

815-0419

□ Procedure No. PS/00465/2019

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: Don A.A.A. (hereinafter, the claimant), dated October 29, 2019,

filed a claim with the Spanish Data Protection Agency. claims her-

The petition is directed against TIERRA HOTELERA, S.L., with NIF B11899515 (hereinafter, the
reclaimed). The reasons on which the claim is based are that they called you on the phone
with an offer of 4 hotel nights in exchange for a relationship of 25 people with
name and telephone number to be able to call them and offer them promotions. The claim-
mante declined the offer for not facilitating these contacts. After consulting the phone
call this Agency, the claimant called the company and recorded the call. During
the course of the conversation he asked them if there could be a problem because
would give them the data of said people without having their consent, for which
they answered no. Indicates a link to access the recording and a certificate.

That according to the complainant took place on the date of: December 12, 2018.

And, among other things, attach the following documentation:

Certificate issued by Logalty, S.L. (B-84492891).

SECOND: In view of the facts denounced in the claim and the documents
data provided by the claimant of the facts and documents of which he has had co-

knowledge of this Agency, the Subdirector General for Data Inspection proceeded to
carrying out preliminary investigation actions to clarify the

facts in question, by virtue of the powers of investigation granted to the authorities

des control in article 57.1 of Regulation (EU) 2016/679 (General Regulation Data Protection, hereinafter RGPD), and in accordance with the provisions of the Title VII, Chapter I, Second Section, of Organic Law 3/2018, of December 5, Protection of Personal Data and guarantee of digital rights (hereinafter LOPDGDD).

As a result of the research actions carried out, it is found that the data controller is the claimed party.

In addition, the following extremes are noted:

☐ In the recording of the telephone call provided by the claimant, it is confirmed

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that the offer offered by the respondent consists of four free hotel nights tis in exchange for the claimant offering twenty or twenty-five contacts. To question asked by the claimant if there is no impediment for him to provide the contacts without having their consent for the assignment, the claim mada replies that nothing happens, that once she calls them, if she doesn't want- ren to be called more, they cross out their names and phone numbers.

☐ Upon request for information from the inspection regarding (i) the activity of hotel night campaigns, (ii) documentation sent to interested parties that have contracted an offer, (iii) the way in which they obtain the consent of the interested parties for the processing of their data and (iv) procedure for the exercise of the right to delete the data of the interested parties, with a date

On October 29, 2019, this Agency received a letter of allegations sent

do for the claimed stating:

a. That the defendant is a company that sells hotel bonds and that one

Once the purchase is made, an email is sent to the customer, with the purchase invoice

attached, with a foot indicating the data controller, the purpose of the

treatment, the procedure to exercise the rights of the interested party, and indi-

when you can expand the information on the privacy policy vi-

by locating the link <https://www.tierrahotelera.es/politica-de-privacidad>

b. That the consent of the interested party is obtained during the telephone announcement

by commercial agents where the origin of your data is reported and

requests consent to be able to treat them. In addition, they have a form

where the consent of the interested parties is collected.

c. They have a correct protocol on the exercise of rights collecting

precise instructions on the action to be followed by the claim staff.

demand in various situations and for each of the rights of the interested party.

do.

And they attach:

☐ Request for consent.

☐ Protocol with the instructions to address the rights of the interested parties

☐ Formal model to deal with the deletion request

It has not been possible to verify if they inform the interested parties about the origin of the

data since we do not have a recording of a telephone conversation made to a

interested party where their data had been obtained from a third party, and it has not been possible to

to find out the functionality of the paper form where this consent is collected.

since the claim does not indicate when it is used or under what circumstances.

Inc. In any case, this form could be delivered to the client together with the bonuses

hotel, but if so, the hiring and treatment would already be done.

THIRD: On December 26, 2019, the Director of the Spanish Agency

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of Data Protection agreed to initiate a sanctioning procedure against the claimed, for the alleged infringement of Article 6.1 of the RGPD, typified in Article 83.5 of the RGPD.

FOURTH: On January 14, 2020, allegations were received from TIERRA

HOTELERA, S.L., in which they indicate the following:

<<On the legality of data processing for promotion operations and marketing.

This company has processed data for the purpose of promotion and marketing

in a lawful manner, since said treatment is necessary for the satisfaction of interests

legitimate rights of this company, without the interests prevailing over said treatment.

for the fundamental rights and freedoms of the interested parties. The cause that legitimizes

said treatment is the one foreseen in article 6.1.f of the General Pro-

Data tecton.

The purpose of the company is the intermediation and sale of hotel packages and

of accommodation, and for the development of its object it carries out campaigns in which it offers

potential clients the contracting of hotel reservations at very competitive prices and

with promotions.

Sometimes campaigns are offered to clients in which they are offered as pro-

motion the enjoyment of four hotel nights at a promotional price in exchange for recommendations

Mendar the promotion to contacts of the interested party.

On some occasions, clients of the company have provided contact information

of people from their family or friends, because they have considered that the services

The services offered by this company are of interest to your relatives or close friends.

The data provided by these clients of the company, are only the name and number telephone number, and are processed to satisfy the legitimate interest of promoting the sale of the products marketed by the company.

Prior to data processing, an analysis of the legality of the data has been carried out.

treatment, reaching the conclusion that the treatment is lawful under the cause of legality provided for in article 6.1.f of the General Regulations for the Protection of Data.

As has been said, the treatment is lawful because it is carried out to satisfy a legitimate interest of the company, the commercialization of tourist products, is carried out because it is necessary and proportionate to satisfy said interest and, furthermore, the im-negative agreement on the interests and rights of the interested parties is null or practically null mind

The risk analysis report carried out before the entry into force is attached.

gor of the General Data Protection Regulation.

The data obtained from third parties, only name and telephone, are treated only and exclusively sively on paper, so that they are collected verbally and transcribed to a data sheet, not being incorporated into files on computer support unless the

The interested party consents to their treatment or they are treated for the contracting of services or pro-
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ducts marketed by this company.

In the first and only communication that this company maintains with the interested parties whose data have been obtained from third parties, which is carried out exclusively by telephone, the interested party is informed in the terms provided in article 14 of the Regulations.

General Data Protection Document, through reading by the operator, who previously has been trained and instructed on the procedure to follow, from a document which contains the following information:

Source from which the personal data comes.

The identity and contact details of the data controller

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-

- That the data object of the treatment is only and exclusively the name and the number of phone.

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- That the purpose of the treatment is the commercialization of tourist products and offer the services and products that the company markets, that the legitimacy of the treatment arises from the need to satisfy the legitimate interests of the person responsible for the treatment is of the legitimate interest present the commercialization of tourist products.

- That the data will not be transferred to third parties except with the express consent of the interested party, only in the case of contracting the services or products marketed.

- That the data will be used exclusively for making the call and that it will not

They will be kept if you do not contract products or services marketed by the company.

The existence of the right to request access to data from the data controller

personal data related to the interested party, and its rectification or deletion, or the limitation of your treatment, and to oppose the treatment, as well as the right to the portability of the data and to file a claim with a control authority.

- That the rights can be exercised through written communication addressed to the res-

responsible for the treatment whose contact details are those provided and who also appear on the website www.tierrahotelera.com, as well as that you can oppose the treatment for advertising purposes or interest in the deletion of the data by expressing it in the same phone conversation.

- In the event that the interested party expresses his opposition to the treatment, he is informed of that at the same time the data is deleted

In the event that the interested party decides to contract a product or service, informs you that your data will be processed for the purpose of formalizing zation of the contract, that the legality of the treatment derives from its necessity for the formalization and execution of the contract in which the interested party will be a party and of the more circumstances provided for in article 13 of the General Protection Regulation of data.

In the event that the contracting of products or services is perfected, sends the complete information by email accompanied by the written presentation do by this part to the request for information raised by that Agency.

In the event that the interested party does not contract any product or service, consent to call further ahead and process your data for advertising purposes informing you of all the circumstances of the intended treatment. If that you do not consent or state that you oppose the treatment of your data or request its deletion, the data is immediately deleted.

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The claimant's data has been deleted.

Prior to processing the data to make the calls,
check the Robinson List for this company to avoid making calls from
advertising content to interested parties who have expressed their desire not to receive calls
advertising calls, to comply with the provisions of article 23.4 of the Law

Organic Personal Data Protection

The processing of data obtained from third parties to carry out campaigns
advertising or marketing is recognized as lawful in accordance with the provisions of
recitals 47 and 70 of the General Data Protection Regulation, and in the
In the case of this company, an analysis has been carried out prior to the start of the treatment.
of legality of the treatment and the verification that it is legitimized for the treatment
and that the possible negative effects of the treatment on the rights and interests
of the interested party are null or minimal, since the data processed are exclusively
name and telephone number, that the only treatment that is carried out is its collection and
making a phone call and that once the phone call has been made,
nica, in which consent is requested for the processing of data, if the inte-
resado does not give his consent or expresses his desire that his data not be
processed by the person in charge, the data is deleted

On the sanction proposal:

The agreement to start the sanctioning procedure that has been notified to
this part indicates that the sanction that could correspond to this company would be
€20,000 without prejudice to what results from the instruction.

This party, irrespective of the fact that it considers that it has not infringed
no mention whatsoever that makes it deserving of a sanction, since, as has been said before, the
procedure that motivates the initiation of the file is lawful, understands that in any
In this case, a penalty of €20,000 would be disproportionate for the reasons that
listed below.

The treatment object of the sanctioning procedure has been carried out after taking
carried out an analysis of the legality of treatment, in which it has been concluded that it is legitimate
mo the processing of personal data obtained from third parties for advertising purposes,
because it responds to the need to satisfy a legitimate interest of the person responsible for the
treatment and that, in addition, the negative impact on the interests and rights of the in-
teresados is null or practically null.

A protocol has been followed in the treatment to comply with the precepts of the
applicable data protection regulations, and company personnel have been instructed
sa on the way in which treatment should be carried out to inform the interested party.

The interested parties have been informed of all the circumstances foreseen in the
article 14 of the General Data Protection Regulation in the form therein
established.

The data subject to treatment is only the name and telephone number. Not have

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processed special categories of personal data or data of minors.

The treatment has been carried out for a minimum period of time having-
the data will be deleted if the interested party does not give consent for the treatment
future in the terms that have been exposed or opposes the treatment or requests that
your data is deleted.

The data has not been processed without the use of new technologies.

The treatment has affected a minimum number of interested parties who are not
has caused any harm or damage. The only harm that can be caused by the

treatment would consist of a small inconvenience of the interested party for the reception of a telephone call, which in no case would be made outside of a schedule included in-between ten and fifteen o'clock.

The treatment object of the procedure has not reported any benefit to this society.

this between €3,010.

This company is a very small company whose share capital

The company has deposited its annual accounts every year except
tion of those of the 2018 financial year, in which it had losses amounting to €2,878.76. I know
accompanies a note from the Mercantile Registry and a copy of the 2018 corporate tax.>>

FIFTH: The Tierra Hotelera entity accompanies the call protocol for potential
customers to offer products and services when their data has been obtained
third-party do, which is as follows:

<<Good morning/afternoon Mr./Ms. NAME OF THE POTENTIAL CUSTOMER

1. We call you from TIERRAHOTELERA SS, which has its address in Jerez de la
Border, Guatemala Street. Andalucía Building, 2, 1º, Local 6 telephone 956 180 504 and
website www.tierrahotelera.es

2. We are calling you because you have provided us with your telephone number D. CUSTOMER NAME-
THAT PROVIDES YOU WITH THE CONTACT DETAILS that you have communicated to us that can
interested in the products and services that we want to offer you.

3. I inform you that this call can be recorded and that it will be recorded in the event that
accept any of the offers that we want to transfer to you. Do you accept us to record
this conversation and continue with the information we want to pass on to you?

o If the answer is positive, continue with the following points of the protocol

o If the answer is negative. Answer: Excuse us for having called you, I inform you
that your data will be deleted at this time. Thank you for your attention and

Have a good morning/afternoon.

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1. That the data we have about you is only your name and the telephone number at that we are calling you.

2. These data are processed for the purpose of marketing products.

tourist products and to offer the services and products that the company sells.

3. The legitimacy of the treatment comes from the need to satisfy legitimate interests.

We are responsible for the treatment, such as the marketing of tourist products.

cos and make the offer that we will transmit to you if you authorize it.

4. The data will not be transferred to third parties unless you expressly give your consent.

maintenance and only in the case of contracting the services or products marketed for us.

5. The data object of the treatment will be used exclusively for the realization of

this call and will not be kept if you do not contract products or services marketed by the company.

6. You have the right to request access to the personal data relating to the interested party, and

its rectification or deletion, or the limitation of its treatment, and to oppose the treatment- as well as the right to data portability and to file a claim.

tion before a control authority.

7. The rights can be exercised by written communication addressed to the person in charge

of the treatment whose contact data are those provided and which also appear in

the website www.tierrahotelera.com, as well as that you can oppose the treatment

for advertising purposes or interest in the deletion of the data, stating it in the same my phone conversation.

8. In the event that you express your opposition to the treatment that we are carrying out your data, you are informed that at this very moment the deletion of the data.

9. May I send you the offer we have for you?

o If the answer is positive, transfer the current offer at the time of the communication

locution:

o If the answer is negative, ask for permission to call you later with the following or "Perhaps you may be interested in us calling you later, in that case we ask for your consent to process your personal data in order to keep you informed of promotions and offers and we inform you that the data will not be transferred to third parties.

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ros, which will be kept until the moment you tell us that you have decided that we stop the treatment, that you have the rights that I have listed before and that you can consult the additional and detailed information on Data Protection in the Privacy Policy of our website: <https://www.tierrahotelera.es/politica-deprivacidad>"

o Do you give your consent?

o If the answer is negative, answer: Excuse us for calling you, I inform you that your data will be deleted at this time. Thank you for your attention and

Have a good morning/afternoon.

10. In the event that the interested party decides to contract any product or service

vice of those offered, you must request the following information and inform them that they are necessary.

recruitment fees:

either

email or landline phone number

either

Name and surnames or DNI or Full address or Address

Mobile phone number

Report the following circumstances:

1.

o The data you have provided us will be processed by TIERRAHOTELERA SL with the

purpose of formalization and execution of the contract

o The legitimacy of the treatment derives from the formalized contractual relationship.

o The data will be communicated to tour operators and owners of hotel facilities and

accommodation for the purpose of compliance and execution of the contract. In no case

Data will be transferred to third parties for purposes other than those described in this document.

ment.

o You have the rights that we have informed about before. You can check the information

additional and detailed information on Data Protection in the Privacy Policy of

our website: <https://www.tierrahotelera.es/politica-de-privacidad>

o This information along with a copy will be sent to the email address

that you have provided us, together with the invoice for the contracted services

Farewell: Thank you for your attention and have a good morning / afternoon.>>

FACTS

PROVEN

FIRST: Don A.A.A. received a phone call from TIERRA HOTELERA, S.L., offering you 4 hotel nights in exchange for a relationship of 25 people with name and telephone number to be able to call them and offer them promotions. The claimant- he declined the offer for not facilitating these contacts. After consulting this Agency, the www.agpd.es

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claimant called the company and recorded the call. During the course of the conversation asked them if there could be any problem because he gave them the data of many people without their consent, to which they answered no. Indicates a link to access the recording and a certificate.

SECOND: Subsequently, the claimant called the company and recorded the call. During the course of the conversation, he asked them if there could be a problem because to give them the data of said people without having their consent, for which which they answered no. Provide the recording and a certificate of it.

THIRD: Tierra Hotelera, S.L., collects on paper the name and telephone number of the persons whose data is provided by a third party. Check if it is on the Robinson List, and if not is calling him.

FOURTH: When calling you, it informs you of the origin of your data and the information established given in article 13 and 14 of the RGPD. If you don't want information, they delete the data immediately. diat.

FOUNDATIONS OF LAW

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In accordance with the provisions of article 84.3 of the LGT, it is attributed to the

Spanish Agency for Data Protection the power to impose sanctions established by the violation of the rights of end users, recognized in Article 48 of the aforementioned LGT.

II

In accordance with the provisions of article 55 of the Regulation (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of April 27, 2016, on the protection of natural persons with regard to the processing of personal data and the free circulation of these data and by which the Directive 95/46/EC (General Data Protection Regulation), (hereinafter RGPD), the Spanish Agency for Data Protection is competent to perform the functions assigned to it in its article 57, among them, that of enforcing the Regulation and promote the awareness of those responsible and those in charge of treatment about the obligations incumbent on them, as well as treating the claims filed by an interested party and investigate the reason for them.

III

Article 95 of the RGPD, referring to the relationship with Directive 2002/58/CE, of the European Parliament and of the Council, of July 12, 2002, regarding the treatment of personal data and the protection of privacy in the sector of

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electronic communications (Directive on privacy and electronic communications electronic), establishes the following:

This Regulation will not impose additional obligations on persons

physical or legal in terms of treatment within the framework of the provision of services of electronic communications in public communication networks of the Union in areas in which they are subject to specific obligations with the same objective set out in Directive 2002/58/EC.

In general, if a natural person does not wish to receive calls commercial or advertising of a promotional nature must be directed, previously, to the natural or legal person, whether or not he is a client of the same, identifying himself as the owner of the telephone line on which you do not want to receive commercial calls and, stating said opposition, your personal data may not be used for said purpose.

Both the RGPD and the new Organic Law 3/2018, of December 5, of Protection of Personal Data and guarantee of digital rights (LOPDGDD) regulate the right of opposition.

In accordance with the provisions of section 1 of article 21 of the RGPD, the responsible for the treatment will be obliged to stop treating the personal data of the interested party who has objected for reasons related to his particular situation, unless it proves compelling legitimate reasons for the treatment that prevail on the interests, rights and freedoms of the interested party, or for the formulation, the exercise or defense of claims. That is, he will be responsible for treatment that has the burden of proving that their interests prevail over those Of the interested.

In section 2 of article 21 it is established that, when the treatment of personal data is intended for direct marketing, the interested party will have right to object at any time to the processing of personal data concern, including profiling to the extent that it is related with said marketing.

And in section 3 it is determined that when the interested party opposes the

processing of your data for direct marketing purposes, personal data

will no longer be processed for these purposes.

Article 18 of the LOPDGDD, referring to the "Right of Opposition", refers

specifically to the articles of the RGPD.

It should also be taken into account that article 23 of the LOPDGDD establishes

Regarding the systems of advertising exclusion, that the treatment of

personal data that is intended to prevent the sending of commercial communications

to whom they had opposed receiving them, so that part of

the data in advertising exclusion systems that must be previously

consulted by those who intend to carry out direct marketing communications,

so that those affected who express their opposition can be excluded.

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Based on the foregoing, the conduct object of the claim, consisting of the

making commercial calls made by a legal person to third parties (the

claimant did not provide these data of third parties), could violate article 48 of the LGT.

Law 9/2014, of May 9, dedicates Chapter V of Title III to the "Rights

of end users" and grants them, among others, the right to oppose calls

unwanted for advertising or commercial purposes. Thus, article 48.1.b) of the LGT,

under the heading "Right to personal data protection and privacy in relation to

with unsolicited communications with traffic and location data and with

subscriber guides", provides:

"1. Regarding the protection of personal data and privacy in relation to
with unsolicited communications end users of the services of
electronic communications shall have the following rights:

a)

(...)

b)

To oppose receiving unwanted calls for communication purposes
commercial that are carried out through systems other than those established in the letter
above and to be informed of this right." (The underlining is from the Spanish Agency
Data Protection)

Annex II of the LGT includes, among others, the following definitions:

"Subscriber: any natural or legal person who has entered into a contract
with a provider of electronic communications services available to the
public for the provision of such services."

"User: a natural or legal person who uses or requests a service of
electronic communications available to the public."

"End user: the user who does not exploit public communications networks or
provides electronic communications services available to the public or
don't resell them either."

In the present case, no elements of
proof, not even at the circumstantial level, that, prior to the receipt of the
analyzed calls, the recipients of the same would have manifested before the
claimed their opposition to the reception of unwanted calls for the purpose of
commercial communication, so that there is a record of this opposition and
such opposition could be proven. The exercise of rights is very personal.
must be carried out by the affected party or by whoever represents him.

The right of opposition is expressly provided, in particular, in the specific telecommunications regulations, regarding telephone calls not desired for commercial communication purposes. In general, if you do not want receive commercial calls of a promotional nature can be addressed to the entity promoted, whether or not they are a client of the same, identifying themselves as a user of the line where you do not wish to receive calls and expressing your refusal or Opposition to the processing of your personal data for advertising purposes.

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If your personal identification data appears in the guides of telecommunications available to the public, you can also exercise your rights before the operator that provides the telephony service, so that it excludes you from the files used by entities authorized by the National Markets Commission and the Competence to prepare subscriber guides or to be recorded in the same their opposition to the commercial treatment of the data. In the same way, You can request the omission of some of your data from the guides.

Those affected can also register their data in exclusion systems such as the one managed by the Spanish Association of Digital Economy (www.listarobinson.es), in order to limit the advertising of the adhered companies that have not obtained directly from the affected party the consent for the treatment of your personal data for advertising purposes or with which the affected party does not maintain or has not maintained any commercial relationship, being effective after three months from the date of registration. The defendant states that it crosses the data of

potential recipients of your bids with the Robinson List, as listed in your action protocol.

The foregoing must be connected with the validity in our

Sanctioning Administrative Law of the principle of presumption of innocence

recognized in article 24.2 of the Spanish Constitution, so that the exercise of

The sanctioning power of the State, in its various manifestations, is

conditioned to the game of evidence and to a contradictory procedure in which

can defend their own positions. The principle of presumption of innocence

prevents imputing an administrative infraction when it has not been obtained and verified

a charge evidence that proves the facts that motivate the imputation or the

intervention in the same of the alleged offender.

The Constitutional Court (SSTC 131/2003 and 242/2005, for all) has

pronounced in this sense when indicating that one of the requirements inherent to the right

to the presumption of innocence is that the sanction is based on acts or means

evidence of charge or incriminating of the imputed behavior and that falls on the

Public administration acting the evidentiary burden of the commission of the illicit

administrative and the participation in it of the accused.

For its part, article 28.1 of Law 40/2015, of October 1, on the

Law of the Public Sector establishes as one of the principles of the power

sanctioning that of "Responsibility", determining in this regard that:

They may only be sanctioned for acts constituting an infraction

natural and legal persons administratively, as well as, when a Law

recognize capacity to act, affected groups, unions and entities without

legal personality and independent or autonomous estates, which result

responsible for the same by way of fraud or negligence".

Likewise, the provisions of article 53.2 of the law must be taken into account.

39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations, establishes that: "In addition to the rights provided in the previous section, in the case of administrative procedures of a sanctioning, the presumed responsible, will have the following rights: (...) b) To

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the presumption of non-existence of administrative responsibility until prove otherwise."

Pursuant to the provisions of the aforementioned precepts, it is appropriate agree to file this sanctioning procedure as it is not considered proven that by part of the claimed party has violated the right of the recipients of the calls advertising, in its capacity as end user of the communications services electronic, according to the provisions of article 48.1.b) of the LGT.

Considering the aforementioned precepts and others of general application,

The Director of the Spanish Data Protection Agency RESOLVES:

FIRST: FILE the sanctioning procedure instructed on TIERRAHOTELERA, SL with NIF B11899515, for an alleged violation of Article 6.1 of the RGPD, typified in Article 83.5 of the RGPD.

SECOND: NOTIFY this resolution to TIERRAHOTELERA, S.L.

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 (article 48.6 of the LOPDGDD), and in accordance with the provisions of articles 112 and 123 of the Law

39/2015, of October 1, of the Common Administrative Procedure of the Administrations Public tions, the interested parties may optionally file an appeal for repossession. petition before the Director of the Spanish Agency for Data Protection within a period of one month from the day following the notification of this resolution or directly contentious-administrative appeal before the Contentious-Administrative Chamber of the National High Court, in accordance with the provisions of article 25 and in the section do 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 fervent legal text.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations public authorities, the firm resolution may be provisionally suspended in administrative proceedings if the interested party expresses his intention to file a contentious-administrative appeal. If this is the case, the interested party must formally communicate this fact by writing addressed to the Spanish Agency for Data Protection, presenting it through Electronic Register of the Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through any of the other registers provided for in art. 16.4 of the city tada Law 39/2015, of October 1. You must also transfer to the Agency the documentation certifying the effective filing of the contentious-administrative appeal. Yes the Agency was not aware of the filing of the contentious-administrative appeal nistrative within two months from the day following the notification of the pre- This resolution would end the precautionary suspension.

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