

□ Procedure No.: PS/00046/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) dated October 3, 2019

filed a claim with the Spanish Data Protection Agency.

The claim is directed against IBERDROLA CLIENTES, SAU with NIF A95758389

(hereinafter, the claimed).

The grounds on which the claim is based are that the entity claimed has lost the
documentation sent by the claimant, to obtain the social bonus in the
electricity supply.

SECOND: Upon receipt of the claim, the Subdirector General for
Data Inspection proceeded to carry out the following actions:

On November 6, 2019, the claim was transferred to the entity claimed.

submitted by the claimant, for its analysis, as well as to inform this

Agency as to whether the claimant had been contacted, and the decision
taken in this regard to resolve the situation.

The respondent has not responded to any of the requests made by the
Spanish Data Protection Agency.

THIRD: On March 6, 2020, the Director of the Spanish Agency for

Data Protection agreed to initiate a sanctioning procedure against the claimant, for the
alleged infringement of article 32 of the RGPD, typified in article 83.4 of the RGPD.

FOURTH: On March 12, 2020, allegations are submitted by the

claimed, proving that the claimant to whom he sent the documentation for

requesting the social bonus did not go to IBERDROLA CLIENTES SAU, but rather to IBERDROLA COMERCIALIZADORA DE ÚLTIMO RECURSO S.A.U., currently called CURENERGÍA COMERCIALIZADOR DE LAST RESOURCE, S.A.U.

In view of everything that has been done, by the Spanish Protection Agency of Data in this procedure the following are considered proven facts,

FACTS

FIRST: It is denounced by the claimant that the claimed entity has lost a documentation with your personal data, related to the request to obtain the bonus social in electricity supply.

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SECOND: On March 12, 2020, the respondent certifies that the claimant to whom he sent the documentation, supposedly lost, to request the social bonus did not go to IBERDROLA CUSTOMERS, but to IBERDROLA COMERCIALIZADORA DE LAST RESORT S.A.U.,

CUREENERGY

LAST RESORT MARKETER, S.A.U.

currently called

FOUNDATIONS OF LAW

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

this procedure.

II

The defendant was charged with the commission of an infraction for violation of the article 32 of the RGD, considering that it did not guarantee the confidentiality of the data of its clients, when stating that they have lost documentation with their data personal, which entailed the infringement of article 83.4 a) of the RGD.

III

On March 12, 2020, the respondent provided documentation proving not to be responsible for the facts denounced, since the claimant to who addresses and sends the documentation, supposedly lost, to request the social bonus is not to IBERDROLA CUSTOMERS, but went to IBERDROLA COMERCIALIZADORA DE ÚLTIMO RECURSO S.A.U., currently called CURENERGÍA COMERCIALIZADOR DE LAST RESOURCE, S.A.U.

Therefore, after learning of these facts, the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: PROCEED TO FILE these proceedings and initiate actions against the person responsible.

SECOND: NOTIFY this resolution to the claimant and claimed.

In accordance with the provisions of article 50 of the LOPDGDD, the

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 process as prescribed by art. 114.1.c) of Law 39/2015, of October 1, on Procedure

Common Administrative Law of Public Administrations, and in accordance with the established in arts. 112 and 123 of the aforementioned Law 39/2015, of October 1, the

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

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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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