

□ Procedure No.: PS/00049/2021

RESOLUTION OF PUNISHMENT PROCEDURE

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

BACKGROUND

FIRST: MUNICIPAL CONSUMER INSTITUTE OF THE CITY COUNCIL OF

MADRID (hereinafter, the claimant) on July 8, 2020 filed

claim before the Spanish Data Protection Agency.

The claim is directed against UNISAFER SERVICIOS, S.L. with NIF B86512605 (in
later, the claimed one).

The reasons on which the claim is based are that the website

<http://multiserviciosunisafer.com/> would not be providing the user with information

clear and complete information on the processing of your personal data.

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

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

hereinafter LOPDGDD), with reference number E/07899/2020, transfer of

said claim to the claimed party, on November 5, 2020, so that he could proceed to

its analysis and inform this Agency within a month of the actions carried out

carried out to adapt to the requirements set forth in the regulations for the protection of

data, with no response to date.

THIRD: On March 25, 2021, the Director of the Spanish Agency for

Data Protection agreed to initiate a sanctioning procedure against the claimant, with

in accordance with the provisions of articles 63 and 64 of Law 39/2015, of October 1, of the

Common Administrative Procedure of Public Administrations (hereinafter,

LPACAP), for the alleged violation of Article 7 of the RGPD, Article 13 of the RGPD,

typified in Article 83.5 of the RGPD.

FOURTH: Notified of the aforementioned initiation agreement, on April 9, 2021, the respondent presented a brief of allegations in which, in summary, it stated that the website <http://multiserviciosunisafer.com/>, has been redirected to <https://www.unisafer.com> in the have made the following changes:

“- We have proceeded to improve the first layer of information that appears in the contact form, providing the interested party with more complete information about the data of the person responsible for the treatment of your data, the purpose of said treatment, the legitimacy of the same, the fact that there are no transfers of the data and the rights that assist you under the RGPD.

- In addition, we have proceeded to improve our privacy policy specifying, even

Furthermore, the type of data that is collected together with the treatment that will be carried out on them.

mos.”

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

2/17

The allegations conclude by pointing out that on April 9, 2021 they have carried out the last update, leaving the privacy policy of your website as follows-
you way:

“This policy expresses how the personal information of all companies will be treated and protected.

people who are related to UNISAFER SERVICIOS, S.L. through this site

Web. Please, you must read all the sections of the Legal Notice, the Privacy Policy

Cookies and this Privacy Policy before using this website.

In accordance with the provisions of EU Regulation 2016/679, General of

Data Protection (RGPD) and Organic Law 3/2018, of December 5, of Protection of Personal Data and guarantee of digital rights, UNISAFER SERVICIOS, S.L., informs you that, by accepting this Privacy Policy Privacy, you give your express, informed, free and unequivocal consent so that the data you provide, and on which security measures are applied, technical and organizational provisions provided for in current regulations, are treated by UNISAFER SERVICIOS, S.L., as data controller.

WHO IS RESPONSIBLE FOR THIS WEBSITE?

Responsible Identity: UNISAFER SERVICIOS, S.L.

NIF/CIF: B86512605

Address: Calle Ecuador 68, 28983 Parla (Madrid, Spain)

Email: info@multiserviciosunisafer.com

Activity: Home and business repairs; authorized installer of heating and sanitary hot water and gas.

Contact details of the person in charge:

By mail: Calle Ecuador 68, 28983 Parla (Madrid, Spain)

By email: info@unisafer.com

By phone: (34) 622073665

Through the web form Contact – Unsafer Services

Registered in the Mercantile Registry of Madrid, in volume 30232, folio 56, section 8 and sheet M-544131, on September 5, 2012

Registered in the Registry of the General Directorate of Industry, Energy and Mines of the Community of Madrid with numbers 4772 and 2481

WHAT PERSONAL DATA IS COLLECTED ON THIS WEBSITE?

For the purposes established in this Privacy Policy, UNISAFER

SERVICES, S.L. collects and processes the personal data detailed below,

that will depend on the different services that you request on this website:

Identification data: name, surnames, postal address, email, number of phone.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

3/17

Browsing data: IP address, device type and identification, browser type, domain through which you access the Website, browsing data, activity on the Website.

ON WHAT LEGAL BASIS ARE THESE DATA PROCESSED?

We treat your personal data with the following legal bases:

The execution of a contract with UNISAFER SERVICIOS, S.L. for the hiring of services and manage the requested services.

The consent of the user in relation to the contact, via mail, cookies or systems of Messenger service.

The legitimate interest of the data controller to protect users of the website of UNISAFER SERVICIOS, S.L. of abuse and fraud in the use of our services.

FOR WHAT PURPOSES WILL WE TREAT YOUR DATA?

On this website, there are different forms, in each of them, the information that collect will be used as follows:

Contact form: for questions, suggestions or professional contact. In this

In this case, the email address and/or the telephone number will be used to respond to them and send the information that the user requires through the

website, which may require the user's home address to provide a
adequate information.

TIME OF CONSERVATION OF PERSONAL DATA

Customer data: The retention period of personal data will vary depending on
function of the service that the client contracts. In any case, it will be the minimum
necessary, being able to stay until:

- 4 years: Arts. 66 et seq. General Tax Law (accounting books...).
- 5 years: Art. 1964 of the Civil Code (personal actions without special term).
- 6 years: Art. 30 of the Commercial Code (accounting books, invoices...).
- 10 years: Art. 25 of the Law on Prevention of Money Laundering and Financing
of Terrorism.

Data of contact persons: the data will be kept in any case during the
time necessary to manage the queries that send us through the
channels enabled for this purpose.

WHAT ARE YOUR RIGHTS REGARDING THE USE OF YOUR DATA?

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

4/17

Any person has the right to obtain confirmation as to whether UNISAFER
SERVICES, S.L. we are treating personal data that concerns you or not.

Interested persons have the right to:

Request access to personal data relating to the interested party.

Request its rectification or deletion.

Request your cancellation.

Request the limitation of your treatment.

Oppose the treatment.

Request data portability.

If you have given your consent for a specific purpose, you have the right to withdraw the consent granted at any time, without affecting the legality of the treatment based on the consent prior to its withdrawal.

In the event that you feel your rights have been violated with regard to the protection of your personal data, especially when you have not obtained satisfaction in the

exercise of your rights, you can file a claim with the Authority of

Control in terms of competent Data Protection through its site

web: <https://www.aepd.es/es>

To exercise these rights, you can write to info@unisafer.com or by

communication addressed or delivered to Calle Ecuador 68, 28983 Parla (Madrid, Spain).

If the application is submitted by electronic means, the information will be provided by these means where possible, unless you request otherwise.

There is a form for the exercise of your rights, you can request it by email or if you

If you prefer, you can use those prepared by the Spanish Agency for Data Protection or third parties.

It will be necessary to provide a photocopy of the DNI or equivalent document that proves the identity and is considered valid in law, in those cases in which the

responsible for the treatment has doubts about his identity. In case of action

Through legal representation, you must also provide a DNI and document accreditation of the representation of the representative.

SECURITY NOTICE AND BREACH STATEMENT

In UNISAFER SERVICES, S.L. We assume adequate security measures at the level of risk to protect personal information against loss, misuse and access unauthorized disclosure, alteration and destruction, taking into account the risks what the processing entails and the nature of the personal information; nevertheless,

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

5/17

If UNISAFER SERVICIOS, S.L. determines that your service data has been embezzled (even by an employee of UNISAFER SERVICIOS, S.L., have been seen exposed by a security breach or improperly acquired by a third party, UNISAFER SERVICIOS, S.L. will act immediately taking into account what is established by the RGPD and the competent data protection authorities.

TO WHICH RECIPIENTS WILL YOUR DATA BE COMMUNICATED?

Certain tools used on this website to manage data are hired by third parties.

To provide services strictly necessary for the development of the activity, UNISAFER SERVICES, S.L. shares data with the following providers under their corresponding privacy conditions:

Third-party service providers (for example, website management, and distribution email and other similar service providers) so that these may perform commercial functions on behalf of UNISAFER SERVICIOS, S.L.

The development company and web maintenance, or hosting. All our suppliers have signed a contract for the provision of services that obliges them to maintain the same level of

privacy that applies to the treatments carried out on this website.

International transfers of personal data are not planned.

SECRET AND DATA SECURITY

UNISAFER SERVICES, S.L. agrees to the use and treatment of data of the user, respecting their confidentiality, in accordance with the purpose of those; as well as to comply with their obligation to keep them and adopt all the measures to avoid the alteration, loss, treatment or unauthorized access, of in accordance with the provisions of current data protection regulations.

This website includes an SSL certificate. It is a security protocol that makes that your data travels in an integral and secure manner; that is, the transmission of the data between a server and the web user, and feedback is fully encrypted or encrypted.

UNISAFER SERVICES, S.L. cannot guarantee the absolute impregnability of the Internet network, nor, therefore, the violation of data through fraudulent access to them by third parties.

Regarding the confidentiality of the processing, UNISAFER SERVICIOS, S.L. will ensure that any person who is authorized by UNISAFER SERVICES, S.L. to process customer data (including your personal, collaborators and providers), will be under the appropriate obligation of confidentiality (either a contractual or legal duty).

ACCURACY AND TRUTHFULNESS OF THE DATA

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

As a user, you are solely responsible for the accuracy and correctness of the data you provide.

send to UNISAFER SERVICIOS, S.L. through this website, exempting UNISAFER

SERVICIOS, S.L., of any responsibility in this regard. Users guarantee and

They are responsible, in any case, for the accuracy, validity and authenticity of the data

provided, and undertake to keep them duly updated. The

user agrees to provide complete and correct information in the form of

contact or subscription.

REVOCABILITY

The consent given, both for the treatment and for the transfer of data

of the interested parties, it is revocable at any time by notifying UNISAFER

SERVICIOS, S.L. in the terms established in this Policy for the exercise of the

rights recognized by the General Regulation of Data Protection to the

interested. This revocation will in no case be retroactive.

CHANGES IN THE PRIVACY POLICY

UNISAFER SERVICES, S.L. reserves the right to modify this policy

to adapt it to new legislation or jurisprudence, as well as to practices of the

industry.

In these cases, it will announce on this page the changes introduced with

reasonable time before its implementation.

ADDITIONAL INFORMATION ABOUT OUR PROTECTION POLICY

DATA

Common issues for all treatment activities:

Who is responsible for the treatment of your data?

Responsible Identity: UNISAFER SERVICIOS, S.L.

NIF/CIF: B86512605

Address: Calle Ecuador 68, 28983 Parla (Madrid, Spain)

Email: info@multiserviciosunisafer.com

Activity: Home and business repairs; authorized installer of heating and sanitary hot water and gas.

Contact details of the person in charge:

By mail: Calle Ecuador 68, 28983 Parla (Madrid, Spain)

By email: info@unisafer.com

By phone: (34) 622073665

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

7/17

Through the web form Contact – Unsafer Services

What are your rights when you provide us with your data?

Anyone has the right to obtain confirmation as to whether we are treating

personal data that concerns them or not. In this sense, you have the right to request:

Access: The person who provides us with their data will have the right to obtain from the

responsible for the treatment confirmation of whether or not the data that you are receiving is being processed.

concerned, as well as detailed information about certain aspects of the

treatment being carried out.

Rectification: The person who provides us with their data will have the right to obtain the

rectification of inaccurate personal data that concerns you or that is

Complete those that were incomplete.

Deletion: The person who provides us with their data will have the right to request the

deletion of your personal data; In any case, the deletion will be subject to the

limits established in the regulatory standard.

Limitation of its treatment: The person who provides us with their data will have the right to request the limitation of the processing of your personal data.

Opposition to treatment: In certain circumstances, and for reasons related with their particular situation, the people who provide us with their data may oppose to their treatment. The entity will stop treating them, except for reasons legitimate, compelling, or the exercise or defense of possible claims.

Right to the portability of your data: The person who provides us with their data will have right to receive the personal data that concerns you, those that you have provided to the person responsible for the treatment, in a structured format, of common use and mechanical reading, as well as to transmit them to any other person who may be responsible for the treatment.

You can exercise the aforementioned rights by contacting the responsible person. For it,

You can use the contact information provided at the beginning of this document. Yes

You wish to obtain additional information regarding the exercise of your rights, also

You can contact the Spanish Data Protection Agency (AEPD).

Likewise, we inform you that, and if you deem it appropriate, you have the right to withdraw in any time the consent granted for a specific purpose, without that this affects the legality of the treatment, based on the consent prior to its withdrawal.

In the event that you understand that your rights have not been adequately addressed,

You can file a claim with the Spanish Agency for Data Protection

(C/ Jorge Juan, 6 – 28001 Madrid or at www.agpd.es).

Specific issues for each treatment activity:

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

TREATMENT OF SECURITY BREACHES

For what purpose do we treat your personal data?

Management and notification of security breaches

How long will we process your data?

They will be kept for the time necessary to fulfill the purpose for which collected and to determine the possible responsibilities that could be derive from said purpose and from the processing of the data. Once that time has passed will be canceled / suppressed ex officio.

Why do we treat your data?

Legal obligation.

To whom will your data be communicated?

Tax administration, Other public administration bodies.

CONTACT TREATMENT

For what purpose do we treat your personal data?

Manage and respond to requests for information and budget, as well as maintain contact for professional or business purposes with natural persons, including those representing legal persons, with which the entity maintains relationship.

How long will we process your data?

They will be kept for the time necessary to fulfill the purpose for which collected and to determine the possible responsibilities that could be derive from said purpose and from the processing of the data. Once that time has passed will be canceled / suppressed ex officio.

Why do we treat your data?

Legitimate interest.

To whom will your data be communicated?

No data is transferred to third parties, except legal obligations.

TREATMENT OF EXERCISE OF RIGHTS

For what purpose do we treat your personal data?

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

9/17

Management of the exercise of the rights contemplated in the legislation for the protection of data and claim forms

How long will we process your data?

They will be kept for the time necessary to resolve the claims.

Why do we treat your data?

Legal obligation.

To whom will your data be communicated?

Other public administration bodies.

SERVICE PROVISION TREATMENT

For what purpose do we treat your personal data?

Own provision of our services derived from the activity, Tax management and accounting in order to comply with legal obligations

How long will we process your data?

They will be kept for the time necessary to fulfill the purpose for which collected and to determine the possible responsibilities that could be derive from said purpose and from the processing of the data. Once that time has passed

will be canceled / suppressed ex officio.

Why do we treat your data?

Execution of a contract.

To whom will your data be communicated?

Tax administration, Organizations or persons directly related to the responsible.

TREATMENT OF SUPPLIERS

For what purpose do we treat your personal data?

Management of the commercial relationship with suppliers.

How long will we process your data?

They will be kept for the time necessary to fulfill the purpose for which collected and to determine the possible responsibilities that could be derive from said purpose and from the processing of the data. Once that time has passed will be canceled / suppressed ex officio.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

10/17

Why do we treat your data?

Execution of a contract.

To whom will your data be communicated?

Tax administration, Banks, savings banks and rural banks.

TREATMENT OF HUMAN RESOURCES

For what purpose do we treat your personal data?

Management of the entity's workforce, including occupational risk prevention

and time control

How long will we process your data?

They will be kept for the time necessary to fulfill the purpose for which collected and to determine the possible responsibilities that could be derive from said purpose and from the processing of the data. Once that time has passed will be canceled / suppressed ex officio.

Why do we treat your data?

Execution of a contract, Legitimate interest, Legal obligation.

To whom will your data be communicated?

Tax administration, Banks, savings banks and rural banks, Organizations of the social security, Organizations or people directly related to the responsible, Other public administration bodies.

PERSONNEL SELECTION TREATMENT

For what purpose do we treat your personal data?

Management of the relationship with candidates for employment in the entity

How long will we process your data?

They will be kept for the time necessary to fulfill the purpose for which collected and to determine the possible responsibilities that could be derive from said purpose and from the processing of the data. Once that time has passed will be canceled / suppressed ex officio.

Why do we treat your data?

Consent and signature of the person.

To whom will your data be communicated?

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

No data is transferred to third parties, except legal obligations.

FIFTH: On May 17, 2021, the instructor of the procedure agreed to the opening of a period of practice tests, considering incorporated the previous investigative actions, E/07899/2020, as well as the documents provided by the claimant.

SIXTH: On May 20, 2021, a resolution proposal was formulated, proposing that the Director of the Spanish Agency for Data Protection direct two warnings to UNISAFER SERVICIOS, S.L., with NIF B86512605, one for the infringement of article 7 of the RGD, typified in article 83.5 a) of the RGD and another by an infringement of article 13 of the RGD, typified in article 83.5 b) of the RGD.

SEVENTH: On May 31, 2021, allegations were filed for the claimed to the proposed resolution, indicating that in the form that appears A box has been incorporated into its web page to accept or not the treatment of the data provided, in order to receive a response to the request for information, and In addition, a brief overview of the basic information on data protection that says the following:

"In accordance with the provisions of Regulation (EU) 2016/679 (RGPD), as well as the provisions placed in the national regulations on this matter, we inform you of the following:

The personal data provided will be the responsibility of the entity UNISAFER SERVICIOS, S.L., in addition, your personal data will be used for the following purposes: data:

- Manage and respond to requests for information and budget, as well as maintain have contact for professional or business purposes with natural persons, including those that represent legal persons, with which the entity maintains relationships

tion.

All this under the legitimacy granted by the Legitimate Interest.

Data will not be transferred to third parties except legal obligations.

However, it is possible that certain external processors may

They give access to your data for the necessary provision of the service.

Regarding your rights, you can claim before the National Control Authority and in

at all times access, rectify and delete your data, limit them or even oppose

your treatment, request its portability to other controllers, sending us a communication

communication addressed to Calle ECUADOR, 68, CP 28983 PARLA, Madrid, or by sending-

send us an email to info@multiserviciosunisafer.com.

Finally, you can consult the additional and detailed information.”

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

12/17

FACTS

FIRST: It is reported that on the website <http://multiserviciosunisafer.com/> the

consent for data processing, is not collected in a differentiated way, and

in the acceptance box at the bottom of the contact form it only says that they are accepted

the legal terms and conditions without reference to the treatment of what data in

which would imply the infringement of article 7 of the RGPD.

In addition, it is noted that the privacy policy of said website does not comply with the

personal data protection regulations.

SECOND: It is manifested by the claimed party that the update of

its website on April 9, 2021, thus partially addressing the purpose of the

claim.

THIRD: Despite the allegations of the respondent in response to the initiation agreement, it is verified that the form has not been modified as it lacks a checkbox consent at the bottom of the contact form and there is still no reference to the treatment of the data that is treated and how the consent of the owner is obtained of the personal data object of the treatment.

FOURTH: The respondent in response to the proposed resolution has proceeded to incorporate a box at the bottom of the form so that the client can grant or not their consent to the processing of your personal data, as well as a link from which you can directly access the privacy policy, which is in accordance with the current regulations on data protection.

FOUNDATIONS OF LAW

Yo

By virtue of the powers that article 58.2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, regarding the protection of individuals with regard to the processing of personal data and the free circulation of these data (General Data Protection Regulation, hereinafter RGPD) recognizes each control authority, and according to what is established in the articles 47, 64.2 and 68.1 of Organic Law 3/2018, of December 5, on Data Protection Personal and guarantee of digital rights (hereinafter LOPDGDD), the Director of the Spanish Data Protection Agency is competent to initiate this procedure.

Article 63.2 of the LOPDGDD determines that: "The procedures processed by the Spanish Agency for Data Protection will be governed by the provisions of the Regulation (EU) 2016/679, in this organic law, by the provisions regulations issued in its development and, as long as they do not contradict them, with a

subsidiary, by the general rules on administrative procedures.”

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

II

13/17

Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council

of April 27, 2016, regarding the protection of natural persons in what

regarding the processing of personal data and the free circulation of these data

(General Data Protection Regulation, hereinafter RGPD), under the rubric

“Definitions”, provides that:

“For the purposes of this Regulation, the following shall be understood as:

1) "personal data": any information about an identified natural person or

identifiable ("the interested party"); An identifiable natural person shall be deemed to be any person

whose identity can be determined, directly or indirectly, in particular by

an identifier, such as a name, an identification number,

location, an online identifier or one or more elements of the identity

physical, physiological, genetic, psychic, economic, cultural or social of said person;

2) “processing”: any operation or set of operations carried out on

personal data or sets of personal data, whether by procedures

automated or not, such as the collection, registration, organization, structuring,

conservation, adaptation or modification, extraction, consultation, use,

communication by transmission, broadcast or any other form of enabling of

access, collation or interconnection, limitation, suppression or destruction;”

Therefore, in accordance with these definitions, the collection of personal data

personal through forms included in a web page constitutes a treatment of data, with respect to which the data controller must comply with the provided for in article 13 of the RGD.

In relation to this matter, it is observed that the Spanish Agency for the Protection of Data is available to citizens, the Guide for the fulfillment of duty to inform (<https://www.aepd.es/media/guias/guia-model-clausula-informativa.pdf>) and, in case of carrying out low-risk data processing, the free tool Facilitates (<https://www.aepd.es/herramientas/facilita.html>).

III

Article 7 of the RGD regulates the conditions for consent, indicating what

Next:

"1. When the treatment is based on the consent of the interested party, the person in charge

You must be able to demonstrate that you consented to the processing of your data personal.

2. If the data subject's consent is given in the context of a written statement

that also refers to other matters, the request for consent will be presented in in such a way that it is clearly distinguishable from other matters, in an intelligible and easy access and using clear and simple language. No part will be binding of the statement that constitutes an infringement of this Regulation.

3. The interested party shall have the right to withdraw their consent at any time. The

Withdrawal of consent will not affect the legality of the treatment based on the consent prior to withdrawal. Before giving their consent, the interested party will be informed of it. It will be as easy to withdraw consent as it is to give it.

4. When assessing whether the consent has been freely given, it will be taken into account in the greatest extent possible whether, among other things, the performance of a contract,

C/ Jorge Juan, 6

including the provision of a service, is subject to consent to the processing of personal data that is not necessary for the execution of said contract.”

Article 13 of the RGPD, a precept that determines the information that must be provided to the interested party at the time of collecting their data, it has:

"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 legal basis of the treatment;
- d) when the treatment is based on article 6, paragraph 1, letter f), the interests legitimate of the person in charge or of a third party;
- e) the recipients or the categories of recipients of the personal data, in their case;
- f) where appropriate, the intention of the controller to transfer personal data to a third party country or international organization and the existence or absence of a decision to adequacy of the Commission, or, in the case of transfers indicated in the Articles 46 or 47 or Article 49, paragraph 1, second paragraph, reference to the adequate or appropriate warranties and the means to obtain a copy of these or to the fact that they have been borrowed.

2. In addition to the information mentioned in section 1, the person responsible for the treatment will facilitate the interested party, at the moment in which the data is obtained personal, the following information necessary to guarantee data processing fair and transparent

- a) the period during which the personal data will be kept or, when it is not possible, the criteria used to determine this period;
- b) the existence of the right to request from the data controller access to the personal data relating to the interested party, and its rectification or deletion, or the limitation of its treatment, or to oppose the treatment, as well as the right to portability of the data;
- c) when the treatment is based on article 6, paragraph 1, letter a), or article 9, paragraph 2, letter a), the existence of the right to withdraw consent in any time, without affecting the legality of the treatment based on the consent prior to its withdrawal;
- d) the right to file a claim with a supervisory authority;
- 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;

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

15/17

- f) the existence of automated decisions, including profiling, to which referred to in article 22, sections 1 and 4, and, at least in such cases, information

about applied logic, as well as the importance and consequences

provisions of said treatment for the interested party.

3. When the controller plans the further processing of data

personal data for a purpose other than that for which they were collected, you will provide the

interested party, prior to such further processing, information on that other purpose

and any additional information relevant under paragraph 2.

4. The provisions of sections 1, 2 and 3 shall not apply when and in the

to the extent that the interested party already has the information.

For its part, article 11 of the LOPDGDD, provides the following:

"1. When the personal data is obtained from the affected party, the person responsible for the

treatment may comply with the duty of information established in article

13 of Regulation (EU) 2016/679, providing the affected party with the basic information to

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 contain, at

less:

a) The identity of the data controller and his representative, if any.

b) The purpose of the treatment.

c) The possibility of exercising the rights established in articles 15 to 22 of the

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."

IV

By virtue of the provisions of article 58.2 of the RGPD, the Spanish Agency for Data Protection, as a control authority, has a set of corrective powers in the event of an infraction of the precepts of the GDPR.

Article 58.2 of the RGPD provides the following:

“2 Each supervisory authority shall have all of the following corrective powers listed below:

(...)

b) send a warning to any person responsible or in charge of the treatment when the treatment operations have violated the provisions of this Regulation;”

(...)

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

16/17

“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 under article 83, in addition to or instead of the measures mentioned in this section, according to the circumstances of each particular case;”

Article 83.5.a and b) of the RGPD establishes that:

“The infractions of the following dispositions will be sanctioned, in accordance with the paragraph 2, with administrative fines of a maximum of EUR 20,000,000 or,

in the case of a company, an amount equivalent to a maximum of 4% of the global total annual turnover of the previous financial year, opting for the largest amount:

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 pursuant to articles 12 to 22;"

Article 72.1 c) of the LOPDGDD, establishes the following:

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

c) Failure to comply with the requirements of Article 7 of the Regulation (EU) 2016/679 for the validity of consent"

In turn, article 74.a) of the LOPDGDD, under the heading "Infringements considered mild has:

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

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

v

It has been verified that the respondent has recently proceeded to update its website, resolving the deficiencies that are the object of this procedure.

Despite this, it should be noted that the warnings for the data continue to be maintained.

that were collected through a form without the checkbox

consent to the processing of personal data and without adequately informing
to customers, which is constitutive of the infractions of article 7 and article 13
of the GDPR.

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

sedeagpd.gob.es

17/17

However, there will be two warnings without the need to adopt measures on the part of the
of the claimed, since it has already been corrected.

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: ADDRESS UNISAFER SERVICIOS, S.L., with NIF B86512605, for a
infringement of article 7 of the RGPD, typified in article 83.5 of the RGPD, a
warning.

SECOND: ADDRESS UNISAFER SERVICIOS, S.L., with NIF B86512605, for a
infringement of article 13 of the RGPD, typified in article 83.5 of the RGPD, a
warning.

THIRD

: NOTIFY this resolution to UNISAFER SERVICIOS, S.L.

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

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

Against this resolution, which puts an end to the administrative procedure 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 month from counting from the day following the notification of this resolution or directly contentious-administrative appeal before the Contentious-Administrative Chamber of the National Court, in accordance with the provisions of article 25 and section 5 of the fourth additional provision of Law 29/1998, of July 13, regulating the Contentious-administrative jurisdiction, within a period of two months from the day following the notification of this act, as provided in article 46.1 of the aforementioned Law.

Finally, it is pointed out that in accordance with the provisions of art. 90.3 a) of the LPACAP, may provisionally suspend the firm resolution in administrative proceedings if the The interested party expresses his intention to file a contentious-administrative appeal.

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

Sea Spain Marti

Director of the Spanish Data Protection Agency

C/ Jorge Juan, 6

28001 – Madrid

www.aepd.es

