

□ File No.: EXP202202922

RESOLUTION OF TERMINATION OF THE PROCEDURE FOR PAYMENT

VOLUNTEER

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

BACKGROUND

FIRST: On July 20, 2022, the Director of the Spanish Agency for
Data Protection agreed to start a sanctioning procedure against A.A.A. (onwards,
the claimed party), through the Transcribed Agreement:

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File No.: EXP202202922

AGREEMENT TO START THE SANCTION PROCEDURE

Of the actions carried out by the Spanish Data Protection Agency and in
based on the following

FACTS

FIRST: On 03/04/2022, a document submitted to this Agency was entered
by B.B.B. (hereinafter, the claiming party), through which the claim is made
against A.A.A. with NIF ***NIF.1 (hereinafter, the claimed party), for a possible
breach of the provisions of the data protection regulations
staff.

The reasons on which the claim is based are the following:

"This Lord, has installed a series of cameras throughout the estate, even in places
private, such as the terrace of the owner of the ground floor, with viewing and/or recording of
images in community places such as the entrance to the farm, the community roof

where in summer you sunbathe, the parking lot that is owned by the Lady of Bajo and it is not communal. Four of those that are perceived, focus on part of the public thoroughfare with which it puts the entire community in a commitment.

[...]"

Attach 4 photographs of the location of the cameras.

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SECOND: In accordance with article 65.4 of Organic Law 3/2018, of 5 December, Protection of Personal Data and guarantee of digital rights (in forward LOPDGDD), on 03/10/2022 the claim was transferred to the party claimed, so that it proceeds to its analysis and informs this Agency within the term of one month, of the actions carried out to adapt to the foreseen requirements in the data protection regulations.

The transfer, which was carried out in accordance with the regulations established in Law 39/2015, of October 1, of the Common Administrative Procedure of the Administrations Public (hereinafter, LPACAP), was collected on 03/30/2022, as stated in Notice issued by Correos.

On 04/27/2022, this Agency received a written response from the claimant which states the following:

"[...]

III. That the aforementioned video surveillance cameras were installed, at the time, in different locations of the family building on ***ADDRESS.1 street (...).

IV. This part understands that it would correspond to the Community of Owners of the aforementioned

building, to give due response, since Mr. A.A.A. is one more owner of the dwellings that make up the building (which will also cease to be so in the coming weeks given that he has been forced to transfer the farm from which he is headline (...)

[...]

In the years 2006-2007, the Community of Owners (that we remember is a building relative) entrusted to Mr. ***A.A.A the process of managing the installation of the Cameras, which were installed in the following areas of the Community of Owners:

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-
-

2 cameras in the 2 vehicle access doors to the farm.

1 camera at the main access door to the building.

1 camera on the balcony of the first floor (since said urbanization was easy access from the street).

All the cameras were installed in interior areas of the building without, in any way, moment, they were focused on the street.

That the cameras were installed for dissuasive purposes, and only reproduced images, therefore, during the time they were enabled, they never recorded any image.

That Mr. ***A.A.A is aware that, for more than half a year, the cameras have been They are totally disabled and in disuse, so they don't even record (because it hasn't ever done), nor do they reproduce images.

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[...]"

THIRD: On 04/27/2022, the "Request for additional information" is sent to the

Presidency of the Community of Owners of ***ADDRESS.1; resulting

delivered on 05/05/2022, according to the Notice issued by Correos.

On 05/06/2022, this Agency received a written response from the

claimant stating the following:

"[...]

The President of the Community of neighbors (...), has asked me to answer it since

His advanced age does not allow him to do this type of paperwork.

The person in charge of the video surveillance is called A.A.A., a neighbor of (...) of this farm. A

total of 8 cameras on the terrace, parking and perimeter of the farm. the system of

viewing and recording has always been exclusive to the aforementioned manager. To the

At least 5 cameras capture public roads without having signs that warn such a thing. The

cameras have never had the authorization of the Board of owners.

We do not know the term of conservation of the images. All cameras are

real."

Provide new photographs taken from different angles of the location of the

cameras, including a camera on the terrace of the property. Also, copy of the Act

of the Extraordinary Meeting of the Community of Owners of 03/10/2022 that

establishes in its point 6: "The president proposes to ratify the disavowal and

elimination of the installation of video surveillance cameras installed by Don A.A.A.

in common areas and those other private areas of other different owners

(...). Mr. ***C.C.C. is in favor of its maintenance, always conditioned to the fact that

The images can be viewed by all the owners and not only by Mr.

A.A.A. (...). It is agreed by majority to proceed with the withdrawal of all cameras that have been installed in communal and private areas of other owners (...) granting them a period of 7 calendar days (...)"

FOURTH: On 04/24/2022, the claimant submitted a new document in which, in summary, indicates that the defendant has misused the images that capture the "cameras located in communal areas of the property" and, in addition, "has been presented before the judicial authority for a legal dispute with his own mother and via WhatsApp at least with his lawyer". In this case, attach a video of what caught one of the cameras.

FIFTH: On 05/09/2022, in accordance with article 65 of the LOPDGDD, The claim presented by the complaining party was admitted for processing.

FUNDAMENTALS OF LAW

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Competence

In accordance with the powers that article 58.2 of Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter GDPR), grants each control authority and as established in articles 47, 48.1, 64.2 and 68.1 of the Organic Law 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights (hereinafter, LOPDGDD), is competent to initiate and resolve this procedure the Director of the Spanish Protection Agency

of data.

Likewise, article 63.2 of the LOPDGDD determines that: "The procedures processed by the Spanish Data Protection Agency will be governed by the provisions in Regulation (EU) 2016/679, in this organic law, by the provisions regulations dictated in its development and, insofar as they do not contradict them, with character subsidiary, by the general rules on administrative procedures."

II

The image is a personal data

The physical image of a person, according to article 4.1 of the GDPR, is data personnel and their protection, therefore, is the subject of said Regulation. In article 4.2 of the GDPR defines the concept of "processing" of personal data.

The images generated by a system of cameras or camcorders are data of personal nature, so its treatment is subject to the protection regulations of data.

It is, therefore, pertinent to analyze whether the processing of personal data (image of the natural persons) carried out through the denounced video surveillance system is in accordance with the provisions of the GDPR.

II

alleged infringement

Article 6.1 of the GDPR establishes the assumptions that allow the use of processing of personal data.

Regarding treatment for video surveillance purposes, article 22 of the LOPDGDD establishes that natural or legal persons, public or private, may carry out carry out the treatment of images through systems of cameras or video cameras in order to preserve the safety of people and property, as well as their facilities.

Article 12.1 of the GDPR indicates that whoever carries out data processing personal, such as the capture of images through a system of video surveillance, must provide the interested parties with the information indicated in the Articles 13 and 14 of the GDPR.

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In order that the duty of information provided for in article 12 of the GDPR is complies in a concise and understandable manner for the affected party, the aforementioned article 22 of the LOPDGDD foresees in relation to video surveillance a system of "information by layers".

In this sense, the first layer must refer, at least, to the existence of the treatment (video surveillance), the identity of the person responsible, the possibility of exercising the rights provided for in articles 15 to 22 of the GDPR and where to obtain more information on the processing of personal data.

Second layer information should be easily available in one place accessible to the affected person, whether it is an information sheet at a reception, cashier, etc..., placed in a visible public space or in a web address, and must refer to the other elements of article 13 of the GDPR.

It is not necessary to specify the precise location of the video surveillance equipment.

This duty of information will be understood fulfilled by placing a Information device in a sufficiently visible place, and at least, at the entrances to monitored areas, whether interior or exterior. In case the space video surveillance has several accesses must have said hallmark of

video surveillance area in each of them.

This information must be provided in advance -recital 39 of the GDPR-. He

The aim is to make the context of surveillance clear.

Video surveillance obligations

IV.

In accordance with the foregoing, the processing of images through a system video surveillance, to comply with current regulations, must comply with the following requirements:

1.- Individuals or legal entities, public or private, can establish a system

video surveillance in order to preserve the safety of people and property, as well as its facilities.

It must be assessed whether the intended purpose can be achieved in another less

intrusive to the rights and freedoms of citizens. Personal data only

should be processed if the purpose of the processing cannot reasonably be achieved by other means, recital 39 of the GDPR.

2.- The images obtained cannot be used for a subsequent purpose

incompatible with the one that motivated the installation of the video surveillance system.

3.- The duty to inform those affected provided for in articles 12 must be fulfilled

and 13 of the GDPR, and 22 of the LOPDGDD, in the terms already indicated.

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4.- The treatment of images through the installation of camera systems or

video cameras must be lawful and comply with the principle of proportionality and the principle of

minimization of data, in the terms already indicated.

5.- The images may be kept for a maximum period of one month, except in those cases in which they must be kept to prove the commission of acts that threaten the integrity of people, property or facilities.

In this second case, they must be made available to the authority competent authority within a maximum period of 72 hours from the knowledge of the recording existence.

6.- The controller must keep a record of processing activities carried out under his responsibility in which the information to which he makes reference article 30.1 of the GDPR.

7.- The person in charge must carry out a risk analysis or, where appropriate, an evaluation of impact on data protection, to detect those derived from the implementation of the video surveillance system, assess them and, where appropriate, adopt security measures. appropriate security.

8.- When a security breach occurs that affects the processing of cameras for security purposes, whenever there is a risk to the rights and freedoms of natural persons, you must notify the AEPD within a maximum period of 72 hours.

A security breach is understood to be the destruction, loss or accidental alteration or unlawful transfer of personal data, stored or otherwise processed, or the communication or unauthorized access to said data.

9.- When the system is connected to an alarm center, it can only be installed by a qualified private security company contemplated in article 5 of Law 5/2014 on Private Security, of April 4.

The Spanish Data Protection Agency offers through its website

[<https://www.aepd.es>] access to:

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the legislation on the protection of personal data, including the
RGPD and the LOPDGDD (section "Reports and resolutions" / "regulations"),
the Guide on the use of video cameras for security and other purposes,
the Guide for compliance with the duty to inform (both available at the
section "Guides and tools").

It is also of interest, in case of carrying out low-risk data processing, the
free tool Facilitates (in the "Guides and tools" section) that, through
specific questions, allows to assess the situation of the person in charge with respect to the
processing of personal data that it carries out, and where appropriate, generate various
documents, informative and contractual clauses, as well as an annex with measures
indicative security considered minimum.

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Possible administrative offense

V

The claim is based on the alleged illegality of the installation by the defendant of a
video surveillance system, without authorization from the Board of Owners, in the building,
located at ***ADDRESS.1, whose cameras may be capturing images of areas
common (terrace or entrance) and private, as well as public roads.

In addition, it warns that the reviewed property does not have the mandatory sign

informative video-surveilled area reporting on the presence of the

cameras and on the identity of the data controller, so that

Interested persons can exercise the rights provided for in articles 15 to

22 of the GDPR.

As proof of these statements, the claimant provided a photographic report in

which shows the existence of two cameras facing the outside of the

property (one in the upper left margin of the bottom of the façade and another in the tube

smoke outlet), one inside the car park door and another one in a

community roof pipe.

For his part, the defendant acknowledges in his response to the transfer having managed the

installation of the video surveillance system, but only because you were entrusted with such a task

Therefore, it is understood that the person in charge of the system would be the Community of

Owners. He adds that there are 4 cameras located inside the building, but

who have been inactive for more than half a year and, even when they were, they never recorded

images.

However, having examined the new photographs provided by the claimant in the

transfer made to the Presidency of the Community of Owners, it is appreciated that

There is only one camera placed inside the building (parquin), since there are 4

devices installed in different areas of the exterior (facade, outlet tube of

smoke and pipes from the community roof) and that due to their orientation could capture

images of public roads and common areas. Also, it indicates as responsible

of the video surveillance system to the claimant since he is the only one who has access to the

images that are captured and, therefore, the Community itself has urged him to withdraw them,

and that is included in the copy of the Minutes of the Extraordinary Meeting of Owners

from 03/10/2022. Finally, it should be noted that the claimant provides a video dated

02/14/2022 recorded, apparently, by one of the video surveillance cameras; by

which would not have been deactivated for more than half a year, as indicated by the reclaimed.

It should be remembered that an agreement from the Board of Owners is necessary for the installation of video surveillance cameras, in addition this agreement must be reflected in the minutes of said meeting. In this sense, according to article 17 of Law 49/1960, of July 21, on horizontal property, for the installation of surveillance services in a community of owners, votes in favor are needed of 3/5 of the total owners, who must also represent at least 3/5 of the participation fees.

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In any case, the mandatory informative zone signs must be placed video surveillance, indicating the purposes and person responsible for the treatment, if applicable, of the Personal data.

In accordance with the evidence available at the present time of agreement to start the disciplinary procedure, and without prejudice to what results from the instruction, it is considered that the facts exposed could suppose a violation of what is established in articles 6 and 13 of the GDPR, for which reason they could imply the commission of offenses typified in article 83.5.a) and b) of the GDPR, which provides the following:

Violations of the following provisions will be sanctioned, in accordance with the paragraph 2, with administrative fines of maximum EUR 20,000,000 or, in the case of a company, an amount equivalent to a maximum of 4% of the

total annual global business volume of the previous financial year, opting for the highest amount:

- a) the basic principles for the treatment, including the conditions for the consent under articles 5, 6, 7 and 9;
- b) the rights of the interested parties in accordance with articles 12 to 22; (...).

For the purposes of the limitation period for infringements, the infringements indicated in the previous paragraph are considered very serious in accordance with article 72.1 of the LOPDGDD, which establishes that:

"Based on what is established in article 83.5 of Regulation (EU) 2016/679, are considered very serious and will prescribe after three years the infractions that a substantial violation of the articles mentioned therein and, in particular, the following:

(...)

- b) The processing of personal data without the fulfillment of any of the conditions of legality of the treatment established in article 6 of Regulation (EU) 2016/679.

(...)

- h) The omission of the duty to inform the affected party about the processing of their data personal in accordance with the provisions of articles 13 and 14 of Regulation (EU) 2016/679 and 12 of this Organic Law."

SAW

Sanction proposal

The corrective powers available to the Spanish Agency for the protection of Data, as a control authority, are established in article 58.2 of the GDPR. Between them they have the power to impose an administrative fine in accordance with the article 83 of the GDPR -article 58.2 i)-, or the power to order the person responsible or processor that the processing operations comply with the

provisions of the GDPR, where applicable, in a certain way and within a certain specified term -article 58. 2 d)-.

According to the provisions of article 83.2 of the GDPR, the measure provided for in article 58.2 d) of the aforementioned Regulation is compatible with the sanction consisting of a fine administrative.

In the present case, taking into account the facts exposed and without prejudice to what results from the instruction of the procedure, it is considered that the sanction that

It would be appropriate to impose an administrative fine. The fine imposed shall be, in each individual case, effective, proportionate and dissuasive, in accordance with the Article 83.1 of the GDPR. In order to determine the administrative fine to be imposed, to observe the provisions of article 83.2 of the GDPR, which indicates:

"2. Administrative fines will be imposed, depending on the circumstances of each individual case, in addition to or in lieu of the measures contemplated in

Article 58, paragraph 2, letters a) to h) and j). When deciding to impose a fine administration and its amount in each individual case shall be duly taken into account:

a) the nature, seriousness and duration of the offence, taking into account the nature, scope or purpose of the processing operation in question, as well as such as the number of interested parties affected and the level of damages that have suffered;

b) intentionality or negligence in the infringement;

c) any measure taken by the controller or processor to

alleviate the damages and losses suffered by the interested parties;

d) the degree of responsibility of the controller or processor,

taking into account the technical or organizational measures that they have applied under

of articles 25 and 32;

e) any previous infringement committed by the controller or processor;

f) the degree of cooperation with the supervisory authority in order to remedy the

infringement and mitigate the possible adverse effects of the infringement;

g) the categories of personal data affected by the infringement;

h) the way in which the supervisory authority became aware of the infringement, in

particular whether the person in charge or the person in charge notified the infringement and, if so, in what extent;

i) when the measures indicated in article 58, paragraph 2, have been ordered

previously against the person in charge or the person in charge in relation to the

same matter, compliance with said measures;

j) adherence to codes of conduct under article 40 or to mechanisms of

certification approved in accordance with article 42,

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k) any other aggravating or mitigating factor applicable to the circumstances of the case,

such as financial benefits obtained or losses avoided, directly or

indirectly, through the infringement”.

For its part, in relation to letter k) of article 83.2 of the GDPR, the LOPDGDD, in

its article 76, "Sanctions and corrective measures", provides:

"1. The sanctions provided for in sections 4, 5 and 6 of article 83 of the Regulation

(UE) 2016/679 will be applied taking into account the graduation criteria

established in section 2 of said article.

2. In accordance with the provisions of article 83.2.k) of Regulation (EU) 2016/679

may also be taken into account:

a) The continuing nature of the offence.

b) The link between the activity of the offender and the performance of data processing.

personal information.

c) The benefits obtained as a consequence of the commission of the infraction.

d) The possibility that the conduct of the affected party could have included the commission of the offence.

e) The existence of a merger by absorption process subsequent to the commission of the infringement, which cannot be attributed to the absorbing entity

f) Affectation of the rights of minors

g) Have, when it is not mandatory, a data protection delegate.

h) Submission by the person responsible or in charge, on a voluntary basis, to

alternative conflict resolution mechanisms, in those cases in which

there are controversies between those and any interested party".

Regarding the offenses committed by violating the provisions of Articles 6

and 13 of the GDPR, a fine of €300 (three hundred euros) is set as an initial assessment and

of another €300 (three hundred euros), respectively.

VII

possible measures

If the infringement is confirmed, it could be agreed to impose on the person responsible the adoption of adequate measures to adjust its performance to the regulations mentioned in this

act, in accordance with the provisions of the aforementioned article 58.2 d) of the GDPR, according to the

which each control authority may "order the person responsible or in charge of the processing that the processing operations comply with the provisions of the this Regulation, where appropriate, in a certain way and within a certain specified term..."

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In such a case, in the resolution adopted, this Agency may require the responsible so that within the period to be determined:

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camcorders of the current location.

Evidence of having removed the camera system or

It is noted that not meeting the requirements of this body may be

considered as an administrative offense in accordance with the provisions of the GDPR,

classified as an infraction in its article 83.5 and 83.6, being able to motivate such conduct the

opening of a subsequent administrative sanctioning procedure.

VIII

Conclusion

Therefore, in accordance with the foregoing, by the Director of the Agency

Spanish Data Protection,

HE REMEMBERS:

FIRST: INITIATE SANCTION PROCEDURE against A.A.A., with NIF ***NIF.1,

for the alleged violations of articles 6 and 13 of the GDPR, typified in the

Article 83.5.a) and b) of the GDPR.

SECOND: THAT for the purposes provided in article 64.2.b) of Law 39/2015, of 1

October, of the Common Administrative Procedure of Public Administrations

(LPACAP, hereinafter), the sanctions that may correspond would be €300

(three hundred euros) and €300 (three hundred euros), respectively, without prejudice to what

results from the instruction.

Likewise, the imputed infractions, if confirmed, may lead to the imposition

of measures in accordance with the provisions of the aforementioned article 58.2.d) of the GDPR.

THIRD: APPOINT as instructor D.D.D. and, as secretary, to E.E.E.,

indicating that any of them may be challenged, if applicable, in accordance with the

established in articles 23 and 24 of Law 40/2015, of October 1, on the Regime

Legal Department of the Public Sector (LRJSP).

FOURTH: INCORPORATE into the disciplinary file, for evidentiary purposes, the

claim filed by the claimant and its documentation, as well as the

documents obtained and generated by the Sub-directorate General of Inspection of

Data on actions carried out prior to the start of this

sanctioning procedure.

FIFTH: NOTIFY this agreement to A.A.A., with NIF ***NIF.1, granting it a

hearing period of ten business days to formulate the allegations and present

the tests it deems appropriate. In your pleadings you must provide

your NIF and the number of the procedure that appears in the heading of this

document.

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If, within the stipulated period, he does not make allegations to this initial agreement, the same may be considered a resolution proposal, as established in article 64.2.f) of Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations (hereinafter, LPACAP).

In accordance with the provisions of article 85 of the LPACAP, you may recognize your responsibility within the period granted for the formulation of allegations to the present initiation agreement, which will entail a reduction of 20% of the sanction that should be imposed in this proceeding. With the application of this reduction, the penalty would be established at €240 (two hundred and forty euros) for infringement of article 6 of the GDPR, and €240 (two hundred and forty euros) for the violation of article 13 of the GDPR, €480 (four hundred and eighty euros) in total, resolving the procedure with the imposition of this sanction.

In the same way, it may, at any time prior to the resolution of this procedure, carry out the voluntary payment of the proposed sanction, which will mean a reduction of 20% of its amount. With the application of this reduction, the sanction would be established at €240 (two hundred and forty euros) for the infraction of article 6 of the GDPR, and €240 (two hundred and forty euros) for the infringement of the article 13 of the GDPR, €480 (four hundred and eighty euros) in total, and its payment will imply the completion of the procedure.

The reduction for the voluntary payment of the penalty is cumulative to the corresponding apply for acknowledgment of responsibility, provided that this acknowledgment of the responsibility is revealed within the period granted to formulate allegations at the opening of the procedure. Voluntary payment of the referred amount in the previous paragraph may be done at any time prior to the resolution. In this case, if both reductions were to be applied, the amount of the penalty would remain established at €180 (one hundred and eighty euros) for the violation of article 6 of the GDPR and

another €180 (one hundred and eighty euros) for that of article 13 of the GDPR, €360 (three hundred sixty euros) in total.

In any case, the effectiveness of any of the two aforementioned reductions will be conditioned to the withdrawal or resignation of any action or appeal via administrative against the sanction.

In the event that you choose to proceed with the voluntary payment of any of the amounts indicated above (480 euros or 360 euros), you must make it effective through your deposit in the account number ES00 0000 0000 0000 0000 0000 opened in the name of the Spanish Data Protection Agency at the bank CAIXABANK, S.A., indicating in the concept the reference number of the procedure that appears in the heading of this document and the reason for reducing the amount to which welcomes.

Likewise, you must send proof of income to the General Subdirectorate of Inspection to continue with the procedure in accordance with the quantity entered.

The procedure will have a maximum duration of nine months from the date of the initiation agreement or, where appropriate, of the draft initiation agreement.

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After this period, its expiration will occur and, consequently, the file of performances; in accordance with the provisions of article 64 of the LOPDGDD.

Finally, it is noted that in accordance with the provisions of article 112.1 of the LPACAP, there is no administrative appeal against this act.

Mar Spain Marti

Director of the Spanish Data Protection Agency

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SECOND: On August 30, 2022, the claimed party has proceeded to pay of the sanction in the amount of 480 euros making use of one of the two reductions provided for in the Startup Agreement transcribed above. Therefore, there has not been acknowledgment of responsibility.

THIRD: The payment made entails the waiver of any action or resource in the against the sanction, in relation to the facts referred to in the Commencement Agreement.

FOURTH: In the previously transcribed Initial Agreement, it was indicated that it could agree to impose on the controller the adoption of appropriate measures to adjust its performance of the regulations mentioned in this act, in accordance with the provisions of the cited article 58.2 d) of the GDPR, according to which each control authority may “order the person in charge or person in charge of the treatment that the operations of treatment comply with the provisions of this Regulation, where appropriate, in a certain way and within a specified period...”.

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Competence

In accordance with the powers that article 58.2 of Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter GDPR), grants each control authority and as established in articles 47, 48.1, 64.2 and 68.1 of the Organic Law 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights (hereinafter, LOPDGDD), is competent to

initiate and resolve this procedure the Director of the Spanish Protection Agency

of data.

Likewise, article 63.2 of the LOPDGDD determines that: "The procedures processed by the Spanish Data Protection Agency will be governed by the provisions in Regulation (EU) 2016/679, in this organic law, by the provisions regulations dictated in its development and, insofar as they do not contradict them, with character subsidiary, by the general rules on administrative procedures."

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Termination of the procedure

Article 85 of Law 39/2015, of October 1, on Administrative Procedure

Common for Public Administrations (hereinafter, LPACAP), under the heading

"Termination in disciplinary proceedings" provides the following:

"1. Initiated a disciplinary procedure, if the offender acknowledges his responsibility,

The procedure may be resolved with the imposition of the appropriate sanction.

2. When the sanction has only a pecuniary nature or it is possible to impose a

pecuniary sanction and another of a non-pecuniary nature but the

inadmissibility of the second, the voluntary payment by the presumed perpetrator, in

any moment prior to the resolution, will imply the termination of the procedure,

except in relation to the replacement of the altered situation or the determination of the

compensation for damages caused by the commission of the offence.

3. In both cases, when the sanction is solely pecuniary in nature, the

The competent body to resolve the procedure will apply reductions of at least 20% of the amount of the proposed penalty, these being cumulative among themselves.

The aforementioned reductions must be determined in the notification of initiation of the procedure and its effectiveness will be conditioned to the withdrawal or resignation of any administrative action or resource against the sanction.

The percentage reduction provided for in this section may be increased according to regulations."

Having proceeded to the payment of the pecuniary sanction, in accordance with paragraph 2 of this article, the voluntary payment implies the termination of the procedure, except in relation to the restoration of the altered situation. Therefore, the imposition of the necessary measures to cease the conduct or to correct the effects of the infringement.

According to what has been indicated, the Director of the Spanish Agency for the Protection of Data RESOLVES:

FIRST: DECLARE the termination of procedure EXP202202922, in accordance with the provisions of article 85 of the LPACAP.

SECOND: REQUEST A.A.A. so that within one month notify the Agency adopting the measures described in the fundamentals of law of the Initiation Agreement transcribed in this resolution.

THIRD: NOTIFY this resolution to A.A.A..

In accordance with the provisions of article 50 of the LOPDGDD, this Resolution will be made public once the interested parties have been notified.

Against this resolution, which puts an end to the administrative process as prescribed by the art. 114.1.c) of Law 39/2015, of October 1, on Administrative Procedure Common of Public Administrations, interested parties may file an appeal

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administrative litigation before the Administrative Litigation 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 for in article 46.1 of the referred Law.

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