

□ File No.: PS/00210/2021

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

AD735 DATA MEDIA ADVERTISING S.L.,

(claimed), with CIF

FIRST:

B87781795, was required on 01/16/2020 in resolution of this Agency, file of
protection of rights, TD/00320/2019:

“Within ten business days following notification of this
resolution, send the complaining party a certification stating that it has
attended the right of access exercised by it or is denied for reasons
indicating the reasons why it is not appropriate to attend to your request. performances
carried out as a result of this Resolution must be communicated to
this Agency within the same period. Failure to comply with this resolution could lead to
the commission of the infraction considered as very serious in article 72.1.m) of the
LOPDGDD, which will be sanctioned, in accordance with art. 58.2 of the GDPR.”

The telematic delivery of said agreement states:

"Notification available in the Folder or DEH of the indicated holder" with the following
result: Date of availability: 01/21/2020 13:56:03 Rejection date
automatic: 02/01/2020 00:00:00”.

“Automatic rejection generally occurs after ten days have elapsed.

natural from its availability for access according to paragraph 2, article

43, of Law 39/2015, of October 1, of the Common Administrative Procedure of the

Public administrations. And in particular, after the term established by the Administration acting in accordance with the specific legal regulations applicable to app."

SECOND: The claimant, dated 03/02/2020, submits a document indicating that he has not received compliance with the resolution of the TD by the claimed party.

THIRD: As there was no response to the request, dated 03/05/2020, the AEPD written to the claimed party, granting an additional term to complete the accreditation of ordered compliance. Specific:

"1.- Send to the claimant party certification of compliance with the resolution referenced in the terms described therein.

2.- Notify this Agency of the measures adopted in compliance with the requirement made in the previous point. "

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Likewise, he was again informed of the consequences of non-compliance.

In the electronic delivery, it appears made available on 03/06/2020, and rejection date automatic 03/17/2020.

FOURTH: The claimed, in accordance with the data that appears in the Registry Mercantile, whose corporate purpose is "Carrying out internet activities, provision of information services, telemarketing and advertising. creation and maintenance of web pages, purchase and sale and development of computer applications and computers", and a subscribed capital of 3,000 euros, start operations 03/15/2017.

In AXESOR's "monitoriza business" report, there is activity "agency of advertising", SME size, microenterprise, last year presented 2018, sales 230,199 euros.

FIFTH: On 08/12/2021, the Director of the AEPD agreed: "START SANCTION PROCEDURE AD735 DATA MEDIA ADVERTISING S.L., with CIF B87781795, for the alleged infringement of article 83.6 of the RGPD, in accordance with article 58.2.i) of the RGPD, and articles 83.2.b) of the RGPD and 76.2.b of the LOPDGDD, with a prescription period established in article 72.1.m) of the LOPDGDD of three years for being considered very serious.

The sanction of a fine was set at "15,000 euros, without prejudice to what results from the procedure instruction."

In the file, there is a certificate of 08/23/2021 on the notification of the agreement of the Electronic Notifications Service and Authorized Electronic Address, of the National Currency and Stamp Factory, from the literal:

"That the Ministry of Economic Affairs and Digital Transformation (through the General Secretariat of Digital Administration) is currently the head of the Service of Electronic Notifications (SNE) and Authorized Electronic Address (DEH) in accordance with Order PRE/878/2010 and Royal Decree 139/2020, of January 28. the lender of said service since June 26, 2015 is the National Currency Factory and Timbre-Real Casa de la Moneda (FNMT-RCM), according to Management Assignment in force of the Ministry of Finance and Public Administrations. -that through said service notification was sent: Reference: ***REFERENCE.1 Administration

Acting: Spanish Agency for Data Protection (AEPD) Holder: - B87781795

Subject: "Opening agreement" with the following result: Date of commissioning

Disposition: 08/12/2021 14:13:04 Automatic rejection date: 08/23/2021 00:00:00

Automatic rejection generally occurs after ten days have elapsed.

natural from its availability for access according to paragraph 2, article 43, of Law 39/2015, of October 1, of the Common Administrative Procedure of the Public administrations. And in particular, after the term established by the Administration acting in accordance with the specific legal regulations applicable to app."

No claims are received.

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SIXTH: On 02/28/2021, a period of practice tests begins,

agreeing to the following:

a) The resolution of the Guardianship of Rights TD/0320/2019 is deemed incorporated, as well as its notifications, and the AEPD compliance requirement of 03/05/2020.

b) Attached copies of the resolution and its notification are sent to the claimed party, and

details that this TD is related to the request for information that was made

as claimed: E/06295/2019 (The claimant, A.A.A. exercised the right of access on

02/19/2019 to info"***URL.1", no. mobile ***PHONE.1)

The respondent is requested to contribute or report:

-If the data of the claimant currently appears in your systems, accrediting it,

as well as detail of the date and reason from which they appear.

-If the data does not appear, date on which they were discharged and reason. Crediting the response.

The letter was sent, exceptionally, by two means, electronically and by post,

warning of the obligation to interact electronically with the Administration,

means through which the resolution and the proposal will be sent.

An annex was also sent to him, a copy of the start-up agreement so that he knows the background.

The defendant requested an extension of the term to complete the process, to which agreed, but after the time granted, no reply was received, having

Received shipments both electronically and by post.

SEVENTH: On 03/22/2022, a resolution proposal is issued with the literal:

“That by the Director of the Spanish Agency for Data Protection, a sanction is made for AD735 DATA MEDIA ADVERTISING S.L., with CIF B87781795, for an infringement of the article 83.6 of the RGPD, in accordance with 58.2.i), typified in article 72.1.m) of the LOPDGDD, with an administrative fine of 15,000 euros.”

EIGHTH: On the filing date of 03/21/2022, the existence of

Entry of a document, once the proposal has been sent (03/22/2022, 10:30 a.m., verifying the access to it of the one claimed on 03/22/2022, coinciding with the date availability and minute of access, at 10:46, according to the certificate that figure of said shipment in the file).

In the document, the claimant indicates:

1- The data of the claimant does not appear, whose record was deleted on ***DATE.1 to instance of the same, "to a person in charge of the treatment" of the claimed.

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They attach document DOS, "certificate of deletion of personal data of the claimant". The same indicates:

“Dated February 7, 2019 we have received the request through which you

exercises the right to delete your personal data stored in a file

owned by AD735 DATA MEDIA ADVERTISING, S.L.

In accordance with the request you have made to us, we have proceeded to delete your

personal data that were included in a data file of a character

staff

Indicate the data, and the date of discharge July 8, 2019 "

It should be mentioned that the right was exercised on 02/19/2019, not on 02/7/2019, according to

It appears in the resolution of protection of rights TD 320/2019. In the guardianship it is indicated and so

it is clear from the screen impressions provided that the entity "Teyame", of

who receives the call, responds in an email on 02/19/2019 "...We have proceeded

upon cancellation of your registration. In addition, we inform you that the origin of your data

corresponds to "the personal data used to carry out this communication

come from a file under the responsibility of AD735 Data Media Advertising SL (...) to

which may be addressed in writing to exercise their rights..."

2-"He attended the right of access exercised by the claimant on August 5

2019." "although due to time spent, they do not keep a copy of the email

forwarded to the claimant."

It is appreciated that he makes this statement despite the previous one, the deletion of data

from 07/08/2019.

Provide a copy of the "data collection certificate", dated August 5, 2019

(after deletion). In it, he says:

"is the owner, and responsible for data processing, of an automated file

called PREMIUM SALES that includes name, surnames, email address

email and dynamic IP of those people who, through their participation in the

active promotions on the ***URL.2 website, have provided the same

in accordance with the legislation on data protection in force in the moment of their participation.

“have been obtained by receiving them through the application form

participation in the draw for a trip for two published on the website

***URL.2, are the following

Accompany the data of the claimant: name, surnames, mobile phone, zip code and

IP address, registration date 09/12/2018.

The data of the access that is given, according to what is claimed by the exercise of the

claimant of his right of access, are the same as those that appeared in the

cancellation, made on 07/08/2019, and does not indicate that they are unsubscribed, without also

have proof of having answered the claimant.

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3-States that

they have not been aware of and have not been notified of the procedures initiated by this AEPD and have made inquiries in the Service of Electronic Notifications and Authorized Electronic Address of the FNMT-RCM, not finding any notification of the indicated periods, nor reference to a possible notification by post. Provide screen printing of the Directorate Enabled Electronics, issuance of "certifications", (there are other search sections as "notifications") search (the date 03/21/2022 is seen) with term: AEPD, from: 1 to 08/31/2021, another from 01/21 to 01/31/2020, and a third from 03/6 to 03/31/2020 with “no results found”. The search menu indicates that

“From this option you can download

the certification of a

notification/communication collected or rejected by the user” In the menu of

search or on the screen it does not appear from which direction the search is made.

NINTH: Also, dated March 21, 2022, a second letter is received from

the one claimed in which you request:

“We are transferred through the unique authorized electronic address (DEHU) of the

administrative file of related procedures PS/00210/2021;

TD/0320/2019 and E/06295/2019.”

It provides a notification screen, this time from the DEHU. It can be seen in the margin

right, the name of the company from which the search is made, only 12 of

August 2021, also at the bottom of the computer you can see the date of

search, from 03/21/2022, and in notifications made with different states of

notification: accepted, expired and rejected, with “no results found for

the selected filters.

TENTH: On April 5, 2022, you submit a document in which you state:

-Yes, it responded in a timely manner on March 21, 2022 to what was requested in the

trial period, and the instructor who happened to send the resolution proposal to the

that it alleges did not take into account some allegations that were presented in a timely manner.

Considers it mandatory to take the actions back to the moment before the issuance of the

proposal.

-Although the previous letter indicated that the right of access of the

claimant, we have proceeded to review all emails managed

from the first day of the year 2019 to the date of this writing, without finding any

Claimant's email. This is because the respondent did not have said

data to transfer the certificate.

-The sanction proposed in this file is based on the resolution of the Agency on 01/16/2020 in the rights protection procedure 320/2019. The claimed filed in that file, a brief on 11/28/2019 (it is in the pages 29 and ss. of the file) with the explanations on said guardianship that reproduce. Specifically, it indicates that the address to which the right was requested, does not existed and was not enabled, it was never enabled, so it was not aware of

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such an exercise, so he could not answer him, since in addition, only with the data of name and surnames "he has not been able to identify him in his files with certainty", without have more reference data to communicate, because in the transfer that is given from the claim by the AEPD did not include more data, indicating that "As soon as have knowledge of more data with which to make the accurate identification of registration, it will proceed to attend to the rights".

-Considers that the claimant, having the correct addresses in which exercise the right, which were deduced from that letter of 11/28/2019, it did not and has not done. The AEPD also did not indicate the claimant's email address, and if from the principle had there been "transfer of the full claim to the claimed one", it could have fulfilled the request. The AEPD only moved screens of some emails e-mails of the claimant in which the e-mail address does not appear, pages 74 and 75.

-The notification of the resolution of the protection of rights is made electronically and the AEPD had "certainty that it had not been received, it was not notified by post",

generating defenselessness, not having knowledge that he had to act as stated in the resolution. The same refers to the agreement to start this process. In addition, it considers that the telematic notification "does not appear registered in the electronic folder of notifications of the claimed party, justifying it with the screenshots of the electronic headquarters itself", understanding that "by not having received any communication, it was impossible to act accordingly and Submit the corresponding statement of discharges.

-States that "the claimant's data was automatically deleted with date 07/08/2019, by including the telephone number in the cancellation file that those in charge of treatment send to the person in charge of the treatment periodically"

ELEVENTH: Of the actions carried out in this procedure and the documentation in the file, the following have been accredited:

PROVEN FACTS

1) The AEPD issued a resolution on 01/16/2020 in the protection of rights procedure 320/2019, requiring the respondent to comply with "send to the party the claimant certification in which it is stated that it has fulfilled the right of access exercised by it or is denied for reasons indicating the causes for which that it is not appropriate to attend to his request", and he was warned that "The actions carried out given as a result of this Resolution must be communicated to this Agency". It was also warned that failure to comply with the aforementioned obligation considered a very serious infringement, according to article 72.1.m) of the LOPDGDD. The AEPD issues electronic notifications through the Notific@ platform, which sends notifications to the Citizen Folder and Electronic Address systems Authorized by the Ministry of Finance and Public Administrations.

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The defendant, as a legal person, is obliged to relate to the

Public Administrations through electronic means. According to

certificate that appears in the file TD 320/2019, of the person in charge of the provision

of the service, (FNMT), the aforementioned notification appears "available in the Folder or DEH" of

the claimed" with the following result: Date of availability: 01/21/2020

13:56:03 Automatic rejection date: 02/01/2020 00:00:00".

The effects of the non-acceptance of the shipment are equivalent, in accordance with article 43.2 of

the LPACAP, to its rejection, understanding that the procedure has been carried out.

2) The claimant of TD/320/2019, filed a document on 03/02/2020, stating that

had not received compliance with the resolution of the guardianship by the

claimed.

3) On 03/05/2020, the AEPD sent a letter to the respondent granting her a term

to complete the accreditation of ordered compliance. Again,

the shipment consists of availability on 03/06/2020, and automatic rejection date

03/17/2020.

4) It is considered proven that the respondent has not met the request for

compliance.

FOUNDATIONS OF LAW

Yo

In accordance with the powers that article 58.2 of Regulation (EU) 2016/679

(General Data Protection Regulation, hereinafter RGPD), grants 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), is competent to initiate and resolve

this procedure the Director of the Spanish Data Protection Agency.

Likewise, article 63.2 of the LOPDGDD determines 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

The defendant is charged with an infringement of article 83.6 of the RGPD, which states:

"Failure to comply with the resolutions of the control 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."

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The LOPGDD states in its article 71: "Acts and behaviors constitute infractions

referred to in paragraphs 4, 5 and 6 of article 83 of the Regulation (EU)

2016/679, as well as those that are contrary to this organic law.

Article 58.2 of the RGPD, indicates, among others, the following powers of the authority of

control:

"c) order the person in charge or in charge of the treatment to attend to the requests for

exercise of the rights of the interested party under this Regulation;”

“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;”

The unfulfilled resolution of article 58.2 of the RGPD, is precisely the one that resolved the legal guardianship TD/00320/2019 in which it was expressly indicated:

“ESTIMATE the claim made by ... and urge AD735 DATA MEDIA ADVERTISING S.L. with CIF B87781795, so that, within ten days working days following the notification of this resolution, send to the party claimant certification stating that he has fulfilled the right of access exercised by it or is denied with reasons, indicating the reasons why it is not proceed to respond to your request. The actions carried out as a result of the This Resolution must be communicated to this Agency within the same period.”, also warning of the consequences of non-compliance "with this resolution". In the compliance reminder also contained the same elements of caveat.

The infraction of said article is reflected in terms of its classification for purposes prescription, in article 72.1 m) of the LOPDGDD with the literal in context:

"1. 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:...

[...]"

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

The absence of a response is accredited in compliance with what is required of the claimed on the fulfillment of the resolution of protection of right.

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III

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Considers the claim that there is no accredited valid notification on the resolution of the protection of rights resolved on 01/16/2020 that motivates the subsequent breach of not meeting the requirement it contained, nor of the act of requirement of 03/05/2020, which was sent to you as a reminder. Also, that the agreement to initiate this procedure incurs the same defect.

To prove these extremes, he provides the claimed searches that he made, on the date 03/21/2022:

"in the Service of Electronic Notifications and Electronic Address Enabled of the FNMT-RCM

" not finding any notification of the indicated periods. Contribute screen printing of the Authorized Electronic Address, issuance of "certifications", (there are other search sections such as "notifications") search with term: AEPD, from: 1 to 08/31/2021, another from 01/21 to 01/31/2020, and one third from 03/06 to 03/31/2020 with "no results found". the menu of searches indicates that "from this option you can download the certification of a notification/communication collected or rejected by the user" In the menu of search and on the screen it does not appear from which direction the search is carried out. -"notification screen", this time from the DEHU, showing in the margin

right the name of the company of the claimed from which the search is made,

only from August 12, 2021, in notifications made with different states of

notification: accepted, expired and rejected, with "no results found for

the selected filters.

It should be mentioned that for all shipments taken into account electronically,

automatic availability and rejections are listed. Both of the resolution of the

guardianship as well as reminder of compliance, and procedures derived from and included in the

same:

-the resolution of the protection of rights resolved on 01/16/2020, made available:

01/21/2020 13:56:03, automatic rejection date: 02/01/2020.

-the letter of 03/05/2020 addressed to the respondent, on the status of compliance with the

resolved in guardianship, made available: 03/06/2020, date of automatic rejection:

03/17/2020.

-in the same sense, with the agreement to initiate this sanctioning procedure,

date of signature of the start agreement, it was made available from 08/12/2021, date

automatic rejection 08/23/2021.

On obtaining results in these search engines, according to the content

that on the DEHU is contained in ***URL.3., on electronic notifications:

"Access to notifications", it is reported:

"If you do not proceed to read it within that period, the notification will be considered rejected and

An automatic acknowledgment of rejection of said notification will be generated to the issuing body.

sor.

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If you agree to the notice on time, it will be available in your DEH for 90 days.

In case you reject it or it expires automatically, the notice will remain in your

DEH for 90 days, but you will not be able to access its content.

Even if you organize your notifications, they will be deleted after 90 days.

after any change in their status (acceptance, rejection or rejection

automatic)"

"Can I access my notification once it is considered "rejected" for some reason?

of the anticipated causes?

If the notice access period expires, the notice will remain in your DEH for

90 days but you will not be able to access the content. However, you will be able to access your notifications

Expired applications through the General Access Point – Citizen Folder."

But also, on the other hand, there were more notifications in the guardianship procedure

that if they appear sent and collected by the claimed:

- Thus, it appears after the electronic shipment has been made, it appears written notification of

departure date of 07/08/2019, the transfer of the claim to the claimed, although not

of its content, by postal mail, picking it up on 07/24/2019. Written to which he replied

the one claimed in writing on 11/28/2019 within the guardianship procedure.

-It is also stated, for the same reason, that the claimant's brief was served

in the guardianship, to make the allegations, in the so-called process of

"responsible hearing", which contains the extremes of his complaint, in which

contained his address, e-mail, telephone, among other data, sent by post,

in writing dated 12/16/2019 received on 12/20/2019.

In both notifications that he did receive, he was told, reiterated and alluded to that

type of communication was exceptional, given the obligation to communicate in the

electronic modality with the literals: "Given that you have not accessed the aforementioned

notification, exceptionally and for information purposes we proceed to its referral by postal mail, reminding you that, from now on, the notifications will be made electronically pursuant to the LPACAP.”

Thus, if the requested party had the necessary elements to meet the right, and there has been no violation of the right in the notifications or defenseless, when he is obliged to interact electronically with the Management.

It even now indicates that it canceled the claimant's data on "07/08/2019, by the inclusion of the telephone number in the cancellation file that those in charge of treatment send to the person in charge of the treatment periodically”, a fact that does not stated in his allegations of guardianship, specifying then that it could not be identified. The date referred to coincides with the submission of the claim.

Regarding the allegations of rolling back the file for not considering the response to the evidence requested, it is estimated that defenselessness has not been caused, since the facts proven after their contribution nor with the allegations made is derived material defenselessness.

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IV

In order to determine the administrative fine to be imposed, the provisions of articles 83.1 and 83.2 of the RGPD, 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, scope or purpose of the processing operation in question as well

such as the number of interested parties affected and the level of damages that

have suffered;

b) intentionality or negligence in the infringement;

c) any measure taken by the controller or processor to

alleviate 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,

taking into account the technical or organizational measures that they have applied under

of articles 25 and 32;

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

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, in what

measure;

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 mechanisms of

certification 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, through the infringement.”

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 the 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 treatments
of personal data.

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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 after the commission
of the infringement, which cannot be attributed to the absorbing entity.

f) Affectation of the rights of minors.

g) Have, when it is not mandatory, a delegate for the protection of

h) The submission by the person in charge or person in charge, with
voluntary, to alternative conflict resolution mechanisms, in those

assumptions in which there are controversies between those and any interested party.”

data.

In accordance with the precepts transcribed, in order to set the amount of the sanction of fine to be imposed in this case on the entity claimed as responsible for a infringement, the following factors are considered concurrent:

- 83.2.f) “the degree of cooperation with the supervisory authority in order to put remedy the breach and mitigate the potential adverse effects of the breach;” Market Stall in which he stated that he had carried out the deletion of data from the affected on 07/08/2019, when he has stated that the cancellation was made by sending a in charge of treatment, fact not communicated in the same protection of rights, and adding the confusion and contradiction manifested in evidence that it had been granted the right of access one month later, on 08/05/2019.

- 76.2.b) The “linkage of the activity of the offender with the performance of treatments of personal data.”, since it is an entity according to the website dedicated to marketing digital and advertising and it is presupposed knowledge in the field of collection and attention of rights in the processing of personal data.

It is appropriate to graduate the sanction to be imposed on the claimed party, and set it at the amount of 15,000 euros.

Therefore, in accordance with the applicable legislation and having assessed the criteria for graduation of sanctions whose existence has been proven,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE AD735 DATA MEDIA ADVERTISING S.L., with CIF

B87781795, for an infringement of article 83.6 of the RGPD, typified in article 72.

1.m) of the LOPDGDD, an administrative fine of 15,000 euros.

SECOND: NOTIFY this resolution to AD735 DATA MEDIA

ADVERTISING S.L., CIF B87781795.

THIRD: Warn the sanctioned party that he must make the imposed sanction effective once

Once this resolution is enforceable, in accordance with the provisions of the

art. 98.1.b) of Law 39/2015, of 1/10, of the Common Administrative Procedure of the

Public Administrations (hereinafter LPACAP), within the voluntary payment period

established in art. 68 of the General Collection Regulations, approved by Real

Decree 939/2005, of 07/29, in relation to art. 62 of Law 58/2003, of 12/17,

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by entering, indicating the NIF of the sanctioned person and the procedure number

that appears at the top of this document, in the restricted account number ES00

0000 0000 0000 0000 0000, opened in the name of the Spanish Protection Agency

of Data in the banking entity CAIXABANK, S.A.. Otherwise, it will proceed to

its collection in executive period.

Received the notification and once executed, if the date of execution is

between the 1st and 15th of each month, both inclusive, the term to make the payment

voluntary will be until the 20th day of the following month or immediately after, and if

between the 16th and last day of each month, both inclusive, the payment term

It will be until the 5th of the second following month or immediately after.

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 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 LPACAP. You must also transfer to the Agency the documentation that accredits the effective filing of the contentious-administrative appeal. If the Agency did not have knowledge of the filing of the contentious-administrative appeal within the period of two months from the day following the notification of this resolution, I would

The precautionary suspension has ended.

Sea Spain Marti

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