



Procedure No.: PS/00443/2020

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: NATIONAL LEAGUE OF INDOOR FOOTBALL (hereinafter, the claimant) dated 03/06/2020 filed a claim with the Spanish Protection Agency, which is addressed against CLUB JAÉN PARAÍSO INTERIOR FOOTBALL ROOM with NIF G23069396 (in hereinafter, the claimed) that as a member of its General Assembly (GA), sent to a third, A.A.A. (** POSITION.1, hereinafter A.A.A.) an email with the content of the minutes of 07/11/2019 of the League, document with personal data of the representatives of the Clubs.

The claimant becomes aware of the events on 03/03/2020, because an acquaintance of his, who manifests works at the LNFS B.B.B., (...), sends you a copy of the mail that A.A.A. sends you the 02/14/2020, 11:31 p.m., to B.B.B. and to another recipient: ***EMAIL.1 (provide a copy of the email in the one that sees the chain of mailings, among others, the associate of 09/17/2019 that from ***EMAIL.2 an employee sent to A.A.A., Subject; minutes July 19). in the mail of 02/14/2020 no greeting or attention is expressed to the recipients, figure Subject: Fwd: minute July 19 The mail of 03/03/2020 of B.B.B. notifying the receipt, is accompanied by "attached data "ACTA AG 11-07-2019.pdf", plus "attached data without title 00010htm".

This acquaintance of the President of the League breaks the news to him, saying: "he has sent it to you two times, the first without an attached document. Then I'll also send you that other email ", explaining what it seems to be, they put him in the message by mistake because of the resemblance to the

another recipient.

Along with the claim, provide:

-Copy of the minutes of 07/11/2019. The data of each representative of the football clubs attendees to the Assembly, with their names and surnames, as well as the manifestations that made in the discussions on the agenda.

-Email dated 09/17/2019, 4:20 p.m., where a person from the organization of the respondent

-the e-mail ***EMAIL.2 and the data of the person who sends it appear in the signature footer of the mail, as belonging to said claimed Club,- addressed to A.A.A. with "subject" "act July 19". "I enclose the minutes". According to the claimant, this is the third party to whom delivery of the record.

The claimant adds that thanks to those claimed, the Club and A.A.A., the minutes of the Assembly General of 07/11/2019 has been treated by the website golsala.com, "due to the leak made by those claimed. In this sense, it provides screen printing of the page

GOLSALA.COM in ANNEX III:

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-It is a news item from 07/11/2019 published that same day, Thursday, it says: "as a prelude to the 2019-2020 season." , and echoes the celebration of the AG of the LNFS. Inform between other aspects that the economic distribution of 700,000 euros was unanimously approved, specifying detailed points of the agenda contained therein, although it does not appear

Attached or associated is the verbatim of the aforementioned Act.

It ends by indicating that the minutes can be seen on Twitter, and provides a page of the application which includes a literal copy of the minutes.

SECOND: In view of the facts denounced in the claim and the documents provided by the claimant the General Subdirectorate of Data Inspection of in accordance with the provisions of Title VII, Chapter I, Second Section, of the Law Organic 3/2018, of 5/12, on the Protection of Personal Data and guarantee of rights (hereinafter LOPDGDD) on 06/03/2020 the content of the claim was transferred by telematic means to the claimed, appearing in the file with the result of rejection automatic: 06/15/2020 00:00:00

Automatic rejection generally occurs after ten calendar days have elapsed. from its availability for access according to paragraph 2, article 43, of the law 39/2015, of 1/10, of the Common Administrative Procedure of the Public Administrations (LPCAP). And in a particular way, after the term established by the Administration acting in accordance with the specific legal regulations that apply.

THIRD On 09/09/2020, an admission agreement is issued to process the claim.

FOURTH: On 02/02/2021, the Director of the AEPD agreed:

“INITIATE PUNISHMENT PROCEDURE against CLUB JAÉN PARAÍSO INTERIOR FOOTBALL ROOM, with NIF G23069396, for the alleged violation of article 6.1 of the RGPD, as stated in article 83.5.a) of the RGPD.

THAT for the purposes provided in art. 64.2 b) of Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations, the sanction that could correspond would be a WARNING”

FIFTH: On 02/26/2021, allegations of the respondent are recorded, in which manifests

1) As of the date the email was sent to A.A.A., 09/17/2019, he was a member of the Board of Directors of the respondent (...).

To prove it, provide document 1 and 2 that contain the minutes of the Ordinary Assembly of the Club of 8 and 22/08/2019, detailing the content of point four of the first, and third

of the second. There is a reference to “proposed incorporation of a new member to the Board Board of Directors” that is being studied to incorporate A.A.A., as a member of the Board of Directors of A.A.A., as Advisor and in the second the incorporation is ratified. The proposal is discussed by majority, his incorporation to the Board of Directors was approved and ratified.

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2) They provide a copy of the statutes of the LNFS, approved in extraordinary AG of Clubs dated 07/10/2014, document 3, appearing in articles 2 and 7 who integrates it, indicating that the Clubs as associates acquire the sporting right to participate in the categories, having the obligation to abide by the statutes and development regulations (art 11).

It states that it has carried out a treatment under the protection of said Statutes in the environment and as part of the LNFS "sending an email to members of the Club and by consequently as an integral part of the LNFS and not to third parties not interested".

3)

Insufficiency of the circumstantial evidence of the commission of the facts provided, consisting in an email sent from the address of the person claimed by Doña C.C.C. of the club 09/17/2019 to A.A.A., where an attached document with the title is allegedly attached “Minutes July 19”. It is understood by the claimant that this attached document is a copy of the minutes of the Cubes General Assembly of 07/11/2019, however, this means of proof is not capable of destroying the presumption of innocence in order to understand that the infraction has been committed. It states that there is no direct evidence in the sense of, for example, a computer expert that proves not only the sending of the email, but also the reception and its content, to verify that its content was the minutes of said Assembly.

There are no indications, but there are suspicions or conjectures, a difference that is responsible for recall the Supreme Court in the ruling of 7/03/2002, appeal 509/2000, where specifies the requirements of the presumption of circumstantial evidence in its relation to the presumption of innocence.

4) Accompany as document 4, a copy of a claim before the Court of First instance no. 15 of Madrid, ordinary procedure XXX/2020 that have been filed with the claimant in June 2020, due to a sanctioning procedure against the claimed Club, on 05/12/2020, infraction of the statutes: (art 73.d “make public or communicate to third parties outside to the Association internal data of the LNFS without the consent of the Board of Directors”, was refers to the email of 09/17/2019 sent to A.A.A.).

SIXTH: On 03/01/2021, the respondent was requested: “copy of the sanctioning resolution imposed by the LNFS”, on the matter that has motivated its judicial claim, in order to of having a document that was not provided by the claimant as evidence to continue the proceedings.

On 03/15/2021, a letter is received from the respondent in which he sends:

1) Copy of resolution of the LNFS of 05/12/2020 in which the imposition of a fine of €15,000 for the defendant, for allegedly committing a very serious offense consisting of communication to “third parties, outside the Association, of the minutes of the General Assembly of Clubs on 07/11/2019”.

The resolution indicates that the facts that motivated the initiation of the procedure were the communication to third parties outside the Association, of the minutes of the General Assembly of Clubs on 07/11/2019. As a providence of the instructor, the claimed, if on a date after 08/08/2019, you had notified any change in the members of its Board of Directors, in compliance with the provisions of article 11. e) of the

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Statutes. On 04/6/2020, it was answered that "the appointment of the members of its Board Directive was verbal, being the usual channels commonly used by the majority of the Clubs of the Association and peacefully admitted in the future from day to day day". In imputed facts it is indicated that the file is initiated by the ethics commission, that met on 02/25/2020 in order to investigate specific facts that were brought to your attention. In this regard, the President of the LNFS indicated that the facts he became aware when an acquaintance of his who worked in the LNFS communicated the facts to him in an email that sends a copy, dated 03/03/2020.

As circumstantial evidence of the commission of the acts imputed to the expedient Club, it provides email sent from the address ***EMAIL.2 dated 09/17/2019 addressed to A.A.A., with "an attachment to the document called" AG minutes of 07/11/2019". "Exists circumstantially the appearance of the perpetration of an act prohibited by the statutes such as the referral of the internal document of the League to third parties". must be observed that the shipments that A.A.A. attends the 02/14/2020 to two email addresses presumably containing the same act as attached.

2) Copy of the Decree of 02/17/2021 of the Court of First Instance no. 15 from Madrid ordinary procedure XXX/2020, declaratory action, which agrees to admit the lawsuit filed by the defendant against the League.

It requests that based on the principle of legal certainty and the fact that the judicial procedure, the present procedure is suspended, since the facts of the sanction are related to the processing of data.

SEVENTH: On 03/16/2021, the test practice period begins, giving

reproduced for evidentiary purposes the claim and the documentation that accompanies it, the allegations made to the initial agreement and what was requested on 03/1/2021 and sent by the claimed on 03/15/2021.

In addition, it is decided to request:

one)

To the claimant:

-1.1 The respondent has provided in his allegations a copy of the designation and ratification of A.A.A., as a member of its Board of Directors, as a result of the approval in both Boards of the claimed, from 8 and 22/08/2019. To this end, it is indicated if that LNFS has to be communicate these modifications, and if this person designated as a member of the Board, cannot have access to the document of the minutes of 07/11/2019 for the exercise of its Advisor functions.

Dated 04/05/2021, it indicates that in accordance with article 11.e) of the Statutes, "the associated clubs have the obligation to communicate to this association the changes that are occur in the Board of Directors of your Club". The specific article points out.

e) "communicate to the National Futsal League, the statutory modifications, the appointment and dismissal of directors as administrators or attorneys-in-fact and register such circumstances, in the event that any of the the same, in the corresponding regional register of sports associations, in the

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within 15 days from when they occur, as well as changes to your address

social media and direct communication with the LNFS immediately after

produce”.

-1.2 The claimant states in his complaint that “the record was transferred to the owner of the page website golsala.com” and provides a copy of a “news published on it on 07/11/2019” giving information about the holding of the General Assembly on 07/11/2019 specifying detailed points of the order contained in it, although it is not attached or associated with the verbatim of the aforementioned Act.

The golsala.com website that you provide in your complaint bears the date and reference to that same day 07/11/2019, says "he celebrated this Thursday", some images of his celebration with photo on foot, and it is reported that "the day has begun", and is narrating the events.

It is considered that if the copy of the record that comes out by email from the claimed was from 09/17/2019, and then in an email from A.A.A. to a person with address GOLSALA was on 02/14/2020, how can you consider that from A.A.A. the minutes were transferred to this web page?, if it does not appear on it, the information on the web is from the same day 07/11/2019, and the third party to whom the certificate is given obtains it as stated on 09/17/2019.

It states that "from the LNFS the email is sent to the Clubs on 08/5/2019", provides document 1 in which the mail with the record is sent to the claimed party. in matter figure "MINUTES OF THE GENERAL ASSEMBLY 07/11/19", in the literal "Attached we send you the minutes of the AG held on July 11 “.

Mr. A.A.A. Receive in e-mail the minutes of 07/11/2019 from the Club filed. Mr A.A.A. send a copy of the minutes to "golsala" by email on 02/14/2020.

-1.3 How copies of the minutes of the LNFS Assembly are delivered and received to the representatives of the Clubs in the Assembly and the way in which the additional documentation that was handled in that session, listing it briefly.

It states that “The minutes and other documentation exposed in the assemblies of the Association are sent to the clubs by email, to the address of the club that has

notified to this Association. Provide document 1 containing an email

sent on 08/05/2019, subject until General Assembly 07/11/2019, with the literal "attached
remit of the minutes of the meeting

-1.4 If in the minutes that are delivered of the Assembly there is any informative literal of
use of the data contained therein, and if deliveries are made with an exit number and
recipient, or if the dissemination of these has been commented on in any minutes.

It states that "there is a limitation on its dissemination to third parties", in accordance with the current
normative.

-1.5 About the email provided in your complaint, from B.B.B., from 3-03, which bears the
antecedent of 02/14/2020, addressed to golsala, he is asked if this last email had
any attached file of content next to it, send a copy of it.

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He states that he had an attachment in pdf with the minutes of the Assembly of 07/11/2019, the
second in htm format, "attached data without a title", empty of content. Provide document
2 which consists of the printing of the minutes of 07/11/2019.

two)

To the claimed:

-2.1 Reason why you did not contribute to the claimant in the course of the disciplinary procedure,
the minutes of the meetings of August 2019 in which he is designated as a member of the board
directive with advisory functions and access to documents, to A.A.A., as a way of
prove that it belongs to the entity.

He stated on 04/09/2021, that in the course of the disciplinary procedure, in allegations

made on 03/14/2020 provided as a documentary the appointment of A.A.A. as a member of the Board of Directors of the Club.

-2.2 If you have any protocol that has been disseminated to Club staff regarding communication of minutes of the General Assembly.

He stated that he complies with the regulations of the RGPD and the Club's staff is prohibited from communication of data to third parties outside the entity. They only have access to documentation of the Club the members of the entity. They reproduce article 11.2.d of their statutes stating:

Member Rights:

The following will be the rights of the partners in any case:

Have access to club documentation.” However, what they have strictly

Club members are prohibited, is "the transmission of information to third parties outside the entity. In the present case A.A.A. Club member has the right of access to the information. “

-2.3 If you can explain why A.A.A. send the "minutes" by email July 19” on 02/14/2020 to ***EMAIL.1 and ***EMAIL.3.

State that it was a mistake. “The intention of A.A.A. was to send that email to himself from your ***EMAIL.4... address to your other ***EMAIL.5... address that you use to save documentation and have it better classified.” Due to an inadvertent error when searching his email due to his lack of skill with the iPad device he had purchased recently at that time, he was wrong to mark the initial, and instead of the i, mark the initial e, appearing the two email addresses of ***EMAIL.1 and ***EMAIL.3 I had recorded in the email. The reason they were recorded in the email those two addresses, it is because in another previous time he belonged to the LNFS itself and had a relationship with both professionals.

It reiterates that the 02/14/2020 email from A.A.A. lacked a message, it was empty of

contents, as it shows that in sending the email to said recipients

not even a short courtesy message was written.

EIGHTH: On 09/16/2021, a resolution proposal is issued, of the literal:

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“That the Director of the Spanish Data Protection Agency direct a

warning to CLUB JAÉN PARAÍSO INTERIOR FOOTBALL ROOM, with NIF G23069396,

for an infringement of article 5.1 f) of the RGPD, in accordance with article 83.5 a) of the

GDPR.”

No objections are received against the proposal.

NINTH: Of the actions carried out in this procedure and the

documentation in the file, the following have been accredited:

PROVEN FACTS

1) The LNFS, in accordance with its Statutes, is a private sports Association with a

national. It is endowed with its own legal personality independent of its associates,

all Sports Clubs (32), which participate in official futsal competitions,

whose first team militates in sports categories organized by it.

2) On 07/11/2019, the Ordinary General Assembly of the LNFS was held. At the meeting,

the participants had additional documentation previously delivered, as

It follows from the fourth point: “report activities season 17/18” printed in the

documentation delivered”, fifth: “progress of closing the budget and financial statements

of the finished season”, existing in the point of the sixth agenda: “proposal and

Approval, if applicable, of the budget for the 2018-2019 season.” It also appears that in

A meeting the day before explained aspects such as the presentation of the draft

activities for season 18-19 (seventh point). All votes cast

unanimously approved.

3) The claimant indicates that A.A.A., for short A.A.A., who previously worked as

***POSITION.1 in the LNFS, received from the respondent ***EMAIL.2 on 09/17/2019, an e-mail

containing the minutes of 07/11/2019, understanding that it is a third party that should not have

access to the document. The aforementioned sending by e-mail is accredited

It is credited, however, that A.A.A. at the time of receiving the e-mail, 09/17/2019, it was

member of the Board of Directors of the respondent, according to the "minutes of the assembly

ordinary meeting of the claimed Club, from 8 and 22/08/2019" (incorporation proposal for

members of the Board of Directors as Advisor to A.A.A. For the performance of their

functions is deemed necessary and basic that you can access any document

including the minutes of 07/11/2019.

For not communicating to the LNFS the appointment of A.A.A. as a member of the Board of Directors

and therefore, not be registered in the database of this, the LNFS on 05/12/2020

sanctioned the defendant for infraction of art 73.d "make public or communicate to third parties

people outside the Association internal data of the LNFS without the consent of the Board

Directive" with respect to the aforementioned minutes of 07/11/2019, considering that it had not been fulfilled

Article 11.e of the Statutes that provides for communicating to the LNFS the change of members in

the Board of Directors, granting this communication constitutive, non-declarative character, and

considering that it was not staff of the Board of Directors. The matter is pending appeal.

in civil proceedings filed by the defendant. Both the statement of objections and the file

insist on the communication to third parties outside the Association of the act of

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07/11/2019. It appears as evidence, the email from ***EMAIL.2 to A.A.A. of 09/17/2019 with the attached "ACTA AG of 07-11-19"

4) In the claim it is added that the claimant finds out on 03/03/2020 that this act has been forwarded A.A.A. to two people by email on 02/14/2020, 11:31 p.m., to a person from the LNFS, known to its President, (his address: B.B.B., ***EMAIL.3) and the other person, to ***EMAIL.1) , "Subject: Fwd: minutes July 19",

What

history of that email from 02/14/2020, it can be seen in the forwarding chain, the initial that to A.A.A. it was made from the minutes of 07/11/2029, on 09/17/2019 from ***EMAIL.2. The mail from 03/03/2020 from B.B.B. informing the President of the LNFS of the reception, accompanied by an attached minutes AG 11.07.2019.pdf, plus "attached data without title 00010htm".

no greeting or attention.

According to the defendant, it was the intention of A.A.A. refer himself, through the mail to another your address in their systems the aforementioned record, marking the initial e instead of the i, and so on error was sent to those recipients listed as sender's contacts. is credited thus, that the forwarding to GOLSALA of 02/14/2020 occurs, and the minutes of 07/11/2019, the recipient not forming part of the LNFS.

5) Finally, it is also included in the claim that this act, by that person A.A.A.... was transferred to the GOLSALA website that published on 07/11/2019, the same day of the Assembly, data and facts that were contained in the minutes. A.A.A. access the information of minutes in September 2019, and the news published by GOLSALA.COM is from the same 07/11/2019," giving information about the holding of the General Assembly on 07/11/2019, specifying detailed items on the agenda contained therein, although it is not attached or

associated with the information given with the aforementioned Minutes. It was stated in the information that the LNFS has approved a profit sharing of €700,000, which was approved unanimously the regulations governing competitions, the proposal for the budget of the season 19-20, that "the economic distribution between the Clubs was unanimously approved for the 2019-2020 season, which would amount to €700,000" and that "in point 6 of the order of the day, the budget for the 2019 season was unanimously approved 2020"

It is not accredited that the information that appears on the GOLSALA.COM website the 07/11/2019 on the General Assembly of said date, proceed or are a consequence of the mail with the minutes that A.A.A. receives on 09/17/2019 and sends to a person with address GOLSALA on 02/14/2020, since the news apart from having been published before, the 07/11/2019, refers to aspects that do not correspond to or are contained in the minutes, such as the mention of the economic distribution of 700,000 euros and the news only mentions as data personal substitution in the Board of Directors of a person and the President.

FOUNDATIONS OF LAW

I

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 procedure.

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The RGPD defines in its article 4

II

2) "processing": any operation or set of operations performed on data

personal data or sets of personal data, whether by automated procedures or not,

such as the collection, registration, organization, structuring, conservation, adaptation or

modification, extraction, consultation, use, communication by transmission, diffusion or

any other form of authorization of access, collation or interconnection, limitation, suppression or

destruction;

7) "controller" or "controller": the natural or legal person, authority

public, service or other body that, alone or jointly with others, determines the ends and means

of the treatment; if the law of the Union or of the Member States determines the purposes and

means of treatment, the person responsible for treatment or the specific criteria for its

appointment may be established by the Law of the Union or of the Member States;

9) "addressee": the natural or legal person, public authority, service or other body

to which personal data is communicated, whether or not it is a third party.

10) "third party": natural or legal person, public authority, service or body other than the

interested party, the person in charge of the treatment, the person in charge of the treatment and the people

authorized to process personal data under the direct authority of the controller or the

in charge;

The defendant was originally accused of incurring in the illicit treatment of personal data

staff, by sending by email (automated means) a record containing data

personnel of members of the Assembly of the Futsal League of 07/11/2019 of which

the Club was part, "a third party" as a person or entity with no relation to the

reclaimed.

The party responsible for the processing of these data is the League, and the claimed football club,

member of the AG communicated the data to a third party, thus deciding on purposes and

means of treatment that are considered not to be competent in terms of the communication of the

document with the data of the minutes of the Assembly held on 07/11/2019.

The transmission of data revealed on 9/17/2019, nor can it be deduced that it was did to an outside third party or that lacked legitimacy. From a few days after receive the certificate by mail from the claimant, 08/05/2019, the claimant justifies that he had a legal protection to transmit to A.A.A. the data. Not otherwise to be interpreted Documents 1 and 2 provided in allegations by the respondent.

Document 1, minutes of the Club assembly of 08/01/2019, in point four of the agenda day, deals with the proposal for the incorporation of a new member to the Board of Directors that is approved. Document 2, in the minutes of 08/22/2019 ratifies the aforementioned person as part of the Board of Directors.

The sanction is the fact of communication through e-mail of the Club claimed to A.A.A. of the minutes, and its adjustment or not to what is established in the Statutes contemplated as a C/ Jorge Juan, 6

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infringement of article 73 of the Statutes, in relation to the obligation to communicate established in the Statutes the variations of people of the Boards of Directors of the Clubs.

To this, the claimant associated or linked the conclusion that despite the fact that the respondent has legally approved in its minutes the appointment of A.A.A. as a member of the Board Directive, disciplinary sanctions the delay or non-communication of said designation and Basically, he considers him as a third party who receives the minutes.

The Statutes in its article 11.2.d), indicate as a right of the partners to have access to the documentation of the Club, it remains to specify which people or positions within the members, have effective access and depending on what powers or purpose would be granted that access. The complainant states that A.A.A. was not a member of the Board of Directors who are the

it seems, they have the right of access to the documents of the minutes of the GA. I know

It is unknown if the Statutes establish what type of person or if there is any delimitation in terms of said accesses.

For data protection purposes, the suspension of the procedure is not appropriate because produced two meetings of a Club body claimed in a valid and legitimate way, the appointment of said person, A.A.A., despite not having been communicated as the Statutes, cannot have constitutive effects but said third party, is not considered a third party, but as the minutes say, member of the Board of Directors, and specifying access to perform their duties.

Given its internal validity through its accreditation in the minutes of the Boards provided, nothing prevents, that regardless of your communication or lack of it, registration or not in databases, for the purposes of data protection, the circumstance of the designation of A.A.A. as a member of the Board of Directors had occurred before said shipment, although not will be reported to the LNFS.

In the present case, this file not only assesses that aspect, but also the revelation that A.A.A. in sending an email in February 2020 with a copy for two people, one being, according to the President, an employee of the LNFS and the other from the GOLSALA.

Therefore, what would be aired in said judicial channel does not affect the analysis of the facts and behaviors that will be considered for data protection purposes.

The formal defect of not having communicated the appointment of A.A.A. or what the league considers that his delay or absence may constitute, according to its Statutes, is independent of the legal effects of said appointment that is not considered null or invalid, and

As far as is known, the claimant does not consider it that way either. The strictness of the foul character serious statutory nature that gives the claimant and the LNFS to the lack of communication of the designation produced before mailing, nothing predetermines the validity

of the A.A.A. as a member of the Board of Directors, his

legitimacy or validity of said acts.

When there are internally approved documents that verify that A.A.A. Yes it was

member of the Board of Directors of the claimed, being in September 2019 when he receives the e

mail, the facts would perhaps be limited to the fact that the LNFS did not know, but not to the fact that said

person is not part of the Board of Directors of the Club on the aforementioned date, an extreme that has not

been legally contested for some type of incompatibility or legal cause that could

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meet that person. The effects of such defect are being elucidated in civil court

for which the respondent requests that this procedure be suspended.

In accordance with the applicable procedural regulations, the LPCAP contemplates the suspension

of the procedure, art 22.1:

"one. The expiration of the maximum legal term to resolve a procedure and notify the

Resolution may be suspended in the following cases:

g) When for the resolution of the procedure it is essential to obtain a prior

pronouncement by a court, from the moment it is requested,

what will have to be communicated to the interested parties, until the Administration has

proof of it, which must also be communicated to them."

It is not considered essential to obtain the verdict of the sentence for the resolution of

this procedure, since it is considered that the internal documents of the claimed Club

guarantee the legality and validity of the appointment of A.A.A. as a member of the Board of Directors

of the claimed already in August 2019, then for this AEPD said internal communication did not

is made to a third party, but to a person who can access and specify the

documentation of the Board for the performance of its functions.

Therefore, the suspension of this proceeding is not appropriate.

As a result, with the aforementioned legitimacy of A.A.A. to receive the minutes in the mail

September 2019, it is not estimated that this has violated article 6.1 of the RGD

imputed for the reasons explained.

Despite this, if it is observed that the facts contained in the initial agreement are included

in the commission of another infraction different from the imputed one.

The obligation of confidentiality contained as a fundamental principle of protection of

data pursues that the person responsible for the data and the people who may have access

within their organization, they must not disclose to third parties that are not part, in this

In the case of the LNFS, data referring to its members.

The communication that said person, A.A.A., makes as of 02/14/2020, as a party belonging to the

person responsible claimed, to the address of GOLSALA, with the minutes received in September

2019, it is appreciated that A.A.A., puts it into circulation through two forwardings, on 02/14/2020,

affecting the shipment to the GOLSALA address, with the transmission of said data

contained in the minutes of 07/11/2019. Thus, the infringement originally charged must

be varied to that of article 5.1.f) of the RGD for that sending to the electronic address of a

person from GOLSALA. The article determines:

"one. The personal data will be:

processed in such a way as to ensure adequate security of personal data,

including protection against unauthorized or unlawful processing and against loss,

accidental destruction or damage, through the application of technical or organizational measures

appropriate ("integrity and confidentiality")."

The commission of said infraction is considered accredited.

C/ Jorge Juan, 6

III

Regarding the leaking of the data from the minutes of 07/11/2029 through the forwarding that in September was made to A.A.A., or even with the forwarding that occurs to GOLSALA in 02/14/2020, it should be noted that the news that appears on 07/11/2020, anticipating that the data for it could not have been those obtained with this record in any of the dates, because the minutes are not even published, the news offers data that does not appear in the minutes, the news leaves the same day of the celebration of the meeting of the GA, different documentation for its attendees before its celebration and no data of personal character of the members of any attending Club or the minutes themselves.

IV

Article 83.5 a) of the RGPD, considers that the infringement of "the basic principles for the 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 aforementioned Regulation. regulation, with administrative fines of a maximum of €20,000,000 or, in the case of a company, of an amount equivalent to a maximum of 4% of the total turnover annual global of the previous financial year, opting for the highest amount.

Article 58.2 of the RGPD indicates: "Each control authority will have all the following corrective powers indicated below:

b) send a warning to any controller or processor when the treatment operations have infringed the provisions of this Regulation;

Recital 148 of the RGPD indicates that in order to impose the appropriate corrective measure appropriate, special attention should be paid to the nature, seriousness and duration of the infraction.

tion, or any relevant prior offense, and any other aggravating circumstance or extenuating. For natural persons, instead of sanctioning by means of a fine, a warning. In this case, the warning measure is applied considering the financing identity of a sports entity and that the data contained in the minutes are name and surname in relation to their representation in said entities.

Therefore, in accordance with the applicable legislation,
the Director of the Spanish Data Protection Agency RESOLVES:

FIRST: GO TO CLUB JAÉN PARAÍSO INTERIOR FOOTBALL ROOM, with NIF G23069396, for a violation of article 5.1 f) of the RGPD, in accordance with article 83.5 a) of the RGPD, a sanction of warning.

SECOND: NOTIFY this resolution to CLUB JAÉN PARAÍSO INTERIOR
INDOOR FOOTBALL.

C/ Jorge Juan, 6

28001 – Madrid

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THIRD

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

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

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 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 AEPD, P.O. the Deputy Director General of Data Inspection, Olga Pérez

Sanjuan, Resolution 4/10/2021

938-131120

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