy supports (...). In turn, the XXXX Police Station has

with three crushing machines, one of them of the same specific model of

XXXXX. As for the (...), it also has a crusher for supports

of paper, plastic, CD's and passports provided by the Town Hall of the

locality, in whose dependencies the Unit is physically located.

- Following the complaint received by the APD, in the daily meeting with the heads of the

units of the police stations, verbal instructions were given to be

especially attentive to the destruction of any support that could contain

protected data. These reminders are made regularly.

- We also proceeded to remind in writing all the officials of the

Provincial Police Station, in its (...), the need for custody and destruction of

supports with protected data, by email to all

units dated August 17, attached. Attached hereto is the

report of the Provincial Police Station of ***LOCALIDAD.1 and the internal note, which

was sent, by email, recalling the need for custody and

destruction of supports with protected data.

The content of that note is reproduced below:

"It is hereby reported that the personnel assigned to the different

units of the National Police of this Province will be responsible for

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

6/13

the destruction of the documents that it generates and that its conservation or archiving. For the destruction of these documents, will use the paper shredders installed in the premises police. Likewise, the shredder authorized for this purpose will be used (Fellowes 485Ci) for the uselessness of the supports of DNIs, TIEs, passports and other appropriate identification documents, drawing up the corresponding act of destruction”.

Conclusion of the request for more information. As indicated, in the report of August 11, 2022, the situation that gave rise to the claim of Mr. A.A.A. It refers to an isolated fact that has already been corrected. For the rectification, the pertinent verifications have been carried out internal, originating the imparting of verbal instructions to the Heads of the Units of the Police Stations, with regular reminders, and the dissemination of a reminder, in the form of an internal note, to all the Units whose recipients are the National Police stationed in said region.

THIRD: On September 5, 2022, in accordance with article 65 of the LOPDGDD, the claim presented by the complaining party was admitted for processing.

FOURTH: On October 28, 2022, the Director of the Spanish Agency for Data Protection agreed to initiate disciplinary proceedings against the claimed party, for the alleged violation of Article 5.1.f) of the GDPR and Article 32 of the GDPR, typified in Article 83.5 of the GDPR.

FIFTH: Notified of the aforementioned start-up agreement in accordance with the rules established in

Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations (hereinafter, LPACAP) and after the period granted for the formulation of allegations, it has been verified that no allegation has been received some by the DGP.

Article 64.2.f) of the LPACAP -provision of which the claimed party was informed in the agreement to open the procedure - establishes that if no arguments within the established term on the content of the initiation agreement, when it contains a precise pronouncement about the imputed responsibility, may be considered a resolution proposal. In the present case, the agreement of beginning of the disciplinary file determined the facts in which the imputation, the infringement of the GDPR attributed to the defendant and the sanction that could impose. Therefore, taking into consideration that the claimed party has not made allegations to the agreement to start the file and in attention to what established in article 64.2.f) of the LPACAP, the aforementioned initiation agreement is considered in the present case resolution proposal.

In view of all the proceedings, by the Spanish Agency for Data Protection

In this proceeding, the following are considered proven facts:

PROVEN FACTS

FIRST: It is proven that on the main counter of XXXXXXXXXXXX (...)

*** LOCATION.1 at its facilities in (...), the claimant was able to observe

www.aepd.es

C / Jorge Juan, 6

28001 – Madrid

sedeagpd.gob.es

7/13

some notebooks made with stapled pages, on the back of which appear data

personal information of citizens who go to the facilities of the NATIONAL POLICE

of said enclave, as well as the Police who work there.

SECOND: It is accredited that the origin of the pages is the office of (...) of the Provincial Police Station of ***LOCALIDAD.1, in the case of sheets written by a single expensive and discarded after official use.

FUNDAMENTALS OF LAW

Yo

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

In the present case, in accordance with the provisions of article 4.1 of the GDPR, there is the processing of personal data, since the DGP performs, among other treatments, the collection, registration, organization, etc. of the following data personal data of natural persons, such as: name, identification number, etc.

The DGP carries out this activity in its capacity as data controller, given who is the one who determines the purposes and means of such activity, by virtue of article 4.7 of the

GDPR.

Article 4 paragraph 12 of the GDPR defines, in a broad way, "violations of security of personal data" (hereinafter security breach) as "all those security violations that cause the destruction, loss or alteration accidental or unlawful personal data transmitted, stored or otherwise processed form, or unauthorized communication or access to said data."

In the present case, there is a personal data security breach in the circumstances indicated above, categorized as a breach of confidentiality, by have been provided to XXXXXXXXXX (...), sheets containing personal data both police officers assigned to said unit, as well as people who have attended the herself to request a (...).

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

8/13

It should be noted that the identification of a security breach does not imply the imposition of a sanction directly by this Agency, since it is necessary analyze the diligence of managers and managers and security measures applied.

Within the principles of treatment provided for in article 5 of the GDPR, the integrity and confidentiality of personal data is guaranteed in section 1.f) of article 5 of the GDPR. For its part, the security of personal data comes regulated in articles 32, 33 and 34 of the GDPR, which regulate the security of the treatment, the notification of a breach of the security of personal data to the control authority, as well as the communication to the interested party, respectively.

Article 5.1.f) "Principles relating to processing" of the GDPR establishes:

II

"1. Personal data will be:

(...)

f) processed in such a way as to guarantee adequate data security

personal data, including protection against unauthorized or unlawful processing and against

its loss, destruction or accidental damage, through the application of technical measures

or organizational procedures ("integrity and confidentiality")."

In the present case, it is clear that the personal data of those affected, held in the

database of the DGP, were unduly exposed to a third party, since

the notebooks made with the folios provided, in which the data

both police officers and citizens, were in full view of both the staff

of XXXXXXXXXX, as of the officials who attended it.

IV.

Article 83.5 of the GDPR, under the heading "General conditions for the taxation

of administrative fines" provides:

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 highest amount:

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

consent under articles 5, 6, 7 and 9; (...)"

In this regard, the LOPDGDD, in its article 71 "Infractions" establishes that:

"The acts and behaviors referred to in sections 4,

5 and 6 of article 83 of Regulation (EU) 2016/679, as well as those that result

contrary to this organic law”.

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

9/13

For the purposes of the limitation period, article 72 "Infractions considered very serious" of the LOPDGDD indicates:

"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. (...)"

V

Without prejudice to the provisions of article 83.5 of the GDPR, the aforementioned article provides in its section 7 the following:

"7. Without prejudice to the corrective powers of the control authorities under the Article 58(2), each Member State may lay down rules on whether can, and to what extent, impose administrative fines on authorities and bodies public establishments established in that Member State.

For its part, article 77 "Regime applicable to certain categories of responsible or in charge of the treatment" of the LOPDGDD provides the following:

"1. The regime established in this article will be applicable to the treatment of who are responsible or in charge:

(...)

c) The General State Administration, the Administrations of the autonomous communities and the entities that make up the Local Administration.

(...)

2. When the managers or managers listed in section 1 commit any of the offenses referred to in articles 72 to 74 of this law organic, the data protection authority that is competent will dictate resolution sanctioning them with a warning. The resolution will establish likewise, the measures that should be adopted to cease the conduct or to correct it. the effects of the offense committed.

(...)

3. Without prejudice to what is established in the previous section, the data protection authority data will also propose the initiation of disciplinary actions when there are enough evidence for it. In this case, the procedure and the sanctions to be applied will be those established in the legislation on the disciplinary or sanctioning regime that be applicable.

Likewise, when the infractions are attributable to authorities and executives, and accredit the existence of technical reports or recommendations for the treatment that had not been duly attended to, in the resolution in which the sanction will include a reprimand with the name of the responsible position and

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

10/13

will order the publication in the Official State or regional Gazette that corresponds.

4. The data protection authority must be informed of the resolutions that fall in relation to the measures and actions referred to in the sections previous.

5. They will be communicated to the Ombudsman or, where appropriate, to similar institutions of the autonomous communities the actions carried out and the resolutions issued under this article. (...)"

SAW

Article 32 "Security of treatment" of the GDPR establishes:

"1. Taking into account the state of the art, the application costs, and the nature, scope, context and purposes of processing, as well as risks of variable probability and severity for the rights and freedoms of individuals physical, the person in charge and the person in charge of the treatment will apply technical and appropriate organizational measures to guarantee a level of security appropriate to the risk, which may include, among others:

- a) the pseudonymization and encryption of personal data;
- b) the ability to ensure the confidentiality, integrity, availability and permanent resilience of treatment systems and services;
- c) the ability to restore availability and access to data quickly in the event of a physical or technical incident;
- d) a process of regular verification, evaluation and assessment of effectiveness technical and organizational measures to guarantee the safety of the treatment.

2. When evaluating the adequacy of the security level, particular consideration will be given to take into account the risks presented by data processing, in particular as consequence of the destruction, loss or accidental or illegal alteration of data personal information transmitted, preserved or processed in another way, or the communication or

unauthorized access to such data.

3. Adherence to an approved code of conduct pursuant to article 40 or to a certification mechanism approved under article 42 may serve as an element to demonstrate compliance with the requirements established in section 1 of the present article.

4. The controller and the processor shall take measures to ensure that any person acting under the authority of the controller or processor and have access to personal data can only process such data by following instructions of the person in charge, unless it is obliged to do so by virtue of the Law of the Union or of the Member States.

In the present case, at the time of the breach, it cannot be affirmed that the DGP will have the appropriate measures, since, although in their response they have indicated that the Commissioner has 4 paper shredding machines, and the Delegate

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

11/13

of Data Protection in his letter adds that the custody, confidentiality and correct destruction of police documents (especially those that contain personal data) are priority objectives for the DGP and that their commitment can be seen in the development of regulations, their distribution and the reiteration of the need for its knowledge, the training of officials and the purification of disciplinary and criminal responsibilities in those cases of more seriousness through the procedures established for this purpose, the truth is that Some of the documents containing personal data were not

destroyed, being delivered to XXXXXXXXXX for its use.

Article 83.4 of the GDPR, under the heading "General conditions for the taxation of administrative fines" provides:

VII

Violations of the following provisions will be sanctioned, in accordance with the paragraph 2, with administrative fines of maximum EUR 10,000,000 or, in the case of a company, an amount equivalent to a maximum of 2% of the total annual global business volume of the previous financial year, opting for the highest amount:

a) the obligations of the person in charge and the person in charge according to articles 8, 11, 25 to 39, 42 and 43; (...)"

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

"The acts and behaviors referred to in sections 4, 5 and 6 of article 83 of Regulation (EU) 2016/679, as well as those that result contrary to this organic law".

For the purposes of the limitation period, article 73 "Infractions considered serious" of the LOPDGDD indicates:

"Based on what is established in article 83.4 of Regulation (EU) 2016/679, are considered serious and will prescribe after two years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

(...)

f) The lack of adoption of those technical and organizational measures that are appropriate to guarantee a level of security appropriate to the risk of the treatment, in the terms required by article 32.1 of the Regulation (EU) 2016/679.

(...)

Without prejudice to the provisions of article 83.5 of the GDPR, the aforementioned article provides in its section 7 the following:

VIII

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

12/13

"7. Without prejudice to the corrective powers of the control authorities under the Article 58(2), each Member State may lay down rules on whether can, and to what extent, impose administrative fines on authorities and bodies public establishments established in that Member State.

For its part, article 77 "Regime applicable to certain categories of responsible or in charge of the treatment" of the LOPDGDD provides the following:

"1. The regime established in this article will be applicable to the treatment of who are responsible or in charge:

c) The General State Administration, the Administrations of the autonomous communities and the entities that make up the Local Administration.

2. When the managers or managers listed in section 1 commit any of the offenses referred to in articles 72 to 74 of this law organic, the data protection authority that is competent will dictate resolution sanctioning them with a warning. The resolution will establish likewise, the measures that should be adopted to cease the conduct or to correct it. the effects of the offense committed.

(...)

3. Without prejudice to what is established in the previous section, the data protection authority data will also propose the initiation of disciplinary actions when there are enough evidence for it. In this case, the procedure and the sanctions to be applied will be those established in the legislation on the disciplinary or sanctioning regime that be applicable.

Likewise, when the infractions are attributable to authorities and executives, and accredit the existence of technical reports or recommendations for the treatment that had not been duly attended to, in the resolution in which the sanction will include a reprimand with the name of the responsible position and will order the publication in the Official State or regional Gazette that corresponds.

4. The data protection authority must be informed of the resolutions that fall in relation to the measures and actions referred to in the sections previous.

5. They will be communicated to the Ombudsman or, where appropriate, to similar institutions of the autonomous communities the actions carried out and the resolutions issued under this article. (...)”

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

FIRST: IMPOSE the GENERAL DIRECTORATE OF THE POLICE, with NIF S2816015H, for a violation of Article 5.1.f) of the GDPR, typified in Article 83.5 of the GDPR, a warning sanction.

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

IMPOSE the GENERAL DIRECTORATE OF THE POLICE, with NIF S2816015H, for a infringement of Article 32 of the GDPR, typified in Article 83.4 of the GDPR, a penalty of warning

SECOND: NOTIFY this resolution to the GENERAL DIRECTORATE OF THE POLICE.

THIRD: COMMUNICATE this resolution to the Ombudsman, in accordance with the provisions of article 77.5 of the LOPDGDD.

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 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 reversal before the Director of the Spanish Agency for Data Protection within a period of one month from count 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 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.

Finally, it is noted 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 through

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

Mar Spain Marti

Director of the Spanish Data Protection Agency

938-181022

C / Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es