

□ File No.: PS/00416/2021

RESOLUTION OF TERMINATION OF THE PROCEDURE FOR PAYMENT

VOLUNTEER

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

BACKGROUND

FIRST: On October 29, 2021, the Director of the Spanish Agency for
Data Protection agreed to initiate a sanctioning procedure against the FOUNDATION
SPANISH AESTHETIC AND LONGEVITY MEDICINE (hereinafter, the
claimed), through the Agreement that is transcribed:

<<

File No.: PS/00416/2021

AGREEMENT TO START A SANCTION PROCEDURE

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

FACTS

FIRST: A.A.A. (hereinafter, the complaining party) dated March 15, 2021
filed a claim with the Spanish Data Protection Agency.

The claim is directed against the SPANISH FOUNDATION OF AESTHETIC MEDICINE
AND LONGEVITY with NIF G83417501 (hereinafter, the claimed party).

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The reason on which the claim is based is that the entity claimed, whose website is ***URL.1, has created WhatsApp and Instagram groups of the Master, where

View participant data.

Provide, among other documentation, the Master's registration form, emails exchanged with entity personnel, screen printing of the group of Instagram and claim made by the legal representative of students to the entity.

SECOND: In accordance with article 65.4 of Organic Law 3/2018, of 5 December, of Protection of Personal Data and guarantee of digital rights (in hereinafter LOPDGDD), on April 20, 2021 said claim was transferred to the claimed party, to proceed with its analysis and inform this Agency in the period of one month, of the actions carried out to adapt to the requirements provided for in the data protection regulations.

On June 9, 2021, this Agency received a response letter indicating that the claimant has withdrawn the claim indicating that everything was about an error due to ignorance of internal issues of the master.

It is stated that at all times a strict observance of the data protection regulations, and the rights that assist the holders affected.

THIRD: On August 13, 2021, the Director of the Spanish Agency for Data Protection agreed to admit for processing the claim presented by the party claimant.

FOURTH:

In view of the facts denounced in the claim and the documents provided by the claimant, the Subdirector General for Inspection of Data proceeded to carry out preliminary investigation actions for the clarification of the facts in question, by virtue of the investigative powers

granted to the control authorities in article 57.1 of the Regulation (EU)

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

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

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

digital rights (hereinafter LOPDGDD).

Said investigative actions have made it possible to verify that the website of the

claimed entity, ***URL.1, has no privacy policy, despite collecting data from

personal character through the link ***URL.2.

However, this last link refers to CAMPUS MEDICA,

provider of the services object of the complaint, being ***URL.3, its website, the

which does have a privacy policy.

Said privacy policy is transcribed below, although it can also be

access it by following this link ***URL.4.

<< Legal Notice CampusMedica.com/FEMEL

In compliance with the provisions of article 10 of Law 34/2002, of July 11,

Services of the Information Society and Electronic Commerce (hereinafter,

LSSI-CE), it is informed expressly, precisely and unequivocally, both to the recipients

of the service as well as to the competent bodies, of the following aspects related to the

information society service provider: CampusMedica.com is a

website owned by the Spanish Foundation for Aesthetic Medicine and Longevity

(FEMALE)

NAME / COMPANY NAME: SPANISH FOUNDATION OF MEDICINE, ES-

THETICS AND LONGEVITY

CIF / NIF: G 83417501

ACTIVITY / CORPORATE PURPOSE: Medical training, organization of Medical Congresses
say.

REGISTERED/PROFESSIONAL ADDRESS: STREET ***ADDRESS.1

PHONE: ***PHONE.1

FAX: ***FAX.1

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EMAIL ADDRESS: ***EMAIL.1

WEB ADDRESS. ***URL.1

REGISTRATION DATA IN THE COMMERCIAL REGISTRY / PUBLIC REGISTRY:

Registration ***REGISTRATION. August 1, 2002

INFORMATION IN COMPLIANCE WITH THE PROVISIONS OF THE ORGANIZATIONAL LAW

CA OF PERSONAL DATA PROTECTION

1. INFORMATION PRINCIPLE

In compliance with the provisions of article 5 of Organic Law 15/1999, of 13

of December, Protection of Personal Data (hereinafter, LOPD),

We expressly, precisely and unequivocally inform that the data provided by you

through the forms provided for this purpose on our website or in any

another channel for collecting them, as well as those generated during their relationship.

tion with our entity, will be processed in the files responsibility

of the SPANISH FOUNDATION OF AESTHETIC MEDICINE AND LONGEVITY (FEMEL),
duly notified in the General Registry of the Spanish Protection Agency
of Data, with the purpose of maintaining and completing the relationship of the recipient
user of the service with our entity and provision of services derived from it.
Likewise, in compliance with the provisions of the aforementioned LOPD and Law 34/2002,
of July 11, Services of the Information Society and Electronic Commerce
co (hereinafter, LSSI-CE), we inform you that your data may be used with the
purpose of sending you commercial and courtesy communications related to
our entity through the telephone, postal mail, Mail Managers (type Mail-
Chimp, Mail Relay) ordinary, fax, email or electronic means of communication.
equivalent tronics. These systems have been configured and adapted to the RGPD.
In the same way, we inform you that your data will be transferred in all those cases
in that it is necessary for the development, fulfillment and control of the relationship of the
beneficiary of the service with our entity or in the cases in which it is authorized by a
norm with the rank of law and, in particular, when one of the following assumptions concurs:
following:

- a) The purpose of the processing or assignment is to satisfy a legitimate interest of the
Responsible for the treatment or the assignee covered by said rule;
- b) The treatment or transfer of the data is necessary for the person responsible for the
treatment complies with a duty imposed by said rule.

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2. PRINCIPLE OF CONSENT

Consent to the processing of your data for the purposes described in the previous section will be understood as provided through the marking of the corresponding box. available for this purpose on our website.

3. MANDATORY NATURE OF THE DATA REQUESTED

The completion of each and every one of the fields that appear in the forms available for this purpose on our website is mandatory (in case Otherwise, the fields that are mandatory will appear marked with an asterisk. gatorio). The refusal to provide your data would entail the impossibility of maintaining Maintenance and fulfillment of the relationship of the recipient of the service with our organization. since they are necessary for the provision of services derived from the same.

4. DATA QUALITY PRINCIPLE

The recipient of the service will be solely responsible for the truthfulness and accuracy of the provided data, acting SPANISH FOUNDATION OF AESTHETIC MEDICINE AND LONGEVITY (FEMEL) in good faith, as a mere service provider. In the supposed that the recipient of the service provides false data or data from third parties without mediate your consent to do so, you will respond personally to FEMEL, the affected or interested, the Spanish Agency for Data Protection and, where appropriate, autho-regional data protection authorities, of the responsibilities derived from said circumstance.

Campusmedica. com does not collect data from persons under the age of fourteen through of your website. In the event that a person under the age of fourteen provides your data through the forms provided for this purpose on our website or in any other channel for collecting them, they will be destroyed immediately. diata at the same time that such circumstance becomes known.

In order to comply with the provisions of article 4.3 of the LOPD, the

recipient of the service undertakes to notify FEMEL of the changes that are produced in your data, so that they respond truthfully to your current situation at all times.

5. DATA SECURITY PRINCIPLE.

SPANISH FOUNDATION OF AESTHETIC MEDICINE AND LONGEVITY (FEMEL)

undertakes to comply with its obligation of secrecy regarding the data of each personal nature and its duty to keep them and will adopt all measures of a nature technical and organizational requirements that guarantee the security of the personal data

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and prevent their alteration, loss, treatment or unauthorized access, given account of the state of technology, the nature of the data stored and the risks hazards to which they are exposed, whether they come from human action or from the physical or natural, developed in Title VIII of Royal Decree 1720/2007, of December 21 bre, which approves the Regulations for the development of Organic Law 15/1999, of December 13, Protection of Personal Data.

6. EXERCISE OF RIGHTS

In compliance with the provisions of the LOPD and Royal Decree 1720/2007, of 21 December, which approves the Regulations for its development, the destination user of the service can exercise, at any time, their rights of access, rectification, tification, cancellation and opposition before the person in charge of the file or of the treatment, attaching a photocopy of your ID.

7. RESPONSIBLE FOR THE FILE OR TREATMENT

The person in charge of the file or the treatment is Clínica Garcilaso with address effect-notifications at Calle Garcilaso, 7 28010 Madrid. >>

FOUNDATIONS OF LAW

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By virtue of the powers that article 58.2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, regarding the protection of individuals with regard to the processing of personal data and the free circulation of these data (General Data Protection Regulation, hereinafter RGPD) recognizes each control authority, and according to what is established in the articles 47, 64.2 and 68.1 of Organic Law 3/2018, of December 5, on Data Protection Personal and guarantee of digital rights (hereinafter LOPDGDD), the Director of the Spanish Data Protection Agency is competent to initiate this procedure.

Article 63.2 of the LOPDGDD determines that: "The procedures processed by the Spanish Agency for Data Protection will be governed by the provisions of the Regulation (EU) 2016/679, in this organic law, by the provisions regulations issued in its development and, as long as they do not contradict them, with a subsidiary, by the general rules on administrative procedures."

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II

Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, regarding the protection of natural persons in what

regarding the processing of personal data and the free circulation of these data

(General Data Protection Regulation, hereinafter RGPD), under the rubric

“Definitions”, provides that:

“For the purposes of this Regulation, the following shall be understood as:

1) "personal data": any information about an identified natural person or

identifiable ("the interested party"); An identifiable natural person shall be deemed to be any person

whose identity can be determined, directly or indirectly, in particular by

an identifier, such as a name, an identification number,

location, an online identifier or one or more elements of the identity

physical, physiological, genetic, psychic, economic, cultural or social of said person;

2) “processing”: any operation or set of operations carried out on

personal data or sets of personal data, whether by procedures

automated or not, such as the collection, registration, organization, structuring,

conservation, adaptation or modification, extraction, consultation, use,

communication by transmission, broadcast or any other form of enabling of

access, collation or interconnection, limitation, suppression or destruction;”

Therefore, in accordance with these definitions, the collection of personal data

personal through forms included in a web page constitutes a treatment

of data, with respect to which the data controller must comply with the

provided for in article 13 of the RGPD.

In relation to this matter, it is observed that the Spanish Agency for the Protection of

Data is available to citizens, the Guide for the fulfillment of duty

to inform (<https://www.aepd.es/media/guias/guia-model-clausula-informativa.pdf>) and,

in case of carrying out low-risk data processing, the free tool

Facilitates (<https://www.aepd.es/herramientas/facilita.html>).

Article 7 of the RGPD regulates the conditions for consent, indicating what

Next:

"1. When the treatment is based on the consent of the interested party, the person in charge

You must be able to demonstrate that you consented to the processing of your data

personal.

2. If the data subject's consent is given in the context of a written statement

that also refers to other matters, the request for consent will be presented in

in such a way that it is clearly distinguishable from other matters, in an intelligible and

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easy access and using clear and simple language. No part will be binding

of the statement that constitutes an infringement of this Regulation.

3. The interested party shall have the right to withdraw their consent at any time. The

Withdrawal of consent will not affect the legality of the treatment based on the

consent prior to withdrawal. Before giving their consent, the interested party

will be informed of it. It will be as easy to withdraw consent as it is to give it.

4. When assessing whether the consent has been freely given, it will be taken into account in the

greatest extent possible whether, among other things, the performance of a contract,

including the provision of a service, is subject to consent to the processing of

personal data that is not necessary for the execution of said contract."

Article 13 of the RGPD, a precept that determines the information that must be

provided to the interested party at the time of collecting their data, provides that:

"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

all the information indicated below:

- a) the identity and contact details of the person in charge and, where appropriate, of their representative;
- 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 of the treatment;
- d) when the treatment is based on article 6, paragraph 1, letter f), the interests legitimate of the person in charge or of a third party;
- e) the recipients or the categories of recipients of the personal data, in their case;
- f) where appropriate, the intention of the controller to transfer personal data to a third party country or international organization and the existence or absence of a decision to adequacy of the Commission, or, in the case of transfers indicated in the Articles 46 or 47 or Article 49, paragraph 1, second paragraph, reference to the adequate or appropriate warranties and the means to obtain a copy of these or to the fact that they have been borrowed.

2. In addition to the information mentioned in section 1, the person responsible for the treatment will facilitate the interested party, at the moment in which the data is obtained personal, the following information necessary to guarantee data processing fair and transparent

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

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b) the existence of the right to request from the data controller access to the personal data relating 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 to portability of the data;

c) when the treatment is based on article 6, paragraph 1, letter a), or article 9, paragraph 2, letter a), the existence of the right to withdraw consent in any time, without affecting the legality of the treatment based on 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 obliged to provide personal data and is informed of the possible consequences of not provide such data;

f) the existence of automated decisions, including profiling, to which referred to in article 22, sections 1 and 4, and, at least in such cases, information about applied logic, as well as the importance and consequences provisions of said treatment for the interested party.

3. When the controller plans the further processing of data personal data for a purpose other than that for which they were collected, you will provide the interested party, prior to such further processing, information on that other purpose and any additional information relevant under paragraph 2.

4. The provisions of sections 1, 2 and 3 shall not apply when and in the to the extent that the interested party already has the information.

For its part, article 11 of the LOPDGDD, provides the following:

"1. When the personal data is obtained from the affected party, the person responsible for the treatment may comply with the duty of information established in article 13 of Regulation (EU) 2016/679, providing the affected party with the basic information to referred to in the following section and indicating an electronic address or other medium that allows easy and immediate access to the rest of the information.

2. The basic information referred to in the previous section must contain, at less:

- a) The identity of the data controller and his representative, if any.
- b) The purpose of the treatment.
- c) The possibility of exercising the rights established in articles 15 to 22 of the Regulation (EU) 2016/679.

If the data obtained from the affected party were to be processed for the preparation of profiles, the basic information will also include this circumstance. In this

In this case, the affected party must be informed of their right to oppose the adoption of automated individual decisions that produce legal effects on him or her

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significantly affect in a similar way, when this right concurs in accordance with the provisions of article 22 of Regulation (EU) 2016/679."

IV

By virtue of the provisions of article 58.2 of the RGPD, the Spanish Agency for Data Protection, as a control authority, has a set of corrective powers in the event of an infraction of the precepts of the

GDPR.

Article 58.2 of the RGPD provides the following:

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

(...)

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

(...)

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

"i) impose an administrative fine under article 83, in addition to or instead of the measures mentioned in this section, according to the circumstances of each particular case;"

Article 83.5.a and b) of the RGPD establishes that:

"The infractions of the following dispositions will be sanctioned, in accordance with the paragraph 2, with administrative fines of a maximum of EUR 20,000,000 or, in the case of a company, an amount equivalent to a maximum of 4% of the global total annual turnover of the previous financial year, opting for the largest amount:

a) the basic principles for the treatment, including the conditions for the consent under articles 5, 6, 7 and 9.

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

Article 72.1 c) of the LOPDGDD, establishes the following:

"Based on the provisions of article 83.5 of Regulation (EU) 2016/679,

considered very serious and will prescribe after three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

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c) Failure to comply with the requirements of Article 7 of the Regulation (EU)

2016/679 for the validity of consent”

In turn, article 74.a) of the LOPDGDD, under the heading "Infringements considered mild has:

“They are considered minor and the remaining infractions of a legal nature will prescribe after a year.

merely formal of the articles mentioned in paragraphs 4 and 5 of article 83

of Regulation (EU) 2016/679 and, in particular, the following:

a) Failure to comply with the principle of transparency of information or the right to

information of the affected party for not providing all the information required by articles

13 and 14 of Regulation (EU) 2016/679.”

v

In this case, the privacy policy of the entity claimed has been accessed.

through the link ***URL.4, located on the website ***URL.1 where it has been verified

that the claimed entity does not have its updated privacy policy since it does

allusion to LOPD 15/1999, currently repealed by 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 Organic Law 3/2018, of December 5, of

Protection of Personal Data and guarantee of digital rights.

As a result, it has been found that following this link ***URL.2 , and accessing the form for registration in training courses of the entity claimed, there is no box to grant or not express consent for the treatment of personal data, nor is the information provided that in

The matter of data protection establishes article 13 of the RGPD, indicated in the foundation III.

Likewise, it has been verified that on the aforementioned web page, the consent for the processing of the data, it is not collected in a differentiated way, as there is no box for acceptance at the bottom of the form, which would imply the violation of article 7 of the RGPD, in accordance with the legal basis III.

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Therefore, in accordance with the evidence available in this moment of agreement to initiate the sanctioning procedure, and without prejudice to what result of the investigation, the exposed facts could constitute, on the part of the claimed, two infringements, one in accordance with the provisions of article 13 of the RGPD and another according to article 7 of the RGPD.

Likewise, if the existence of an infraction is confirmed, in accordance with the provisions of the aforementioned article 58.2.b) of the RGPD, in the resolution the claimed party may be ordered, as responsible for the treatment, the adequacy of the information offered to the users whose personal data is collected from them to the requirements contemplated in article 13 of the RGPD, as well as the correction of the form, of

in accordance with article 7 of the RGD, having to provide means of proof

proof of compliance with what is required.

SAW

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

provisions of articles 83.1 and 83.2 of the RGD, precepts that indicate:

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

under this Article for infringements of this Regulation

indicated in sections 4, 9 and 6 are in each individual case effective,

proportionate and dissuasive.”

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

individual case, in addition to or as a substitute for the measures contemplated in the

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

administration and its amount in each individual case will be duly taken into account:

a) the nature, seriousness and duration of the offence, taking into account the nature

nature, scope or purpose of the treatment operation in question, as well as the number

number of interested parties affected and the level of damages they have suffered;

b) intentionality or negligence in the infringement;

c) any measure taken by the controller or processor to pa-

allocate the damages suffered by the interested parties;

d) the degree of responsibility of the person in charge or of the person in charge of the treatment,

gives an account of the technical or organizational measures that have been applied by virtue of the

articles 25 and 32;

e) any previous infringement committed by the person in charge or the person in charge of the treatment;

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- f) the degree of cooperation with the supervisory authority in order to remedy the infringement and mitigate the possible adverse effects of the infringement;
- g) the categories of personal data affected by the infringement;
- h) the way in which the supervisory authority became aware of the infringement, in particular whether the person in charge or the person in charge notified the infringement and, if so, to what extent. gives;
- i) when the measures indicated in article 58, section 2, have been ordered previously against the person in charge or the person in charge in question in relation to the same matter, compliance with said measures;
- j) adherence to codes of conduct under Article 40 or to certification mechanisms fication approved in accordance with article 42, and
- k) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits obtained or losses avoided, directly or indirectly. mind, through infraction.”

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

“Sanctions and corrective measures”, provides:

“two. In accordance with the provisions of article 83.2.k) of Regulation (EU) 2016/679 may also be taken into account:

- a) The continuing nature of the offence.
- b) The link between the activity of the offender and the performance of treatment of personal information.
- c) The profits obtained as a result of committing the offence.
- d) The possibility that the conduct of the affected party could have induced the commission of the offence.

- e) The existence of a merger by absorption process subsequent to the commission of the infringement, which cannot be attributed to the absorbing entity.
- f) Affectation of the rights of minors.
- g) Have, when not mandatory, a data protection delegate.
- h) Submission by the person in charge or person in charge, on a voluntary basis, to alternative conflict resolution mechanisms, in those cases in which there are controversies between them and any interested party.”

In accordance with the transcribed precepts, and without prejudice to what results from the instruction of the procedure, in order to set the amount of the sanction of fine to impose in the present case on the entity claimed as responsible for a infringement typified in article 83.5.b) of the RGPD, in an initial assessment,

The following mitigating factors are considered concurrent:

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The claimed one does not have previous infringements (83.2 e) RGPD).

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It is appropriate to graduate each sanction to be imposed on the claimed one and set it at the amount of 2000 € each, for the infringement of article 58.2 of the RGPD.

Therefore, based on the foregoing,

By the Director of the Spanish Data Protection Agency,

HE REMEMBERS:

START SANCTION PROCEDURE

FIRST: START A PUNISHMENT PROCEDURE against the SPANISH FOUNDATION

OF AESTHETIC MEDICINE AND LONGEVITY with NIF G83417501 in accordance with the provisions of article 58.2.b) of the RGPD, for the alleged violation of article 13 of the RGPD, typified in article 83.5.b) of the RGPD

FOUNDATION

SECOND:

SPANISH AESTHETIC AND LONGEVITY MEDICINE with NIF G83417501 of in accordance with the provisions of article 58.2.b) of the RGPD, for the alleged infringement of article 7 of the RGPD, typified in article 83.5.a) of the RGPD

THIRD: APPOINT B.B.B. and as Secretary to C.C.C.,

indicating that any of them may be challenged, as the case may be, in accordance with established in articles 23 and 24 of Law 40/2015, of October 1, on the Regime Legal Department of the Public Sector (LRJSP).

FOURTH: INCORPORATE to the disciplinary file, for evidentiary purposes, the claim filed by the claimant and the documents obtained and generated by the General Subdirectorate of Data Inspection in relation to said claim; all of them are part of the file.

FIFTH: THAT for the purposes provided in art. 64.2 b) of Law 39/2015, of 1 October, of the Common Administrative Procedure of the Public Administrations, the sanction that could correspond would be 2,000 euros (two thousand euros), for each infringement, without prejudice to what results from the investigation.

SIXTH: NOTIFY this agreement to the SPANISH MEDICINE FOUNDATION AESTHETICS AND LONGEVITY with NIF G83417501, granting it a hearing period of ten business days to formulate the allegations and present the evidence that deem convenient. In your statement of allegations you must provide your NIF and the procedure number at the top of this document.

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

In accordance with the provisions of article 85 of the LPACAP, in the event that the sanction to be imposed was a fine, it may recognize its responsibility within the term granted for the formulation of allegations to this initial agreement; it which will entail a reduction of 20% of each sanction to be imposed in the present procedure. With the application of this reduction, each sanction would be established at 1600 euros, resolving the procedure with the imposition of each penalty.

Similarly, you may, at any time prior to the resolution of this procedure, carry out the voluntary payment of the proposed sanctions, which will mean a reduction of 20% of its amount. With the application of this reduction, each sanction would be established at 1600 euros and its payment will imply the termination of the procedure.

The reduction for the voluntary payment of each sanction is cumulative to the one It is appropriate to apply for the acknowledgment of responsibility, provided that this acknowledgment of responsibility is revealed within the period granted to formulate arguments at the opening of the procedure. The pay volunteer of the amount referred to in the preceding paragraph may be made at any time prior to resolution. In this case, if it were appropriate to apply both

reductions, the amount of each sanction would be established at 1,200 euros.

In any case, the effectiveness of any of the two reductions mentioned will be conditioned to the abandonment or renunciation of any action or resource in via administrative against each sanction.

In case you chose to proceed to the voluntary payment of any of the amounts indicated above 1,600 or 1,200 euros, for each sanction, you must cash by depositing it in account number ES00 0000 0000 0000 0000 opened on behalf of the Spanish Agency for Data Protection at CAIXABANK Bank,

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S.A., indicating in the concept the reference number of the procedure that appears in the heading of this document and the reason for the reduction of the amount to which welcomes

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

The procedure will have a maximum duration of nine months from the date of the start-up agreement or, where appropriate, of the draft start-up agreement.

Once this period has elapsed, it will expire and, consequently, the file of performances; in accordance with the provisions of article 64 of the LOPDGDD.

Finally, it is pointed out that in accordance with the provisions of article 112.1 of the LPACAP, there is no administrative appeal against this act.

Sea Spain Marti

Director of the AEPD, P.O. the Deputy Director General for Data Inspection, Olga

Pérez Sanjuán, Resolution 4/10/2021

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SECOND: On November 29, 2021, the claimed party has proceeded to payment of the sanction in the amount of 2400 euros making use of the two reductions provided for in the Start Agreement transcribed above, which implies the acknowledgment of responsibility.

THIRD: The payment made, within the period granted to formulate allegations to the opening of the procedure, entails the waiver of any action or resource in via administrative action against the sanction and acknowledgment of responsibility in relation to the facts referred to in the Initiation Agreement.

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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 art. 47 of the Organic Law 3/2018, of 5

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

hereinafter LOPDGDD), the Director of the Spanish Agency for Data Protection

is competent to sanction the infractions that are committed against said

Regulation; infractions of article 48 of Law 9/2014, of May 9, General

Telecommunications (hereinafter LGT), in accordance with the provisions of the

article 84.3 of the LGT, and the infractions typified in articles 38.3 c), d) and i) and

38.4 d), g) and h) of Law 34/2002, of July 11, on services of the society of the information and electronic commerce (hereinafter LSSI), as provided in article 43.1 of said Law.

II

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

Common to Public Administrations (hereinafter, LPACAP), under the rubric

"Termination in sanctioning procedures" provides the following:

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

2. When the sanction is solely pecuniary in nature or it is possible to impose a pecuniary sanction and another of a non-pecuniary nature, but the inadmissibility of the second, the voluntary payment by the alleged perpetrator, in any time prior to the resolution, will imply the termination of the procedure, except in relation to the replacement of the altered situation or the determination of the compensation for damages caused by the commission of the infringement.

3. In both cases, when the sanction is solely pecuniary in nature, the competent body to resolve the procedure will apply reductions of, at least, 20% of the amount of the proposed sanction, these being cumulative with each other.

The aforementioned reductions must be determined in the notification of initiation of the procedure and its effectiveness will be conditioned to the withdrawal or resignation of any administrative action or recourse against the sanction.

The reduction percentage provided for in this section may be increased regulations."

In accordance with the above, the Director of the Spanish Agency for the Protection of Data

RESOLVES:

FIRST: TO DECLARE the termination of procedure PS/00416/2021, of

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

SECOND: NOTIFY this resolution to the FUNDACIÓN ESPAÑOLA DE

AESTHETIC MEDICINE AND LONGEVITY.

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.

C/ Jorge Juan, 6

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

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

Common of the Public Administrations, the interested parties may file an appeal

contentious-administrative 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 in article 46.1 of the

aforementioned Law.

Sea Spain Marti

Director of the Spanish Data Protection Agency

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