

Procedure No.: PS/00072/2019

938-0419

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: Dated May 23, 2018 has entry in this Agency

claim made by Don A.A.A. (hereinafter, the claimant) putting

I declare that the website ***URL.1 of the gym with the commercial name "555

Crossfit" lacks Legal Notice and does not provide the CIF of the person in charge.

SECOND: In view of the facts presented by the claimant and the analysis of the

documentation referred to by TOTAL CROSSFIT, S.L., (hereinafter the

claimed), in its brief dated July 20, 2018 in response to the

information that was required by this Agency in relation to the facts subject to

claim, the following facts have been known:

-At the time of the claim, the website ***URL.1 did not have

Legal Notice, as recognized by the respondent.

- On April 30, 2018, the respondent had commissioned his

web developer the modification of your web page for its adequacy as provided in

the General Data Protection Regulation.

- On February 11, 2019 from the General Subdirectorate of

Data Protection is accessed to the web page ***URL.1, of which the claimed is

holder, verifying that it has a contact form through which

collects personal data (name and e-mail) of the interested parties.

At the bottom of the aforementioned form there is an unfilled box next to which

the following legend appears: "I accept the Terms of use and Privacy Policy",
and under it the "Send" button. The underlined text is a link that leads to
said document ([***URL.2](#)), whose first section reports the following under the rubric
"Data Protection Business Name":

"The company guarantees the users of the website that it complies with the
General Data Protection Regulation (EU) 2016/679, and which has established the
security measures required by laws and regulations intended to reserve the
secrecy, confidentiality and integrity in the treatment of your personal data.
Said personal data will be used in the manner and with the limitations and
rights granted by the protection of personal data.

The collection and treatment of the requested personal data have as
purpose of customer service, both administrative and commercial. Company name is
undertakes to keep the maximum reserve, secrecy and confidentiality on the

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information of the personal data that you have at your disposal. You have the right to
Obtain confirmation as to whether in Company Name we are processing your personal data
therefore you have the right to access your personal data, rectify inaccurate data
or request its deletion when the data is no longer necessary for the purposes that
they were picked up."

In view of the content of said information, it is observed that it is not
meets the requirements of current data protection regulations, taking into account
that the data controller, in this case the claimed party, collects data

of the interested parties who complete the contact form, including the site ***URL.1, without providing, at the time of collection, the complete information to referred to in article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 (hereinafter GDPR).

THIRD: On February 27, 2019, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure of Warning to TOTAL CROSSIF, S.L., in accordance with the provisions of articles 58.2.b) of the RGD and 63 and 64 of Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations (hereinafter, LPACAP), for the alleged infringement of the article 13 of the RGD, typified in article 83.5.b) of the RGD.

FOURTH: On March 15, 2019, the respondent filed a written allegations in which, in summary, it was indicated that immediately after receiving the agreement to initiate the procedure, the corresponding modifications in accordance with the provisions of the agreement to start the penalty procedure. Several screenshots of the web page are attached in support of its manifestations.

It was added that they have not maintained and do not maintain any type of relationship with the claimant, not even at the user level. Likewise, for the purposes of its valuation In the procedure, it was indicated that the number of business users will amount to about two hundred and fifty people.

FIFTH: On March 18, 2019, the printing procedure of the result obtained on that same date when accessing the aforementioned website for the purposes to verify the alleged changes in the information on data protection offered on the aforementioned website and its contact form.

It is verified that the following has been included at the bottom of the contact form text: "BASIC INFORMATION ON DATA PROTECTION: In compliance with the

article 13 of the RGPD, in relation to the duty to inform the interested parties of the circumstances and conditions of the processing of your data and the rights that attend, we make the following information available to you.

RESPONSIBLE FOR TREATMENT: Total Crossfit, S.L.

PURPOSE OF THE PROCESSING OF YOUR DATA: Manage and answer your query

CONSERVATION OF THE DATA: The data will be kept for the time strictly necessary for the response to your request for information. This period will be maximum of 60 days.

LEGITIMATION FOR THE TREATMENT: Consent granted in the sending of the information request.

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RECIPIENTS OF YOUR PERSONAL DATA: Data transfers are not foreseen except in those cases in which there is a legal obligation. There is no forecast of international data transfers.

YOUR RIGHTS: You can revoke consent and exercise your Rights to access, rectify, oppose, limit, port and delete the data, writing to Total CrossFit, S.L. at Donoso Cortés 45, 28015 Madrid (Madrid) or by sending an email to ***EMAIL.1 in addition to going to the competent control authority (AEPD).

ADDITIONAL INFORMATION: The interested party may request additional information from Total CrossFit, S.L.

At the bottom of this information there is a blank box with the following legend "I accept the Terms of use and Privacy Policy", under which appears

a button with the text “Send”.

The underlined text is a link that, when clicked, redirects to the relative section

to “Data Protection TOTAL CROSSFIT, S.L.” content at the beginning of the document

“Privacy Policy and Legal Notice”. It is observed that the content of the information

offered in this section coincides with that described in the Precedent of Fact

Second, except that where "Company Name" was indicated, it appears "TOTAL

CROSSFIT, S.L.”

The information obtained through this access coincides with that attached by

the one claimed in his pleadings brief.

SIXTH: On September 12, 2019, the website is visited again

of the claimed, verifying that the information on data protection offered to

the users who are going to fill in the form or who access the document

"Privacy Policy and Legal Notice" located at the bottom of all the pages of the site

has changed with respect to the access made on March 18, 2018.

PROVEN FACTS

FIRST: On May 23, 2018, a claim has been filed with the AEPD

formulated by the claimant showing that the website ***URL.1

It lacks Legal Notice and does not provide the CIF of the person in charge.

SECOND: On February 11, 2019, the website ***URL.1, of

which TOTAL CROSSFIT, S.L. (the claimed) is the owner, proving that he has

with a contact form through which the claimed person collects personal data

(name and e-mail) of the interested parties.

At the bottom of the aforementioned form there is an unfilled box next to which

the following legend appears: “I accept the Terms of use and Privacy Policy”,

and under it the “Send” button.

The underlined text is a link that leads to said document (***URL.2),

whose first section informs the following under the heading "Data Protection Reason

Social":

"The company guarantees the users of the website that it complies with the General Data Protection Regulation (EU) 2016/679, and which has established the security measures required by laws and regulations intended to reserve the secrecy, confidentiality and integrity in the treatment of your personal data.

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Said personal data will be used in the manner and with the limitations and rights granted by the protection of personal data.

The collection and treatment of the requested personal data have as purpose of customer service, both administrative and commercial. Company name is undertakes to keep the maximum reserve, secrecy and confidentiality on the information of the personal data that you have at your disposal. You have the right to Obtain confirmation as to whether in Company Name we are processing your personal data therefore you have the right to access your personal data, rectify inaccurate data or request its deletion when the data is no longer necessary for the purposes that they were picked up."

THIRD: With dates March 18, 2019 and September 12, 2019, access to the web page cited for the purpose of verifying the information offered by the claimed from users whose personal data (name and e-mail) were collected for fill in the contact form.

On both dates it is verified that at the bottom of the contact form appears the

following text:

“BASIC INFORMATION ON DATA PROTECTION: In compliance with the article 13 of the RGD, in relation to the duty to inform the interested parties of the circumstances and conditions of the processing of your data and the rights that attend, we make the following information available to you.

RESPONSIBLE FOR TREATMENT: Total Crossfit, S.L.

PURPOSE OF THE PROCESSING OF YOUR DATA: Manage and answer your query

CONSERVATION OF THE DATA: The data will be kept for the time strictly necessary for the response to your request for information. This period will be maximum of 60 days.

LEGITIMATION FOR THE TREATMENT: Consent granted in the sending of the information request.

RECIPIENTS OF YOUR PERSONAL DATA: Data transfers are not foreseen except in those cases in which there is a legal obligation. There is no forecast of international data transfers.

YOUR RIGHTS: You can revoke consent and exercise your Rights to access, rectify, oppose, limit, port and delete the data, writing to Total CrossFit, S.L. at Donoso Cortés 45, 28015 Madrid (Madrid) or by sending an email to ***EMAIL.1 in addition to going to the competent control authority (AEPD).

ADDITIONAL INFORMATION: The interested party may request additional information from Total Crossfit, S.L.”

At the bottom of this information there is a blank box next to which appears the following legend "I accept the Conditions of use and Privacy Policy", under the which a button appears with the text “Send”.

In these accesses it is also verified that when clicking on the link that constitutes the underlined text above, you can access the section on “Protection of

Data TOTAL CROSSFIT, S.L.” included at the beginning of the legal document “Policy of Privacy and Legal Notice”. The content of the information offered in this section coincides with that described in the Second Proven Fact above, except that where “Company Name” was indicated, “TOTAL CROSSFIT, S.L.”

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FOURTH: The legal document called "Privacy Policy and Legal Notice"

It is permanently accessible through the link with the same name located at the bottom of all pages of the website ***URL.1.

FOUNDATIONS OF LAW

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By virtue of the powers that articles 55.1, 56.2 and 58.2 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 04/27/2016 regarding the protection of natural persons with regard to data processing personal information and the free circulation of these data, (hereinafter, RGPD), recognizes each control authority, and as established in articles 47 and 48.1 of the Law Organic 3/2018, of 5/12, on the Protection of Personal Data and guarantee of the digital rights, (hereinafter LOPDGDD), the director of the AEPD is competent to solve this procedure.

Article 63.2 of the LOPDGDD establishes that: “The procedures processed by the Spanish Agency for Data Protection will be governed by the provisions in 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.”

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 relation to 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 about personal data or sets of personal data, either 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 capture of images natural persons, identified or identifiable, through systems of video surveillance, constitutes a treatment of personal data, regarding the which the person responsible for the treatment must comply with the requirements of the current data protection regulations.

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III

The defendant is charged with the violation of the provisions of article 13 of the RGD, precept that regarding the "Information that must be provided when the personal data is obtained from the interested party" determines 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 basis legal 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;

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 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 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 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 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

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

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about applied logic, as well as the importance and consequences

provisions of said treatment for the interested party.

3. When the person in charge of the treatment projects the subsequent treatment of personal data for a purpose other than that for which it was collected, will provide the interested party, prior to said further treatment, information for that other purpose and any additional information relevant to the meaning of paragraph 2.

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

For its part, article 12.1 of the RGPD, referring to the "Transparency of the information, communication and modalities of exercising the rights of the interested party", sets the following:

"1. The person responsible for the treatment will take the appropriate measures to facilitate to the interested party all the information indicated in articles 13 and 14, as well as any communication pursuant to articles 15 to 22 and 34 relating to processing, in the form concise, transparent, intelligible and easily accessible, with clear and simple language, in particular any information directed specifically at a child. Information shall be provided in writing or by other means, including, if applicable, by When requested by the interested party, the information may be provided verbally provided that the identity of the interested party is proven by other means."

In turn, regarding the rights of "Transparency and information to the affected", sections 1 and 2 of article 11 of Organic Law 3/2018, of 5 December, of Protection of Personal Data and guarantee of digital rights (in hereinafter LOPDGDD), establish that:

"1. When the personal data is obtained from the affected party, the person in charge of the treatment may comply with the duty of information established in the

Article 13 of Regulation (EU) 2016/679 providing the affected party with basic information 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 be contain at least:

- a) The identity of the data controller and his representative, in his case.
- b) The purpose of the treatment.
- c) The possibility of exercising the rights established in articles 15 to 22 of 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 significantly affect in a similar way, when this right concurs in accordance with the provisions of article 22 of Regulation (EU) 2016/679.

In the present case, the respondent acknowledged in his brief dated July 11 of 2018, that at the time of the formulation of the claim the website was

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immersed in the mandatory adaptation process that has led to the application of the RGD, which was justified by providing a copy of the invoice dated April 30, 2018

from its web developer, adding that they had proceeded to update the "Privacy Policy Privacy and Legal Notice" of the website.

Notwithstanding said affirmation, on February 11, 2019, the website ***URL.1 verifying that a data collection was taking place

(name and e-mail) of the users who complete the form

contact included in the aforementioned website without the respondent providing them with the information on data protection provided for in article 13 of the aforementioned

RGPD, since the information offered in the document "Conditions of use and Privacy Policy" to which the link included at the bottom of said form led.

provided to the interested parties whose data it collected, at the time of collecting the same, the complete information referred to in the aforementioned precept.

Thus, as can be deduced from the transcription of the information that appears in the Second Proven Fact of this resolution, the information provided in the

data protection section of the document "Privacy Policy and Legal Notice"

to whom the link at the bottom of the form was directed was limited to reviewing as

purpose of the treatment the attention to the user, both administrative and commercial and to inform about the possibility of exercising data access rights

of the interested parties, of rectification in case of being inaccurate and of deletion when they were not necessary for the purposes for which they were collected.

Received the agreement to initiate this procedure, dated March 15,

March 2019, a written statement of allegations to said is registered in this Agency.

agreement in which the respondent indicated that he had made the modifications

necessary to adapt the information offered to users, whose data

information collected via web form, to the aspects contemplated in article 13

of the GDPR. In order to justify said update, I attached a screenshot of the content of the

information provided in the layered information system used to

comply with the duty to inform the interested parties at the time of obtaining their personal information.

For the purposes of verifying the content of said information, on the 18th of March 2019 it was found so much that at the bottom of the contact form appeared the "Basic Data Protection Information" of the first layer, such as when pressing the link "I accept the Terms of use and Privacy Policy", located next to the blank box, the second layer of information was accessed under the title "Data Protection TOTAL CROSSFIT, S.L." was included in the first section of the legal document "Privacy Policy and Legal Notice". With that date also found that the information contained in both levels, and whose description appears in the Third Proven Fact, coincided with the one in the documentation provided by the respondent in his pleadings brief.

Both in that visit and in the one carried out on September 12, 2019, found that the content of the first layer responded in summary form to the information required in sections 1 and 2 of the aforementioned article 13, except made from the information relating to the provisions of letters d) and e) of section 2 of said precept, since the defendant does not clarify that the right to go to the competent control authority (AEPD) responds to the right to present a claim before it and does not indicate to the interested parties if they are obliged to provide requested personal data nor does it point out the possible consequences of not

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provide the data.

Regarding the information offered by the respondent in the second layer, there is no completes in detail the one offered in the first layer nor does it add the information additional information referring to the aspects on which it would not have been provided information at that first level, limiting itself to reproducing the information on data protection included in the first section of the legal document "Privacy Policy". Privacy and Legal Notice", although where "Company Name" initially appeared, it has been replaced by TOTAL CROSSFIT, S.L.

This lack of complete information in this second layer is also observed in the information offered through the link that under the name "Privacy Policy and Legal Notice" is permanently accessible at the bottom of all website pages ***URL.1

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From the exposed facts, as well as the reasoned arguments, It follows that the respondent has violated the duty of information that is required in its capacity as responsible for the analyzed treatment, consisting of the collection of personal data of the users (name and email) that complete the contact form included in the website ***URL.1 without providing them, in the at the time of obtaining it, all the information provided for in article 13 of the aforementioned GDPR, especially in the second layer of information that is not complete or detailed, and that it is the same information that it also exposes through the link permanent "Privacy Policy and Legal Notice" located at the bottom of each of the pages that make up the website.

Therefore, and without prejudice to the changes introduced by the person responsible for the treatment to adapt the information offered to the aspects required in article 13 of the RGPD, it is evident that TOTAL CROSSFIT, S.L., is responsible for the infringement of the provisions of article 13 of the RGPD in its relationship with the provisions of

article 11 of the LOPDGDD, typified in article 83.5.b) of the RGPD, and qualified as minor for prescription purposes in article 74.a) of the LOPDGDD.

SAW

Sections b), d) and i) of article 58.2 of the RGPD provide the following:

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

(...)

b) sanction any person responsible or in charge of the treatment with
warning when the processing 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;”

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“i) impose an administrative fine in accordance with article 83, in addition to or in
instead of the measures mentioned in this paragraph, depending on the circumstances
of each particular case;

Article 83 of the RGPD, under the heading “General conditions for the
imposition of administrative fines”, in its sections 2 and 5.b) states that:

“two. 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 article 58, paragraph 2, letters a) to h) and j). (...)

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

(...)

b) the rights of the interested parties according to articles 12 to 22;”.

For its part, article 71 of the LOPDGDD establishes that "They constitute infractions the acts and behaviors referred to in sections 4, 5 and 6 of the Article 83 of Regulation (EU) 2016/679, as well as those that are contrary to the present organic law.”, providing in article 74.a) of said norm that “It is considered minor and will prescribe after a year the remaining infractions of a 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.”

In the present case, it is considered appropriate to impose on the defendant the sanction of warning provided for in article 58.2.b) of the RGPD in view of the following circumstances: the main activity of the respondent is not linked to the habitual treatment of personal data, the absence of intentionality in the infringing conduct given that, without prejudice to the existence of the commission of the infraction, the defendant has acted as quickly as possible to adopt measures aimed at correcting the irregular situation studied, to which is added that he is not aware of the commission of any previous infringement in terms of protection of

data.

Confirmed the existence of the infraction described, and in view of the information currently offered by the respondent in the layered information system used on the web page of its ownership, in accordance with the provisions of the aforementioned article 58.2.d) of the RGPD is considered appropriate to order the claimed, as responsible for the treatment, carry out the necessary actions (measures technical and organizational) so that the processing operations conform to what is provided in article 13 of the RGPD, and must provide users, at the time in which said data is obtained from those affected, all the information required in the aforementioned precept, for which you must take into account the provisions of article 6 of the RGPD in relation to the legality of the treatment.

The respondent is informed that said measures will have to be adopted in the period of ONE MONTH, computed from the date on which this

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sanctioning resolution, having to prove compliance within the same period by providing documentation, or any other means of proof valid in right, which allows verifying the adequacy to the RGPD of the information offered in the website studied to the right of information of the interested parties whose data is require via form.

It is noted that section 6 of article 83 of the RGPD, establishes that “6. The Failure to comply with the resolutions of the supervisory authority pursuant to article 58, paragraph 2, will be sanctioned in accordance with paragraph 2 of this article with

administrative fines of a maximum of EUR 20,000,000 or, in the case of a company, of an amount equivalent to a maximum of 4% of the turnover global annual total of the previous financial year, opting for the highest amount.”

Article 72.1.m) provides that: “1. According to what the article establishes 83.5 of Regulation (EU) 2016/679 are considered very serious and will prescribe to three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following: (...)

m) Failure to comply with the resolutions issued by the authority of competent data protection in exercise of the powers conferred by article 58.2 of Regulation (EU) 2016/679.”

Therefore, in accordance with the applicable legislation and valued the concurrent circumstances

The Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE TOTAL CROSSFIT, S.L., in accordance with the provisions of the article 58.2.b) of the RGPD, a sanction of WARNING for infringement of the provided for in article 13 of the RGPD, typified in article 83.5.b) RGPD.

SECOND: ORDER TOTAL CROSSFIT, S.L., under the provisions of the article 58.2.d) of the RGPD, the adoption and implementation of the necessary measures to fully adapt the information offered at both levels of the information by layers used in the studied website, as well as the information contained in the link called "Privacy Policy and Legal Notice" that appears at footer of all the pages of the website, to the requirements contemplated in article 13 of the RGPD, and must provide users, at the time they collect the data of the same via web form, all the information required in the aforementioned precept, for which the defendant must take into account the provisions of article 6 of the RGPD in relation to the legality of the treatment

The claimed party must accredit before this Agency the completion of the ordered by means of any legally valid proof within ONE MONTH, count from the day following the notification of this resolution.

THIRD: NOTIFY this resolution to TOTAL CROSSFIT, S.L., with NIF B87017463,

In accordance with the provisions of article 50 of the LOPDPGDD, 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 LOPDPGDD, and in accordance with the provisions of article 123 of the LPACAP, the

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Interested parties may optionally file an appeal for reconsideration before the Director of the Spanish Agency for Data Protection within a month from counting from the day following the notification of this resolution or directly contentious-administrative appeal before the Contentious-Administrative Chamber of the National Court, in accordance with the provisions of article 25 and section 5 of the fourth additional provision of Law 29/1998, of July 13, regulating the Contentious-administrative jurisdiction, within a period of two months from the day following the notification of this act, as provided 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

The interested party expresses his intention to file a contentious-administrative appeal.

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

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