

Procedure No.: PS/00224/2019

938-051119

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: On November 26, 2018, Ms. A.A.A. (hereinafter, the
claimant) filed a claim with the Spanish Data Protection Agency
stating that the website www.sysa-shop.com lacked a privacy policy,
that the CIF of the company responsible for the aforementioned website was not provided and that the
entity SYSA, S.L. was not registered in the Mercantile Registry.

The message attached, among other things, a copy of the following documentation:

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Screenshot printout of the page <https://www.sysa-shop.com/es/content/2-notice-legal> dated November 19, 2018, in which
identifies SYSA, S.L. as the owner company. Mercantile Registry of Cádiz XXXXX, F 1,
S 8, YYYYYYYY, I/A 1.

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Screenshot printout of the page <https://www.sysa-shop.com/es/contact-us>, dated November 19, 2018, showing the form
"Contact Us" with the following fields to be completed by the user:
Affair; Email address (personal data); attachment and
Message. At the bottom of the form there is a button with the text "Send".
The page includes a phone number and an email address
as contact information for the "SYSA SHOP" store, although it does not offer any

type of information regarding the processing of personal data.

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Screenshot printout of the page [https://www.sysa-](https://www.sysa-shop.com/es/modules/easypay-order.php)

shop.com/es/modules/easypay-order.php that includes a form in which

collect the data indicated below regarding the delivery address of

purchase: Mr/Mrs, Name, Surname, Company, Address, Postal Code, City, Country,

Province, E-Mail, Telephone. There is also an unchecked button under which "Me

I would like to receive News and Offers" and another unchecked button under which the text appears

"The invoice address is different from the delivery address."

Next to the form does not appear any information related to the treatment of

Personal data

SECOND: Upon receipt of the claim, dated December 12, 2018

from the Subdirector General for Data Inspection, the aforementioned site was accessed

website, noting:

That the "Privacy Policy" of the same included the following

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information:

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"In compliance with the provisions of the Organic Law of 15/1999, of December 13,

Protection of Personal Data (LOPD) the user is informed that all

The data you provide us will be incorporated into a file, created and maintained

under the responsibility of Sysa-shop.

The confidentiality of your personal data will always be respected and will only be used for the purpose of managing the services offered, responding to requests who plans us, perform administrative tasks, as well as send technical information, commercial or advertising by ordinary or electronic means.

To exercise your rights of opposition, rectification or cancellation, you should contact company headquarters (company address), write to the following email (email of company contact) or call us at (phone number)."

The aforementioned document cites the LOPD instead of reporting on the aspects collected in article 13 of the General Data Protection Regulation (in hereinafter, RGPD), already applicable on the date of the claim.

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That the "Legal Notice" of the same included: Owner company: SYSA SL. ;
Mercantile Registry of Cádiz XXXXX, F 1, S 8, YYYYYYYYY, I/A 1. B72316102.

Based on the information contained in the outlined "Legal Notice", with the same date, the Central Mercantile Registry was accessed, verifying that the CIF B72316102 corresponded to the entity SOLUCIONES Y SERVICIOS ANDUNAS, S.L., (in later, the claimed one).

THIRD: On February 22, 2019, the Subdirector General for Inspection of Data transferred said claim to the claimant through the Notific@ system to that, within a month, the referred entity sends to the Spanish Agency of Data Protection, among others, certain information related to the facts object of claim.

This notification was rejected ten calendar days after the made available to it without accessing its content.

Subsequently, an attempt was made to transfer said claim by postal mail sent dated March 6, 2019 to *** ADDRESS.1, resulting in the recipient

absent in the delivery attempts made on March 11 and 12, 2019,
being finally returned the shipment to origin by Surplus (Not picked up in office) on 20
March 2019.

On June 20, 2019, the Director of the AEPD agreed to admit for processing
the aforementioned claim for an alleged violation of article 13 of the
EU Regulation) 2016/679 (General Data Protection Regulation, (hereinafter
GDPR).

FOURTH: In light of which, the Subdirectorate General for Data Inspection
proceeded to carry out preliminary investigation actions for the
clarification of the facts in question, by virtue of the investigative powers
granted to the control authorities in article 57.1 of the RGPD, and in accordance
with the provisions of Title VII, Chapter I, Second Section, of the Organic Law
3/2018, of December 5, on the Protection of Personal Data and guarantee of the
digital rights (hereinafter LOPDGDD).

As a result of the investigative actions carried out on dates 3 and
July 16, 2019 the following facts are verified:

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-That the "Privacy Policy" continues to be the same as the one offered to
date December 12, 2018.

- That the contact and data collection forms related to the address
of delivery of the purchase contained in the previously outlined pages of the site
website www.sysa-shop.com/es contained the same fields as those shown by the

documentation provided by the claimant, dated November 19, 2018.

Likewise, it is verified that when marking the button associated with the text "The address of the invoice is different from the delivery address" a new form is displayed that

under the name "Invoice Address" collects the following data: Name,

Surname, Company, Address, Postal Code, City, Country, Province, Telephone.

Neither of the two forms includes information regarding the processing of personal data.

requested personal character.

-In the "Legal Notice" appears as the tax address of the claimed the address

postal address indicated in the preceding Third Event Antecedent.

FIFTH: Consulted on July 16, 2019, the application of the AEPD that

shows information about the history of sanctions and warnings

precedents, there are no previous records for infraction in the matter of protection of

data associated with the claim.

SIXTH: On July 22, 2019, the Director of the Spanish Agency for

Data Protection agreed to initiate a sanctioning procedure of Warning to

SOLUCIONES Y SERVICIOS ANDUNAS, S.L., for the alleged infringement of article

13 of the RGPD, typified in article 83.5.b) of the RGPD, in accordance with the

provided for in article 58.2 b) of the same regulation.

In said agreement, under the provisions of article 58.2.d) of the RGPD,

the corrective measures that could be imposed on the defendant were indicated in the

resolution to be adopted in the procedure in case the existence of the

described infraction, as well as the term that would be granted in said resolution for its

compliance and justification thereof.

The aforementioned act was notified on August 3, 2019 through the

Post and Telegraph State Society, S.A.

Subsequently, the respondent requested an extension of the term for

formulate allegations, which was agreed by the Instructor of the procedure dated August 28, 2019 and notified through the Electronic Notification Service and Electronic Address Enabled.

There is no evidence in the proceedings that the respondent exercised his right to formulate allegations and propose the evidence it deems appropriate within the term granted for such purposes.

SEVENTH: On November 22, 2019, the website is accessed <https://www.sysa-shop.com>, verifying that the information shown in the “Privacy Policy” coincides with that obtained in the access made on the 12th December 2018 and that the respondent continues to collect personal data from the interested parties through forms included in the aforementioned website owned by them.

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

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FACTS

First: On November 26, 2018, entry is registered in this

Agency claim made by the claimant stating that the website

www.sysa-shop.com fails to comply with data protection regulations due to the lack of Privacy Policy.

Second: SOLUCIONES Y SERVICIOS ANDUNAS, S.L., (the defendant), with CIF B72316102, is the company that owns the website <https://www.sysa-shop.com>.

Third: It is stated in the procedure that the respondent collects personal data from

interested parties who filled in the forms included on the website

www.sysa-shop.com, among which are:

- The "Contact Us" form, with the following fields to be completed by

the user: Subject; Email address (personal data); File, Archive

attachment and Message. At the bottom of the form there is a button with the text "Send".

The page <https://www.sysa-shop.com/en/contact-us> on which this

The form does not offer any type of information regarding the processing of personal data.

personal character, according to the documentation dated November 19,

2018 July 16 and November 22, 2019 incorporated into the procedure.

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The data collection form relating to the delivery address of the

purchase, with the following fields to be completed by the user: Mr/Mrs, Name,

Surname, Company, Address, Postal Code, City, Country, Province, E-Mail, Telephone.

At the bottom of the form there is an unchecked button under which "I would like to receive

News and Offers" and another unmarked button under which the text "The address of

the invoice is different from the delivery address". Next to the form does not appear

any information regarding the processing of personal data.

The website <https://www.sysa-shop.com/es/modules/easypay-order.php> on the

that this form is displayed does not offer any type of information regarding the

treatment of personal data, as it works in the documentation of

dates November 19, 2018 and July 16, 2019 incorporated into the procedure.

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The invoice address form, with the following fields to fill in

by the user: Name, Surname, Company, Address, Zip Code, City, Country,

Province, Telephone.

The website <https://www.sysa-shop.com/es/modules/easypay-order.php> on the

that this form is shown does not offer any type of information regarding the treatment of personal data, as it works in the documentation of dated July 16, 2019 incorporated into the procedure.

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by the user: Email address and password

The web page <https://www.sysa-shop.com/es/login?back=history> in which shows this form does not offer any type of information regarding the treatment of personal data, as stated in the documentation dated 22 November 2019 incorporated into the procedure.

The "Log in to your account" form, with the following fields to fill in

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The form "Create an account Enter an email and choose a password", with the following fields to be completed by the user: Name, Surname, Company, Tax Identification Number, Email Address, Password, Date

of birth At the bottom of this form, included on the website <https://www.sysa-shop.com/en/login?back=history>, there is a blank button with the following text "I have read, I agree and I accept the privacy policy.", as he works in the documentation dated November 22, 2019 incorporated into the procedure.

Fourth: Dated December 12, 2018, July 3 and November 22, 2019, verifies that the "Privacy Policy" of the website <https://www.sysa-shop.com> includes the following information:

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

December, of Personal Data Protection (LOPD) the user is informed

that all the data you provide us will be incorporated into a file, created and

maintained under the responsibility of Sysa-shop.

The confidentiality of your personal data will always be respected and only

will be used for the purpose of managing the services offered, attending to the

requests that you plan for us, perform administrative tasks, as well as send

technical, commercial or advertising information by ordinary or electronic means.

To exercise your rights of opposition, rectification or cancellation you must

go to the company headquarters (company address), write to the following email

(company contact email) or call us at (phone number).”

FOUNDATIONS OF LAW

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By virtue of the powers that articles 55.1, 57.1 and 58.2.b) of the

Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27,

2016, regarding the protection of natural persons with regard to the treatment

of personal data and the free circulation of these data, (hereinafter RGPD),

recognize each control authority, and as established in arts. 47 and 48.1 of

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

guarantee of digital rights (hereinafter LOPDGDD), the Director of the

Spanish Agency for Data Protection is competent to resolve this

process.

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

First of all, it should be noted that article 43 of Law 39/2015, of 1

October, of the Common Administrative Procedure of the Public Administrations,

hereinafter LPACAP), provides:

“Article 43. Practice of notifications through electronic means.

1. Notifications by electronic means will be made through

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appearance at the electronic headquarters of the Administration or Acting Body,

through the single enabled electronic address or through both systems, depending on

provided by each Administration or Agency.

For the purposes provided in this article, it is understood by appearance at the headquarters

electronically, access by the interested party or his duly identified representative to the

notification content.

2. Notifications by electronic means shall be understood to have been made in the

moment in which access to its content occurs.

When notification by electronic means is mandatory, or

has been expressly chosen by the interested party, it will be understood as rejected when

Ten calendar days have elapsed since the notification was made available

without accessing its content.

3. The obligation referred to in article 40.4 shall be deemed fulfilled with the

made available for notification in the electronic headquarters of the Administration or

Acting body or at the unique authorized electronic address.

4. Interested parties may access the notifications from the Point of General electronic access of the Administration, which will function as a portal of access." (The underlining is from the AEPD)

Article 41.5 of the same rule, states in relation to the "Conditions guidelines for the practice of notifications" that:

"5. When the interested party or his representative rejects the notification of a administrative action, it will be recorded in the file, specifying the circumstances of the notification attempt and the means, considering the procedure completed and following procedure."

In view of what is stated in articles 43.2 and 41.5 of the aforementioned Law 39/2015, the practice of notifications in the procedure is considered completed made by electronic means.

Secondly, it is noted that article 64.2.f) of the LPACAP provides that:

"The initiation agreement must contain at least: (...)

f) Indication of the right to formulate allegations and to the hearing in the procedure and the deadlines for its exercise, as well as an indication that, in the event of not making allegations within the stipulated period on the content of the resolution of initiation, it may be considered a resolution proposal when it contains a precise pronouncement about the imputed responsibility." (the underlined corresponds to the AEPD).

In the present case, such prescriptions have been observed, since in the initial agreement warned of the provisions of article 64.2.f) of the LPACAP, it was specified the alleged infraction committed together with its corresponding typification, the sanction of warning to be imposed, if applicable, was determined in accordance with the criteria taken into account based on the evidence obtained on that date and

indicated certain measures in accordance with the provisions of article 58.2.d) of the GDPR.

In consideration of the foregoing and in accordance with the provisions of the Article 64.2.f) of the LPACAP, the agreement to initiate this proceeding sanctioning is considered a Resolution Proposal, since it contained a www.aepd.es

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precise statement about the imputed responsibility, and, after notification in the manner described in factual record Six of this resolution, the claimed has not made allegations to the same within the period granted to such effects.

III

Articles 1 and 2.1 of the RGPD provide the following:

“Article 1. Object

1. This Regulation establishes the rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of such data.
2. This Regulation protects the fundamental rights and freedoms of natural persons and, in particular, their right to data protection personal.
3. The free movement of personal data in the Union may not be restricted or prohibited for reasons related to the protection of persons regarding the processing of personal data.

Article 2. Material scope of application

1. This Regulation applies to the treatment in whole or in part

automated processing of personal data, as well as the non-automated processing of data

personal content or intended to be included in a file.”

For these purposes, article 4 of the RGPD, under the heading "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 those definitions, the collection of data from

personal character of the interested parties through forms included in a page

website constitutes data processing, for which the person responsible for the

treatment must comply with the provisions of article 13 of the RGPD, precept

which has moved from May 25, 2018 to article 5 of the Organic Law

15/1999, of December 13, on the Protection of Personal Data.

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In the present case, the defendant is charged with the violation of the duty to inform provided for in article 13 of the RGPD, a precept that determines the following:

“Article 13. Information that must be provided when the personal data are obtained from the interested party.

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 applicable;

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;

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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 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.

Said precept must be related to what is established in article 12 of the RGPD, referring to the “Transparency of information, communication and modalities exercise of the rights of the interested party”, which in its section 1 establishes the

Next:

"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."

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

“Article 11. Transparency and information to the affected

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

13 of Regulation (EU) 2016/679, providing the affected party with the basic information to

referred to in the following section and indicating an electronic address or other medium that allows easy and immediate access to the rest of the information.

2. The basic information referred to in the previous section must 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.”

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In the present case, from the assessment of the set of facts verified

As a result of the actions carried out on the occasion of the processing of the procedure, evidence that the defendant has incurred in the described infraction, materialized in a collection of personal data of users who complete the different forms included in the website <https://www.sysa-shop.com> without the

claimed provide them with all the information provided for in article 13 of the RGPD, since the information offered in the "Privacy Policy" refers to the aspects contemplated in article 5 of the Organic Law 15/1999, of 13 December, Protection of Personal Data. All this according to verified in the accesses made to said web page dated December 12 2018, July 3 and November 22, 2019.

In other words, the person claimed, as of November 22, 2019, continued without Provide interested parties with all the information that article 13 of the RGPD establishes must be provided, at the time of obtaining it, to the interested parties whose data are requested via form.

From the foregoing, it is evident that the defendant has not shown the diligence that was required to establish the measures that are necessary to adapt the information offered to said interested parties to the provisions of the regulations that results from application.

Consequently, the exposed facts violate the duty of information that it is required of the claimed party, in its capacity as data controller analyzed, since it is proven that as of November 22, 2019, it continues collecting personal data from users who filled in the forms included in the website studied without providing them, at the time of collection of the data, all the information provided for in article 13 of the RGPD.

Based on which, the respondent has violated the duty to inform the interested parties collected in article 13 of the RGPD.

SAW

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

GDPR.

Sections b), d) and i) of article 58.2 of the RGD 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 RGD, 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 view of the facts that have been proven, the defendant is responsible for an infringement of the provisions of article 13 of the RGPD, typified in article 83.5.b) of the RGPD, and qualified as mild for the purposes of prescription in the Article 74.a) of the LOPDGDD.

In the present case, it is considered appropriate to impose 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 regular processing of personal data; that through said forms the claimed party collects basic data from the interested parties with the purposes

to contact them and manage the delivery of the products purchased by these, both related to the provision of their services, to which is added that the administrative fine that could fall in accordance with the provisions of article 83.5.b) of the RGPD would constitute a disproportionate burden for the claimed, entity who is not aware of the commission of any previous offense in terms of Data Protection.

Confirmed the existence of the infraction described, and before the inactivity shown by the respondent to correct the breach of the duty of information, at least until the date of the last access made to the web page of its ownership,

In accordance with the provisions of the aforementioned article 58.2.d) of the RGPD, it is considered appropriate to order the claimed party, as data controller, to carry out the necessary actions (technical and organizational measures) so that the operations

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of the treatment comply with the provisions of article 13 of the RGPD, and must facilitate to the users, at the moment in which the data of those affected are obtained, 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 day following the day on which the this sanctioning resolution, and its compliance must be accredited in the same deadline by providing documentation, or any other means of proof valid in law, which allows to verify the adequacy to the RGPD of the information

offered on the website studied to the right of information of the interested parties

whose data is required 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 whose existence has been proven

The Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE SOLUCIONES Y SERVICIOS ANDUNAS S.L., with NIF

B72316102, in accordance with the provisions of article 58.2.b) of the RGPD, a

sanction of WARNING for violation of the provisions of article 13 of the RGPD,

typified in article 83.5.b) RGPD.

SECOND: ORDER SOLUCIONES Y SERVICIOS ANDUNAS S.L., with NIF

B72316102, under the provisions of article 58.2.d) of the RGPD, the adoption and

implementation of the necessary measures to adapt the information that must be

be provided in the data collection web forms and in the “Privacy Policy”.

Privacy” to all the requirements contemplated in article 13 of the RGPD,
must provide users, at the time they collect personal data
of the same through any of the forms on the website,
all the information required in the aforementioned precept, for which the claimed party 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.

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13/13

THIRD: NOTIFY this resolution to SOLUTIONS AND SERVICES
ANDUNAS S.L.

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 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

month 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, the firm resolution may be provisionally suspended in administrative proceedings if the interested party expresses his intention to file a contentious appeal-administrative. If this is the case, the interested party must formally communicate this made by writing to the Spanish Agency for Data Protection, introducing him to the agency

[<https://sedeagpd.gob.es/sede-electronica-web/>], or through any of the other records provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. Also must transfer to the Agency the documentation that proves the effective filing of the contentious-administrative appeal. If the Agency were not aware of the filing of the contentious-administrative appeal within two months from the day following the notification of this resolution, it would end the precautionary suspension.

Electronic Registration of
through the
Sea Spain Marti
Director of the Spanish Data Protection Agency
C/ Jorge Juan, 6
28001 – Madrid
www.aepd.es
sedeagpd.gob.es