

□ Procedure No.: PS/00080/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) on 10/24/2019 filed

claim before the Spanish Agency for Data Protection directed against the

CITY COUNCIL OF ***LOCALITY.1 with NIF P2817100G (hereinafter, the claimed).

The reasons on which the claim is based are: "I have had some threats from a man,
who is wanted and arrested, and he threatens and coerces me into giving him money that
corresponds to him, and he has given me my address in *** LOCATION.1, threatening me
that he knows where I live, and that I will know what is good." "When I went to see why this man could
know my address, I verified that the city council of ***LOCALIDAD.1 has published in
Internet, my name, surnames and address, by the government agreement by which I
grant some building licenses, in the agreement of the governing board of ***DATE.1." "I have
I went to the town hall to see if they could withdraw my data, and they told me no
it is possible, because it is a government transparency law, and that they have to publish it, and
that not having put my ID is enough, something to which I am not at all
I agree, because they are exposing me, what is more, putting my name and surname, that is what
first that appears on the internet, that is, my address."

Provides:

a) "Partial" copy of proceedings in the report completed by the Civil Guard, of
08/17/2019, denouncing extortion, threats for profit that occurred on
08/14/2019.

b) Written to the respondent, with entry on 08/19/2019, indicating that due to a problem

problem of threats suffered, his name associated with the domi-

Council through the transparency portal of the ordinary session held by the Board of Governors.

government of ***DATE.1

SECOND: In view of the facts denounced in the claim and the documents

provided by the claimant, the claim was transferred to the CITY COUNCIL OF ***LO-

CALIDAD.1 on 11/28/19 by Notific@ and notification completed the same day. Trans-

Over time, there was no answer.

THIRD: On 04/02/2020, access is made to the website of the claimed party and in the section

of "transparency", it is confirmed that there is a section of the Local Government Board in which

it is accessed and titles of minutes from 2016 to 2020 appear. It is entered in 2016 and it is verified that

The record object of the claim appears. The printing of said documents is incorporated into the procedure.

steps, and the record integrates, appearing as an object associated with the name XXXX web access

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

2/14

two April 20. Likewise, it appears at the bottom of each sheet of the minutes, the literal that "the data have been dissociated" although these appear in full.

The record refers to the matter of a major work permit, the number of the file, and the agreement

certificate of granting of the license by the Local Government Board with the name and

surnames of the claimant to execute works consisting of legalization of single-family housing

Liar isolated, identifying the street, number and municipal area.

FOURTH: On 06/9/2020, the Director of the Spanish Agency for the Protection of

Data agreed to initiate a sanctioning procedure to warn the defendant, for the

alleged infringement of article 5.1.f) of the RGPD, related to article 5 of the

LOPDGDD, in accordance with article 83.5 a) of the RGPD.

FIFTH: On 07/08/2020, the respondent made the following allegations:

1) Refers to search engine results to locate results on internet, indicating that with the claimant's data no results have been found such as consequence of this search.

They have also checked if there was metadata in the file on their transparency portal likely to be indexed by search engines on the Internet, not locating that its content had been subject to indexing by Internet browser.

2) Indicates that when the publication of administrative acts is necessary, they will follow the provided in the seventh additional provision of the Organic Law 3/2018 of 5/12 of Protection of personal data, guarantee of digital rights. What document two provide a protocol called "transparency procedure and Personal data protection".

3) States that they have drafted and incorporated a protocol for the care of the exercise of the rights recognized by the current legislation on Data Protection on 12/23/2019 attaching it as document three.

4) Indicates that the Data Protection Delegate is proceeding to verify each of the agreements of the Governing Board incorporated in the transparency portal, detecting that the dissociation of personal data had not been carried out in its day as as established in the footer of each of the documents of the Governing Boards, "adopting actions of censorship in all the agreements of the Governing Board of years 2016 to 2019 by hiding the personal data of people physical applicants as well as applying DNI data minimization criteria in accordance with the recommendations of the AEPD." These operations began in February 2020. Indicates that the data of the claimant located in the

page 7 of the minutes of ***DATE.1. Attach as document 4, the written PDF file

amended from the minutes of the Governing Board *** DATE.1 that as of 06/30/2020 was

effectively found on the transparency portal of the City Council. In the document

figure matters, point 2.2.1 major work license, file number 14/16 and there are

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

3/14

crossed out, in the first agreement section, grant the planning license so that

no personal data is visible, the name of the street is also crossed out like this

like the number. In the signature footer, state that this document has been submitted

dissociation of data in compliance with the provisions of Organic Law 15/1999 of 12/13

Personal Data Protection.

SIXTH: On 12/17/2020, a resolution proposal was formulated, proposing:

"That by the Director of the Spanish Agency for Data Protection is sanctioned with

WARNING to the CITY COUNCIL OF ***LOCALITY.1, with NIF P2817100G, for a

infringement of article 5.1.f) of the RGPD, in relation to article 5 of the LOPDGDD, in accordance with

compliance with article 83.5. a) of the RGPD."

Allegations were received on 01/05/2021. They reproduce what has been stated, add

Given that since it is estimated that the measures have been taken to correct the infraction,

file.

PROVEN FACTS

1) The claimant presents the respondent, on 08/19/2019. a request to withdraw

your data exposed in the transparency portal, ordinary session, Governing Board of

***DATE.1, alluding that he may have received threats from an individual upon knowing

said data. It mentions the Data Protection Law and the urgent character.

There is no evidence that a response was given to said request.

two)

The claimant presents a partial copy of the proceedings, in the attestation, completed by the

Civil Guard, of 08/17/2019, denouncing extortion, threats for profit

occurred on 08/14/2019, in ***ADDRESS.1, ***LOCALITY.2, Toledo, the sheet is cut in

statements made by the claimant. Nothing is contained of what was contributed on the

exposure of their data in the transparency portal of the claimed party.

3) The claim was transferred by the AEPD to the claimant on 11/28/2019, without addressing the

requested information. On 04/02/2020, the AEPD Inspection accessed the website on

claimed and in the "transparency" section, it was found that there was a section on "Board

of Local Government" minutes from 2016 to 2020. Click on the 2016 one and check that it appears

the record object of the claim. Likewise, it appears at the bottom of each sheet of the minutes,

the literal that "the data has been dissociated" although these appear in full, without dissociating.

The record refers to the matter of a major work license, the number of the file, and the agreement of

granting of the license by the local Government Board with the name and surnames

of the claimant, to execute works consisting of legalization of an isolated single-family home,

identifying the street, number and municipal term. (the street coincides with the one that appears in the

Civil Guard statement).

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

4/14

4) In accordance with what was stated by the respondent in allegations to the initial agreement, and

this is verified in the document associated with the file (access 16 12 20) has been removed from the

minutes of the Local Government Board exposed in the electronic headquarters, the references to name and surnames, DNI and address of the claimant.

FOUNDATIONS OF LAW

Yo

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

II

In this case, the complaint does not deal with personal data that may be viewed on pages indexed by search engines as referred to in the allegations on claimed, but directly from the transparency content of the claimed page.

This point was also clear in the request to remove the data made by the claimant and that he did not obtain a written response from the respondent.

III

Regarding publicity of municipal activities, article 70 of the Law regulation of the Bases of the Local Regime, (LBRL) in the wording given to it by the Law 57/2003, of 16/12, provides the following:

"1. The plenary sessions of the local corporations are public. Nevertheless, The debate and vote on those matters that may affect the right to vote may be secret. of the citizens referred to in article 18.1 of the Constitution, when so agreed by an absolute majority.

The sessions of the Local Government Board are not public.

2. The agreements adopted by the local corporations are published or notified in the manner provided by law.

3. All citizens have the right to obtain copies and certifications

accrediting the agreements of local corporations and their background, as well as consult the files and records in the terms provided by the development legislation of article 105, paragraph b), of the Constitution. The denial or limitation of this right, in everything that affects the security and defense of the State, the investigation of crimes or the privacy of individuals must be verified by means of a reasoned resolution.”

That the sessions are not public does not add anything about the publication of the acts administrative, since they govern general rules on notification and publicity of the agreements as appropriate (art. 70.2 LBRL).

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

5/14

The regulation referred to by the LBRL can be found in its development rule, Royal Decree 2568/1986, of 11/28, which approves the Organization Regulations, Functioning and Legal Regime of Local Entities.

"Article 229.2

1. The calls and agendas of the plenary sessions will be transmitted to the media god of social communication of the town and will be made public on the Notice Board of the entity.

2. Without prejudice to the provisions of article 70.2 of Law 7/1985, of April 2, the Corporation tion will give summarized publicity of the content of the plenary sessions and of all the agreements two of the Plenary and the Government Commission, as well as the resolutions of the Mayor and the that the Delegates dictate by their delegation.”

Nor is this claim about notification to those affected, be it claim

mante or is a neighbor, but of the publication of minutes containing personal data. Not at all

das the minutes, but specifically those of the Local Government Board. It is also not about of the publication of the notifications of the resolution to the affected claimant, a general issue general on notification of administrative acts.

Nothing is specified about the publication of the minutes, nor about the specific minutes of the Local Government Board. It is only said that they will be published in accordance with what is established the law.

Therefore, if a law allowed publication of the data object of the claim, there would be legitimate basis for exposing the data as it was. If there is no law that allows the exposure, alternatively, we must stick to verifying if there is any other legitimate basis dora that are contained in article 6 of the RGPD. The respondent does not justify that there is any legitimizing basis to fully expose the data of the claimant in the record, in its electronic headquarters, more than the mention of Law 19/2013, of 9/12, of transparency, access to public information and good governance, although it does not detail or motivate why it should prevail by default the publication in all minutes of all personal data as a way of comply with the transparency that it advocates.

IV

Law 39/2015, of 1/10, of the Common Administrative Procedure of the Public Administrations (LPACAP), establishes in article 40.5

“Public Administrations may adopt the measures they consider necessary for the protection of the personal data that appear in the resolutions and administrative acts, when these are addressed to more than one interested party.”

Article 45 of the same rule highlights:

"1. Administrative acts will be published when so established.

the regulations governing each procedure or when advised by reasons of interest public appreciated by the competent body.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

6/14

In any case, the administrative acts will be published, providing this

the effects of the notification, in the following cases:

b) In the case of acts that are part of a selective procedure or competitive competition of any kind. In this case, the call for the procedure must indicate the medium where the successive publications will be made, lacking validity those carried out in different places.

3. The publication of the acts will be carried out in the corresponding official newspaper, according to whatever the Administration from which the act to be notified proceeds.

4. Without prejudice to the provisions of article 44, the publication of acts and communications that, by legal or regulatory provision, must be practiced on bulletin boards or edicts, it will be understood as fulfilled by its publication in the corresponding Official Gazette.”

In the present case, it is not about notification of aspects related to a selective process, but in one case, a license.

v

The basic principles of data protection link the minimization of data, in addition to condition and necessity of the treatment with the purpose in article 5.1 c); “Relative Principles to treatment” ,”Personal data will be:

adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (“data minimization”);

Not specifying what should be the summary that can be published of the sessions plenary sessions, and not making express reference to the publicity of the minutes of the Board of Governors.

Local Government, there is no legal mandate for said summary to offer the same content

do that article 109 prevents the acts, and therefore, the operative part of the agreements that are adopted, and on the other, the essential core of the right to information of the neighbors remains intact as the same always and regardless of the publication of said summary, they can directly exercise the right of access to the information.

The "summary" referred to in said precept recommends eliminating from the same those personal data that are not adequate, pertinent and excessive.

with the purpose of offering "generic" information to the neighbors, and much less de-be contain sensitive personal data.

In this way, it would only be in accordance with the provisions of the pro-data protection the communication of data, through its inclusion on the Internet, the site of the claim made, when it is protected by a regulation with the rank of Law.

By not adequately minimizing the data, exposing it, article 5.1 is violated.

f) of the RGPD "1. The personal data will be: f) "treated in such a way as to guarantee a adequate security of personal data, including protection against unauthorized processing authorized or unlawful and against loss, destruction or accidental damage, through the application of appropriate technical or organizational measures ("integrity and confidentiality")."

Exposure on the website of the defendant, in its transparency section, gives rise to the

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

7/14

breach of the confidentiality bond of the person responsible for the data, its management and treatment for matters over which it is competent. The LOPDGDD indicates in its article 5:

1. Those responsible and in charge of data processing as well as all persons

that intervene in any phase of this will be subject to the duty of confidentiality to the

referred to in article 5.1.f) of Regulation (EU) 2016/679.

2. The general obligation indicated in the previous section will be complementary to the

duties of professional secrecy in accordance with its applicable regulations.

3. The obligations established in the previous sections will be maintained even when

the relationship of the obligor with the person responsible or in charge of the treatment had ended.

The facts consisting of the publication for any person on the aforementioned page

A website of the claimed party supposes an infringement of article 5.1.f) of the RGPD.

SAW

Regarding the fact that the data was exposed to comply with the duty of transparency,

It should be noted that the Preamble of Law 19/2013, of 9/12, on transparency, access to

public information and good governance, in its preamble states that:

“The Law expands and reinforces the obligations of active publicity in different areas.

In terms of institutional, organizational and planning information, it requires the subjects

included in its scope of application is the publication of information regarding the

functions that they develop, the regulations that are applicable to them and their structure

organization, in addition to its planning instruments and the evaluation of its degree of

compliance. In terms of information of legal relevance and that directly affects the

scope of the relations between the Administration and the citizens, the law contains a wide

repertoire of documents that, when published, will provide greater security

legal. Likewise, in the field of information of economic relevance, budgetary

and statistics, a broad catalog is established that must be accessible and understandable for

citizens, given its nature as an optimal instrument for the control of the management and

use of public resources. Lastly, the obligation to publish all the

information that is most frequently the subject of a request for access, so that

Transparency obligations are consistent with the interests of citizens.”

To channel the publication of such an enormous amount of information and facilitate compliance fulfillment of these active publicity obligations and, from the perspective that it cannot be of, on the one hand, talking about transparency and, on the other, not putting in place the appropriate means to facilitate access to disclosed information, the Law contemplates the creation and development of a Portal of Transparency.”

“Chapter II, dedicated to active advertising, establishes a series of obligations for subjects included in the scope of application of Title I, who will have to disseminate certain information without waiting for a specific request from the administrators. At this point it include data on institutional, organizational and planning information of relevance legal and of an economic, budgetary and statistical nature.

In order to decisively favor everyone's access to the information that is disseminated, will create the Transparency Portal, which will include, in addition to the information on which

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

8/14

there is an obligation of active publicity, the one whose access is requested with greater frequency. The Portal will be a meeting and dissemination point, showing a new way of understanding the right of citizens to access public information. I know

It also provides in this point that the General Administration of the State, the Administrations of the Autonomous Communities and the entities that make up the Local Administration may adopt collaborative measures for the fulfillment of their obligations of active advertising.

The aspect of active advertising is developed in the following articles:

Article 5. General principles

1. The subjects listed in article 2.1 will publish periodically and updated the information whose knowledge is relevant to guarantee the transparency of its activity related to the operation and control of public action.
2. The transparency obligations contained in this chapter are understood without prejudice of the application of the corresponding regional regulations or other provisions specific regulations that provide for a broader regime in terms of advertising.
3. The limits to the right of access to information will apply, where appropriate. provided for in article 14 and, especially, the derivative of the data protection of personal nature, regulated in article 15. In this regard, when the information contains specially protected data, advertising will only be carried out prior their dissociation.
4. The information subject to the transparency obligations will be published in the corresponding electronic offices or web pages and in a clear, structured and understandable for those interested and, preferably, in reusable formats. I know establish the appropriate mechanisms to facilitate accessibility, interoperability, the quality and reuse of published information as well as its identification and location.

In the case of non-profit entities that exclusively pursue social or cultural interest and whose budget is less than 50,000 euros, compliance with The obligations derived from this Law may be carried out using electronic means. made available to them by the Public Administration from which most of the public aid or subsidies received.

5. All information will be understandable, easily accessible and free of charge and will be available of people with disabilities in a modality provided by media or in formats adequate so that they are accessible and understandable, in accordance with the principle of

universal accessibility and design for all.”

It follows that the minutes of the local government meeting could be published, but with attention to personal data, and understanding that one thing is the publication of the acts and another its notification to the affected party. The limits are those of article 14, but also the referring to personal data are those contemplated in article 15.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

9/14

Article 14. Limits to the right of access

"1. The right of access may be limited when accessing the information involves a damage to:

- a) National security.
 - b) The defense.
 - c) Foreign relations.
 - d) Public safety.
 - e) The prevention, investigation and punishment of criminal, administrative or disciplinary.
 - f) The equality of the parties in judicial proceedings and effective judicial protection.
 - g) The administrative functions of surveillance, inspection and control.
 - h) Economic and commercial interests.
 - i) Economic and monetary policy.
 - j) Professional secrecy and intellectual and industrial property.
 - k) The guarantee of confidentiality or secrecy required in decision-making processes.
- decision.

l) The protection of the environment.

2. The application of the limits will be justified and proportionate to its object and purpose of protection and will take into account the circumstances of the specific case, especially the concurrence of a higher public or private interest that justifies access.

3. The resolutions that, in accordance with the provisions of section 2, are issued in application of this article will be publicized prior to dissociation of the data of personal nature that they contained and without prejudice to the provisions of section 3 of the article 20, once they have been notified to the interested parties."

Section 2 deals with the "Exercise of the right of access to public information"

Article 15. Protection of personal data

"1. If the requested information contains specially protected data to which refers to section 2 of article 7 of Organic Law 15/1999, of 12/13, on the Protection of Personal Data, access can only be authorized in the event that it is have the express written consent of the affected party, unless said concerned had manifestly made the data public before it was request access.

If the information includes specially protected data referred to in the

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

10/14

section 3 of article 7 of Organic Law 15/1999, of 13/12, or data relating to the commission of criminal or administrative offenses that do not entail a warning to the offender, access can only be authorized if there is the express consent of the affected party or if he was protected by a rule with

law range.

2. In general, and unless in the specific case prevails the protection of personal data or other constitutionally protected rights on the public interest in the disclosure that prevents it, access will be granted to information containing data merely identifying related to the organization, operation or activity body public.

3. When the requested information does not contain specially protected data, the The body to which the request is addressed will grant access prior weighting sufficiently reasoned statement of the public interest in the disclosure of information and the rights of affected whose data appear in the requested information, in particular their right fundamental to the protection of personal data.

For the realization of the aforementioned weighting, said body will take into particular consideration the following criteria:

a) The least damage to those affected derived from the expiration of the established periods in article 57 of Law 16/1985, of June 25, on Spanish Historical Heritage.

b) The justification by the applicants of their request in the exercise of a right or the fact that they have the status of researchers and motivate access for purposes historical, scientific or statistical.

c) The slightest prejudice to the rights of those affected in the event that the documents only contain data of a merely identifying nature.

d) The greatest guarantee of the rights of those affected in the event that the data contained in the document may affect your privacy or your security, or refer to to minors.

4. The provisions of the preceding sections shall not apply if access is made prior dissociation of personal data in such a way as to prevent the identification of affected people.

5. The personal data protection regulations will apply to the treatment

subsequent to those obtained through the exercise of the right of access.”

As a conclusion, it should be noted that the disclosure of the claimant’s data in the

Minutes of the Local Government Board are not produced for the purposes of active publicity at the headquarters

of the transparency portal of the respondent, and does not fit within the foreseen assumptions

as active advertising, since knowledge of the personal data is neither necessary nor proportional.

records of an applicant for a license, with its systematic publication in said records.

Therefore, they do not form part of the information that by law 19/2013 must be published as information.

active training. In addition, the exposure on the website of the claimed person, in open access, reaches a

greater meaning if the multiplier informative effects that are produced are taken into account.

duced through the Internet and its impact on the protection of personal data. The

exposure and disclosure of the data in the open, and by default in the elect-

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

11/14

tronic, transparency violates article 5.1. f) of the RGPD and does not accommodate the transparency

claim alleged by the defendant.

7th

It is convenient to define the scope of the right to data protection that is contained in

Judgment 292/2000. By guaranteeing the power of control over the personal data of the holder

of the same, in the words of the aforementioned Court “the content of the fundamental right to

data protection consists of a power of disposal and control over data

personal information that empowers the person to decide which of these data to provide to a

third party, be it the State or an individual, or what this third party can collect, and that also

allows the individual to know who owns that personal data and for what, being able to object to such possession or use. These powers of disposal and control over data personal, which constitute part of the content of the fundamental right to the protection of data are legally specified in the power to consent to the collection, obtaining and access to personal data, their subsequent storage and treatment, as well as their use or possible uses, by a third party, be it the State or an individual. And that right to consent knowledge and treatment, computerized or not, of personal data, requires as essential complements, on the one hand, the ability to know at all times who has such personal data and to what use it is subjecting them, and, on the other hand, the power oppose such possession and uses.” The fact that the claimant has applied for a license of works cannot imply the renunciation of the right to use their own data by the part claimed as determined by the regulations applicable to the case. In this particular case, there is no legitimizing basis for compliance with the duties of transparency derived from the regulations in force, to expose openly and in the electronic headquarters of transparency, the agreements of the local Government Board with the full data of the applicants.

This constitutes an infringement of article 5.1.f) of the RGPD.

viii

Article 83.5 a) of the RGPD, considers that the infringement of “the basic principles for treatment, including the conditions for consent under articles 5, 6, 7 and 9” is punishable, in accordance with section 5 of the aforementioned article 83 of the Ci-Regulation, with administrative fines of a maximum of €20,000,000 or, in the case of 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 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 provides the following: "Each control authority will have of all the following corrective powers indicated below:

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

12/14

sanction any person responsible or in charge of the treatment with a warning when

a)

where the treatment operations have infringed the provisions of this Regulation;

d)

order the person in charge or in charge of the treatment that the treatment operations compliance with the provisions of this Regulation, where appropriate, of a de-completed manner and within a specified time;

Article 72.1.a) of the LOPDGDD indicates: "Infringements considered very serious

"1. Based on the provisions of article 83.5 of Regulation (EU) 2016/679,

considered very serious and will prescribe after three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following:

The processing of personal data violating the principles and guarantees established

a)

in article 5 of Regulation (EU) 2016/679".

The Spanish legal system has chosen not to sanction with a fine those

public entities, as indicated in article 77.1. c), 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 competent data protection authority will issue a resolution sanctioning the same 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 Agency for Data Protection, 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 responsible or in charge of the treatment that had committed the infraction.”

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

In allegations, news has been received of the purging process of the minutes exposed and published, so that the owner of the data is not known nor is it identifiable based on the purpose of knowledge by the neighbors, reasonable so that the commission of an infraction such as the one analyzed is not repeated, without prejudice to carrying out continuous analysis and evaluation of the disclosure of data by the different platforms that may occur in the performance of the defendant.

Regarding the request to file the infraction that is being processed as corrected during its processing, it must be specified that at the start date of the agreement no it had been corrected, having knowledge later. The correction and adequacy of the treatment does not mean that the infringement has not been committed, and may serve to purge the inaccuracies in the internal procedures of the person in charge of the treatment. Therefore, it is not possible to file the infraction committed.

Therefore,

the Director of the Spanish Data Protection Agency

RESOLVES:

FIRST: IMPOSE the CITY COUNCIL OF ***LOCALITY.1, with NIF P2817100G, by a violation of article 5.1.f) of the RGPD, in relation to article 5 of the LOPDGDD, in accordance with article 83.5. a) of the RGPD, a sanction of warning.

SECOND: NOTIFY this resolution to the CITY COUNCIL OF ***LOCATION.1.

THIRD

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

: COMMUNICATE this resolution to the OMBUDSMAN, of

FOURTH: 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 one month from the day following the notification of this resolution or directly contentious appeal before the Contentious-Administrative Chamber of the National High Court, with 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 two months from the day following the notification of this act, according to the provisions of 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, it may be precautionary suspension of the firm decision in administrative proceedings if the interested party expresses its 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 Agency Spanish Data Protection, presenting it through the Electronic Registry of the Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through one 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

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

14/14

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

Sea Spain Marti

Director of the Spanish Data Protection Agency

938-131120

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es