

□ Procedure No.: PS/00038/2021

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: MUNICIPAL CONSUMER INSTITUTE OF THE CITY COUNCIL OF

*** LOCATION.1 (hereinafter, the claimant) on July 8, 2020 filed

claim before the Spanish Data Protection Agency.

The claim is directed against A.A.A. with NIE ***NIE.1 (hereinafter, the claimed).

The reasons on which the claim is based are non-compliance with the regulations of
data protection on the website is ***URL.1.

SECOND: In accordance with article 65.4 of Organic Law 3/2018, of 5

December, of Protection of Personal Data and guarantee of digital rights (in

hereinafter LOPDGDD), with reference number E/07900/2020, transfer of

said claim to the claimed party, on October 7, 2020, so that he could proceed with his

analysis and report to this Agency within a month, of the actions carried out

carried out to adapt to the requirements set forth in the data protection regulations,

with no reply to date.

THIRD: On March 10, 2021, 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 March 25, 2021, the respondent provides documentation proving

that your website is not ***URL.1, but ***URL.2 and that no data is collected on it
personal.

In view of everything that has been done, by the Spanish Data Protection Agency

In this proceeding, the following are considered proven facts:

FACTS

FIRST: It is manifested by the MUNICIPAL INSTITUTE OF CONSUMPTION OF THE CITY COUNCIL OF ***LOCALITY.1 Non-compliance with the regulations of data protection by the claimed on the website ***URL.1.

SECOND: With the documentation sent by the claimed party, it is accredited that the web page of its ownership is not ***URL.1, but ***URL.2 and that it does not collect personal data.

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FOUNDATIONS OF LAW

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The Director of the Spanish Agency is competent to resolve this procedure.

Data Protection, in accordance with the provisions of art. 58.2 of the GDPR and in the art. 47 and 48.1 of LOPDGDD.

II

The defendant was charged with the commission of an infraction for violation of article 13 of the RGPD, considering him the owner of the website ***URL.3, which breached the data protection regulations by not having a privacy policy, which meant the infringement of article 83.5 b) of the RGPD.

III

Although it has been found that the ***URL.3 website does not have a Privacy Policy Privacy or equivalent document, it has been verified that the respondent is the owner of

the web page ***URL.2 and not the page ***URL.1, and that on the web page of your ownership, no personal data is collected.

Therefore, after learning of these facts, the Director of the Agency

Spanish Data Protection RESOLVES:

FIRST: PROCEED TO FILE these proceedings.

SECOND: NOTIFY this resolution to the claimant and claimed.

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 as prescribed by

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

Common to Public Administrations, and in accordance with the provisions of the

art. 112 and 123 of the aforementioned Law 39/2015, of October 1, interested parties may

file, optionally, an appeal for reconsideration before the Director of the Agency

Spanish Data Protection Authority within a month from the day

following the notification of this resolution or directly contentious appeal

before the Contentious-Administrative Chamber of the National High Court,

in accordance with the provisions of article 25 and paragraph 5 of the provision

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

Contentious-Administrative, within two months from the day after

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

Sea Spain Marti

Director of the Spanish Data Protection Agency

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