

□ Procedure No.: PS/00081/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: A.A.A. (hereinafter, the claimant) dated November 12, 2019
filed a claim with the Spanish Data Protection Agency. the claim
is directed against ASSOCIATION OF FRIENDS OF KINGDOMS OF LEGEND MUD with NIF
G87524955 (hereinafter the claimed one).

The reasons on which the claim is based are that the person responsible for the website ***URL.1 does not
indicates the basis of legitimacy of the processing of personal data in its
privacy policy, and uses the access data to make statistics on the use of the
services.

SECOND: Upon receipt of the claim, the Subdirector General for Inspection of
Data proceeded to carry out the following actions:

On January 21, 2020, the claim filed was transferred to the entity claimed.
by the claimant, for its analysis, as well as to inform this Organism about
whether the complainant had been contacted, and the decision made in this regard
to resolve the situation.

The respondent states that "the incidence has been caused by not having the policies of
privacy duly published on our website, although we have always
diligently exercised our obligations regarding the confidentiality of the data
of our users and due attention to the requests we receive for
rectify or delete the data that our players request.

In order to adapt the privacy policy to the current law, an inventory of the data was carried out.

of our users, who according to the regulations, are classified as low risk.

Likewise, it was verified that we have the necessary technical mechanisms so that users can exercise their rights.

Additionally, it was verified that the hosting providers that serve our technical infrastructure also meet the established criteria. “

THIRD: On June 9, 2020, the Director of the Spanish Agency for Data Protection agreed to initiate a sanctioning procedure against the claimant, for the alleged infringement of Article 13 of the RGPD, typified in Article 83.5 of the RGPD.

FOURTH: On June 29, 2020, the agreement to start this procedure, becoming the same in resolution proposal in accordance with Articles 64.2.f) and 85 of Law 39/2015, of October 1, on Procedure Common Administrative System of Public Administrations (LPACAP), by not carrying out claims within the specified period.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

2/5

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

FACTS

FIRST: the person responsible for the website ***URL.1 is reported because it does not indicate the base of legitimacy of the processing of personal data in its privacy policy, and uses the access data to compile statistics on the use of the services.

SECOND: the respondent has not presented any allegation, during the processing of

this sanctioning procedure.

FOUNDATIONS OF LAW

Yo

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 articles 47 and 48 of the LOPDGDD, the Director of The Spanish Agency for Data Protection is competent to initiate and resolve this procedure.

II

Article 13 of the RGPD, a precept that determines the information that must be provided to the interested party at the time of collecting their data, it has:

“1. When personal data relating to him is obtained from an interested party, the responsible for the treatment, at the time these are obtained, will provide you with all the information listed below:

a) the identity and contact details of the person in charge and, where appropriate, of their representative;

b) the contact details of the data protection delegate, if any;

c) the purposes of the treatment to which the personal data is destined and the basis legal treatment;

d) when the treatment is based on article 6, paragraph 1, letter f), the interests legitimate of the person in charge or of a third party;

e) the recipients or the categories of recipients of the personal data, in their case;

f) where appropriate, the intention of the controller to transfer personal data to a third country or international organization and the existence or absence of a decision to adequacy of the Commission, or, in the case of transfers indicated in articles 46 or 47 or article 49, paragraph 1, second paragraph, reference to adequate guarantees

or appropriate and the means to obtain a copy of them or the fact that they have been borrowed.

2. In addition to the information mentioned in section 1, the person responsible for the treatment will facilitate the interested party, at the moment in which the data is obtained information, the following information necessary to guarantee fair data processing and transparent:

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

3/5

a) the period during which the personal data will be kept or, when it is not possible, the criteria used to determine this period;

b) the existence of the right to request from the data controller access to the personal data related to the interested party, and its rectification or deletion, or the limitation of its treatment, or to oppose the treatment, as well as the right to the portability of the data;

c) when the treatment is based on article 6, paragraph 1, letter a), or the Article 9, paragraph 2, letter a), the existence of the right to withdraw consent in any time, without affecting the legality of the treatment based on the consent prior to its withdrawal;

d) the right to file a claim with a supervisory authority;

e) if the communication of personal data is a legal or contractual requirement, or a necessary requirement to sign a contract, and if the interested party is obliged to provide the personal data and is informed of the possible consequences of not providing such data;

f) the existence of automated decisions, including profiling, to which referred to in article 22, paragraphs 1 and 4, and, at least in such cases, information about applied logic, as well as the importance and consequences provisions of said treatment for the interested party.

3. When the controller plans the further processing of data personal data for a purpose other than that for which they were collected, you will provide the interested party, prior to such further processing, information about that other purpose and any additional relevant information pursuant to paragraph 2.

4. The provisions of sections 1, 2 and 3 shall not apply when and in the to the extent that the interested party already has the information.

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

"1. When the personal data is obtained from the affected party, the person responsible for the treatment may comply with the duty of information established in article 13 of Regulation (EU) 2016/679, providing the affected party with the basic information to which refers to the following section and indicating an electronic address or other means that allows easy and immediate access to the rest of the information.

2. The basic information referred to in the previous section must contain, at less:

- a) The identity of the data controller and his representative, if any.
- b) The purpose of the treatment.
- c) The possibility of exercising the rights established in articles 15 to 22 of the Regulation (EU) 2016/679.

If the data obtained from the affected party were to be processed for the preparation of profiles, the basic information will also include this circumstance. In this case, the concerned shall be informed of their right to oppose the adoption of decisions automated individuals that produce legal effects on him or affect him

significantly in a similar way, when this right concurs in accordance with what provided for in article 22 of Regulation (EU) 2016/679.”

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

III

4/5

By virtue of the provisions of article 58.2 of the RGPD, the Spanish Agency for

Data Protection, as a control authority, has a set of powers

corrective measures in the event of a violation of the provisions of the RGPD.

Article 58.2 of the RGPD provides the following:

“2 Each supervisory authority shall have all of the following corrective powers

listed 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 responsible 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;”

“i) impose an administrative fine under article 83, in addition to or instead of

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

particular case;”

Article 74.a) of the LOPDGDD, under the heading "Infringements considered minor

has:

“They are considered minor and the remaining infractions of a legal nature will prescribe after a year.

merely formal of the articles mentioned in sections 4 and 5 of article 83 of the

Regulation (EU) 2016/679 and, in particular, the following:

a)

Failure to comply with the principle of transparency of information or the right

data subject of the affected party for not providing all the information required by the articles

13 and 14 of Regulation (EU) 2016/679.”

IV

In this case, it is taken into account that the respondent collects personal data from

users who fill in the form included in the website ***URL.1 without

provide them, prior to their collection, with all the information regarding

data protection provided for in article 13 of the aforementioned RGPD.

In accordance with the available evidence, it is verified that the

privacy policy is quite complete, but very relevant information is missing: the

referred to the legal basis of the treatment, so we would be facing an infringement of what

provided in article 13 of the RGPD.

This infraction is sanctioned with a warning, in accordance with article 58.2.b)

of the RGPD, when collecting through said form basic data of the users and

consider that the administrative fine that could fall in accordance with the provisions of the

article 83.5.b) of the RGPD would constitute a disproportionate burden for the claimed party,

whose main activity is not directly linked to the processing of personal data,

since there is no record of the commission of any previous infringement in terms of protection of

data.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

5/5

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

the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE THE ASSOCIATION OF FRIENDS OF KINGDOMS OF MUD LEGEND,

with NIF G87524955, for an infringement of article 13 of the RGD, typified in article

83.5 of the RGD, a sanction of warning.

SECOND: TO REQUIRE the claimed party so that within one month they certify

before this body the fulfillment of:

the adoption of the necessary measures to update its "Privacy Policy"

□

Privacy" to current regulations on the protection of personal data,

-Regulation (EU) 2016/679 (RGPD)-, adapting the information offered to the

requirements contemplated in article 13 of the RGD, and must facilitate the

users, prior to the collection of their personal data,

all the information required in the aforementioned precept.

THIRD

OF MUD LEGEND.

: NOTIFY this resolution to the ASSOCIATION OF FRIENDS OF KINGDOMS

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

Resolution will be made public once it has been notified to the interested parties.

Against this resolution, which puts an end to the administrative procedure in accordance with art. 48.6 of

the LOPDGDD, and in accordance with the provisions of article 123 of the LPACAP, the

Interested parties may optionally file an appeal for reconsideration before the Director

of the Spanish Agency for Data Protection within a 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, the firm decision may be provisionally suspended in administrative proceedings if the interested party states its intention to file a contentious-administrative appeal. If this is the

In this case, the interested party must formally communicate this fact in writing addressed to the Spanish Agency for Data Protection, presenting it through the Registry Electronic Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through any of the other records provided for in art. 16.4 of the aforementioned Law 39/2015, of 1 october. You must also transfer to the Agency the documentation that accredits the effective filing of the contentious-administrative appeal. If the Agency did not have knowledge of the filing of the contentious-administrative appeal within two months from the day following the notification of this resolution, I would consider

The precautionary suspension has ended.

Sea Spain Marti

Director of the Spanish Data Protection Agency

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es