

Procedure No.: PS/00106/2019

□

938-051119

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

A.A.A.

(hereinafter, the claimant) on 08/17/2018 filed

FIRST:

claim before the Spanish Data Protection Agency. The claim is directed
against the PROVINCIAL DEPARTMENT OF ALMERIA with NIF P0400000F (hereinafter, the
reclaimed). The grounds on which the claim is based are the improper charge to the account
bank of CAJAMAR, of which she is co-owner with her husband, B.B.B., by order of the
"Sector II consortium of the province of Almería for waste management". Indicates that
with said entity they have a contentious-administrative procedure, for "having given us
irregularly registered in the register", "without having the service", and "against the
ordinances", thus billing a "non-existent service", and "having requested the withdrawal
repeatedly". He adds that to include us in the garbage registry, the "Consortium used the
data that the Diputación has regarding the IBI", and that "at no time have we been
requested any authorization for the direct debit of the receipts of the Consortium
of Sector II"

Provide a copy of:

1) Receipt of debit in CAJAMAR account of 06/05/2018, installment 199.06 euros, data
of the creditor, Diputación Provincial de Almería with the details of the claimant. Bill

YYYY YYYY YYYY YYYY ending in YYYY.

2) Printed sheet from LEXNET with data from the lawsuit, 05/14/2018.

3) Document from the claimant and her husband addressed to the Diputación, dated 06/19/2018, stating that they are holders of two parcels each in the name of one of them, (RRR to name of her husband), in community property, and explaining that a charge in the common account, with the data of the claimant, in which the concept, and that after having called on the phone they have informed him that it is "garbage sector II consortium", without them having provided their account for said position or direct debit, and that the receipt has been returned without paying, informing you of the procedure judicial pending "for having registered us in the garbage register without having such service", and "having requested the suspension of the collection of receipts, both to the Diputación like the consortium. The claimants indicate that on said brief they did not receive response.

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2/12

SECOND: In view of the facts denounced in the claim and "In accordance with the functions provided for in Regulation (EU) 2016/679, of 04/27/2016, General of Data Protection (RGPD), particularly those that respond to respect, on the part of the responsible for the treatment, of the principles of transparency and proactive responsibility, transfer of the filed claim is given, requiring that, within a maximum period of one month from its reception, send to this Agency the relevant documentation related to the procedures carried out in relation to the facts set forth in the claim, including in particular the following information:

1. Copy of the communications, of the adopted decision that has been sent to the claimant regarding the transfer of this claim, and proof that the claimant has received communication of that decision.

Report on the causes that have motivated the incidence that has originated the

Report on the measures adopted to prevent incidents from occurring

two.

3.

claim.

Similar.

4. Any other that you consider relevant.”

The respondent answers on 5/11/2019:

1) Provide a copy of the document sent to the claimant on 10/26/2018 parcel RRR, polg.

VV, and another in the name of her husband. In them, it stands out:

a) “Examined the open files in the Tax Administration Service

consists of: "request file for postponement/split payment of debt

presented on 11/22/2017” which contains a provisional schedule for the postponement of

six-month debt, in response to garbage rate debt deferral request

of the Sector II Consortium, appearing signed by the claimants and presented in the

Registry of the Diputación on 09/14 and 11/22/2017. “In the calendar there are eight

rubbish tax receipts issued”, being the total of the deferred debt of 199.06 euros,

including default interest. The end date of postponement is 06/05/2018, without

other terms to pay appear. “The postponement was not complied with because the direct debit

was returned by the bank. Direct debit payment/deferral is mandatory

according to the general collection ordinance. And it is always done “at the request of the

interested in writing. States that given the reiteration of the request whose sole purpose

is to defer payment while the courts rule on the legality of registration in the

register of the rate, "we contacted by telephone up to three times with both applicants to inform them of the provisional postponement, and of the direct debit".

Indicates that this is accredited with the annotations that appear in the computer system PISAT.

There is also a record of debt installment of the husband of the claimant, dated 01/03/2017, which includes, "application, fax, certificate, account number banking, installment debts".

Consequence of brief filed on 04/23/2018 reiterating the request for deferral of collection of garbage receipts,

management file

appeals/claims no. ***FILE.1. It mentions the requests for

09/14 and 11/22/2017, indicating that they had not been answered. Responds in writing to

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3/12

05/23/2018, "informing them of the formal way to request the postponement and the effects legal documents that do not meet the requirements for processing.

Consequence of the brief presented on 06/18/2018, regarding the returned fee receipt

garbage-which is actually the domiciled expiration of the debt deferment of

garbage fee. It is answered on 09/26/2018, informing you about how to proceed with

in relation to notifications of urgency, and requests for debt deferral.

They state that the notifications of debts, provisional payment schedules and

communications, "in all notification attempts, the common rule is 'stay away' and 'stay away'.

left notice" "refused" or "unknown".

“Art 40 of the General Collection Ordinance of the Provincial Council of

Almería, BOP 81 of 05/02/2017 states that both in postponements and in

subdivisions, if the request meets all the requirements, the interested party will be given a

Provisional payment schedule, which will be fulfilled while the file is being processed.

“The generic requests for postponement or installment, which do not meet the requirements

requirements for its processing, do not suspend the notified administrative act”.

It states that the personal data is treated under the responsibility of the

Diputación de Almería, for the purpose of Tax Management, Collection and Inspection of

the taxes and resources of public law of the local, provincial and regional finances that

have delegated to this Provincial Council, based on the legitimacy of legal obligation.

2) The respondent provides a copy of the report of 10/22/2018 of the Deputy Head of the

Tax Administration in matters of Legal Advice and Relations with

taxpayers, of the Diputación, which serves as the basis for the writings in response to the

claimant, in which among other points, indicates that among the elements of the

open files in the Tax Administration Service, there is evidence of non-compliance

of the postponement of the eight garbage rate receipts issued to the claimant for

amount of 199.06 euros on 06/05/2018. It states that “The postponement was unfulfilled

because the direct debit was returned by the bank”” The direct debit is made to the account

bank account of Mr. B.B.B., whose bank certificate confirmed to us an installment of

debt requested by

The address of

installments / postponements is mandatory according to our General Ordinance of

Collection. The direct debit of the installment/deferral request is made

always at the request of the interested party in writing. In the present case, taking into account the

reiteration of the request, the sole purpose of which is to defer payment until they are pronounced

the courts about the legality of registration in the rate registry, contacted

telephone up to three times with both applicants to inform them of the provisional postponement and direct debit, as accredited in the system PISAT computerized telephone system as a means of correcting deficiencies that have been abandoned in 2018, because the recording of the conversation, as in the present case.”

indicated taxpayer.

the

Settle the claim:

- Dismissing the claimant's claim indicating that the Diputación has used personal data without your consent.

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4/12

- Notify that the collection procedure for pending debts is not suspended, as as was informed in other writings because the request for suspension does not meet the essential requirements for its processing.

3) The respondent provides a copy of the document signed by the claimant and her husband on 09/14/2017, (registered 11/22/2017) in which in reference to the RRR and SSS plots, each one registered with a different ownership (claimant and spouse) and with a reference different cadastral record, they indicate that on several occasions they have requested the Municipality of Tabernas and the Consortium of sector 2 "the postponement of collection of garbage receipts that they are sending me, and to date I have not received a response in this regard".

It mentions the previous request for deferment of collection of receipts of 08/10/2017, without have received a response. "As we have already stated, a dispute has begun

administrative action against the Consortium for understanding that they want to apply a rate of rubbish that does not correspond due to the lack of said service“, they also add that “it will have serious repercussions on our family economy due to being unemployed, It would also unnecessarily complicate the recovery of what was paid.

4) The respondent contributes:

4.1- Copy of a letter from the Provincial Council addressed to the husband of the claimant, dated 01/03/2017

that indicates "Given your request for deferment of payment submitted on 12/27/2016, annexes the list of installment debts and payment schedule "" that will be charged in the account contributed by you within the indicated periods” being treated according to the annex of the liquidation, of the IBI and principal amount of €1,107.75 and in annex two with a calendar monthly starting on 02/06/2017 and ending on 01/07/2019, total amount of €1,151. Nope the bank account number is displayed, which does appear on the copy they provide of a request of 12/27/2016, postponement -split of debts with the data of claimant and her husband, signed by only one, with a stamp entered in the registry of City Hall of Tabernas on 12/27/2016, obligated to pay financial years 2013 to 2016, total debt 1,107, 75 and an address in CAJA MAR account YYYY YYYY YYYY YYYY finished in YYYY. Copies of IBI receipts for years 2013 to 2016 are also provided.

4.2-copy of the document from the claimant and her husband dated 08/10/2017 addressed to the Provincial Council that indicates "On different occasions I have requested the deferment of collection of bills of garbage that they are sending me without, to date, receiving a reply to the regard". Similar writ signed on 09/14/2017 and 11/22/2017.

4.3-Copy of document signed by claimant and spouse dated 11/22/2017 in which they addressed to the Treasury area of the Diputación, they expose the ownership of the two plots. express who requested on 09/14/2017 the deferral of collection of garbage receipts that are sending, without receiving a response, they refer another identical request of 08/10/2017, and “I keep receiving messages indicating that my receipt of fees is in the period

voluntary payment until 11/20/2017". Informs of the pending litigation against the Consortium, The brief maintains the request for postponement. Another document signed by the same people also addressed to the Treasury Department on 09/14/2017, the document appears signed. 09/24/2017, with the same content.

4.4-Copy of the letter from the Diputación de Almería to the claimant dated 11/28/2017 in the that they send on the one hand, the list of fractional debts "presented by you in

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5/12

11/22/2017" and by another "schedule of installment payment" that will be charged in the account contributed by you within the indicated periods. With your data, annex I, subject installment payment, garbage, 8 receipts, total debt as of 11/28/2017: 199.06 euros, In Annex II in the payment schedule, installment payment date: 06/05/2018 for the aforementioned amount.

4.5-Copy of the computerized notification from the Diputación de Almería of "providence of compulsion issuance 03/23/2018 in the name of the claimant's husband for 102.31 euros "executive debts" and indicates the collaborating banks. Entity/Town Hall "Conso. Sector II", notification 511, and another equal, same amount, with the number 512.

4.6- Copy of the form from the Diputación de Almería addressed to the husband of the claimant for Garbage rate of finished plot in RRR, "executive debts" total amount to pay 102.31. The last installment that appears is that of the first quarter of 2017 and on dates, 11/28/2017, It is accompanied by a postal certificate signed on 04/11/2018.

4.7-Copy of letter dated 04/23/2018 addressed to the Treasury of the claimant and her husband in which state that they have requested on different dates the deferral of collection of the garbage receipts to both the Consortium and the City Council, referring dates of

9/2016, 4/2017 and 8/2017. Indicates that on 04/15/2018 I accidentally picked up two receipts from the council in which we are informed of two notifications of providence of urgency and payment requirements corresponding to a plot, and requests the suspension or postponement of the execution of the order of urgency, and in accordance with what the offer of the receipt that says "however you can request the installment or deferral of debt payment" that received no responses. In the letter, he requests that accept the request for deferral of receipts.

4.8-Writ of claimant and husband of 04/23/2018 to the Diputación in which they indicate that "on different occasions they have requested the deferment of collection of the receipts of rubbish and to date they have not received an answer", which they have studied both at the Consortium as well as the City Council and the Provincial Council and request that all action to collect receipts until there is a final judgment, and that on 04/15/2018 They have collected a notice of notification of the order of urgency of the RRR plot.

4.9-Copy of letter dated 05/21/2018 addressed by the Provincial Council to the claimant indicating "examined the request submitted by the indicated taxpayer in relation to notifications of enforcement order..." and informs you of the period for the payment of the debt. It is also indicated that "you can request deferment or installment ... and you will be informs that these require, among others, "the direct debit of the payment. "This procedure he knows it because there are several receipts for garbage fees in installments" .

4.10-Writ from the Provincial Council to the claimant's husband dated 05/21/2018 "Examined the application submitted by the aforementioned taxpayers, in relation to notifications of order of urgency, I inform you...", informs you of the appeals to be filed, and that You can request a postponement.

4.11-Writing from the Provincial Council to the claimant and her husband, dated 09/18/2018: "Examined the request presented by the indicated taxpayers, in relation to notifications of enforcement order, I inform you...", informs you of the resources to

file, and that you can request a postponement.

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6/12

THIRD: On 02/27/2019, the claim was admitted for processing.

FOURTH: On 07/12/2019, the Director of the AEPD initiated a warning procedure

proceedings against the PROVINCIAL DEPARTMENT OF ALMERIA for alleged infringement of

Article 5.1 a) of Regulation (EU) 2016/679 of the European Parliament and of the Council of

04/27/2016 on the protection of natural persons with regard to processing

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

in accordance with article 83.5 a), as indicated in article 58.2.b) of the RGPD.

FIFTH: On 07/31/2020, the respondent reiterates what was stated in her allegations

that personal data has not been used without the consent of the affected party.

SIXTH: On 02/11/2020, a resolution proposal was formulated, with the literal:

“That by the Director of the Spanish Agency for Data Protection, the

with a warning to the PROVINCIAL DEPARTMENT OF ALMERIA, for an infraction of the

Article 5.1.a) of the RGPD, as indicated in article 83.5 a) of the RGPD”.

Against it, no allegations were received.

SEVENTH Faced with the proposal, on 02/24/2020, the respondent makes the following

allegations:

1) Copy of the report from the head of the Tax administration service of 02/21/2020 in which

alleges:

a) They have an Information Security Committee with delegate functions

Data Protection.

b) The SAT of the Diputación has a strict information treatment policy

in tax matters, having a certificate of quality in attention to the taxpayer,

having passed different audits.

c) Procedures have been developed for face-to-face telephone and telematic attention to

the taxpayers.

d) The reported matter is a matter governed by the LGT and that the taxpayers have

used for delaying purposes, and that they are working to improve “the measures of

security in the processing of personal data.

2) Copy of the letter from the DPO stating that "instructions will be given to

technicians of the Diputación with competences in the matter of data protection so that they can

carry out an analysis of compliance with art 5 of the RGPD, especially in the forms of

collection of personal data that includes the communication of current accounts, to the

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7/12

object of collecting the consent of the holders of the same to domicile in

account and installment of payments.”

PROVEN FACTS

1) The claimant denounces the Provincial Council of Almería for issuing a receipt

of 06/05/2018, fee 199.06 euros for garbage management, to your bank account, from

CAJAMAR, of which she is co-owner with her husband, tells YYYY YYYY YYYY YYYY

ending in YYYY without this having provided it. He adds that, to include us in

the rubbish register, the "Consortium used the data that the Diputación has regarding the IBI", and

that “at no time has any authorization been requested from us for direct debit

bank of the garbage receipts of the Sector II Consortium. The copy of the receipt shows

Date signed mandate 11/22/2017 (page 3 of 9 of the claimant's complaint).

2) The claimant and her husband addressed a letter to the Diputación, on 06/19/2018, stating that they are owners of two parcels, with their two cadastral reference numbers each one in the name of one of them, in a community property regime, and explaining that made a charge to the common account, with the data of the claimant, in which no identifies the concept, and that after calling on the phone they have been informed that it is of "garbage consortium sector II", without them having provided their account for said position or direct debit, and that the receipt has been returned without paying". The complainants indicate that They did not receive a response on said letter.

3) The claimant filed a contentious-administrative judicial claim against the Consortium of Sector II of Almería for waste management before 06/05/2018, appealing the administrative resolution TTT/2017 of ***DATE.1.

4) According to the explanations given by the respondent, the amount of 199.06 euros is the result of the 6-month deferral requested on 09/14/2017 and 11/22/2017 by the claimant and her husband, including 8 receipts for the garbage fee, although only appears in the detail of payments, one for the total, that of 06/05/2018.

There is no evidence that the claimant provided any bank account for direct debit of the aforementioned amount of 199.06 euros.

5) The direct debit in that account, as explained by the respondent, was produced not by a account provided in said request for deferment, but in an account that claimed the claimant's husband's claimant, "whose certificate consisted of a installment of debt requested by the indicated taxpayer". This is a postponement prior payment of the IBI requested by the claimant's husband, showing compliance also mentioned the data of the complainant, of 12/27/2016, and in which this time, if expressly by the applicants, claimant and spouse, the account: CAJA MAR

YYYY YYYY YYYY YYYY ending in YYYY.

FOUNDATIONS OF LAW

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8/12

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

The defendant is charged with the infringement of article 5.1 a and .2 of the RGPD, which indicates:

“Personal data will be:

II

a)

processed in a lawful, loyal and transparent manner in relation to the interested party ("legality, loyalty and transparency");

2. The controller will be responsible for compliance with the provisions of the paragraph 1 and able to demonstrate it ("proactive responsibility").

The garbage rate is characterized as a public income for the municipal provision of a service, considering as its taxable event the provision of the service, mandatory reception, collection and treatment of the waste generated. among others in the private home. being the passive subject of the rate, the owner of the same. I know the rate accrues and the obligation to contribute arises from the moment in which the provision of the service, understood as initiated, given the nature of mandatory reception

thereof, when the municipal collection service is established and operational of rubbish in the streets or places of the municipal area. The claimant had put in knowledge of the claimed challenge of the debt for said rate before the issuance of the account charge.

There is a request for postponement from the claimant, which is a voluntary act instance of a party, to which the taxpayer can avail, but in that form that collected the claimed, there is no bank account for its eventual payment.

Based on this, in this case, the obtaining of the bank account of the the claimant who was charged by the Provincial Council on 06/05/2018 for the purpose indicated collection / direct debit of deferred payment of garbage fee, requested on 11/22/2017.

Regarding management, the nature of the fees must be known. Among others, the Judgment of the Supreme Court of 7/6/997, considered that:

«...It is obligatory, in this regard, to remember that the taxable event of the rate is constituted for the provision of a service or the performance of an activity that benefits or affects in particular to the passive subject. Article 26.1 specifically says so. a) of the General Law General Tax Law of 1963, according to which 'rates are taxes whose taxable event consists in the provision of services or the performance of activities under public law.

public that refer to, affect, or benefit taxpayers, when the two following circumstances:

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9/12

a) That they are of obligatory request or reception for the administered; b) not

may be provided or carried out by the private sector insofar as they imply intervention in the action of individuals or any other manifestation of the exercise of authority or because, in relation to said services, their reservation is established in favor of the public sector. public in accordance with current regulations.

... not even the mere existence of a municipal service is enough to constitute a person in passive subject of the rate established for its financing, if the service is not lends such that it can be considered especially affected by it, in the form of effective benefit or provocation by the interested party of the municipal activity, since only with these characteristics, it can be a municipal service that legitimizes the demand for rate."

Usually, the management of the garbage rate is managed with a municipal register, There are certain legal obligations for taxpayers, such as the communication of high, low and data variation. In addition, the administration can ex officio promote the timely inspections to consider subjection to it

It is understood that the fee collection procedures are a legal competence attributed to the claimant. The configuration of the rate and taxpayers and management is governed by the regulatory tax ordinance of the garbage collection rate approved by the plenary session of the town hall, while the administrative request for the postponement of debt is regulated by its generic nature in the General Collection Ordinance of the Provincial Council.

If you opt for the postponement request, one of the foreseen requirements is to fulfill

Enter the "Direct debit order, indicating the customer account code number and the identification data of the credit or deposit institution that must make the charge into account.", noting the regulatory tax ordinance that: "Submitted the application for postponement, if there is any defect in it or in the documentation provided,

The interested party will be granted a period of 10 days for its correction with the warning

that if they do not do so, the application will be filed without further ado, which will be considered as not presented, with the consequent continuation of the procedure.

In this sense, the generic authorization of the claimed party for the management of the fee is would frame the legitimacy of article 6.1.c) of the RGPD that indicates "the treatment is necessary for the fulfillment of a legal obligation applicable to the person in charge of the treatment;" since it is appreciated that the management of the garbage rate is a competence attributed to the one claimed by legal regulations in which treatments are included and derived of personal data of the passive subject, both executives and volunteers. postponement payment is a voluntary act of the taxpayer, the content of which is provided for in the ordinance of the Diputación, must contain, among others, the data of the bank account for have it presented and processed with the corresponding account charge, and may be remedy this deficiency.

In the present case, there is no evidence that in the request for deferment of payment of debt that causes the charge to the account, nor in the related process of rectification

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10/12

and give said account number. According to the provisions of the Provincial Ordinance, if If the account number was missing, it should have been sent in writing to the applicant for the postponement warning you of the rectification of requirements to be met, granting a period after which, if the account had not been provided, he should have filed the itself for not meeting the aforementioned requirement considered mandatory and legal. In consequently, missing the bank account number and there being no correction, no should have issued any charge as there is no direct debit bank for the request.

On the contrary, it is proven that the bank account chosen by the claimed party is one that was previously in its possession, which had another purpose and is provided by the claimant at the time for the payment of another tax, which does not mean that These data must also be used for the payment of the garbage rate, which is dealt with in this procedure, since there is no element in the file indicating that the taxpayers or claimant that data for this purpose. It is evident that the account that was held once before, given for a specific, distinct and specific purpose.

Article 4.2 of the RGPD points out:

4.2: "processing": any operation or set of operations carried out on personal data or sets of personal data, whether 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 authorization of access, collation or interconnection, limitation, suppression or destruction;"

A person's bank account number is personal data according to repeated sentences (National Court, salt of the contentious advo. sentence 01/30/2014 resource 554/2012 and 11/3/2015. Appeal 333/2014). The bank account information allows the claimant to be identified as the owner of the account, and with the sending of the account by the claimed is identified by the Bank, suffering the charge of the payment of the rate of rubbish. With the incorporation of said bank account not provided for the payment of that rate, the data of the bank account escapes the purpose granted by the claimant and her husband in the past and is used in an unjustified way in the treatment of payment of another different rate over time.

The respondent is able to prove that the bank account used was given for a previous treatment, not for the current garbage rate. Therefore, in the treatment made of said bank account information for the payment of a deferral that does not

contained the completed bank account, there is no legitimate basis on the part of the claimed to use another previous bank account that was listed at a previous time with occasion of the payment of another different tax.

III

Article 83.5 a) of the RGPD, considers that the infringement of “the basic principles for processing, including the conditions for consent under the articles 5, 6, 7 and 9” is punishable, in accordance with section 5 of the aforementioned article 83 of the aforementioned Regulation, with administrative fines of a maximum of €20,000,000 or, in the case of a company, an amount equivalent to a maximum of 4% of the volume of total annual global business of the previous financial year, opting for the one with the highest

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11/12

amount.”

Article 83.7 of the RGPD indicates:

“Without prejudice to the corrective powers of the control authorities under the Article 58(2), each Member State may lay down rules on whether it can, and to what extent, impose administrative fines on authorities and public bodies established in that Member State.

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

b) sanction any person responsible or in charge of the treatment with a warning when the treatment operations have violated the provisions of this Regulation;

d) order the person in charge or in charge of the treatment that the operations of treatment comply with the provisions of this Regulation, where appropriate, in accordance with a specified manner and within a specified time.

The Spanish legal system has chosen not to sanction with a fine those public entities, as indicated in article 77.1. c) and 2. 4. 5. and 6. of the LOPDDGG:

"1. The regime established in this article will be applicable to the treatment of those who are responsible or in charge:

c) The General Administration of the State, the Administrations of the communities autonomous and the entities that make up the Local Administration.

2. When those responsible or in charge listed in section 1 committed any of the infractions referred to in articles 72 to 74 of this organic law, the data protection authority that is competent will issue a resolution sanctioning to them with warning. The resolution will also establish the measures that appropriate to adopt so that the conduct ceases or the effects of the infraction are corrected. would have committed

The resolution will be notified to the person in charge or in charge of the treatment, to the body of which depends hierarchically, where appropriate, and those affected who had the status of interested, if any.

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

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

6. When the competent authority is the Spanish Data Protection Agency,

this will publish on its website with due separation the resolutions referring to the

entities of section 1 of this article, with express indication of the identity of the

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12/12

responsible or in charge of the treatment that had committed the infraction.”

In this sense, the respondent must take note that each tax, or each rate

contains a series of data that the taxpayer must provide, different because it is the

different purpose, especially the account number that in this case was not provided,

and you should know that in the field of data protection in this case the use of an account

bank account for the payment of a tax does not account for the payment of a subsequent fee. By

Therefore, aware of this fact, no specific measures are imposed to correct the

infringement.

The Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE a sanction of WARNING on the PROVINCIAL COUNCIL

DE ALMERÍA, with NIF P0400000F, for an infringement of Article 5.1.a) of the RGPD, of

in accordance with article 83.5 a) of the RGPD.

SECOND: NOTIFY this resolution to the PROVINCIAL DEPARTMENT OF

ALMERIA.

THIRD

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

: COMMUNICATE this resolution to the OMBUDSMAN, of

FOURTH: In accordance with the provisions of art. 90.3 a) of the LPACAP, it may be suspended

precautionary the firm resolution in administrative proceedings if the interested party expresses his

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

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

Spanish Agency for Data Protection, presenting it through the Electronic Registry

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

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

You must also transfer to the Agency the documentation that proves the filing

effectiveness 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 suspension

precautionary

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