

□ Procedure No.: PS/00215/2021

## RESOLUTION OF PUNISHMENT PROCEDURE

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

### BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) filed a claim on 01/31/2020

before the Spanish Agency for Data Protection that are directed against TOWN HALL

DE SANTA POLA with NIF P0312100A (hereinafter, the claimed). The reasons in which

bases the claim are that you have exercised the right to delete your data, without being

has answered you and that your data was collected on the occasion of the imposition of a

administrative sanction, taking a photo of your DNI through a mobile phone by

of a local police officer.

Provides:

a) Copy of the letter sent on 12/8/2019, to the Data Protection Delegate in which

reports that on 09/05/2019, a fine was imposed for non-compliance with the ordinance of

citizen coexistence in the public space, and that during the identification, "at least one

of the agents take pictures of my DNI with their personal mobile phone", and that he warned

the agents that this exceeds the duty of identification and that they erase the photographs.

He states that in subsequent days he received "new complaint bulletins" at his home and

that "I suspect they were carried out a posteriori based presumably on the photographs

stored", since "he was not in the town on 09/07, the day that appears as when

the new sanction is produced", and this is how it appears in the allegations that he presented. In writing,

In addition to referring to the security measures for the collection and storage of

data, requests "free trade to the agents" and "report on the personal data about me

person obtained by means of identification on 09/05/2019, as well as the purpose of the

treatment of personal data, its correct management and processing in the field of municipal competencies and clarify whether or not these are on their mobile phones”, and expressly delete the data.

b) Copy of the data deletion right form against the claimed party, signed on 8/12/2019.

Copy "administrative" "report" of the Local Police of 09/05/2019, infraction of the article 66.2.1 municipal ordinance of citizen coexistence, stating handwritten your ID number, as well as the rest of the data. In the section- checkbox of the literal: "the accused does not want to sign, rejecting the notification of the complaint, deliver a copy for notification purposes", there is no marking. If it says "I know reports" in the denounced signature section. In observations it appears: "the complainant disobeys the instructions of the agents at all times, refuses to leave the zone and try to access a security zone delimited by the agents after an arrest". In the denounced act "disobeying the orders of the authority or its agents issued in direct application of the provisions of law 4/2015 on security protection citizen when it does not constitute a criminal offense.

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2/15

In the informative literal of Data Protection of the form it is stated: "according to the Organic Law 15/99 LOPD, it is reported that your personal data has been collected from the bulletins of complaint, appear in the files of this Agency and will not be transferred except in cases provided for in the law. The data collected will be integrated into our files with the purpose to have the information of the offenders and the acts sanctioned from the

disciplinary proceedings initiated and manage the payment of the fine. You can exercise your rights of access, rectification, cancellation and opposition by written communication directed to..."

c) Copy "administrative" "report" of the Local Police of 09/7/2019, ordinance council of citizen coexistence, in the same address as on the 5th, with handwritten his ID number and the data of the claimant, in a complaint made by a different agent. In the signature section of the accused, it appears "you are informed". the verbatim informative is the same as the previous record.

SECOND: On 03/04/2020, the claimant submits a document stating that the claimed has responded on 03/04/2020 indicating that "they do not have a delegate of Data Protection". Provide a copy of the claimant's document.

THIRD: Dated 06/03/2020 (file E/02584/2020) due to the suspension of the terms of the state of alarm, the claim is transferred to the City Council, which does not answered.

FOURTH: Dated 08/31/2020, without having received a written response from the claimed, it is agreed to admit the claim presented by the claimant for processing, notifying both parties.

FIFTH: In view of the facts denounced in the claim and the documents provided by the claimant, the General Subdirector for Data Inspection proceeded to carrying out preliminary investigative actions to clarify the facts in issue, by virtue of the investigative powers granted to the supervisory authorities in Article 57.1 of Regulation (EU) 2016/679 (General Regulation for the Protection of Data, hereinafter RGPD), and in accordance with the provisions of Title VII, Chapter I, Second section of Organic Law 3/2018, of December 5, on Data Protection Personal and guarantee of digital rights (hereinafter LOPDGDD).

A letter is sent to the claimant on 10/2/2020, requesting an explanation of:

-Reasons for which the exercise of rights made by the claimant has not been addressed.

-Inform about the processing of personal data using the mobile terminals of the agents. Responsible and object of the treatment, storage, security of the data.

The request is reiterated and notified on 01/28/2021, without being attended to.

Again on 03/12/2021 it is requested:

- Inform if you have already been appointed Data Protection Delegate of the City Council.

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3/15

- Inform the answer provided by that City Council to the claimant before the exercise

Right of access to your personal data.

- Inform about the processing of personal data using the mobile devices of agents, specifically:

to. Specify whether mobile devices are corporate and managed and supervised by the City Council, or private agents.

b. Indicate the person responsible for the treatment and the object of the treatment.

c. Transfer procedure of the photographed IDs to the systems of the

City Council: email, direct connection of the device to a computer, app specific installed on the device, etc.

d. Indicate the measures implemented for the security of the data processed:

supervision by the city council of DNI stored in mobile devices, security of devices, storage time, etc.

No response was received to the requests made.

SIXTH: On 06/11/2021, the Director of the AEPD agreed

INITIATE PUNISHMENT PROCEDURE against the SANTA POLA CITY COUNCIL, with

NIF P0312100A, for the alleged violations of the articles:

-32 of the RGPD, as determined in article 83.4.a) of the RGPD.

-15 of the RGPD, as determined by article 83.5.b) of the RGPD.

-17 of the RGPD, as determined in article 83.5.b) of the RGPD,

-37 of the RGPD in relation to 37.3 and .4 of the LOPDGDD, as determined in article 83.4.a) of the RGPD.

-13 of the RGPD, as determined in article 83.5 b) of the RGPD.

No claims are received from the respondent.

#### PROVEN FACTS

1) On 09/05/2019, the claimant was imposed by agents of the claimed a fine for non-compliance with the ordinance of citizen coexistence in the public space, and during the identification, according to the claimant, "at least one of the agents performs with his telephone personal mobile photographs to YOUR DNI", in observations of the complaint bulletin appears also that "the claimant disobeys the instructions of the agents, refusing to

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4/15

leave the area and try to access the security zone delimited by the agents after an arrest".

2) The complaint bulletin dated 09/05/2019 contains the data of the claimant recorded by the acting agent, including your personal data and ID. In another bulletin of another complaint of 09/07/2019 referred to by the claimant, their data is also contained in the same way.

3) It is emphasized that in the complaint bulletins mention is made of the LOPD, the

inaccuracy of the origin of the data by stating that "your personal data has been collected of the complaint bulletins. The informative data protection literal is not adequate to the RGPD, by not indicating, among others, the period of data conservation, the right to suppression or the legitimating basis, to name a few.

4) The claimant provided a copy of the document addressed to the claimant on 12/8/2019 in which exposing the background, requests: "report the personal data about me person obtained by means of identification on 09/05/2019, as well as the purpose of the treatment of personal data" "the data is expressly deleted."

There is no record of any response to their requests.

5) On 03/04/2020, the claimant submits a document in which the respondent has responded on 03/04/2020, indicating that "they do not have a data protection officer", "Your writing is transferred directly to the Local Police."

## FOUNDATIONS OF LAW

I

By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of control, and according to the provisions of articles 47 and 48 of the LOPDGDD, the Director of the Spanish Agency for Data Protection is competent to initiate and resolve this process.

II

The taking of the photograph of the DNI by an agent for the imposition of sanctions Administrative procedures supposes on the part of the claimed a violation of article 32 of the RGPD that indicates:

"one. Taking into account the state of the art, the application costs, and the nature, the scope, context and purposes of the treatment, as well as risks of probability and severity variables for the rights and freedoms of natural persons, the person in charge and the in charge of the treatment will apply appropriate technical and organizational measures to

guarantee a level of security appropriate to the risk, which, where appropriate, includes, among others:

a) pseudonymization and encryption of personal data;

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5/15

b) the ability to ensure confidentiality, integrity, availability and resilience

permanent treatment systems and services;

c) the ability to restore the availability and access to personal data in a

fast in the event of a physical or technical incident;

d) a process of regular verification, evaluation and assessment of the effectiveness of the

technical and organizational measures to guarantee the security of the treatment.

2. When evaluating the adequacy of the security level, particular account shall be taken

the risks presented by the data processing, in particular as a consequence of the

accidental or unlawful destruction, loss or alteration of transmitted personal data,

stored or otherwise processed, or unauthorized communication or access to such

data.

4. The person in charge and the person in charge of the treatment will take measures to guarantee that

any person acting under the authority of the person in charge or the person in charge and

access to personal data can only process said data following instructions from the

responsible, unless it is obliged to do so by virtue of Union Law or the

Member states."

Recital 74 of the RGPD indicates: "The responsibility of the user must be established.

controller for any processing of personal data carried out by him

yourself or on your own. In particular, the person responsible must be obliged to apply measures

timely and effective and must be able to demonstrate the conformity of the activities of treatment with this Regulation, including the effectiveness of the measures. These measures must take into account the nature, scope, context and purposes of the treatment as well as the risk to the rights and freedoms of natural persons.”

Article 83 of the RGPD states: “4. Violations of the following provisions are sanctioned, in accordance with paragraph 2, with administrative fines of EUR 10,000,000 maximum or, in the case of a company, an amount equivalent to 2% as maximum of the overall annual total turnover of the previous financial year, opting for the highest amount:

a) the obligations of the person in charge and the person in charge pursuant to articles 8, 11, 25 to 39, 42 and 43;”

Reference to its limitation period is established in article 73 of the LOPDGDD:

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

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

The respondent has not addressed the reasons why Agents who provide services in his organization, and who must know and be instructed in their relationship with the data people who use, handled their own devices and did so to collect the

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DNI, when it also appears noted in the complaint bulletin itself, which supposedly

it is made in the presence of the person identified at that moment.

Such facts constitute an infraction, by failing to comply with article 32 in relation to them.

of the GDPR referenced.

The claimed party must expressly include instructions on the use of devices

mobile or any other type that allows recording or collecting data of citizens by

agents or give explanations about compliance with these measures. At

requirement that is imposed in this operative part, must respond to the measures

that it has adopted in relation to this matter.

III

The lack of attention to the right of access and suppression is regulated in articles 15 and 17

of the RGPD, which indicate:

“Article 15 Right of access of the interested party

1. The interested party shall have the right to obtain confirmation from the data controller as to whether

personal data concerning you is being processed or not and, in such a case, right of access

personal data and the following information:

a) the purposes of the treatment;

b) the categories of personal data in question;

c) the recipients or categories of recipients to whom they were communicated or will be co-

communicated the personal data, in particular recipients in third countries or organizations

international tions;

d) if possible, the expected term of conservation of the personal data or, if not

possible, the criteria used to determine this period;

e) the existence of the right to request from the controller the rectification or deletion of data

personal data or the limitation of the processing of personal data relating to the interested party,

or to oppose such treatment;

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

g) when the personal data has not been obtained from the interested party, any information  
information available on its origin;

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7/15

h) the existence of automated decisions, including profiling, to which

refers to article 22, sections 1 and 4, and, at least in such cases, significant information  
on the logic applied, as well as the importance and the foreseen consequences of said  
treatment for the interested party.

2. When personal data is transferred to a third country or to an international organization

Finally, the interested party shall have the right to be informed of the adequate guarantees under the  
Article 46 relating to the transfer.

3. The data controller will provide a copy of the personal data being processed.

I lie. The person in charge may receive for any other copy requested by the interested party a  
reasonable fee based on administrative costs. When the interested party presents the  
legality by electronic means, and unless it requests that it be provided in another way, the  
Information will be provided in a commonly used electronic format.

4. The right to obtain a copy mentioned in section 3 will not negatively affect the  
rights and freedoms of others”.

Article 17 “Right of suppression”

"one. The interested party shall have the right to obtain, without undue delay, from the data controller  
deletion of the personal data that concerns you, which will be obliged to su-  
suppress personal data without undue delay when any of the circumstances

following companies:

a) the personal data is no longer necessary in relation to the purposes for which it was-

Rum collected or otherwise treated;

b) the interested party withdraws the consent on which the treatment is based in accordance with

Article 6(1)(a) or Article 9(2)(a) and it is not based on

other legal basis;

c) the interested party opposes the treatment in accordance with article 21, paragraph 1, and does not pre-

there are other legitimate reasons for the treatment, or the interested party opposes the treatment.

ment according to article 21, paragraph 2;

d) the personal data has been illicitly processed;

e) the personal data must be deleted for the fulfillment of a legal obligation es-

established in the Law of the Union or of the Member States that applies to the responsible

treatment saber;

f) the personal data has been obtained in relation to the offer of services of the company.

information society referred to in article 8, paragraph 1.

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8/15

2. When you have made the personal data public and are obliged, by virtue of the provisions

set out in section 1, to delete said data, the data controller, taking into account

taking into account the available technology and the cost of its application, it will adopt reasonable measures, including

including technical measures, with a view to informing those responsible who are dealing with the

personal data of the interested party's request for deletion of any link to those data.

personal data, or any copies or replicas thereof.

3. Sections 1 and 2 will not apply when the treatment is necessary:

a) to exercise the right to freedom of expression and information;

b) for the fulfillment of a legal obligation that requires the treatment of im-

established by the Law of the Union or of the Member States that applies to the

responsible for the treatment, or for the fulfillment of a mission carried out in the public interest or

in the exercise of public powers conferred on the controller;

c) for reasons of public interest in the field of public health in accordance with the

article 9, paragraph 2, letters h) and i), and paragraph 3;

d) for archival purposes in the public interest, scientific or historical research purposes or fi-

Statistical purposes, in accordance with Article 89, paragraph 1, insofar as the

right indicated in section 1 could make impossible or seriously impede the

achievement of the objectives of said treatment, or

e) for the formulation, exercise or defense of claims”.

Article 12.2 and .3 of the RGPD indicate: “2. The data controller will provide the interested exercise of their rights under articles 15 to 22...”

”3. The data controller will provide the interested party with information regarding their actions.

on the basis of a request under Articles 15 to 22, without undue delay.

bid and, in any case, within one month from receipt of the request

The infringement is referenced in the RGPD, article 83:

”5. Violations of the following provisions will be sanctioned, in accordance with the

section 2, with administrative fines of a maximum of EUR 20,000,000 or, in the case of

of a company, of an amount equivalent to a maximum of 4% of the turnover

overall annual total price of the previous financial year, choosing the highest amount:

b) the rights of the interested parties under articles 12 to 22”

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9/15

Its prescription is referred to in the LOPDGDD, article 72.1.k) which determines:

"one. Based on the provisions of article 83.5 of Regulation (EU) 2016/679, it is con-

They are considered very serious and the infractions that suppose a violation will prescribe after three years.

substantial alteration of the articles mentioned therein and, in particular, the following:

k) The impediment or the hindrance or the repeated non-attention to the exercise of rights.

rights established in articles 15 to 22 of Regulation (EU) 2016/679."

The respondent did not attend to the claimant's right, nor has he given any reason in the transfer that before the start agreement was made, omitting any response.

The commission of the infraction is accredited, and the defendant must proceed to respond to

Your request.

IV

The Public Administrations act in this case as data controllers.

personal data, for what corresponds to them, following the principle of

proactive responsibility, meet the obligations that the RGPD details, among which are

includes the obligation to appoint a data protection delegate and communicate it to this

AEPD

The obligation is imposed by article 37 of the RGPD, which indicates:

"one. The person in charge and the person in charge of the treatment will designate a protection delegate of data provided that:

a) the treatment is carried out by a public authority or body, except the courts acting in the exercise of their judicial function;

Article 37.3 and 4 of the RGPD indicates about the designation of the DPD "When the

The person responsible or the person in charge of the treatment is a public authority or body,

may designate a single data protection delegate for several of these authorities or agencies, taking into account their organizational structure and size.

4. In cases other than those referred to in section 1, the person in charge or the person in charge treatment or associations and other bodies representing categories of

Those responsible or in charge may designate a data protection delegate or must designate it if required by the law of the Union or of the Member States. The delegate of data protection may act on behalf of these associations and other organizations that represent those responsible or in charge.”

The LOPDGDD determines in its article 34.1 and 3: "Appointment of a protection delegate of data "

1. Those responsible for and in charge of processing must designate a protection delegate. tion of data in the cases provided for in article 37.1 of Regulation (EU) 2016/679

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10/15

and, in any case, in the case of the following entities:

3. Those responsible and in charge of the treatment will communicate within ten days to the Spanish Agency for Data Protection or, where appropriate, to the regional authorities of data protection, designations, appointments and dismissals of the delegates of data protection both in the cases in which they are obliged to appointment as in the case where it is voluntary.

The infringement is considered as such in article 83 of the RGPD, which states: “4. The Violations of the following provisions will be sanctioned, in accordance with section 2, with administrative fines of a maximum of EUR 10,000,000 or, in the case of a

company, of an amount equivalent to a maximum of 2% of the total turnover

annual global of the previous financial year, opting for the highest amount:

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

Regarding prescription, article 73 of the LOPDGDD states: "Depending on what established in article 83.4 of Regulation (EU) 2016/679 are considered serious and

The infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

v) Failure to comply with the obligation to appoint a data protection delegate

when their appointment is required in accordance with article 37 of the Regulation (EU) 2016/679 and article 34 of this organic law."

The respondent must inform about the designation of the DPD.

v

Due to the inadequacy of the informative clause that, in addition to referring to the LOPD 15/1999 does not contain the elements that the RGPD establishes, the claimed party has been able to violate the article 13 of the RGPD that indicates:

Article 13 of the RGPD, regarding the information that must be provided when the data is obtained from the interested party, establishes that:

"one. When personal data relating to him is obtained from an interested party, the person in charge of the treatment, at the time these are obtained, will provide you with all the information indicated below:

- a) the identity and contact details of the person in charge and, where appropriate, of his 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. treatment;
- d) when the treatment is based on article 6, paragraph 1, letter f), the legitimate interests

of the person in charge or of a third party;

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11/15

e) the recipients or categories of recipients of the personal data, if applicable;

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 on the adequacy of the Commission, or, in the case of transfers indicated in articles 46 or 47 or article 49, section 1, second paragraph, reference to the adequate or appropriate guarantees and the means to obtain a copy of them or to 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, the following information necessary to guarantee fair and transparent data processing:

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

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

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 at any time, without affecting the legality of the treatment based on prior consent upon his 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 requirement



necessary to sign a contract, and if the interested party is obliged to provide the data

personal and is informed of the possible consequences of not providing such data;

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

refers to article 22, sections 1 and 4, and, at least in such cases, significant information

on the logic applied, as well as the importance and the foreseen consequences of said

treatment for the interested party.

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

for a purpose other than that for which they were collected, will provide the interested party, with

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

that the interested party already has the information.”

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12/15

Rules that are completed with article 11 of the LOPDGDD, which indicates:

"one. When the personal data is obtained from the affected party, the data controller

may comply with the duty of information established in article 13 of the

Regulation (EU) 2016/679 providing the affected party with the basic information referred to in the

following section and indicating an electronic address or other means that allows access

in a simple and immediate way 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 profiling, the basic information will also include this circumstance. In this case, the affected must be informed of their right to oppose the adoption of individual decisions automated that produce legal effects on him or significantly affect him in any way similarly, when this right concurs in accordance with the provisions of article 22 of the Regulation (EU) 2016/679.”

The facts are framed in the infractions determined in article 83.5.b) of the RGPD, and for prescription purposes, in the LOPDGDD, article 72.1, which qualifies them as very serious in the letter "h) 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 respondent must adjust the information provided in the complaint bulletins.

SAW

Article 58.2 of the RGPD indicates: "Each control authority will have all the following corrective powers indicated below:

b) send a warning to any controller or processor when

the treatment operations have infringed the provisions of this Regulation;

d) order the person in charge or in charge of the treatment that the operations of

treatment comply with the provisions of this Regulation, where appropriate, in accordance with a specified manner and within a specified time.

In this sense, a deficient collaboration with the authority of the defendant is observed. control both in the transfer phase and in previous actions and in the procedure, which has not clarified any point despite the reiterations in the writings. This, despite being

expressly warned in previous actions. considering that the supervisory authority is empowered by article 58.1 of the RGPD "to order the person in charge and the person in charge of the treatment and, where appropriate, to the representative of the person in charge or the person in charge, who provide

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13/15

any information required for the performance of its functions;”, being able, the

Failure to comply with this obligation will lead to the commission of an offense typified in art.

83.5.e) of the RGPD, consisting of not providing access in breach of article 58,

section 1, which will be sanctioned, in accordance with art. 58.2 of the GDPR.

Although the infractions committed do not imply a pecuniary sanction, article 77.1 c) and 2 of

the LOPGDD:

1. The regime established in this article will be applicable to the treatment of

who are responsible or in charge:

c) The General Administration of the State, the Administrations of the Communities

autonomous and the entities that make up the Local Administration.

2 “When those responsible or in charge listed in section 1 committed

any of the infractions referred to in articles 72 to 74 of this organic law, the

competent data protection authority will issue a resolution sanctioning

the same with warning. The resolution will also establish the measures that

appropriate to adopt so that the conduct ceases or the effects of the infraction are corrected.

would have committed

The resolution will be notified to the person in charge or in charge of the treatment, to the body of the

that depends hierarchically, where appropriate, and those affected who had the status of

interested, if any."

If an eventual derivation of responsibility is established that the claimed party should have into account for the purposes of complying with the measures imposed in this resolution, citing in paragraph 3 of the same article 77:

"Notwithstanding the provisions of the preceding section, the data protection authority It will also propose the initiation of disciplinary actions when there are indications enough for it. In this case, the procedure and the sanctions to be applied will be the established in the legislation on the disciplinary or sanctioning regime resulting from application.

Likewise, when the infractions are attributable to authorities and managers, and proves the existence of technical reports or recommendations for treatment that are not had been duly attended to, in the resolution in which the sanction is imposed, will include a reprimand with the name of the responsible position and order the publication in the corresponding Official State or Autonomous Gazette."

On the other hand, article 77 is completed with:

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

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

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The respondent must detail the measures adopted for each infraction.

Therefore, in accordance with the applicable legislation,

RESOLVES:

FIRST: DIRECT TO SANTA POLA CITY COUNCIL, with NIF P0312100A, a

warning for violations of articles:

-32 of the RGPD, as determined in article 83.4.a) of the RGPD.

-15 of the RGPD, as determined by article 83.5.b) of the RGPD.

-17 of the RGPD, as determined in article 83.5.b) of the RGPD,

-37 of the RGPD in relation to 37.3 and .4 of the LOPDGDD, as determined in article

83.4.a) of the RGPD.

-13 of the RGPD, as determined in article 83.5 b) of the RGPD.

SECOND: In accordance with article 58.2 d) of the RGPD, each control authority may

“order the person responsible or in charge of the treatment that the treatment operations be carried out

comply with the provisions of this Regulation, where appropriate, of a given

manner and within a specified period...”.

A period of 15 days is granted to report on the measures adopted with respect to

each infraction, among which must be contained the response to the claimant to the exercise of

Your rights.

Failure to comply with the resolutions of the supervisory authority pursuant to article 58

section two, it will be sanctioned in accordance with the provisions of article 83.6 of the RGPD, and

in accordance with the LOPDGDD, article 72.2, its limitation period would be three years.

THIRD: NOTIFY this resolution to the SANTA POLA CITY COUNCIL.

BEDROOM

in accordance with the provisions of article 77.5 of the LOPDGDD.

: COMMUNICATE this resolution to the OMBUDSMAN, of

FIFTH: 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

Interested parties may optionally file an appeal for reconsideration 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 appeal

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

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

of Law 29/1998, of 13/07, regulating the Contentious-administrative Jurisdiction, in the

period of two months from the day following the notification of this act, as

provided for in article 46.1 of the aforementioned Law.

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15/15

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP, it may be

precautionary suspension of the firm decision in administrative proceedings if the interested party expresses

its intention to file a contentious-administrative appeal. If this is the case, the

The interested party must formally communicate this fact in writing addressed to the Agency

Spanish Data Protection, presenting it through the Electronic Registry of the

Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through one of the

remaining records provided for in art. 16.4 of the aforementioned Law 39/2015, of 1/10. Too

must transfer to the Agency the documentation that accredits the effective filing of the

Sponsored links. If the Agency was not aware of the filing

contentious-administrative appeal within two months from the day following the

notification of this resolution would end the precautionary suspension.

Sea Spain Marti

Director of the Spanish Data Protection Agency

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