

□ Procedure No.: PS/00078/2020

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) dated October 10, 2019

filed a claim with the Spanish Data Protection Agency. The

claim is directed against B.B.B. with NIF ***NIF.1 (hereinafter, the claimed one),

responsible for the website ***URL.1 for alleged violation of the regulations of

Data Protection. The grounds on which the claim is based are as follows:

“[...] when I signed up for your Newsletter I was not informed at any time of the

purpose of these data, neither the person responsible for processing the information, nor the

file, nothing. Days later I bought an item from this store and wanted to return it

why the wrong item served me and when I looked for the withdrawal form

I couldn't find it because it doesn't have one. At the time of registering, there is no information

the purpose of the data entered, the person responsible for processing my data, the

time you will have my data, etc.”

SECOND: Prior to the acceptance of this claim for processing, it is

transferred the claimed, in accordance with the provisions of article 65.4 of the Law

Organic 3/2018, of December 5, on the Protection of Personal Data and guarantee of

digital rights (hereinafter, LOPDGDD), being notified on

03/12/2019/2019.

No response has been received from the respondent.

THIRD:

Accessed on March 23, 2020 the website

<https://goncabass.es>, it is verified that the page is active and the diligence in order to incorporate into the file capture of the main page where the section on subscription to the newsletter appears, as well as paths impressions of the privacy policy page and the creation page bill.

FOURTH: On March 23, 2020, the application of the AEPD is consulted and verified that the only sanctioning procedure in which the mercantile B.B.B. with NIF ***NIF.1, is the present procedure.

FIFTH: On March 30, 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 article 57.1 of Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter RGPD), typified in the article 83.5 of the RGPD.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

2/14

SIXTH: Once the aforementioned initiation agreement was notified on June 4, 2020, the defendant has not filed any arguments.

SEVENTH: On September 17, 2020, the website ***URL.1 is accessed in order to check the situation of the mentioned page in relation to the diligence carried out on March 23, 2020, making impressions of the policy privacy and account creation page, as well as a screenshot of what concerning the newsletter that appears on the home page. Diligence is carried out inclusion in the file of these verifications.

EIGHTH: On September 18, 2020, a resolution proposal was formulated, proposing that the defendant be imposed a sanction of warning, for a infringement of article 13 of the RGPD, typified in article 83.5 of the same regulation.

The respondent has not submitted arguments to this proposal.

NINTH: On December 3, 2020, the website is accessed <https://goncabass.es> in order to check the status of the aforementioned page in relation to the diligence carried out on September 18, 2020, carrying out impressions of the privacy policy and screenshot of the home page. is done diligence of incorporation to the record of these verifications.

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: The checks related to aspects of the privacy policy of the website <https://goncabass.es> held on March 23, 2020, they highlighted manifest the following:

- The content of the privacy policy was not adapted to the RGPD and the

LOPDGDD, continuing to refer to Law 15/1999, of December 13, of

Personal data protection. Its content was as follows:

"Privacy Policy

Company name: B.B.B.

Trade Name: ***URL.1

Registered Office: Street ***ADDRESS.1, Madrid

CIF / NIF: ***NIF.1

Phone: ***PHONE.1

e-Mail: ***EMAIL.1

In accordance with the provisions of Organic Law 15/1999, on Data Protection

of Personal Character (LOPD) and its development regulations, the person in charge of the site website, in compliance with the provisions of art. 5 and 6 of the LOPD, informs all users of the website who provide or are going to provide their personal data, that these will be incorporated into an automated file that is duly registered in the Spanish Agency for Data Protection.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

3/14

Users, by checking the box, expressly and expressly accept free and unequivocal that your personal data be processed by the provider to perform the following purposes:

1. Sending commercial advertising communications by e-mail, fax, SMS, MMS, social communities or any other electronic or physical means, present or future, that enables commercial communications. Said communications commercial will be related to products or services offered by the provider, as well as by the collaborators or partners with whom he had reached some commercial promotion agreement among its clients. In this case, third parties will never have access to personal data. In any case the commercial communications will be made by the provider and will be products and services related to the provider's sector.
2. Carry out statistical studies.
3. Process orders, requests or any type of request that is made by the user through any of the contact forms that are made available of the user on the company's website.

4. Submit the website newsletter.

The provider expressly informs and guarantees users that their data personal information will not be transferred in any case to third companies, and that whenever were to carry out some type of transfer of personal data, in advance, would request the express, informed, and unequivocal consent of the Headlines.

All the data requested through the website are mandatory, since they are necessary for the provision of an optimal service to the user. If not all data is provided, the provider does not guarantee that the information and services provided are completely adjusted to your needs.

The provider guarantees in any case to the user the exercise of the rights of access, rectification, cancellation, information and opposition, in the terms provided in the current legislation. Therefore, in accordance with the provisions of the Organic Law 15/1999, on the Protection of Personal Data (LOPD) may exercise its rights by sending an express request, together with a copy of your DNI, through the following media:

- E-Mail: ***EMAIL.1

In the same way, the user may unsubscribe from any of the services of subscription provided by clicking on the unsubscribe section of all emails sent by the provider.

In the same way, the provider has adopted all the technical and organization necessary to guarantee the security and integrity of the data of personal character that it treats, as well as to avoid its loss, alteration and/or access by part of unauthorized third parties.”

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

4/14

- The privacy policy information was offered in an accessible hyperlink

both from the main page and at the time of creation of the account

Username.

- The subscription to the newsletter that could be done from the main page does not

offered the possibility of accepting the privacy policy prior to the

introduction of the email data while this possibility was collected

for the optional subscription to the newsletter from the creation page of the

user account.

SECOND: The checks carried out on September 17,

2020 showed the following:

- It has been decided to display the basic and additional information on the same page

accessible from a hyperlink displayed both from the main page and in the

time of creation of the user account.

- Updating of the privacy policy. On that date the content of the same is

the next:

“PRIVACY AND DATA PROTECTION POLICY

In compliance with Regulation (EU) 2016/679 of the European Parliament and the

Council, of April 27, 2016, regarding the protection of natural persons in relation to

regarding the processing of personal data, which repeals the directive

95/46/CE (hereinafter, RGPD), of Law 34/2002, of July 11, on services of the

information society and electronic commerce (hereinafter, LSSI-CE) and the

Organic Law 3/2018, on the Protection of Personal Data and guarantee of rights

digital, B.B.B. guarantees the protection and confidentiality of personal data,

any type provided by our customers, in accordance with the provisions of

the General Regulation for the Protection of Personal Data.

The Data Protection Policy of B.B.B. rest on the principle of

proactive responsibility, according to which the Data Controller is

responsible for compliance with the regulatory and jurisprudential framework, being able to

prove it to the corresponding control authorities.

The data provided will be treated in the terms established in the RGPD, in this

sense B.B.B. has adopted the levels of protection that are legally required, and has

installed all the technical measures at its disposal to prevent loss, misuse,

alteration, unauthorized access by third parties, set out below. Nevertheless,

The user must be aware that security measures on the Internet are not

impregnable.

Responsible for the treatment: Who are we?

Denomination: B.B.B. CIF: ***NIF.1

Address: C/ ***ADDRESS.1, Madrid

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

5/14

Phone: ***PHONE.1

Email: ***EMAIL.1

Purpose of the treatment: What will we use your data for?

All data provided by our customers and/or visitors to the B.B.B. or to

your staff, will be included in the record of data processing activities of

personal character, created and maintained under the responsibility of B.B.B.,

essential to provide the services requested by users, or to resolve doubts or questions raised by our visitors. Our policy is not create profiles on the users of our services.

Legitimacy of the treatment: Why do we need your data?

a) Contractual relationship: It is the one that applies when you buy one of our products or Hire one of our services.

b) Legitimate interest: To attend to queries and claims that you raise and to manage the collection of amounts owed.

c) Your consent: If you are a user of our website, by marking the box that appears on the contact form, you authorize us to send you the communications necessary to respond to the query or request for information raised.

Recipients: With whom do we share your data?

We do not transfer your personal data to anyone, except for those entities public or private to which we are obliged to provide your personal data for the purpose of complying with any law. For example, the Tax Law required to provide the Tax Agency with certain information on transactions finances above a certain amount.

In the event that, apart from the aforementioned assumptions, we need to give know your personal information to other entities, we will previously request your permission through clear options that will allow you to decide in this regard.

Communication: Where could we send your data?

We will not make international transfers of your personal data for any of the stated purposes.

Conservation: How long will we keep your data?

We will only keep your personal data for as long as necessary

to achieve the purposes for which they were collected. When determining the appropriate period of conservation, we examine the risks that the treatment, as well as our contractual, legal and regulatory obligations, the www.aepd.es

C/ Jorge Juan, 6

28001 – Madrid

sedeagpd.gob.es

6/14

internal data retention policies and our legitimate business interests

described in this Privacy Notice and Cookies Policy.

In this sense, B.B.B. will keep the personal data once your relationship with you, duly blocked, during the limitation period of the actions that may arise from the relationship maintained with the interested party.

Once blocked, your data will be inaccessible to B.B.B., and will not be treated except for making them available to public administrations, judges and Courts, for the attention of the possible responsibilities arising from the treatments, as well as for the exercise and defense of claims before the Agency Spanish Data Protection.

Security: How are we going to protect your data?

We use all reasonable efforts to maintain the confidentiality of the personal information processed in our systems. We maintain strict standards security to protect the personal data that we process against accidental loss and unauthorized access, treatment or disclosure, given account of the state of technology, the nature and the risks to which they are exposed the data. However, we cannot be held responsible for your use of the data (including username and password) that you use on our website. Our staff

follows strict privacy regulations and in the event that we contract with third parties to provide support services, we require them to abide by the same standards and allow them to be audited to verify their compliance.

Your rights: What rights can you exercise as an interested party?

We inform you that you can exercise the following rights:

a) Right of access to your personal data, to know which ones are being

of treatment and the treatment operations carried out with them;

b) Right to rectify any inaccurate personal data;

c) Right to delete your personal data, when this is possible (for

example, by legal imperative);

d) Right to limit the processing of your personal data when the accuracy,

the legality or necessity of data processing is doubtful, in which case,

We may keep them for the exercise or defense of claims.

e) Right to oppose the processing of your personal data, when the legal basis

that enables us to treat the indicated ones is our legitimate interest.

BBB will stop processing your data unless it has a legitimate interest or it is necessary

for the defense of claims.

f) Right to the portability of your data, when the legal basis that enables us to

their treatment is the existence of a contractual relationship or their consent.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

7/14

g) Right to revoke the consent given to B.B.B.

To exercise your rights, you can do so free of charge and at any

time, by contacting us at C/ ***DIRIMIENTO.1, Madrid,

attaching a copy of your ID.

Protection of rights: Where can you make a claim?

In case you understand that your rights have been disregarded by our entity, you can file a claim with the Spanish Agency for the Protection of Data, through any of the following means:

.- Electronic office: <https://www.aepd.es>

.- Postal mail: Spanish Data Protection Agency, C/ Jorge Juan, 6, 28001,

Madrid .- Telephone: ***TELEPHONE.2 and ***TELEPHONE.3

Filing a claim with the Spanish Data Protection Agency does not entail no cost and the assistance of a lawyer or solicitor is not necessary.

Updates: What changes may there be in this Privacy Policy?

BBB reserves the right to modify this policy to adapt it to legislative or jurisprudential developments that may affect compliance with the same.”

THIRD: The checks carried out on December 3, 2020, show manifest the following aspects:

- The content of the privacy policy is identical to that verified on September 17 of 2020.
- Access to the information in the privacy policy is guaranteed at the time subscription of the newsletter or newsletter from the main page linking said subscription with its acceptance.

FOUNDATIONS OF LAW

Yo

By virtue of the powers that article 58.2 of the RGPD recognizes to each authority of control, and as 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.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

8/14

II

The defendant is imputed the commission of an infraction for violation of article 13 of the RGPD, regarding the information that must be provided when the data is obtained from the interested party, which establishes that:

"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 all the information indicated 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 legal basis of the 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 party 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 the

Articles 46 or 47 or Article 49, paragraph 1, second paragraph, reference to the adequate or appropriate warranties and the means to obtain a copy of these or to 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 personal, the following information necessary to guarantee data processing fair and transparent

- 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 relating 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 portability of the data;
- c) when the treatment is based on article 6, paragraph 1, letter a), or 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;

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

9/14

- 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 personal data and is informed of the possible consequences of not

provide such data;

f) the existence of automated decisions, including profiling, to which referred to in article 22, sections 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 on that other purpose and any additional information relevant under 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.”

The violation of this article is typified as an infringement in article 83.5 of the RGPD, which he considers as such:

“The infractions of the following dispositions 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 a company, an amount equivalent to a maximum of 4% of the global total annual turnover of the previous financial year, opting for the largest amount:

[...] b) the rights of the interested parties under articles 12 to 22; [...].”

For the purposes of the limitation period of the infraction, article 74 of the LOPDGDD establishes:

“They are considered minor and the remaining infractions of a legal nature will prescribe after a year. merely formal of the articles mentioned in paragraphs 4 and 5 of article 83 of Regulation (EU) 2016/679 and, in particular, the following:

[...] a) Failure to comply with the principle of transparency of information or the right of information of the affected party for not providing all the information required by the articles

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

III

In accordance with the evidence provided by the proven facts, it is considers that the respondent maintained the privacy policy of the website <https://goncabass.es> —online store specializing in products related to fisheries—outdated with respect to the provisions of article 13 of the RGD, at least at least until March 23, 2020 and taking into account that the entry into force of the aforementioned standard took place on May 25, 2018. In this way, the information that customers received and accepted at the time of creating an account and facilitating their personal data was not adapted to the provisions of the RGD. Also, the

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

10/14

process of subscribing to the newsletter did not provide the aforementioned information in the time of entering the data of the email.

Currently, although the respondent has updated the Privacy Policy, it is observe the following breaches:

- With regard to the information that article 11.2 of the LOPDGD configures as basic, it is pointed out that the obligation to inform about the purposes of the treatment, in accordance with the provisions of article 13.1.c) of the RGD. Nope However, in the content of the privacy policy that is collected in the fact proven second, there is no express mention of the reference to the purpose of processing consisting of sending advertising or commercial communications related to the activity of the person in charge, even when the possibility of

subscribe to a newsletter or newsletter and therefore it is plausible that

Certain personal data is used for this purpose. by nature itself

of this activity, cannot be considered subsumed in "the services requested by

users, or to resolve doubts or questions raised by our

visitors".

- Regarding the rest of the information that must be provided in accordance with article

13, the following is revealed:

1. By virtue of article 13.1.c) of the RGPD, it is necessary to inform of the legal bases

that legitimize the treatment based on the defined purposes. However, in the

present case, possibly motivated by the fact that the shipment has not been included

of communications as one of the purposes of the processing of personal data

that can be carried out, as indicated above, the person in charge does not

inform about its legitimating base.

2. Article 13.1.e) establishes the obligation to at least describe the categories of

recipients to whom the data will be transferred, without a generic mention. In

In this case, it is stated that the personal data will not be transferred, but

Below is generically mentioned the exception of public entities or

to which you are bound by law, and an example of a

public administration. Therefore, once the possibility of

a transfer to public and private entities, a correct exercise of the duty of

information makes it necessary to describe, at least, the categories of

recipients (if it is not possible to individualize them) of public entities and

private with respect to which the person in charge considers that there may be a

Data transfer obligation.

C/ Jorge Juan, 6

28001 – Madrid

3. Regarding the term of conservation of the personal data obtained from the interested, article 13.2.a) of the RGPD provides that you will be informed about the duration of said period, or if this is not possible, of the criteria taken into account for its determination. In the current privacy policy, a reference is made generic to that the term of conservation will be the necessary one to comply with the purposes, said period being determined by criteria of fulfillment of obligations legal, internal policy and legitimate interests, without describing them. I know makes a generic reference to the fact that the data will be kept once the relationship between client and person in charge, for the determined time of prescription of the Actions. Taking into account that the data obtained from the interested party by the responsible respond to various purposes, a fair and transparent treatment requires that the reference to the term of conservation (or at least the criteria that are going to be taken taken into account to determine it) are individualized for each of the aforementioned purposes.

4. Regarding the information related to the exercise of rights, it is accredited that the person in charge refers to it in its privacy policy, for what can be considered fulfilled the duty of information with basic character. Nope However, the following aspects are noted:

4.1. Article 17 of the RGPD establishes —in its section 1— the cases in which The interested party may request the right to delete the personal data that affect, as well as —in section 3— the situations in which this right of deletion will not apply. The person in charge has chosen to include the consideration generic statement that this right may be exercised when possible and includes as

example the legal imperative. In this regard, it should be noted that even when the fulfillment of a legal obligation in the Law of the Union or of a state member is one of the cases included in article 17.1, a correct exercise of the right to information implies that, if an example is provided, those assumptions that, due to the very nature of the activity carried out by the responsible, have a high probability of occurring over time; namely, the future unnecessary for the purposes for which it was collected or withdrawal of consent mentioned in article 17.1.b).

4.2. Article 21.1 regulates the right to oppose the processing of data whose basis legitimizing is the public interest or the legitimate interest and indicates as assumptions in the that the person in charge would not stop carrying out said treatment those in which "it is proves [by the person in charge] compelling legitimate reasons for the treatment that prevail over the interests, rights and freedoms of the interested party, or for the formulation, exercise or defense of claims. Therefore, it is not correct to declare that in the exercise of the right of opposition in the event that the legitimizing basis of the treatment is the legitimate interest, said treatment would be limited by the very existence of a legitimate interest of the controller. as pointed out the article, the person in charge must prove that his interest prevails over the interests, rights and freedoms of the interested party who has exercised the right of opposition. In another order of things, as regards the material exercise of the rights that assist the interested party, and even when this end is not part of the content of the article 13 of the RGPD whose infringement is imputed in this sanctioning procedure, warns that the only means facilitated for the exercise of those seems to be by

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

postal mail, without taking into consideration the provisions of Recital 59 RGPD

which establishes that «Formulas must be arbitrated to facilitate the interested party the exercise

of their rights under this Regulation, including the mechanisms for

request and, where appropriate, obtain free of charge, in particular, access to data

personal information and its rectification or deletion, as well as the exercise of the right of

opposition. The controller must also provide means for

applications are submitted by electronic means, in particular when the data

data are processed by electronic means [...]”. In this case, a suitable

proportionality would imply that, given that it is possible to obtain data

by electronic means, the exercise of rights can be exercised

also in the same way.

5. Finally, it is pointed out that, taking into account that one of the legitimizing bases is

that relating to the possible contractual obligations that may arise between the

responsible and the potential client, it should be noted whether or not it is mandatory to provide the

personal data, as well as the consequence of not doing so, all under the

article 13.2.e) of the RGPD.

IV

Without prejudice to the provisions of article 83.5 of the RGPD, art. 58.2 b) provides the

possibility of sanctioning with a warning, in relation to what is indicated in the

Recital 148:

“In the event of a minor offence, or if the fine likely to be imposed

would constitute a disproportionate burden for a natural person, rather than

sanction by means of a fine, a warning may be imposed. must however

Special attention should be paid to the nature, seriousness and duration of the infringement, its

intentional nature, to the measures taken to alleviate the damages suffered, the degree of liability or any relevant prior violation, the manner in which that the control authority has been aware of the infraction, compliance of measures ordered against the person responsible or in charge, adherence to codes of conduct and any other aggravating or mitigating circumstance.”

In the present case, when deciding the sanction to be imposed, they have taken into account count the following items,

- ☐ That it is a minor infraction.
- ☐ That the controller is a natural person.
- ☐ That there is no recidivism due to the lack of evidence of the commission of previous infractions.

For all these reasons, it is considered that the sanction that should be imposed is warning, in accordance with the provisions of article 58.2 b) of the RGPD, in relation to what is stated in Considering 148, cited above.

On the other hand, in accordance with the provisions of the aforementioned article 58.2 d) of the RGPD, according to which each control authority may "order the person in charge or in charge of the treatment that the treatment operations comply with the provisions of the

www.aepd.es

C/ Jorge Juan, 6

28001 – Madrid

sedeagpd.gob.es

13/14

this Regulation, where appropriate, in a certain way and within a specified period [...]", the person in charge must prove, within a period of one month, that has proceeded to update the privacy policy.

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

Spanish Data Protection Agency RESOLVES:

FIRST: IMPOSE B.B.B., with NIF ***NIF.1, for an infraction of article 13 of the RGD, typified in article 83.5 of the RGD, a sanction of WARNING.

Likewise, within ONE MONTH from the notification of this act, you must prove the following:

☐ Having updated the privacy policy of the website <https://goncabass.es>, so that its content conforms to the provisions of article 13 of the RGD.

SECOND: NOTIFY this resolution to B.B.B. and inform A.A.A.

In accordance with the provisions of article 50 of the LOPDGD, 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 LOPDGD, 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 month from

counting from the day following the notification of this resolution or directly

contentious-administrative appeal before the Contentious-Administrative Chamber of the

National Court, 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 a period of two months from the

day following the notification of this act, as provided in 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,

may provisionally suspend the firm resolution in administrative proceedings if the

The interested party expresses his intention to file a contentious-administrative appeal.

If this is the case, the interested party must formally communicate this fact by

writing addressed to the Spanish Agency for Data Protection, presenting it through

Electronic Register of the Agency [<https://sedeagpd.gob.es/sede-electronica-web/>], or through any of the other registers provided for in art. 16.4 of the aforementioned Law 39/2015, of October 1. You must also transfer to the Agency the documentation proving the effective filing of the contentious appeal-administrative. If the Agency was not aware of the filing of the appeal contentious-administrative within a period of two months from the day following the notification of this resolution would end the precautionary suspension.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

14/14

938-131120

Sea Spain Marti

Director of the Spanish Data Protection Agency

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es