

• File No.: EXP202206938

RESOLUTION OF TERMINATION OF THE PROCEDURE FOR PAYMENT

VOLUNTEER

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

BACKGROUND

FIRST: On October 31, 2022, the Director of the Spanish Agency for
Data Protection agreed to initiate a sanctioning procedure against TECNO MOTOR LA
MUELA, S.L.L. (hereinafter, the claimed party), through the Agreement that
transcribe:

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File No.: EXP202206938

AGREEMENT TO START THE SANCTION PROCEDURE

Of the actions carried out by the Spanish Data Protection Agency, and in
based on the following

FACTS

FIRST: D.A.A.A. (hereinafter, the complaining party) dated June 19,
2022 filed a claim with the Spanish Data Protection Agency. The
The claim is directed against TECNO MOTOR LA MUELA, S.L.L. with NIF B42938506
(hereinafter, the claimed party), for the installation of a video surveillance system
located at AVENIDA NUESTRA SEÑORA LA SAGRADA 18, LA MUELA, ZARAGOZA,
there being indications of a possible non-compliance with the provisions of the
Personal data protection.

The reasons for the claim are the following:

The claiming party states that the claimed party is responsible for two chambers

installed in the corner of the facade of a building, which are oriented to public roads, without prior administrative authorization to do so.

Provide images of the location of the cameras.

The documents provided are:

- Photo report

SECOND: In accordance with article 65.4 of Organic Law 3/2018, of 5 December, Protection of Personal Data and guarantee of digital rights (in forward LOPDGDD), said claim was transferred to the claimed party, for C / Jorge Juan, 6

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2/14

to proceed with its analysis and inform this Agency within a month of the actions carried out to adapt to the requirements established in the regulations of Data Protection.

The transfer, which was carried out in accordance with the regulations established in Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations (hereinafter, LPACAP) by electronic notification, was not collected by the respondent, within the period of availability, understood as rejected in accordance with the provisions of art. 43.2 of the LPACAP dated 07/02/2022, as stated in the certificate that works in the file.

Although the notification was validly made by electronic means, assuming that carried out the procedure in accordance with the provisions of article 41.5 of the LPACAP, under information, a copy was sent by postal mail, which was duly notified in date 07/14/2022. In said notification, he was reminded of his obligation to relate

electronically with the Administration, and they were informed of the means of access to said notifications, reiterating that, henceforth, he would be notified exclusively by electronic means.

With dates 07/18/2022, 07/19/2022 and 08/02/2022, written documents are received at this Agency response stating:

The claimed party provides a contract signed with the security company Prosegur.

Provide a photograph of a poster on the facade of the security company. there is no poster video-surveilled area with identification of the person in charge.

It provides capture made by one of the cameras from which it can be deduced that it captures facade and widely public thoroughfare, in all its extension.

It does not provide the capture made by the second camera.

In a new request for information, you are asked to provide a poster, capture the second camera and reduce the space of the first camera.

In his response, only the capture made by one of the cameras is provided.

maras and photographs of a "warning" from surveillance cameras of the security company, but it does not provide a photograph of the existence of the informative poster of the video-surveilled area, clearly stating the identity of the person responsible for the 2-camera system video surveillance (in this case, Tecno Motor La Muela S.L. or name of the person responsible for the system) and management of the same, for the exercise of the recognized rights cided in the data protection regulations, for which the contribution of the same. If the surveillance system records the images, indicate the retention period of this.

The claimed party responds to the new request for information in which it was requested capture of the second camera, reduction of space of the camera provided and poster with identification of the person in charge the following:

Image storage period: 7 days. You have not changed the angle of acquisition

of the camera that was requested, which captures the public thoroughfare in all its breadth; and from the camera who was asked to collect, contributes it, also exceeding what is proportional and appropriate. Provides a poster inside the workshop, in which it identifies the owner and address; but on the exterior posters, located one under each camera, the data is o
erased or blurred

THIRD: On August 4, 2022, in accordance with article 65 of the
LOPDGDD, the claim presented by the claimant party was admitted for processing.

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3/14

FUNDAMENTALS OF LAW

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Competence

In accordance with the powers that article 58.2 of Regulation (EU) 2016/679 (Regulation-
General Data Protection Act, hereinafter GDPR), grants each authority of
control and as established in articles 47, 48.1, 64.2 and 68.1 of the Organic Law
3/2018, of December 5, Protection of Personal Data and guarantee of rights
digital rights (hereinafter, LOPDGDD), is competent to initiate and resolve this process.
procedure the Director of the Spanish Agency for Data Protection.

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 of the
Regulation (EU) 2016/679, in this organic law, by the regulations
comments dictated in its development and, insofar as they do not contradict them, with a sub-
sidiario, by the general rules on administrative procedures."

II

The image is a personal data

The physical image of a person, according to article 4.1 of the GDPR, is personal data and their protection, therefore, is the object of said Regulation. In article 4.2 of the GDPR the concept of "processing" of personal data is defined.

The images generated by a system of cameras or camcorders are quality data. personal character, so its treatment is subject to the regulations for the protection of data.

It is, therefore, pertinent to analyze whether the processing of personal data (image of the natural persons) carried out through the denounced video surveillance system is in accordance with the provisions of the GDPR.

II

alleged infringement

Article 6.1 of the GDPR establishes the assumptions that allow the use of processing of personal data.

Regarding treatment for video surveillance purposes, article 22 of the LOPDGDD establishes that natural or legal persons, public or private, may carry out the treatment of images through systems of cameras or video cameras with the purpose of preserving the safety of people and property, as well as their facilities.

Article 12.1 of the GDPR indicates that whoever carries out data processing personal, such as the capture of images through a video surveillance system,

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must provide the interested parties with the information indicated in articles 13 and 14 of the GDPR.

In order that the duty of information provided for in article 12 of the GDPR is complies in a concise and understandable manner for the affected party, the aforementioned article 22 of the LOPDGDD foresees in relation to video surveillance a system of "information by layers".

In this sense, the first layer must refer, at least, to the existence of the treatment (video surveillance), the identity of the person responsible, the possibility of exercising the rights provided for in articles 15 to 22 of the GDPR and where to obtain more information about the processing of personal data.

Second layer information should be easily available in one place accessible to the affected person, either an information sheet at a reception, cashier, etc., placed in a visible public space or in a web address, and must refer to the rest of elements of article 13 of the GDPR.

It is not necessary to specify the precise location of the video surveillance equipment.

This duty of information will be understood fulfilled by placing a Information device in a sufficiently visible place, and at least, at the entrances to monitored areas, whether interior or exterior. In case the space video surveillance has several accesses must have said area sign video surveillance in each of them.

This information must be provided in advance -recital 39 of the GDPR-. He

The aim is to make the context of surveillance clear.

The processing of personal data is subject to the rest of the principles of the treatment contained in article 5 of the GDPR. We will highlight the principle of minimization of data contained in article 5.1.c) of the GDPR which provides that

personal data will be "adequate, relevant and limited to what is necessary in relation to for the purposes for which they are processed".

This means that in a specific treatment only personal data can be processed.

opportune, that come to the case and that are strictly necessary to comply with the purpose for which they are processed. The treatment should be adjusted and proportional to the purpose to which it is directed. The relevance in the treatment of the data must be produced both at the time of data collection and in the subsequent treatment that be made of them.

In accordance with the above, the processing of excessive data must be restricted or proceed to their deletion.

The application of the principle of data minimization in the field of video surveillance means that images of the public thoroughfare cannot be captured, since the treatment of images in public places, unless there is government authorization, only

It can be carried out by the Security Forces and Corps.

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5/14

On some occasions, for the protection of private spaces, where cameras installed on facades or inside, may be necessary to ensure the security purpose the recording of a portion of the public thoroughfare.

That is, cameras and camcorders installed for security purposes may not be obtain images of public roads unless it is essential for said purpose, or it is impossible to avoid it due to their location. And in such a case extraordinary, the cameras will only be able to capture the minimum portion necessary to

preserve the safety of people and property, as well as its facilities.

In no case will the use of surveillance practices be accepted beyond the target environment.

of the installation and, in particular, not being able to affect public spaces

surroundings, adjoining buildings and vehicles other than those that access the space

guarded.

Installed cameras cannot get images from third-party proprietary space

and/or public space without duly accredited justified cause, nor can they affect the

privacy of passers-by who move freely through the area.

It is not allowed, therefore, the placement of cameras towards the private property of

neighbors with the purpose of intimidating them or affecting their private sphere without cause

justified.

Nor can images be captured or recorded in spaces owned by third parties without

the consent of their owners, or, where appropriate, of the people who are in them

find.

Likewise, it is disproportionate to capture images in private spaces, such as

changing rooms, lockers or rest areas for workers.

IV.

Video surveillance obligations

In accordance with the foregoing, the processing of images through a system of

video surveillance, to be in compliance with current regulations, must meet the requirements

following:

1.- Individuals or legal entities, public or private, can establish a system

video surveillance in order to preserve the safety of people and property,

as well as its facilities.

It must be assessed whether the intended purpose can be achieved in another less intrusive way.

for the rights and freedoms of citizens. Personal data should only be processed

be carried out if the purpose of the processing cannot reasonably be achieved by other means.

god, recital 39 of the GDPR.

2.- The images obtained cannot be used for a subsequent incompatible purpose

with which he motivated the installation of the video surveillance system.

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6/14

3.- The duty to inform those affected provided for in articles

12 and 13 of the GDPR, and 22 of the LOPDGDD.

In this sense, article 22 of the LOPDGDD provides in relation to video surveillance a

“layered information” system.

The first layer must refer, at least, to the existence of the treatment (video surveillance).

cia), the identity of the person in charge, the possibility of exercising the rights provided for in

Articles 15 to 22 of the GDPR and where to obtain more information about the processing

of personal data.

This information will be contained in a device placed in a sufficiently

visible and must be provided in advance.

The information from the second layer must be available in an easily accessible place.

available to the affected person, either an information sheet at a reception, cashier, etc., placed

in a visible public space or in a web address, and must refer to the rest of the elements

ments of article 13 of the GDPR.

4.- The treatment of images through the installation of camera systems or

video cameras must be lawful and comply with the principle of proportionality and the principle of mini-

Data optimization, in the terms already indicated.

5.- The images may be kept for a maximum period of one month, except in those cases in which they must be kept to prove the commission of acts that violate against the integrity of people, property or facilities.

In this second case, they must be made available to the competent authority. within a maximum period of 72 hours from the knowledge of the existence of the recording company.

6.- The person in charge must keep a record of the activities of the treatments carried out. two under its responsibility in which the information to which it refers is included Article 30.1 of the GDPR.

7.- The person in charge must carry out a risk analysis or, where appropriate, an evaluation of impact on data protection, to detect those derived from the implementation of the video surveillance system, assess them and, where appropriate, adopt security measures appropriate.

8.- When a security breach occurs that affects camera treatments, gangs for security purposes, whenever there is a risk to the rights and freedoms of natural persons, you must notify the AEPD within a maximum period of 72 hours. A security breach is understood to be the destruction, loss or accidental alteration or unlawful transfer of personal data, stored or otherwise processed, or the co-communication or unauthorized access to said data.

9.- When the system is connected to an alarm center, it can only be installed by a private security company that meets the requirements set forth in article 5 of Law 5/2014 on Private Security, of April 4.

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The Spanish Data Protection Agency offers through its website

[<https://www.aepd.es>] access to:

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the legislation on the protection of personal data, including the GDPR

and the LOPDGDD (section "Reports and resolutions" / "regulations"),

the Guide on the use of video cameras for security and other purposes,

the Guide for compliance with the duty to inform (both available at the

section "Guides and tools").

It is also of interest, in case of carrying out low-risk data processing, the

free tool Facilitates (in the "Guides and tools" section) that, through

specific questions, allows to assess the situation of the person in charge with respect to the work

processing of personal data that it carries out, and where appropriate, generate various documents

ments, informative and contractual clauses, as well as an annex with security measures.

indicative security considered minimum.

V

Possible administrative offense

In accordance with the evidence available at the present time of

agreement to start the disciplinary procedure, and without prejudice to what results from the

instruction, it is considered that the facts exposed violate the provisions of the

Articles 5.1.c) and 13 of the GDPR, so they could imply the commission of paths

offenses typified in article 83.5 of the GDPR, which provides the following:

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

paragraph 2, with administrative fines of a maximum of EUR 20,000,000 or, in the case of

of a company, in an amount equivalent to a maximum of 4% of the volume of overall annual total business of the previous financial year, opting for the one with the highest amount:

- a) the basic principles for the treatment, including the conditions for the consent under articles 5, 6, 7 and 9;
- b) the rights of the interested parties in accordance with articles 12 to 22; (...).

For the purposes of the limitation period for infringements, the infringements indicated in the previous paragraph are considered very serious in accordance with article 72.1 of the LOPDGDD, which states that:

"Based on what is established in article 83.5 of Regulation (EU) 2016/679, are 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:

- a) The processing of personal data in violation of the established principles and guarantees in article 5 of Regulation (EU) 2016/679.
- b) The processing of personal data without the fulfillment of any of the conditions of legality of the treatment established in article 6 of Regulation (EU) 2016/679.

(...)

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8/14

- h) The omission of the duty to inform the affected party about the processing of their data personal in accordance with the provisions of articles 13 and 14 of Regulation (EU) 2016/679 and 12 of this Organic Law."

SAW

Sanction proposal

Article 58.2 of the GDPR establishes:

"Each control authority will have all the following corrective powers

indicated below:

(...)

d) order the person in charge or person in charge of treatment that the operations of

treatment comply with the provisions of this Regulation, where appropriate,

in a certain way and within a specified period;

(...)

i) impose an administrative fine in accordance with article 83, in addition to or instead of the

measures mentioned in this section, according to the circumstances of each case

particular".

According to the provisions of article 83.2 of the GDPR, the measure provided for in article 58.2.

d) of the aforementioned Regulation is compatible with the sanction consisting of a fine

administrative.

With regard to violations of articles 5.1.c) and 13 of the GDPR, taking into account the

exposed facts and without prejudice to what results from the instruction of the procedure,

it is considered that the sanction that would correspond to be imposed is an administrative fine.

The fine imposed must be, in each individual case, effective, proportionate

and dissuasive, in accordance with the provisions of article 83.1 of the GDPR.

In order to determine the administrative fine to be imposed, the provisions must be observed

of article 83.2 of the GDPR, which indicates:

"2. Administrative fines will be imposed, depending on the circumstances of each

individual case, in addition to or in lieu of the measures contemplated in article

58, paragraph 2, letters a) to h) and j). When deciding to impose an administrative fine and

its amount in each individual case shall 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 as the number of interested parties affected and the level of damages they have suffered;
- b) intentionality or negligence in the infringement;
- c) any measure taken by the controller or processor to mitigate the damages and losses suffered by the interested parties;
- d) the degree of responsibility of the data controller or processor, given account of the technical or organizational measures that they have applied by virtue of the articles 25 and 32;
- e) any previous infringement committed by the controller or processor;
- f) the degree of cooperation with the supervisory authority in order to remedy the infringement and mitigate the possible adverse effects of the infringement;

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9/14

- 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 controller or processor notified the infringement and, if so, to what extent;
- i) when the measures indicated in article 58, paragraph 2, have been ordered previously against the person in charge or the person in charge in relation to the same matter, compliance with said measures;
- j) adherence to codes of conduct under article 40 or to mechanisms of certification approved in accordance with article 42,

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”.

For its part, in relation to letter k) of article 83.2 of the GDPR, the LOPDGDD, in its Article 76, "Sanctions and corrective measures", provides:

"1. The sanctions provided for in sections 4, 5 and 6 of article 83 of the Regulation (UE) 2016/679 will be applied taking into account the established graduation criteria in section 2 of said article.

2. In accordance with the provisions of article 83.2.k) of Regulation (EU) 2016/679 also may be taken into account:

- a) The continuing nature of the offence.
- b) Linking the offender's activity with data processing personal.
- c) The benefits obtained as a consequence of the commission of the infraction.
- d) The possibility that the conduct of the affected party could have included the commission of the infraction.
- e) The existence of a merger by absorption process subsequent to 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 data protection delegate.
- h) Submission by the person responsible or in charge, on a voluntary basis, to alternative conflict resolution mechanisms, in those cases in which there are controversies between those and any interested party”.

The balance of the circumstances contemplated, with respect to the infractions committed by violating the provisions of articles 5.1 c) and 13 of the GDPR, allows to set

As an initial assessment, a fine of 300 euros (three hundred euros), and another of 300 euros

(three hundred euros), respectively.

It must be remembered that the voluntary payment of the proposed amounts does not exempt
accredit the regularization of the video surveillance system, in accordance with the
regulations in force.

VII

possible measures

If the infringement is confirmed, it could be agreed to impose on the person responsible the adoption of
adequate measures to adjust its performance to the regulations mentioned in this act,
in accordance with the provisions of the aforementioned article 58.2 d) of the GDPR, according to which each
control authority may "order the person in charge or person in charge of the treatment that the

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10/14

processing operations comply with the provisions of this Regulation,

where appropriate, in a specified manner and within a specified period...".

In such a case, in the resolution that is adopted, this Agency may require the person in charge
so that within the period to be determined:

Evidence of having removed the system of cameras or video cameras from the place
or to its reorientation, in such a way that the viewing of the images that are
observe evidence that common areas of the dwelling are not captured, the dwelling
adjoining or public thoroughfare.

It is noted that not meeting the requirements of this body may be considered
classified as an administrative infraction in accordance with the provisions of the GDPR, typified
as an infraction in its article 83.5 and 83.6, being able to motivate such conduct the opening of

a subsequent administrative sanctioning procedure.

VIII

Conclusion

Therefore, in accordance with the foregoing, the Director of the Spanish Agency of Data Protection,

AGREES:

FIRST: INITIATE SANCTION PROCEDURE against the entity TECNO MOTOR LA MUELA, S.L.L., with NIF B42938506, for the alleged violation of articles 5.1.c) and 13 of the GDPR, typified in article 83.5.a) and b) of the GDPR.

SECOND: APPOINT as instructor R.R.R. and, as secretary, to S.S.S., indicating when any of them may be challenged, where appropriate, in accordance with the provisions in articles 23 and 24 of Law 40/2015, of October 1, on the Legal Regime of Public Sector (LRJSP).

THIRD: INCORPORATING into the disciplinary file, for evidentiary purposes, the claim petition filed by the claimant and its documentation, as well as the documents data obtained and generated by the General Sub-directorate of Data Inspection in the actions carried out prior to the start of this sanctioning procedure dor.

FOURTH: THAT for the purposes provided for in art. 64.2 b) of Law 39/2015, of 1 October, of the Common Administrative Procedure of Public Administrations (in hereinafter, LPACAP), the corresponding sanction would be €300 for each one of the offenses committed, which makes a total of €600 (six hundred euros), without prejudice to what results from the instruction.

FIFTH: NOTIFY this agreement to TECNO MOTOR LA MUELA, S.L.L., with NIF B42938506, granting a hearing period of ten business days to formulate the allegations and present the evidence it deems appropriate. In his writing

of allegations must provide their NIF and the number of the procedure that appears in the heading of this document.

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11/14

If, within the stipulated period, he does not make allegations to this initial agreement, the same may be considered a resolution proposal, as established in article

64.2.f) of the LPACAP.

In accordance with the provisions of article 85 of the LPACAP, you may recognize your responsibility within the period granted for the formulation of allegations to the present initiation agreement; which will entail a reduction of 20% of the sanction that should be imposed in this proceeding. With the application of this reduction, the penalty would be established at €480 (four hundred and eighty euros), resolving the procedure with the imposition of this sanction.

In the same way, it may, at any time prior to the resolution of this procedure, carry out the voluntary payment of the proposed sanction, which will mean reduction of 20% of its amount. With the application of this reduction, the sanction would be established at €480 (four hundred and eighty euros), and its payment will imply the completion of the procedure.

The reduction for the voluntary payment of the penalty is cumulative to the corresponding apply for acknowledgment of responsibility, provided that this acknowledgment of the responsibility is revealed within the period granted to formulate allegations at the opening of the procedure. Voluntary payment of the referred amount in the previous paragraph may be done at any time prior to the resolution. In

In this case, if both reductions were to be applied, the amount of the penalty would remain set at €360 (three hundred and sixty euros).

In any case, the effectiveness of any of the two aforementioned reductions will be conditioned to the withdrawal or resignation of any action or appeal via administrative against the sanction.

In the event that you choose to proceed with the voluntary payment of any of the amounts indicated above (€480 or €360), you must make it effective by depositing in the account number ES00 0000 0000 0000 0000 0000 opened in the name of the Agency Spanish Data Protection Agency at the bank CAIXABANK, S.A., indicating in the concept the reference number of the procedure that appears in the heading of this document and the reason for reducing the amount to which welcomes. Likewise, you must send proof of income to the General Subdirectorate of Inspection to continue with the procedure in accordance with the quantity entered.

The disciplinary procedure will have a maximum duration of nine months from from the date of the start agreement or, where appropriate, the start agreement project.

After this period, its expiration will occur and, consequently, the file of performances; in accordance with the provisions of article 64 of the LOPDGDD.

In compliance with articles 14, 41 and 43 of the LPACAP, it is noted that, as regards successively, the notifications that are sent to you will be made exclusively in a electronically, through the Unique Authorized Electronic Address (dehu.redsara.es) and the Electronic Notification Service (notifications.060.es), and that, if you do not access their rejection will be recorded in the file, considering the process completed and following the procedure. You are informed that you can identify before this Agency a

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12/14

email address to receive the notice of making the news available

cations and that failure to follow this notice will not prevent the notice from being considered fully valid.

Finally, it is noted that in accordance with the provisions of article 112.1 of the LPACAP,

There is no administrative appeal against this act.

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Director of the Spanish Data Protection Agency

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SECOND: On November 23, 2022, the claimed party has proceeded to the payment of the penalty in the amount of 360 euros making use of the two reductions provided for in the initiation Agreement transcribed above, which implies the recognition of responsibility.

THIRD: The payment made, within the period granted to formulate allegations to the opening of the procedure, entails the waiver of any action or appeal via against the sanction and acknowledgment of responsibility in relation to the facts referred to in the Commencement Agreement.

FOURTH: In the previously transcribed initiation agreement, it was indicated that, if Once the infringement is confirmed, it could be agreed to impose on the controller the adoption of adequate measures to adjust its performance to the regulations mentioned in this act, in accordance with the provisions of the aforementioned article 58.2 d) of the GDPR, according to which each control authority may "order the person in charge or person in charge of the treatment that the processing operations comply with the provisions of this Regulation,

where appropriate, in a specified manner and within a specified period...".

Having recognized the responsibility for the infringement, the imposition of the measures included in the Initiation Agreement.

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Competence

In accordance with the powers that article 58.2 of Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter GDPR), grants each control authority and as established in articles 47, 48.1, 64.2 and 68.1 of the Organic Law 3/2018, of December 5, Protection of Personal Data and guarantee of digital rights (hereinafter, LOPDGDD), is competent to initiate and resolve this procedure the Director of the Spanish Agency for Data Protection.

Likewise, article 63.2 of the LOPDGDD determines that: "The procedures processed by the Spanish Data Protection Agency will be governed by the provisions

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13/14

in Regulation (EU) 2016/679, in this organic law, by the provisions regulations dictated in its development and, insofar as they do not contradict them, with character subsidiary, by the general rules on administrative procedures."

II

Termination of the procedure

notification of

Article 85 of Law 39/2015, of October 1, on Administrative Procedure

Common for Public Administrations (hereinafter, LPACAP), under the heading

"Termination in disciplinary proceedings" provides the following:

"1. Initiated a disciplinary procedure, if the offender acknowledges his responsibility,

The procedure may be resolved with the imposition of the appropriate sanction.

2. When the sanction has only a pecuniary nature or it is possible to impose a

pecuniary sanction and another of a non-pecuniary nature but the

inadmissibility of the second, the voluntary payment by the presumed perpetrator, in

any moment prior to the resolution, will imply the termination of the procedure,

except in relation to the replacement of the altered situation or the determination of the

compensation for damages caused by the commission of the offence.

3. In both cases, when the sanction is solely pecuniary, the body

competent to resolve the procedure will apply reductions of at least 20%

on the amount of the proposed sanction, these being cumulative among themselves. The aforementioned

reductions, must be determined in

initiation of

procedure and its effectiveness will be conditioned to the withdrawal or resignation of

any administrative action or resource against the sanction.

The percentage reduction provided for in this section may be increased

according to regulations."

According to what has been stated,

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: DECLARE

in accordance with the provisions of article 85 of the LPACAP.

SECOND: REQUEST TECNO MOTOR LA MUELA, S.L.L. so that within

one month notify the Agency of the adoption of the measures described in the

legal foundations of the initiation agreement transcribed in this resolution.

THIRD: NOTIFY this resolution to TECNO MOTOR LA MUELA, S.L.L..

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

Resolution will be made public once the interested parties have been notified.

Against this resolution, which puts an end to the administrative process as prescribed by the

art. 114.1.c) of Law 39/2015, of October 1, on Administrative Procedure

Common of Public Administrations, interested parties may file an appeal

administrative litigation before the Administrative Litigation Chamber of the Court

termination of procedure EXP202206938, of

the

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14/14

National, in accordance with the provisions of article 25 and section 5 of the provision

additional fourth of Law 29/1998, of July 13, regulating the Jurisdiction

Contentious-Administrative, within a period of two months from the day following the

the notification of this act, as provided for in article 46.1 of the aforementioned Law.

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Mar Spain Marti

Director of the Spanish Data Protection Agency

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