

□ Procedure No.: PS/00065/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: On 06/27/2019 it has entry in the Spanish Protection Agency

Data (AEPD) a claim filed by Don A.A.A. (hereinafter the
claimant) against the association BLIND SPANISH CATHOLICS ORGANIZED
with NIF R5000907E (hereinafter the claimed or CECO).

The claim deals with the application form for the registration and cancellation of their
partners that CECO began using in 2019. This form, which was approved
by the Board of Directors of the entity claimed, in the opinion of the claimant, a member of
the association, does not comply with the regulations on the protection of personal data
staff. The claimant adds that the employee registration application form in 2018
nor was it respectful of the norms that regulate the right to protection of
personal data, and asks the AEPD to "urge CECO to develop a model
request for registration and cancellation of partners that complies with Spanish legislation on matters
protection of personal data and image rights".

Provide with your claim a copy of the following documents:

- As Annex 1, a copy of the registration application form, which bears the an-
program of the claimed association, and in which, under the heading "Application for registration
in CECO" "Document to the attention of the Secretary of the Association of the Blind
Spanish Catholics (CECO)", includes spaces for the identification data of
a person, in particular those related to the name, surnames, NIF and the Diocese
to which it belongs. Subsequently, the document indicates that the person thus

identified “hereby requests to belong as a member of

the Association of the Spanish Catholic Blind (CECO). He then says:

"Then we proceed to give the necessary data for registration." It is-

These data are the postal address, indicating the town, province and code.

I say postcard; birth date; landline and mobile phones, email address

tronics and the “literacy system”. (The underlining is from the AEPD)

In an independent paragraph, it includes this legend: “The applicant for this inscription

tion, you are aware that the data reflected in this registration will be

manipulated by the Association of Blind Spanish Catholics (CECO) which

is responsible for the proper use of them.

And he adds: “..., authorizes the Association of Blind Spanish Catholics (CECO)

to be able to manipulate their image in any act that the association carries out and that

is aware that this material (recordings, photos, videos...) will form part

te from the association file”. Below is the “Signature of the applicant”.

- As Annex II, provide a copy of the registration application form that the claim

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2/14

mada used in 2018. With the heading "CECO member file" is re-

take the following data: the Diocese of which you are a member; the dates of

high and low; the name and surnames; the domicile, indicating the town,

province and ZIP; landline and mobile phones; the DNI; the email; the date

of birth; the profession and the disability suffered by the person. followed-

This legend is included and below it the signature of the interested party is requested.

do: "Data Protection. In compliance with the provisions of the Organic Law 15/1999, it is reported that the personal data obtained through the completion of this form will be incorporated, for your treatment, in an automated file. In accordance with the provisions of the aforementioned Organic Law, the interested party can exercise the rights of access, rectification, cancellation and opposition of the data obtained in this form at any time.

SECOND: In view of the claim, the AEPD, within the framework of file E/ 8567/2019, by means of a letter dated 09/26/2019, transferred it to the respondent and He requested information on the facts denounced. The notification was made to through postal mail. The document of the S.E. Correos y Telégrafos, S.A.E., "Test of delivery", which is in the file, proves that the claimed received the notification on 10/01/2019.

On 10/09/2019, the response of the respondent with which attached nine documents. He declares that, as can be verified, "he has tried in accommodate at all times what the legislation required in each case", hence that it has been "necessary to write a new application in accordance with the new norm and ask all members already registered in CECO to sign the new application".

The documents submitted are the following:

a.- As Annex 1, the "CECO member file", a document that was also provided by the claimant and that has been described in the First Background Annex II, a description that we consider reproduced.

b.- As Annex 2, a document is provided that the respondent identifies as "the new registration application model made after the approval of the Protection Law 2018 data...". This document is the same one that the claimant sent and that is described in the First Precedent as annex I; description we give here for

reproduced.

c.- Annex 3 is the welcome letter that the respondent states that she sends to the new associates. From this document, we transcribe for your interest the paragraphs penultimate and penultimate:

“By filling out the enrollment application...you gave us permission to manipulate your data, image, sound... all this you can modify when you think it convenient or suffer some alteration”.

“At the time of any communication with us you have the following channels. Email: Secretaria@ceco.org.es. Corporate phone...”

d.- Annex 4 collects the query that the president of the claimed association directed to the Legal Office of the AEPD in April 2019. The query was formulated in the C/ Jorge Juan, 6

28001 – Madrid

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3/14

following terms and there is no record in this Agency that with the written reference the claimed had sent to the Legal Office of the AEPD any attached document:

“A natural person who does not sign the document that allows the association to use your data, can you be a full member of that association?”

e.- Annex 5 corresponds to the Report issued by the AEPD responding to the inquiry of the claimant.

f.- Identified as annex 6, the document dated 06/21/2019 is provided that the

*** POSITION.1 (...) addressed the Board of Directors of the claimed association exposing the irregularities observed in the form that must be completed by the person who intends to be admitted as an associate, in summary, the following: (i) the document does not report

expressly and unequivocally of the existence of a file or data processing or the purpose of the collection. (ii) it does not guarantee the right of the member to access, rectify, cancel or oppose the processing of your data in accordance with the LOPD and development regulations. (iii) the document does not contain the identity and address of the data controller. (iv) does not report that, in any circumstance, the member's data will be transferred without the mandatory and express consent of the owner of the data. (v) a simple procedure is not established and free for the associate to revoke consent. (vi) consent to the treatment of the image has to be done in a document different from the one in which that you consent to the processing of your personal data, requesting authorization in each case.

g.- Annex 7: Letter from ***POSITION.2 addressed to ***POSITION.1 through the person making the accusation receipt of your letter.

h.- Annex 8 is the letter dated 10/04/2019 addressed to ***POSITION.1 which, in response to the brief filed on 06/21/2019, he sent the ***POSITION.2 according to the agreements adopted by the General Meeting on October 2 and 3, 2019. In the letter it is stated that "...after the elevated consultation...to the Data Protection Agency, that has been answered on May 8, 2019, it can only be concluded that the registration document in CECO is fully legal since it clearly indicates that: <<Consequently, the treatment of personal data raised, will be lawful of in accordance with the provisions of section 1b) of article 6 of the RGPD, as it is a partnership and to the extent that each partner enters into the form legally set>>". The respondent concludes in that writing that it cannot be spoken of anomalies in the CECO registration document because, it says, "the Agency for the Protection of Data has declared the entire procedure lawful.

i.- The last document provided (Annex 9) is "the new application form for registration"

-that is, the model approved in the year 2019 on which this is about claim- "completed and signed by D. A.A.A." According to explanations of claimed this document was delivered on behalf of the claimant by another member of the association on 04/28/2019. It further adds that the claimant is a member of CECO since 04/06/2018.

THIRD: In view of the documentation held by the AEPD, sent by both the claimant as by the claimed, in accordance with the provisions of article 65.5 of Organic Law 3/2018, on Data Protection and Guarantee of Rights

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4/14

Digital (LOPDGDD), on 02/26/2020 it is agreed to admit this claim.

FOURTH: On June 3, 2020, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure against the claimant, for the alleged infringement of article 13 of Regulation (EU) 2016/679 (Regulation General Data Protection, hereinafter RGPD), typified in article 83.5 of the aforementioned standard.

FIFTH: Once the initiation agreement was notified, the respondent, on 06/11/2020, presented pleadings statement stating the following:

“FIRST.- That CECO is a non-profit association dedicated fundamentally to the spiritual and moral promotion of people with disabilities visual, caring for blind people who are sick or admitted to a residence. CECO Since its constitution, it has dedicated its best efforts and will to the

compliance with the regulations that may be applicable in the various areas, including the protection of personal data, having carried out in good faith all the actions that it has considered necessary to safeguard the rights of its members and comply with the applicable regulations, counting for the purposes of the carrying out said activity with means that have proven to be clearly insufficient and very limited. Proof of the affirmation, as indicated in the Resolution, is the circumstance that the previous President of the association addressed a query to the Legal Office of the AEPD in April 2019, which was promptly answered.

SECOND.- That once he became aware of the claim filed, with dated June 27, 2019, at the Data Protection Agency by one of its associates, addressed a response to this body certifying that said requests intended to obtain data from its associates had been modified to the object that its content was in accordance with the new standard with the intention of sending to all members already registered in CECO authorization for the processing of their data personal.

THIRD.- That notwithstanding the foregoing, having submitted said document to the Agency Spanish Data Protection, a query was made to a person specialized in such issues who collaborated in the drafting of a new model file designed to request the personal data of all those people who They will express their desire to become part of the association.

FOURTH.- That on December 3, 2019, said record in its new wording complying with the provisions of article 13 of the RGPD was sent to all CECO coordinators in order to obtain your express consent both regarding the treatment of personal data as well as in what refers to the images. Attached to this letter as document Annex No. 1 email sent electronically and as a document Annex No. 2 model file that accompanies the

aforementioned email.

FIFTH.- That these new records have been prepared, any possible omission of the information detailed in article 13 of the RGPD and from which a non-compliance with the aforementioned article 13.

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5/14

SIXTH.- That, notwithstanding the foregoing, the Resolution received that initiates the sanctioning procedure mentions issues that have been considered relevant in order to further increase the transparency of data processing requested to the members of the association:

a) The validity of the particular legal business by virtue of which the condition is acquired of associate requires that whoever is going to be associate knows and previously accepts the Statutes of the association. Consequently, the processing of personal data raised will be lawful in accordance with the provisions of section 1.b) of article 6 of the RGPD when be an association and to the extent that each partner enters in the form legally established in the organization accepting the corresponding statutes.

(See page 8

of the Resolution).

b) Inclusion of CECO's tax identification number.

c) Reference in the file itself to the consequences derived from non-authorization by

part of the applicant to the processing of their personal data.

Based on the foregoing, a new sheet has been prepared attached to this writing as

Annex nº 3 that will be used in the future.

SEVENTH. – That he acknowledges that the registration application form object of the claim that initiates this sanctioning procedure, did not provide all the information required by article 13 of the RGPD, but as stated in the previous sections, this association has subsequently carried out notable efforts to adapt it for the purposes of compliance with each and every one of the requirements detailed in the mentioned article, and notwithstanding that additionally, the special circumstances that concur in this entity while making a broad interpretation of the criterion that inspires the Recital 148 of the RGPD, according to which the sanction of warning when the imposition of a fine constitutes a burden disproportionate that without any doubt would cause the end of the activity of the association with the consequent damage to all its members. Also indicate the mentioning Whereas special attention should however be paid to the nature, seriousness and duration of the infraction, its intentional nature, the measures taken to alleviate the damages suffered, to the degree of liability or any relevant prior violation.

PROVEN FACTS

FIRST: The claim is specified in the application form for registration and cancellation of its associates that CECO began using in 2019, which, according to the complainant, member of the association, does not comply with the data protection regulations of personal character.

The registration request form, to which the claimant refers, includes spaces for

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6/14

the identification data of a person, in particular those related to the name, surnames, NIF and the Diocese to which it belongs. Subsequently, the document indicates that the person so identified "hereby requests to belong as a member of the Association of the Spanish Catholic Blind (CECO). He then says, "Follow We proceed to give the necessary data for registration. These data are the postal address, indicating the town, province and postal code; the date of birth; landline and mobile telephones, the electronic address and the "literacy system" creature". (The underlining is from the AEPD)

In an independent paragraph, it includes this legend: "The applicant for this registration has proof that the data reflected in this registration will be handled by the Association of the Spanish Catholic Blind (CECO) which is responsible for the good use of them".

And he adds: "..., authorizes the Association of the Blind Spanish Catholics (CECO) to be able to manipulate its image in any act that the association carries out and that it is aware of. that this material (recordings, photos, videos...) will be part of the archive of the association". Below is the "Signature of the applicant".

SECOND: The respondent presents, together with her allegations, the document of the Application for Registration in CECO, in which, after the collection of personal data, includes information about the data controller; purpose; legitimation; data recipients; rights that can be exercised, address to address, adding the possibility of filing a claim with the AEPD.

At the end of the document, consent is requested for the realization and use of images, sound and video exclusively for the purposes indicated above and for

can be published in:

- The website and profiles on social networks of the Association.
- Filming aimed at disseminating the Association's activities.
- Photographs for magazines or publications related to the Association.

Next, there are two boxes, without pre-checking, with the options: I authorize/I do not authorize.

FOUNDATIONS OF LAW

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By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of control, and as established in arts. 47 and 48.1 of the LOPDGDD, the Director of The Spanish Agency for Data Protection is competent to resolve this process.

II

Article 85, Termination in sanctioning procedures, of Law 39/2015, of October 1, of the Common Administrative Procedure of the Administrations Public, in its first section, establishes the following:

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28001 – Madrid

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7/14

1. Started a sanctioning procedure, if the offender acknowledges his responsibility, the procedure may be resolved with the imposition of the appropriate sanction.

The respondent expressly indicates the following in its pleadings brief to the initiation agreement: "That it recognizes that the registration application form object of the claim that initiates this sanctioning procedure, did not provide all the information required by article 13 of the RGPD, but as stated in the

previous sections, this association has subsequently carried out notable efforts to adapt it for the purposes of compliance with each and every one of the requirements detailed in the mentioned article.”

III

Article 5 of the RGPD regarding the principles that must govern the processing of data personal mentions among them that of transparency. Section 1 of the provision provides ne: “The personal data will be:

a) processed in a lawful, loyal and transparent manner in relation to the interested party («lawfulness, loyalty and transparency»)”

Manifestation of the principle of transparency is the obligation incumbent on the responsible for the treatment of informing, in the terms of article 13 of the RGPD, to the holder of the personal data when they are obtained directly from the interested party:

“1. When personal data relating to him is obtained from an interested party, the responsible for the treatment, at the time these are obtained, will provide you with all the information listed below:

a) the identity and contact details of the person in charge and, where appropriate, of their representative. presenter;

b) the contact details of the data protection delegate, if any;

c) the purposes of the treatment to which the personal data is destined and the legal basis treatment schedule;

d) when the treatment is based on article 6, paragraph 1, letter f), the interests legitimate ses of the person in charge or of a third party;

e) the recipients or categories of recipients of the personal data, in your case;

f) where appropriate, the intention of the controller to transfer personal data to a third country or international organization and the existence or absence of a decision

adequacy assessment by the Commission, or, in the case of transfers indicated in articles 46 or 47 or article 49, paragraph 1, second paragraph, reference lack of adequate or appropriate safeguards and means of obtaining a copy of these or the fact that they have been loaned.

2. In addition to the information mentioned in section 1, the data controller will provide the interested party, at the time the personal data is obtained, them, the following information necessary to guarantee fair data processing and transparent:

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8/14

a) the period during which the personal data will be kept or, when not possible, the criteria used to determine this period;

b) the existence of the right to request from the data controller access to the personal data related to the interested party, and its rectification or deletion, or the limitation of its treatment, or to oppose the treatment, as well as the right cho to data portability;

c) when the treatment is based on article 6, paragraph 1, letter a), or the Article 9, paragraph 2, letter a), the existence of the right to withdraw consent at any time, without affecting the legality of the treatment based on sado in the consent prior to its withdrawal;

d) the right to file a claim with a supervisory authority;

e) if the communication of personal data is a legal or contractual requirement, or a necessary requirement to sign a contract, and if the interested party is obligated

to provide personal data and is informed of the possible consequences

acknowledgments that you do not provide such data;

f) the existence of automated decisions, including profiling, to

referred to in article 22, sections 1 and 4, and, at least in such cases, inform

significant information about applied logic, as well as the importance and con-

planned sequences of said treatment for the interested party.

3. When the data controller plans the further processing of personal data

personal data for a purpose other than that for which they were collected, will provide the

received, prior to such further processing, information about that other purpose and

any additional relevant information pursuant to paragraph 2.

4. The provisions of sections 1, 2 and 3 shall not apply when and to the extent

measure in which the interested party already has the information.”

Article 5.1.a) of the RGPD sets forth the principle of “lawfulness, fairness and transparency”,

principle in which Recital 39 affects: "All processing of personal data

It must be lawful and fair. For natural persons, it should be made absolutely clear that

are collecting, using, consulting or otherwise processing personal data

that concern them, as well as the extent to which said data is or will be processed. The

The principle of transparency requires that all information and communication regarding the

treatment of said data is easily accessible and easy to understand, and that it is

use simple and clear language. This principle refers in particular to the

information of the interested parties about the identity of the person in charge of the treatment and the

purposes of the same and to the added information to guarantee a fair treatment and

transparent with respect to the affected natural persons and their right to obtain

confirmation and communication of personal data concerning them that are

treatment object. Individuals must be aware of the risks,

the rules, safeguards and rights relating to data processing

as well as how to assert their rights in relation to the treatment. In particular, the specific purposes of the processing of personal data they must be explicit and legitimate, and must be determined at the time of collection.

[...]"

For its part, Recital 60 links the duty of information with the principle of transparency, by establishing that "The principles of fair and transparent treatment

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28001 – Madrid

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9/14

require that the interested party be informed of the existence of the treatment operation and their ends. The data controller must provide the interested party with supplementary information is necessary to ensure fair treatment and transparent, taking into account the specific circumstances and context in which process personal data. The interested party must also be informed of the preparation of profiles and the consequences of said elaboration. If personal data is they obtain from the interested parties, they must also be informed if they are obliged to facilitate them and the consequences if they did not [...]" In this order,

Article 12.1 of the RGPD regulates the conditions to ensure its effectiveness materialization and article 13 specifies what information must be provided when data is obtained from the interested party.

III

The claim that we are examining deals with the adequacy of the protection regulations tion of data from the form that the respondent uses since 2019 to collect the data

Personal data of those who wish to join the association as associates.

This document is in the file in duplicate, provided both by the claimant as for the one claimed. The respondent has stated that the form was approved by its General Meeting in 2019 and that through it it was pursued to comply with compliance with the new obligations that the LOPDGDD imposed on those responsible for processing of personal data. Obligations that, as indicated, are imposed really by the RGPD, article 13.

The document in question, which bears the name of "Application for Registration in CECO", was described in Fact One, Annex I, of this initiation agreement and also refers to reference to it in the Second Fact paragraph b).

According to the 2019 form prepared and used by the respondent, the person who provides your data "requests ... to belong as a member of the association of the Blind Es-Catholic Stores (CECO)" and, further on, the document says: "...they proceed to give the data necessary for registration. Through the document, it is also collected plus the name, surnames and NIF, the following personal data: the Diocese to which belongs to the owner of the data; the postal address, indicating the town, province, company and postal code; birth date; landline and mobile phones; the electronics and the "literacy system".

Thus, examination of the form shows that, through it, the respondent collects the will of a natural person to join the association and, for this purpose, collects your personal data. Declaration of will of the applicant who is one of the elements that make up the special legal transaction by virtue of which the property is acquired. associate status.

With regard to this matter - the acquisition of associate status, with the exception of of the founders of the association- the Constitutional Court has repeatedly expressed- mind that is produced by "an act of integration that constitutes a special business by which the new associate, previously accepting the Statutes whose knowledge

foundation is mandatory and prior, it is integrated into the association” (STC 218/1988, of 11 november). The validity of that particular legal transaction by virtue of which it is acquired

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28001 – Madrid

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10/14

the condition of associate requires that whoever is going to be associate knows and accepts in advance the Statutes of the association. This is what was reported to the claimant association.

mada in the Report issued by the AEPD on 04/30/2019 in which it was said:

<<Consequently, the treatment of personal data raised will be lawful in accordance with do with the provisions of section 1.b) of article 6 of the RGD, as it is a association, and to the extent that each partner enters in the legally established manner cide in the organization accepting the corresponding statutes>>

Article 13 of the RGD provides that when personal data is collected from a interested -what happens through the CECO form or document object of the claim- the data controller is obliged, at that precise moment,

that is, when you obtain them, to inform the owner of the data. Information Covered various issues detailed in article 13 of the RGD.

In the CECO document that we have examined, all the information should have been included.

training that the precept requires. However, only the name of the

association and its acronym, and this paragraph: “The applicant for this registration has

tance that the data reflected in this registration will be handled by the association

Association of the Spanish Catholic Blind (CECO) which is responsible for the good use of them”.

The claimed party, in its capacity as data controller, in accordance with article 13

RGPD was obliged to include in the form through which it collects data from third parties various information that has been totally and absolutely dispensed with. In particular, is obliged to inform about the purposes of the treatment to which the data will be used. personal data collected. Nor does it report, as was its obligation, on the legal basis indication of treatment; nor of the recipients of the personal data; of the term during which will keep the personal data or, not being possible to establish a term, so- on the criteria used to determine it. It omits that the owner of the data holds the right to request from the data controller access to their data, rectification deletion, deletion, limitation of its treatment, to oppose the treatment and portability ness of the data. Nor does it inform about the right to file a claim with the controlling authority. It does not inform if automated decisions are going to be adopted to the referred to in article 22, sections 1 and 4 of the RGPD, including the preparation of files, and, if so, on the logic applied and on the importance and consequences provisions of said treatment for the interested party.

In short, the registration application form that the respondent has used since 2019 until the modification of the same produced after the receipt of this claim, to collect personal data did not provide the information required by article 13 of the GDPR.

The form used violated article 13 of the RGPD conduct that is subsumed ble in article 83.5 of the RGPD that provides: "Infringements of the provisions following will be sanctioned in accordance with section 2, with administrative fines of Eur 20,000,000 maximum or, in the case of a company, of an amount equivalent to a maximum of 4% of the total global annual turnover for the year previous financial agreement, opting for the highest amount:

(...)

a)

b) The rights of the interested parties pursuant to articles 12 to 22;”

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11/14

For the mere purposes of prescription, article 72.1.h) of the LOPDGDD qualifies as very serious “The omission of the duty to inform the affected party about the treatment of their personal data in accordance with the provisions of articles 13 and 14 of the Regulation (EU) 2016/679 and 12 of this Organic Law”. The statute of limitations for very serious offenses serious cases provided for in Organic Law 3/2018 is three years.

Article 58.2 of the RGPD establishes:

IV

“Each supervisory authority shall have all of the following corrective powers listed below:

a) (..)

b) sanction any person responsible or in charge of treatment with a warning when the treatment operations have violated the provisions of this Regulation;

c)...

d) order the person responsible or in charge of treatment that the operations of treatment comply with the provisions of this Regulation, where appropriate, in a certain way and within a specified period;

(...)

i) impose an administrative fine under Article 83, in addition to or instead of of the measures mentioned in this section, depending on the circumstances of

each individual case”.

In the present case, taking into account the special circumstances that occur in the entity responsible for the infraction and making a broad interpretation of the criterion that inspires Recital 148 of the RGPD, according to which when the fine that is likely to be imposed constituted a disproportionate burden, it is appropriate to impose the sanction of warning for the infringement of article 13 of the RGPD, consequence of the data collection with the 2019 model year, which did not include the standards established in the aforementioned article.

v

The respondent accompanies, together with its allegations, the new protection clause of data that is included in the application for registration as a member of the association. The information provided in it includes all the sections established in the article 13 of the RGPD already mentioned.

Likewise, and at the end of the registration application, it includes a specific section to collect the consent of the applicant to treat his image. In this case, the legal basis for the treatment of the image of the person requesting to be a member of the association does not derive from their status as a member of that -that is, from article 6.1.b) of the RGPD- but of the consent granted for that specific purpose (article 6.1.a of the GDPR).

The RGPD (article 3.11) defines the consent of the interested party as “all manifestations

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28001 – Madrid

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12/14

free, specific, informed and unequivocal decision by which the interested party

you accept, either by means of a declaration or a clear affirmative action, the treatment of personal data that concern you” and in its article 7 details the conditions that the consent must meet to be valid. Among them, point 2 of the precept

He says:

“If the consent of the interested party is given in the context of a declaration letter that also refers to other matters, the request for consent is submitted will be in such a way that it is clearly distinguished from other matters, in an intelligible way and easily accessible and using clear and simple language. None will be binding part of the declaration that constitutes an infringement of these Regulations”.

On this point, Recital (43) of the RGPD can be brought up, which

He says:

“(…). Consent is presumed not to have been freely given when allows separate authorization of the different data processing operations despite being appropriate in the specific case, or when compliance with a contract, including the provision of a service, is dependent on the consent, even when this is not necessary for such compliance. (The underlining is from the AEPD)

The old CECO form that accompanied the claim “did not allow” who requested to be a member of the association and provided their personal data for this purpose. final “refuse to treat his image”, since both statements had a foot signature set

While the association is entitled to process the personal data of the associate in the terms established in the Statutes of the association -Statutes that the applicant has to know and accept previously-, being the legal basis of the treatment the development llo of that particular legal transaction by virtue of which the associate is integrated into the association ciation; For the treatment of the image, the association expressly requests the consent

lying of the affected. They are two independent declarations of will that must separately, which implies that each one of them must be able to be granted or be denied independently, without linking one to the other. Transferred to the supposed analysis established, each of these declarations must necessarily have its own footnote.

ma. On the other hand, regarding the treatment of the image whose consent was requested in the last stipulation of the form, we must point out that you must also provide The information required by article 13 RGPD for this particular treatment must be provided.

Any treatment of images of the associates that CECO carried out in the ambit stopping at a purported consent of the owner collected through the form examined, while that consent would be invalid, the treatment of the image gen would constitute a violation of article 6.1.a, in relation to article 7.2, of the GDPR.

At present, in the registration form in the claimed association, it is reported separately of the treatment of the data as members of the association and the express consent, through boxes without pre-marking, for the treatment of the partner image.

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13/14

The defendant violated the provisions of article 13 of the RGPD because the form through through which the data of the request of natural persons to be members of the CECO association did not report in the terms required by that provision.

position. This conduct is typified in article 83.5.b of the RGPD. for what i know

sanctions such behavior with a warning.

However, the association claimed, knowing the claim and the reasons for the itself, has modified the registration model of the members of the association, informing of everything required by article 13 of the RGD, and has included the separate request for consent to the treatment of the image. So no action is required correctors.

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: IMPOSE THE ORGANIZED CATHOLIC SPANISH BLIND ASSOCIATION GANIZADOS, with NIF R5000907E, for an infringement of Article 13 of the RGD, typified in Article 83.5.b) of the RGD, a sanction of warning.

SECOND: NOTIFY this resolution to the SPANISH ASSOCIATION OF THE BLIND ORGANIZED CATHOLIC ÑOLES.

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-administrative, within a period of two months from the day following the notification of this act, as provided for in article 46.1 of the aforementioned Law.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP, may provisionally suspend the firm resolution in administrative proceedings if the interested party do states its intention to file a contentious-administrative appeal. Of being

In this case, the interested party must formally communicate this fact in writing addressed to the Spanish Agency for Data Protection, presenting it through the Re-Electronic registry of the Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or to through any of the other registers provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. You must also transfer to the Agency the documentation that proves the effective filing of the contentious-administrative appeal. If the Agency was not aware of the filing of the contentious-administrative appeal tive within two months from the day following the notification of this resolution, would end the precautionary suspension.

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