

938-0419

Procedure No.: PS/00419/2018

## RESOLUTION OF PUNISHMENT PROCEDURE

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

### BACKGROUND

FIRST: On September 14, 2018 Mr. A.A.A., (hereinafter the  
claimant), filed a claim with the Spanish Agency for Data Protection  
exposing that the website \*\*\*URL.1 uses a contact form to collect  
personal data of users without including any information about the aspects  
contemplated in the current regulations on data protection, adding that said  
form did not contain any link to the "Privacy Policy" of the website by  
not have this document.

Likewise, the claimant indicates that since he lacks a "Legal Notice" in which  
specify the mandatory data of the owner of the website cannot provide  
information about it.

SECOND: On November 23, 2018, you have entered this Agency in writing  
of the legal representative of the owner of the aforementioned website, notifying that, at the  
view of information requested in relation to the claim filed by the  
claimant, have proceeded to update the "Privacy Policy", "Cookies Policy"  
and "Legal Notice" of the website, having also directed, dated November 21,  
2018, an email to the claimant informing him that they had proceeded to  
update the contents of your website.

On January 14, 2019, the aforementioned website is accessed,  
confirming that you have the form called "My shopping basket: Data

shipping”, to be completed with the following information by users who wish to

acquire any of the products offered on the aforementioned website:

“BUYER DATA (To send you a confirmation of the purchase and put us in contact if there is any incidence):” In this section it is required to fill in the sections corresponding to: Name and surnames, Mobile phone and e-mail.

“SHIPMENT DATA (to send the order to the desired address):” In this section it is required to complete the sections related to: To the attention of, Address, City, Postal Code and State.

It is verified that the entity LIVING TERRITORIWEB, S.L., (hereinafter, the claimed), owner of the website \*\*\*URL.1 and responsible for the treatment to be carried out with the data collected through the outlined form, does not offer those interested in the time of requesting said information and prior to its collection, no layered information system or mechanism that allows them to link directly with the information regarding the processing of your personal data established in article 13 of Regulation (EU) 2016/679 (General Regulation of

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Data Protection (hereinafter RGPD), nor, where appropriate, to be able to express your consent or rejection to the processing of your data depending on the purposes to which responds to its use.

Regarding the information provided by the claimed person through the link of "Privacy Policy" located at the bottom of each of the pages that make up the site web, the lack of specification of the following extremes is observed:

Contact details of the Data Protection Delegate, where appropriate.

The purposes of the treatment to which the personal data is destined, since the purpose of the treatment described "for the management and maintenance of some of the our services" does not allow knowing the nature of said services.

The legitimacy on which the legality of data processing is based for each one of the purposes to which it obeys, in accordance with the provisions of Article 6 of the GDPR.

Regarding the information related to the exercise of rights, it must be eliminated that of cancellation.

If consent is granted for a specific purpose (art. 6.1.a or article 9.2.a) RGPD), you will be informed of the right to withdraw consent in any time, without affecting the legality of the treatment based on the consent prior to withdrawal.

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

The right to file a claim with the supervisory authority.

If the communication of personal data is a legal or contractual requirement, or a necessary requirement to sign a contract, you must be informed if the interested party is obliged to provide personal data, as well as the possible consequences not to provide such data.

On the other hand, the information referring to the use of cookies must be adapted contained in the Privacy Policy document to downloaded devices, since it is known that third-party analytical cookies from the Google service are used Analytics.

THIRD: Consulted on January 14, 2019, the application that manages the history of sanctions and previous warnings in terms of protection of data, it is verified that the claimed party does not have previous records in terms of

Data Protection.

FOURTH: On March 14, 2019, the Director of the Spanish Agency for

Data Protection agreed to initiate a sanctioning procedure against LIVING

TERRITORIWEB, S.L., in accordance with the provisions of article 58 section 2 of the

cited RGPD, for the alleged infringement of article 13 of the Regulation (EU)

2016/679 of the European Parliament and of the Council of April 27, 2016, regarding the

protection of natural persons with regard to data processing

personal information and the free circulation of these data, (hereinafter RGPD), typified in the

article 83.5.b) of the same, considering that the sanction that could correspond

it would be a WARNING, without prejudice to what resulted from the investigation.

FIFTH: Notification of the aforementioned initiation agreement, dated March 21

of 2019, a written entry is registered in that Agency from the legal representative of the

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claimed alleging, in short, that the policy of

privacy of the site to correct the irregularities described in order to comply with the

requirements established by the RGPD. For these purposes, it is alleged that the

contact form and a checkbox has been included in the form "where the

introduction of personal data, so that if the user does not expressly accept

your agreement with our data policy, you cannot continue with your purchase."

SIXTH: For the purposes of verifying the changes alleged by the respondent, whose

realization has not sent any supporting documentation or means of proof, with

date April 1, 2019, the website \*\*\*URL.1 is accessed in order to check the

modifications introduced in the privacy policy of the portal and in the form

"My shopping basket: Shipping data", acting on Proven Fact No. 3) of the

present act the result of the verification carried out, which is reproduced at

effects of avoiding its repetition.

SEVENTH: On April 2, 2019, a resolution proposal was formulated, in which sense that, in accordance with the provisions of article 58.2.b) of the RGPD, the Director of the Spanish Data Protection Agency imposed on LIVING TERRITORIWEB, S.L a sanction of WARNING for an infraction to the provided for in article 13 of the RGPD in its relationship with the provisions of sections 1 and 2 of article 11 of Organic Law 3/2018, of December 5, on Protection of Personal Data and guarantee of digital rights, (hereinafter LOPDGDD), typified in article 83.5.b) of the RGPD.

Likewise, it was proposed that if the respondent had not accredited the rectification of the irregular situation prior to the issuance of the resolution of the procedure, in accordance with the provisions of article 58.2.d) of the RGPD, the Director of the Spanish Agency for Data Protection ordered the respondent to adoption of the necessary measures to adapt the information offered to the current data protection regulations, for which, within ONE MONTH to counting from the day following the notification of the resolution of the procedure, said The entity must: CERTIFY by means of any legally valid proof the making the necessary modifications in the sections What personal data we treat? and "Updates to our Privacy Policy" contained in the document of "Privacy Policy" of the website \*\*\*URL.1 so that the information contained therein fully responds to the provisions of article 13 of the GDPR.

The proposed resolution was notified to the respondent on April 8, 2019, as stated in the delivery certificate issued by the State Post Office and Telegraphs, S.A. active in the procedure, not stating that the claimed exercise their right to make allegations within the period granted for such purposes nor that he has provided any means of proof justifying the adoption of measures

tending to regularize the situation.

EIGHTH: In view of everything that has been done, by the Spanish Agency for

Data Protection in this procedure are considered proven facts the

following,

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## FACTS

First: On September 14, 2018, it is registered at the AEPD

claim made by the claimant communicating that through the form of

contact of the web page \*\*\*URL.1 personal data of the interested parties is collected

without providing them with the information established in the RGPD.

Second: In the access made on January 14, 2019 to the website <http://>

\*\*\*URL.1 the following facts are checked:

2.1 That LIVING TERRITORIWEB, S.L. is the owner of the aforementioned portal.

2.2 That users who wish to acquire any of the products marketed

in the portal they have to fill in the form called “My shopping basket:

Shipping data”, in which the following personal data of the

interested:

“BUYER DATA (To send you a confirmation of the purchase and

contact us if there is any incident):” Section where it is required to provide:

Name and surnames, mobile phone and e-mail.

“SHIPMENT DATA (to send the order to the desired address):” Section

where it is required to provide the fields: To the attention of, Address, Population, Code

Postal and State.

In said form, the person in charge of the treatment did not provide the interested parties whose data requested any mechanism or layered information system that allowed access, at the time of obtaining the data and prior to its collection, to the information indicated in article 13 of the RGPD and, where appropriate, express your consent or rejection to the processing of your data based on your purposes.

2.3 In the "Privacy Policy" of the website the lack of specification is observed of the following extremes:

Contact details of the Data Protection Delegate, where appropriate.

The purposes of the treatment to which the personal data is destined

The legitimacy on which the legality of data processing is based for each one of the purposes to which it obeys, in accordance with the provisions of Article 6 of the GDPR.

Regarding the information related to the exercise of rights, it must be eliminated that of cancellation.

If consent is granted for a specific purpose (art. 6.1.a or article 9.2.a) RGPD), you will be informed of the right to withdraw consent in any time, without affecting the legality of the treatment based on the consent prior to withdrawal.

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

The right to file a claim with the supervisory authority

If the communication of personal data is a legal or contractual requirement, or a necessary requirement to sign a contract, you must be informed if the interested party

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is obliged to provide personal data, as well as the possible consequences

not to provide such data.

On the other hand, the information referring to the use of cookies contained in the Privacy Policy document must be adapted to the devices downloaded (it is indicated that third-party analytical cookies are used from the Google service Analytics.)

Third: In the access made on April 1, 2019 to the website <http://>

\*\*\*URL.1 the following facts are checked:

3.1 At the bottom of the form "My shopping basket: Shipping data" the following legend: "In order to continue processing your purchase we need you to accept our privacy policy. You can consult it by clicking here.", under the which a blank box appears associated with the text "I accept the privacy policy." (The underline is a link that leads to the "Privacy Policy" document of the website).

3.2 It is verified that the "Privacy Policy" has been modified in order to include the information that was not offered in the previous access dated January 14, 2019.

3.3 The inclusion in said document of the following is also confirmed information:

In the section What personal data do we process? of said document appears, along with other information that "In the event that you provide data from third parties, You state that you have their consent and you agree to transfer the information contained in this clause, exempting Free Catalonia from any liability. "

In the section "Updates to our Privacy Policy" it is stated:

"This Policy may be updated periodically to reflect changes in our personal information practices. We will post a prominent notice on the Site or



We will send you an email to notify you of any significant changes in our Policy and we will indicate at the top of the Policy when it was updated for the last time"

## FOUNDATIONS OF LAW

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By virtue of the powers that articles 55.1, 56.2 and 58.2. b) and d) of the RGPD recognize each control authority, and according to the provisions of articles 47 and 48.1 of the LOPDPGDD, the Director of the Spanish Agency for Data Protection is competent to resolve this procedure.

II

Article 63.2 of the LOPDPGDD establishes that: "The procedures processed by the Spanish Agency for Data Protection will be governed by the provisions in Regulation (EU) 2016/679, in this organic law, by the provisions

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regulations issued in its development and, as long as they do not contradict them, with a subsidiary, by the general rules on administrative procedures."

III

Article 12 of the RGPD, referring to the "Transparency of information, communication and modalities of exercising the rights of the interested party", in its Section 1 establishes the following:

"1. The person responsible for the treatment will take the appropriate measures to facilitate to the interested party all the information indicated in articles 13 and 14, as well as any communication pursuant to articles 15 to 22 and 34 relating to processing, in the form

concise, transparent, intelligible and easily accessible, with clear and simple language, in particular any information directed specifically at a child. Information shall be provided in writing or by other means, including, if applicable, by When requested by the interested party, the information may be provided verbally provided that the identity of the interested party is proven by other means.”

In the present case, the defendant is charged with the violation of the duty to inform provided for in article 13 of the RGPD, a precept that regarding the ”Information that must be provided when personal data is obtained from the interested.”, determines 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 applicable;

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 legitimate interests of the person in charge or of a third party;

e) the recipients or categories of recipients of the personal data, in your 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 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 not possible, the criteria used to determine this period;

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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 data portability;

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 personal data and is informed of the possible consequences of not provide such data;

f) the existence of automated decisions, including profiling, to 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 person in charge of the treatment projects the subsequent treatment of

personal data for a purpose other than that for which it was collected,  
will provide the interested party, prior to said further treatment, information  
for that other purpose and any additional information relevant to the meaning of paragraph 2.

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

In turn, both precepts are related to the provisions of the

Recitals 60 and 61 of the aforementioned RGPD, which establish:

“(60) The principles of fair and transparent treatment require that the

interested party of the existence of the treatment operation and its purposes. The responsible

of the treatment must provide the interested party with as much complementary information as is

necessary to ensure fair and transparent processing, taking into account the

specific circumstances and context in which the personal data is processed. I know

must also inform the interested party of the existence of profiling and

the consequences of such elaboration. If personal data is obtained from

interested parties, they must also be informed of whether they are obliged to provide them and of the

consequences if they don't. This information may be transmitted in

combination with standardized icons that offer, in an easily visible way,

intelligible and clearly legible, an adequate overview of the treatment

provided. Icons presented in electronic format must be legible

mechanically.

(61) Data subjects should be provided with information on the processing of

your personal data at the time it is obtained from them or, if obtained from

another source, within a reasonable time, depending on the circumstances of the case. If the

personal data can be legitimately communicated to another recipient, it must be

inform the interested party at the time they are communicated to the recipient for the first time

time. The data controller who plans to process the data for a purpose that is not

is the one for which they were collected must provide the interested party, before said further processing, information about that other purpose and other necessary information.

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When the origin of the personal data cannot be provided to the interested party by multiple sources have been used, general information should be provided.”

For its part, regarding the rights of “Transparency and information to the affected”, article 11 of Organic Law 3/2018, of December 5, on Protection of Personal Data and guarantee of digital rights (hereinafter LOPDGDD), establishes that:

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

2. The basic information referred to in the previous section must be contain at least:

- a) The identity of the data controller and his representative, in his case.
- b) The purpose of the treatment.
- c) The possibility of exercising the rights established in articles 15 to 22 of 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

In this case, the affected party must be informed of their right to oppose the adoption of automated individual decisions that produce legal effects on him or her significantly affect in a similar way, when this right concurs in accordance with the provisions of article 22 of Regulation (EU) 2016/679.

3. When the personal data had not been obtained from the affected party, the responsible may comply with the duty of information established in article 14 of Regulation (EU) 2016/679, providing the aforementioned basic information in the previous section, indicating an electronic address or other means that allows easy and immediate access to the rest of the information.

In these cases, the basic information will also include:

- a) The categories of data subject to treatment.
- b) The sources from which the data came.”

#### IV

In this case, through the access made on the 14th of January 2019 to the website \*\*\*URL.1 it has been verified that through the form called "My shopping basket: Shipping data" included in said portal, the claimed collects personal data from users who complete the said form to send them confirmation of the selected products in the basket of purchase and contact these buyers if there is any incident without providing them, at the time of collecting their personal data, all the information required in terms of data protection established in article 13 of the RGPD, as can be deduced from the detail of the aspects on which it is not reports totally or partially that it appears in Proven Fact No. 2.3 of this act.

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On April 1, 2019, it is verified that the respondent has modified the "Privacy Policy" in order to adapt the information contained therein to the

requirements established in article 13 of the RGPD, noting that although it has including the aspects that were outlined in the initial agreement of this procedure, however, incorrect information appears.

Thus, in the section What personal data do we process? of said document states, among other information, that “In the event that you provide data from third parties, You state that you have their consent and you agree to transfer the information contained in this clause, exempting Free Catalonia from any responsibility.”, when the obligation to prove the legality of the treatment of the data falls on the person in charge of the treatment, not on the interested party. that personal data of a third party is requested.

In turn, in the information contained in the section “Updates of our Privacy Policy” the respondent indicates that “This Policy may be updated periodically to reflect changes in our practices on the personal information. We will post a prominent notice on the Site or send you a email to notify you of any significant changes to our Policy and We will indicate at the top of the Policy when it was last updated.

Keep in mind that, in accordance with the provisions of article 13.3 of the RGPD, if the change is linked to the processing of personal data for a purpose other than that for which that the data was collected, that information about another purpose must be provided to the data subject prior to such further processing.

From which it can be deduced that the respondent, after receiving the notification of the agreement to initiate the sanctioning procedure, adopted measures tending to regularize the situation, although according to certain reasoning aspects of the information currently offered in its privacy policy, and which users can access through the link contained in the form prior to the provision of your personal data, continue without adjusting to

said precept. Consequently, the respondent has violated the right to information of the interested parties whose personal data is collected in the manner described.

The facts described constitute a violation of the duty to inform collected in the aforementioned article 13 of the RGPD attributable to the claimed, which as responsible for said treatment must take the necessary measures to implement the necessary mechanisms to facilitate interested parties (buyers) who complete the outlined form, prior to obtaining the data requested personal information, the information indicated in article 13 of the RGPD, falling also on the claimed the obligation to provide such information in accordance with the requirements contemplated in said precept.

Sections b), d) and i) of article 58.2 of the RGPD provide the following:

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

corrections listed below:

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b) sanction any person responsible or in charge of the treatment with warning when the processing 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 a specified manner and within a specified period;”



"i) impose an administrative fine in accordance with article 83, in addition to or in  
instead of the measures mentioned in this paragraph, depending on the circumstances  
of each particular case;

Article 83 of the RGPD, under the heading "General conditions for the  
imposition of administrative fines", in its sections 2 and 5.b) states that:

"two. Administrative fines will be imposed, depending on the circumstances  
of each individual case, in addition to or as a substitute for the measures contemplated  
in article 58, paragraph 2, letters a) to h) and j). (...)

5. Violations of the following provisions will be sanctioned, in accordance  
with 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 according to articles 12 to 22;"

For its part, article 71 of the LOPDGDD establishes that "They constitute  
infractions the acts and behaviors referred to in sections 4, 5 and 6 of the  
Article 83 of Regulation (EU) 2016/679, as well as those that are contrary to the  
this organic law.", establishing in article 74 of said Law that: "It is  
considered minor and will prescribe after a year the remaining infractions of a  
merely formal of the articles mentioned in paragraphs 4 and 5 of article 83  
of Regulation (EU) 2016/679 and, in particular, the following:

1. Failure to comply with the principle of transparency of information or the  
right to information of the affected party for not providing all the information required by  
Articles 13 and 14 of Regulation (EU) 2016/679."

From the reasoned, it is evident that as of January 14, 2019 the claimed  
did not provide the interested parties to whom it requested personal data, prior to

obtaining it, information on the extremes outlined in proven fact 2.3 of this act, continuing as of April 1, 2019 offering incorrect information as stated in proven fact No. 3.3, which constitutes a violation of the provided for in article 13 of the RGPD in its relationship with the provisions of sections 1 and 2 of article 11 of the LOPDGDD, typified in article 83.5.b) of the RGPD and classified as minor for prescription purposes in article 74.a) of the LOPDGDD.

In the present case, it is deemed appropriate to impose the sanction of warning provided for in article 58.2.b) of the RGPD in view of the following circumstances: it is a company whose main activity is not

linked to the usual processing of personal data; the absence of

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intentionality in the offending conduct, as can be deduced from the interest shown by the claimed party to, once received the agreement to initiate the procedure, introduce a series of changes to adapt the information offered in the privacy policy to the right to information of users whose personal data was going to be collected from them and ensure that they had had access to it before to continue the purchase process, notwithstanding that the corrections carried out were insufficient; in addition to the administrative fine that could fall in accordance with the provisions of article 83.5.b) of the RGPD would constitute a disproportionate burden on that company.

Confirmed the infraction described, and appearing in the "Privacy Policy"

shown as of April 1, 2019 the information outlined in the Proven Fact

No. 3.2, and without the respondent having justified the correction of the irregular situation

described, it is appropriate to apply the provisions of the aforementioned article 58.2.d) of the RGPD

in order that, by the claimed party, the actions are carried out (measures

technical and organizational) necessary for the treatment operations to be

comply with the provisions of article 13 of the RGPD in its relationship with the provisions of sections 1 and 2 of article 11 of the LOPDGDD.

The respondent must prove before this Agency the performance of said actions within a period of ONE MONTH, computed from the date on which the this sanctioning resolution, through the provision of documentation or any other means of proof valid in law that allows verifying the adequacy of the privacy policy of the website and the information requested in the form included in it under the name "My shopping basket: Shipping data" to the right of transparency and information of the interested parties whose data is required by that means. In any case, the claimed party must prove the mechanisms implemented to facilitate the rest of the information that must be made available to those affected in compliance with the right to information regulated in the RGPD.

It is noted that section 6 of article 83 of the RGPD, establishes that "6. The Failure to comply with the resolutions of the supervisory authority pursuant to article 58, paragraph 2, will be sanctioned in accordance with paragraph 2 of this article with administrative fines of a maximum of EUR 20,000,000 or, in the case 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 72.1.m) provides that: "1. According to what the article establishes 83.5 of Regulation (EU) 2016/679 are considered very serious and will prescribe to three years the infractions that suppose a substantial violation of the articles mentioned therein and, in particular, the following: (...)

m) Failure to comply with the resolutions issued by the authority of competent data protection in exercise of the powers conferred by article 58.2 of Regulation (EU) 2016/679."

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 LIVING TERRITORIWEB, S.L., with NIF B63125041, of

In accordance with the provisions of article 58.2.b) of the RGPD, a sanction of

WARNING for a violation of the provisions of Article 13 of the RGPD in its

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in relation to the provisions of sections 1 and 2 of article 11 of the LOPDGDD,

typified in Article 83.5 of the RGPD.

SECOND: ORDER LIVING TERRITORIWEB, S.L., in accordance with the

provided for in article 58.2.d) of the RGPD, the making of the modifications

necessary in the sections What personal data do we process? and “Updates from

our Privacy Policy” contained in the “Privacy Policy” document

of the website \*\*\*URL.1 so that the information contained therein responds

entirely to the provisions of article 13 of the RGPD.

The claimed party must prove to this Agency the completion of what is ordered

by means of any valid legal proof within ONE MONTH, counting from

the day following the notification of this resolution.

THIRD: NOTIFY this resolution to LIVING TERRITORIWEB, S.L..

FOURTH: In accordance with the provisions of article 50 of the LOPDPGDD, the

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

LOPDPGDD, 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-](https://sedeagpd.gob.es/sede-electronica-web/)

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.

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Director of the Spanish Data Protection Agency