

## File identification

Resolution of sanctioning procedure no. PS 17/2019, referring to the Urban Property Chamber of Barcelona.

## Background

1. En data 02/07/2018 va tenir entrada a l'Autoritat Catalana de Protecció de Dades, per remissió de l'Agència Espanyola de Protecció de Dades, un escrit pel qual una persona formulava una denúncia contra la Cambra de la Propietat Urbana of Barcelona (hereinafter, the Chamber), due to an alleged breach of the regulations on the protection of personal data.

Specifically, the person making the complaint stated that his mother had been a member of the Chamber, and the owner of two properties located on a street in Barcelona, with respect to which the Chamber managed the lease of one of these properties, and also the administration of the farm for the community of owners. He added that when his mother died, on 18/04/2017, and once the complainant accepted the inheritance, which included the ownership of these properties, he addressed the Chamber several times by phone, email and burofax, requesting the modification of the personal data corresponding to the person who owns the two immovable properties, in order to record their data (both their first and last names as the new owner of the properties, as well as the current account number where address all the receipts handed over by the House), and not those of his deceased mother.

However, according to the complainant, the Chamber, and specifically the director of the Estate Administration Area, informed him that the change of personal data would not take place until the person concerned - the here complainant - present the corresponding registration of the two immovable properties in the Property Registry. The complainant then pointed out that on 2/02/2018 he sent a burofax to the Chamber - of which he provided a copy - with which he sent the indicative documentation of such registration, in addition to reiterating the request to modify the personal data that appeared in the archives of the Chamber, linked to the said properties. But that, despite repeating his request, the Chamber did not update the information, and continued to send him documentation addressed to his mother, specifically: a magazine published by the Chamber, the minutes of the Board of Owners (of the which provided a copy of the one issued in the Extraordinary General Meeting on 04/04/2018), the settlements corresponding to the management by the Chamber of the lease of one of the mentioned properties corresponding to the month of January 2018, and a letter dated 20/04/2018 issued by the Chamber as administrator of the Community of Owners, relating to the obligation of the Community to submit an information declaration (form 184) to the Ministry of Finance.

2. The Authority opened a preliminary information phase (no. IP 171/2018), in accordance with the provisions of article 7 of Decree 278/1993, of November 9, on the sanctioning procedure of application to areas of competence of the Generalitat, and article 55.2 of Law 39/2015, of 1

of October, of the common administrative procedure of public administrations (from now on, LPAC), to determine if the facts were likely to motivate the initiation of a sanctioning procedure, the identification of the person or persons who could be responsible and the relevant circumstances involved.

3. In this information phase, on 07/06/2018 the Chamber was required to report on certain issues related to the events reported.

4. On 07/19/2018, the Chamber responded to the aforementioned request in writing in which it stated, among others, the following:

*"On 08/09/2017, the complainant notified the Department of Estate Administration, by email, of the death of his mother and requested that "all matters of (...) be put in his name". He was verbally told that in order to carry out this procedure he had to prove himself as the new owner of the reference properties by the corresponding legal means.*

*On 02/02/2018, the complainant sent another email where, among other topics*

*he said that he had sent a burofax dated 09/11/2017 in which he informed that he had already started the probate proceedings and that he would cancel his mother's current account, giving a new account to direct receipts.*

*With this email dated 02/02/2018, the complainant attached a registration document to the Register of the new owner.*

*This document was submitted to INCASÒL to request the return of a bond corresponding to a rental contract for one of the flats in (...), not being accepted by the said Institute as valid documentation for prove ownership of the property.*

*On the same date 02/02/2018 the Chamber's Property Administration Department requested a simple note from the Property Registry and found that his mother was still listed as the owner of the reference properties. (Appendix 1).*

*For this reason, the plaintiff was told to certify formally by another means*

*who was the owner of the properties as his mother was still listed in the Register.*

*On 02/13/2018, the new owner finally presented a simple copy of the acceptance of the inheritance (Appendix 2), which made it possible to successfully request the return of the bond and initiate the changes of ownership and current accounts requested by the complainant, which today is recorded as having already been carried out, having delayed in some of the communications made to the complainant, not in all as it seems to depend on the letter sent to the Chamber, already that there were documents such as Model 184, cited in his brief, on Informative Declaration. Entities under the income allocation regime. Annual declaration, which referred to the 2017 financial year, the date on which his mother was a taxpayer.*

*Likewise and in relation to the changes in ownership of the status of associate of his mother towards the complainant, we state that as long as the associated person or new owner does not communicate to the Chamber's Member Services Department the modifications they make to the case and accredit them, the Chamber cannot make any changes to its Membership Census.*

*The fact of being a client of the Department of Estate Administration and making changes in the data available to said department in terms of ownership and other personal data does not presuppose an automatic change in the database of the Census of associates, given that it is not*

*being affiliated with the Chamber is an essential condition to hire the services of the Estate Administration Department. We understand that there may have been some misunderstanding in this regard and we are sorry if this has been the case.*

*However, as a result of this request, and without having been expressly requested by the complainant, the Member Services Department has proceeded to make the change of ownership in its database according to the information provided by the Department of Estate Administration, which is evidenced by the Annex 3 document.*

*We also make clear the fact that from the beginning the communications with the complainant have not been on some occasions as clear and fluid as we would have liked, which has meant that a change of ownership that could have been an agile procedure if the complainant had sent the mandatory documentation (Copy of the acceptance of the inheritance), on the date it was granted, there has been a delay in time, with the crossing of mails and burofax that have been happening .*

*We state that the Chamber has acted at all times within the usual and mandatory procedures by law and that we regret that the complainant was able to perceive poor attention to the services provided to him (...)."*

The Chamber attached various documentation to its written response.

5. On 07/19/2018, the Authority received a second letter from the complainant, through which he provided various documentation in order to substantiate the facts reported. Specifically, he provided: 1) a burofax sent to the Chamber on 09/11/2017, where he reported the death of his mother and the need to change the current accounts linked to the services entrusted to the Chamber, referring to the management of leases and the administration of the Community of owners of the two properties mentioned; 2) emails dated 02/02/2018 sent by the Chamber and by an entity of the Endesa Group to the person making the complaint, which contained erroneous personal data of the person making the complaint; 3) some e-mails sent by the Chamber to the person making the complaint here and vice versa, in which it would be made clear that on 02/02/2018 the Chamber tried to enter the amount of the rent of one of these properties in a current account of the deceased mother, instead of doing so as indicated by the reporting person; 4) a letter dated 03/07/2018 addressed to the deceased mother of the person making the complaint here, by which they sent her a copy of the receipt for the settlement of the rents of the aforementioned properties, corresponding to the second quarter of 2018, where the holder is deceased mother of the reporting person, and her current account.

6. On 16/10/2018, the Authority received a third letter from the complainant, through which he provided the following documentation to substantiate the facts reported: copy of two bank receipts issued by the Chamber on 02/10/2018 against the complainant here, due to the administration costs of the Community of Owners corresponding to the two properties in Barcelona owned by the complainant here, who was listed as debtor in the receipt, in which there was a different current account than the one the complainant had specified in the burofax he sent to the Chamber on 02/02/2018.

7. On 04/02/2019, the Authority received a fourth letter from the complainant, through which he provided the following documentation to substantiate the facts reported:

copy of two bank receipts issued by the Chamber on 03/01/2019 against the herein complainant, for the administration expenses of the Community of Owners corresponding to the two properties in Barcelona owned by the herein complainant, who in the receipt was listed as a debtor, which contained a different current account than the one specified by the complainant in the burofax that he sent to the Chamber on 02/02/2018.

8. On 08/07/2019, this director of the Catalan Data Protection Authority agreed to initiate a disciplinary procedure against the Chamber for an alleged infringement provided for in article 83.5.a), in relation to the article 5.1.d). both of Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27/4, relating to the protection of natural persons with regard to the processing of personal data and the free movement thereof (hereinafter, RGPD) . Likewise, he appointed Mrs. (...), an employee of the Catalan Data Protection Authority, as the person instructing the file.

This initiation agreement was notified to the Chamber on 07/17/2019.

9. On 29/07/2019, the Chamber formulated objections to the initiation agreement.

10. Subsequent to the initiation agreement, the person making the complaint presented on 10/10/2019 and 10/28/2019 several letters, accompanied by the following documentation, in order to prove the persistence in the processing of erroneous data:

- Copy of some emails sent several days in May 2019 between the complainant and the company G&A Técnica Asesores, SLP - to whom the management services of the administration of the properties here would have been transferred denouncing that until then he had entrusted the Chamber-, where this entity points to a current account that the Chamber would have facilitated to carry out the collection of the administration expenses of the community of owners corresponding to the property of the (...).
- Copy of a burofax that the complainant sent to the Chamber on 05/23/2018, through which (doc. no. 3) he would communicate the resolution of the lease management contract for one of the properties mentioned, and which had entrusted their management to another company.
- Copy of a bank receipt, issued by the Chamber on 02/05/2019 for the payment to the person here reporting the annual fee for the management of the lease of the property of (...) (doc . no. 2), despite the complainant's burofax dated 05/23/2018, by which he communicated to the Chamber the resolution of the lease management contract.
- A letter dated 10/15/2019 issued by the entity G&A Técnica Asesores, SLP in response to the request for access made by the person making the complaint, in which it is pointed out that in the General Meeting ordinary meeting of the community of owners held on 03/11/2019, was approved

that the entity G&A Técnica Asesores, SLP would manage the estate from the second quarter of 2019, being appointed as managing secretary.

11. On 05/12/2019, the person instructing this procedure formulated a resolution proposal, by which he proposed that the director of the Catalan Data Protection Authority admonish the Chamber as responsible for an infringement provided for in article 83.5.a) in relation to article 5.1.d, both of the RGPD.

This resolution proposal was notified on 09/12/2019 and a period of 10 days was granted to formulate allegations.

12. On 12/20/2019, the Chamber submitted a statement of objections to the proposed resolution.

proven facts

Of all the actions taken in this procedure, the facts detailed below are considered accredited.

The complainant requested the Urban Property Chamber of Barcelona, by means of a burofax that he sent on 02/02/2018, to modify certain personal data that appeared in his files, linked to two properties in Barcelona, following the death of his mother - the former owner - and as a result the person denouncing the heir. Specifically, he requested that they modify the information relating to the person who owns the properties (name and surname), and the current account where the receipts issued by the Chamber for the management of the lease of one of the aforementioned properties were deposited, and the administration of the property for the Community of owners corresponding to these properties.

On 02/13/2018, the Chamber received an email from the person making the complaint, by means of which he sent a copy of the notarial document accepting the inheritance, which included the ownership of the two properties in Barcelona mentioned, as the House required him to make the requested modifications.

However, the Chamber did not modify the data contained in its files linked to the indicated properties, and continued to send various letters addressed to the deceased mother, with receipts in which the mother was listed as debtor and also her current account, all and the repeated requests made by the complainant for the Chamber to update the information. Specifically, the documentation provided by the person reporting to the Authority shows the following:

a) Regarding the data relating to the person *who owns* the two properties in Barcelona:

On 04/04/2018 the Chamber held an extraordinary general meeting of owners and drew up the corresponding minutes, in which the deceased mother was still listed as the owner of the two properties mentioned, and the person making the complaint was listed as her representative, rather than as owner.

The Estate Administration Service of the Chamber addressed to the deceased mother a letter dated 04/09/2018, by which she was given a copy of the settlement for the first quarter of 2018 corresponding to the rental of one of the aforementioned properties, liquidation in which the mother was listed as owner, instead of the person making the complaint.

The Estates Administration Service of the Chamber addressed to the deceased mother a letter dated 20/04/2018, informing her of the annual information declaration that must be presented by the entities under the income attribution regime (model 184), instead of addressing the letter to the reporting person.

The Estates Administration Service of the Chamber addressed to the deceased mother - instead of addressing her to the complainant - a letter dated 03/07/2018, in which she was given a copy of the settlement of the second quarter of 2018 corresponding to the rental of one of the aforementioned properties, settlement in which the deceased mother was still listed as the owner, instead of the complainant.

b) With regard to the data relating to the *current account* where the bank receipts issued by the Chamber were domiciled:

On 02/10/2018 and 03/01/2019, the Chamber handed over two bank receipts (four in total) against the complainant here, corresponding to the expenses generated by the administration of the estate, on behalf of the Community of Owners, corresponding to the two properties in Barcelona owned by the complainant here - who was listed as debtor in the receipt -, in which there was a current account (ended in 3345) different from the one specified by the complainant here in the burofax which he sent to the House on 2/02/2018 (finished in 2909).

On 02/05/2019 the Chamber issued a bank receipt for the payment to the person here denouncing - to his current account - of the annual fee for the management of the lease of the property of (...) doc. no. 2), despite the burofax of the complainant dated 02/22/2018, by which he communicated to the Chamber the resolution of the lease management contract.

2. The Chamber has made objections to both the initiation agreement and the proposed resolution. The first ones were already analyzed in the resolution proposal, but this is still considered



appropriate to mention them here. The set of allegations made by the Chamber are then analyzed.

#### Fundamentals of law

1. The provisions of the LPAC, and article 15 of Decree 278/1993, according to the provisions of DT 2a of Law 32/2010, of October 1, of the Catalan Data Protection Authority. In accordance with articles 5 and 8 of Law 32/2010, the resolution of the sanctioning procedure corresponds to the director of the Catalan Data Protection Authority.

2.1. First of all, the Chamber pointed out before the initiation agreement that the failure to update the data of the person reporting here that appeared in its files, could have obeyed the fact that the entity has several bases of data, and that the update of the data appearing in one of them may not be reflected immediately in the rest.

As pointed out by the instructor in the resolution proposal, these allegations cannot be used to justify the infringing conduct. It is necessary to start from the premise that the Chamber, as responsible for the processing of the data of the person reporting here, has the obligation to adopt all reasonable measures to delete or correct inaccurate personal data *without delay*, in relation to the purposes for which they are processed (art. 5.1.d RGPD). In the present case this has not been the case, since the documentation provided by the complainant in the procedure shows that the Chamber has modified the data with great delay or procrastination.

In fact, on 02/02/2018 the complainant sent a burofax to the Chamber requesting the modification of several of his data that appeared in the entity's files, due to the provision of the administration service of estates of the aforementioned properties and the lease management service of one of these. And on 02/13/2018 he sent the documentation to the Chamber that this required in order to carry out the requested modifications. However, at least on 07/03/2018 (about five months after the complainant submitted the request) it was still listed in the Chamber's files that the deceased mother was the owner of the managed properties, instead of state the person making the complaint), and at least on 03/01/2019 (about eleven months after the complainant submitted the request) there was still an erroneous current account associated with the person making the complaint.

On the other hand, it should be noted that, while the Chamber stated on 07/19/2018 - in response to the Authority's request for information - that it had amended the inaccurate data referred to the person making the complaint, this person has certified that after that date, specifically on 02/05/2019, the Chamber handed him a bank receipt for the collection of the annual fee for the management of the lease of his property, although on 23/05 /2018 already notified him by burofax of the resolution of the lease management contract.

Having said that, it should be noted that the imputed facts focus on the data processed by the Department of Administration of Finques de la Cambra, therefore, from the moment that the reporting person has proven to have addressed this Department, it is irrelevant the argument relating to the failure to update all the Chamber's databases at the same time.

2.2. With regard to the allegations made by the Chamber before the initiation agreement, relating to the procedures it claimed to have carried out to adapt its treatments to the new data protection regulations (first section), it should be noted that, in to the extent that they do not question the facts that are imputed here, it is not considered necessary to make any pronouncement, beyond positively assessing all the actions that the Chamber has carried out for that purpose.

A similar response deserves the allegations referring to the actions that the Chamber stated that it will soon carry out, such as training actions aimed at workers, the eventual designation of a data protection delegate (third section), or the implementation of a single software to unify all databases (second section). They are evaluated positively, especially the last mentioned action - to which the director of the Department of Communications of Owners of the Chamber also refers in the letter of 12/19/2019 -, given that it would aim to avoid repeating the conduct that has given rise to the present sanctioning procedure.

2.3. With regard to the allegations made by the Chamber before the initiation agreement, referring to the application of article 45.6 of Organic Law 15/1999, of December 13, on the protection of personal data ( henceforth, LOPD), which regulates the form of the warning, it should be noted that in this resolution the assessment carried out by the instructor in the proposed resolution on the penalty to be imposed for the alleged acts is maintained, as is reasonably justified in the 3rd and 4th grounds of law of this resolution, to which reference is made for brevity.

2.4. Regarding the allegations made by the Chamber before the initiation agreement relating to the concurrence of mitigating circumstances, based on the provisions of articles 45.4 and 5 LOPD, and 83.2 RGPD, relating to the graduation of sanctions for the purpose of determining the amount of the administrative fine, it should be noted that, insofar as the imposition of a warning without an additional administrative fine is agreed here, it is unnecessary to make a specific pronouncement on the concurrent circumstances provided for by these precepts for the purpose of determining the amount of the fine, except for the mention made by the Chamber of the case provided for in article 45.5.b) LOPD, relating to cases in which the offending entity regularizes the irregular situation diligently , regarding which the Chamber stated that *"it has acted with extreme diligence to amend a fact that it was unaware of"*, a statement that must be contradicted, since the proven facts show that the Chamber has not acted with the required diligence.

2.5. Next, it is appropriate to refer briefly to the allegations made by the Chamber before the proposed resolution.



Through a letter dated 12/20/2019 from its manager, the Chamber states that it has adopted the corrective measures proposed by the instructor of the procedure in the fifth legal basis of the proposed resolution, in order to correct the effects of the offense committed. And in order to prove it, he has provided various documentation.

In this regard, it is sufficient to point out that these manifestations do not question the facts that are imputed here, so they will be addressed in the 5th legal basis, relating to corrective measures.

As for the attestation of the imputed facts, as indicated by the instructing person in the proposal, the documentary evidence provided by the person reporting to the Authority, which the Chamber has not questioned, together with the implicit acknowledgment by this entity of the facts imputed to him - who with his allegations comes to recognize the inaccuracy or lack of updating of the data of the person making the complaint - lead to the imputed facts being considered proven.

3. With regard to the legal classification of the imputed facts relating to the processing of inaccurate or non-updated data, as indicated by the instructor in the resolution proposal, it is appropriate to start from what is provided for in article 26 of Law 40/2015, of October 1, of the legal system of the public sector, which establishes that the rule in force at the time of the facts must be applied, unless the later rule favors the alleged offender, in this case, the Chamber. In accordance with this, and taking into account that the RGPD was fully applicable from 05/25/2018, it would result the following regulations apply:

3.1. With regard to the alleged events of date equal to or later than 05/25/2018:

The RGPD applies, which provides in article 5.2.d) that personal data must be: *"Exact and, if necessary, must be updated; reasonable steps must be taken to delete or rectify without delay any personal data that is inaccurate for the purposes for which it is processed ("accuracy");"*.

The contravention of this precept is typified as an infraction in section a) of article 83.5 RGPD, which refers to conduct that violates the basic principles for treatment, among which the principle of accuracy is included provided for in article 5 RGPD.

With regard to events occurring on or after 06/12/2018, Organic Law 3/2018, of 5 December, on the protection of personal data and the guarantee of digital rights (hereinafter, LOPDGDD) is also applicable) -which will enter into force on the indicated date-, and which has been included as a very serious infringement in article 72.1.a): *"The processing of personal data that violates the principles and guarantees established by article 5 of Regulation (EU) 2016/679"*.

3.2. Regarding the alleged events prior to 05/25/2018:

From the outset, the LOPD would apply, article 4 of which determined the following on the principle of data quality in its aspect of accuracy - which in essence is the equivalent of the principle of accuracy that it is collected in article 5.2.d) RGPD:-

*"3. The personal data must be accurate and updated so that they accurately reflect the current situation of the affected person.*

*4. If the personal data registered are inaccurate, in whole or in part, or incomplete, they must be canceled and replaced ex officio by the corresponding rectified or completed data, without prejudice to the powers that article 16 recognizes those affected."*

The contravention of the principle of data quality is constitutive of the serious infringement provided for in article 44.3.c) of the LOPD, which typifies as such:

*"d) Treat personal data or use them subsequently in violation of the principles and guarantees established by this Law or in breach of the protection precepts imposed by the regulatory provisions of deployment, when it does not constitute a very serious infraction."*

Having said that, as has been advanced in the basis of law 2.3, a joint analysis of the proceedings of the Chamber reveal a continuity or persistence in the same infringing conduct regarding the inaccuracy of the processed data referred to the person making the complaint, which has been maintained in the time when the RGPD was already fully applicable. For this reason, and based on the premise that the facts that are imputed here constitute a violation of both the LOPD and the RGPD, it is considered more appropriate to impute a single violation, that is, the violation of the principle of accuracy provided for in RGPD

4.- Applicable penalty

With regard to the sanction applicable to the facts proven, the criterion indicated on the consideration of the facts as a single infraction is followed, and consequently the application of a sanction, and a reprimand is proposed, for the reasons set forth then. Before that, however, it is appropriate to briefly explain the sanctioning regime provided for in the LOPD, and then that provided for in the RGPD.

#### 4.1. Regarding the proven facts prior to 05/25/2018:

Article 45 of the LOPD established for serious infractions a fine of 40,001 to 300,000 euros.

Despite the above, paragraph 6 in article 45 of the LOPD also provided for the possibility of issuing a *warning* instead of imposing the corresponding fine. The said precept determined the following:

*"Exceptionally, the sanctioning body, with the prior hearing of the interested parties and given the nature of the facts and the significant concurrence of the criteria established in the previous section, may not agree to the opening of the sanctioning procedure and, instead, warn the responsible subject in order to, within the period determined by the sanctioning body, accredit the adoption of the corrective measures that are relevant in each case, provided that the following conditions are met:*

*a) That the facts constitute a minor or serious infringement in accordance with the provisions of this Law.*

*b) That the offender has not been previously sanctioned or warned.*

*If the warning is not heeded within the period that the sanctioning body has determined, the opening of the corresponding sanctioning procedure is appropriate for this non-compliance".*

It is taken into account that in the present case the requirements set out in sections a) and b) of the mentioned article 45.6 of the LOPD are met, given that on the one hand, the proven facts are constitutive of a serious infringement (specifically, the provided for in article 44.3.c of the LOPD) and the other, because it is not known that the Chamber has been sanctioned or previously warned for the commission of infractions provided for in the LOPD.

#### 4.2. With regard to the facts proven on or after 05/25/2018:

Article 83.5 of the RGPD provides for violations of the basic principles for the treatment - among which is included the principle of accuracy-, a penalty of a fine of 20,000,000 euros at most (with a specialty for the case that it is a company). And article 58.2.i) RGPD provides that the administrative fine provided for in article 83 RLOPD can be imposed in addition to or as a substitute for the measures provided for in art. 58.2 RGPD, sections a) ah) ij).

However, in accordance with what has been indicated in application of the previous LOPD, in the present case a *warning sanction is considered appropriate*, in accordance with the provisions of article 58.2 of the RGPD, which in its letter b) expressly refers to the possibility of sanctioning with an "apercibimiento" (reprimand).

Having said that, and starting from the premise that, both with regard to the events to which the LOPD would be applicable and those to which the RGPD would be applicable, it would be appropriate to sanction with a warning or a reprimand, respectively, instead of imposing - additionally or instead of a penalty consisting of a fine, it is considered more appropriate to apply a single rule, the RGPD, to all the imputed facts, taking into account that all the imputed facts are considered to constitute a single offense (violation of the principle of accuracy), which has been maintained in the time before and after the RGPD was fully applicable, and in the understanding that this infringement is provided for in an equivalent way in the two sanctioning regimes (art. 43.c LOPD as violation of the principle of quality, in its aspect of accuracy, and art. 83.5.a of the RGPD), and that the application of the corresponding penalty according to the provisions of the RGPD would not harm the accused entity, in have the same nature that would correspond e n application of the previous LOPD.

5. Given the findings of the violations provided for in art. 83 of the RGPD in relation to privately owned files or treatments, article 21.3 of Law 32/2010, of October 1, of the Catalan Data Protection Authority, empowers the director of the Authority for the resolution that declares the infringement to establish the appropriate measures so that its effects cease or are corrected.

As indicated in the 2nd legal basis, by letter of 20/12/2019 the Chamber has stated that it has adopted the corrective measures indicated in the proposed resolution, and which are now confirmed, which are the following:

5.1. Review all the data that appears in its files or archives related to the properties owned by the complainant located in (...) of Barcelona, and rectify or delete those that are appropriate, so that the information collected - especially those relating to the numbers of current account and property ownership - be updated.

With regard to this corrective measure, the Chamber has provided two letters: on the one hand, a letter dated 12/19/2019 from the head of the Chamber's Estate Administration Service, through which he states the following: *"It has proceeded to review and rectify all the data appearing in our files and archives related to the properties owned by the complainant located in (...) Barcelona, as well as the current bank account number (...) I certify that the data that currently appear in the files of the Chamber (...) are updated (...)"*. On the other hand, a letter dated 19/12/2019 from the director of the Chamber's Owner Communities Department, through which he states the following: *"(...) I certify that the data currently listed in the Chamber's files (...) are updated (...)"*.

Since it is inferred from the documentation provided by the Chamber that it would have corrected the inaccurate personal data of the person reporting that appeared in their files and/or archives, it is considered unnecessary to require the adoption of this corrective measure.

5.2. Notify the appropriate rectifications or deletions of the data related to the properties of the reporting person to all recipients to whom they have been communicated (either G&A

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Técnica Asesores, SLP, Endesa or any other), in accordance with the provisions of articles 17 and 19 of the RGPD.

With regard to this corrective measure, the Chamber has stated that: *"(...) the rectifications and deletions of the data related to the properties of the person making the complaint have been notified to all the recipients to whom they have been communicated, the sole addressee for these purposes being the mercantile G&A Asesores, SLP."* And in order to prove this, he has provided a copy of an email that he sent on 12/20/2019 to the company G&A Técnica Asesores, SLP, through which the Chamber informs them that the aforementioned properties (*"departamentos 2º-1 y 2º-2ª de la finca sita en (...) de Barcelona"*) are the property of the person making the complaint, and as a result requests the rectification of the information regarding the ownership of these real estate

In this regard, the documentation provided by the complainant to the Authority shows that the Chamber also communicated to the entity G&A Asesores, SLP an erroneous current account referred to the complainant. Specifically, it would be a current account of which his deceased mother was the holder. And in the e-mail that the Chamber would have sent to the entity, no reference is made to this inaccurate data in order for the receiving entity to correct it.

In accordance with what has been indicated, in relation to this corrective measure (5.2) it is considered necessary to request the Chamber so that, as soon as possible, and in any case within the maximum period of 10 days from the day after the notification of this resolution, notify the appropriate rectifications or deletions of the data related to the properties of the person reporting to all the recipients to whom they have been communicated, and which in any case includes:

- Notify the entity G&A Asesores, SLP of the correct current account of the reporting person, linked to the services contracted with this entity.

resolution

For all this, I resolve:

1. Admonish the Chamber of Urban Property of Barcelona as responsible for an infringement provided for in article 83.5.a) in relation to article 5.1.d, both of the RGPD, without it being necessary to require to adopt corrective measures, in accordance with what has been set out in the 5th legal basis.
2. Request the Urban Property Chamber of Barcelona to adopt the corrective measures indicated in the 5th legal basis and to accredit before this Authority the actions taken to comply with them.
3. Notify this resolution to the Urban Property Chamber of Barcelona.

4. Order that the resolution be published on the Authority's website ([www.apd.cat](http://www.apd.cat)), in accordance with article 17 of Law 32/2010, of October 1.

Against this resolution, which puts an end to the administrative process in accordance with articles 26.2 of Law 32/2010, of October 1, of the Catalan Data Protection Authority, and 14.3 of Decree 48/2003, of February 20, by which the Statute of the Catalan Data Protection Agency is approved, the imputed entity can file, with discretion, an appeal for reinstatement before the director of the Catalan Data Protection Authority Data, within one month from the day after its notification, in accordance with the provisions of article 123 et seq. of the LPAC. You can also directly file an administrative contentious appeal before the administrative contentious courts, within two months from the day after its notification, in accordance with articles 8, 14 and 46 of Law 29/1998, of July 13, regulating the administrative contentious jurisdiction.

If the imputed entity expresses to the Authority its intention to file an administrative contentious appeal against the final administrative decision, the decision will be provisionally suspended in the terms provided for in article 90.3 of the LPAC.

Likewise, the imputed entity can file any other appeal it deems appropriate to defend its interests.

The director,