

File identification

Resolution of sanctioning procedure no. PS 10/2023, referring to Edad 2000, SL (Residence Bon Repòs).

Background

1. On 11/24/2021, the Catalan Data Protection Authority received a letter of complaint against the entity Edad 2000, SL, owner of the Residencia Bon Repòs center (from now on, Edad 2000, SL), due to an alleged breach of the regulations on the protection of personal data . In particular, the person making the complaint explained that in this residence there are a total of "19 cameras in the whole area without signaling " and, therefore, without providing the affected people with information about the existence of the cameras. In the letter, he pointed out the location of the unmarked cameras, on the outside of the building and in areas located inside the residence.
2. The Authority will open a preliminary information phase (no. IP 482/2021), in accordance with the provisions of article 7 of Decree 278/1993, of November 9, on the sanctioning procedure of application to the areas of competence of the Generalitat, and article 55.2 of Law 39/2015, of October 1, on the common administrative procedure of public administrations (LPAC), to determine whether the facts were likely to motivate the initiation of a sanctioning procedure.
3. On 05/20/2022, as part of this preliminary information phase, among other issues, the reported entity was required to:
 - That he confirm whether it was a concerted center of the Generalitat de Catalunya.
 - To report on the date of entry into operation of the video surveillance system.
 - To indicate whether they had reported the existence of the installed cameras through informative posters. If so, on what date were the posters installed and where were they located, and to provide a photograph of all the posters.
4. On 02/06/2022, Edad 2000, SL responded to the request with a letter in which it stated the following:
 - That they are "(...) a concerted center of the Generalitat de Catalunya" that manages "publicly owned places that are part of the Primary Care Social Services Network."
 - That "the existence of cameras installed in the residence has always been reported through informative posters."
 - That the video surveillance system came into operation "(...) approximately 12 years ago, but the recording system had not been updated for a long time, nor had any maintenance been carried out and was not working properly."
 - That "We have always had informative posters provided by the company installing the system, but based on the present request and after consulting us, we have proceeded to modify the informative posters that we have hanging in the center."

- That "Initially the posters were installed at the access points or doors to the center, in such a way that the people who accessed were informed of the existence of the video surveillance system. Based on the present request and the advice received, we have also proceeded to install information posters on each of the floors."
- That "(...) in accordance with Instruction 1/2009, of February 10, 2009, of the Catalan Data Protection Authority, an information poster has been placed at each of the accesses to the video surveillance area and given that the building is divided by floors, in addition, an information poster has been placed on each of the floors that have video cameras, located in a main access space to the area or video surveillance area in the plant."
- That "(...) the video surveillance recording system had not been accessed for some time and that for this reason the company that did the installation at the time has been asked to come to the center to do an overhaul of the entire system and to facilitate access to the image recording system."
- That "among the works carried out, they have been asked to remove the camera from the facade."

The reported entity provided the following documentation:

- Copy of the document certifying the work carried out by the company (...), dated 01/06/2022, where it is indicated that they had carried out revision and maintenance tasks for the video surveillance system of the residence Bon Repòs – Edad 2000 SL . In this document, the technical professional states, among other things, that the camera that was located on the facade of the residence had been uninstalled (on this point, the entity attached a photograph showing that it is no longer there is no camera on the facade) and that most of the CCTV cameras installed were working, although some with poor definition, while others were not working.
- Photo of the information poster that was placed on the access door to the residence, before the date requirement 05/20/2022. This poster only informed that "this premises has a video surveillance system with recording", but did not identify the identity of the data controller or inform about the rights provided for in articles 15 to 22 of the RGPD. The sign is orange and the pictogram symbolizing a video surveillance camera is not centered within a white rectangle. It does not include the informative text "Data Protection", nor does it inform about the site for more information on data processing.
- Photographs of the new information posters, placed at the access door and at the entrance doors of each of the floors of the residence. It is noted that the purpose of the treatment (" Video-surveillance area ") and the identity of the person responsible for the treatment (" Edad 2000, SL. (...)") are stated on the new posters . The background is yellow and centered within a white rectangle is the pictogram of a video surveillance camera. As for the rest of the information, the low definition of the images provided by the entity does not allow us to appreciate in detail whether the new posters inform about the possibility of exercising the rights provided for in articles 15 to 22 of the RGPD, if they incorporate the informative text "Data Protection" nor if they indicate the place where you can obtain more information about data processing.

5. On 02/22/2023, the director of the Catalan Data Protection Authority agreed to initiate disciplinary proceedings against Edad 2000, SL, for an alleged infringement provided for in article 83.5. *b* , in relation to article 12 and 13, all of them of Regulation (EU) 2016/679 of the European Parliament and of the Council, of April 27, relating to the protection of natural persons with regard to the processing of data personal data and the free circulation of this data (RGPD). This initiation agreement was notified to the imputed entity on 02/23/2023.
6. In the initiation agreement, the accused entity was granted a period of 10 working days to formulate allegations and propose the practice of evidence that it considered appropriate to defend its interests.
7. On 08/03/2023, the imputed entity made allegations to the initiation agreement .
8. On 01/06/2023, the person instructing this procedure formulated a resolution proposal, by which he proposed that the director of the Catalan Data Protection Authority sanction Edad 2000, SL, as responsible for a violation provided for in article 83.5. *b* in relation to article 13, both of the RGPD.

This resolution proposal was notified on 06/06/2023 and a period of 10 days was granted to formulate allegations.

9. On 06/20/2023, the accused entity submitted a letter in which it acknowledges its responsibility for the alleged acts and expresses its intention to make the voluntary advance payment of the monetary penalty proposed by the investigating person.

With its written statement, the accused entity also provided various supporting documentation of the corrective measures it had taken to mitigate the effects of the infringement, which are analyzed in the 6th legal basis of this resolution.

10. On 06/20/2023, the accused entity paid in advance 600 euros (six hundred euros), corresponding to the monetary penalty proposed by the investigating person in the resolution proposal, once the reductions provided for in article 85 of the LPAC .

proven facts

For an undetermined period of time, but which would include the day 20/05/2022, the company Edad 2000, SL (Bon Repòs residence) did not properly report the processing of images for video surveillance purposes.

On the one hand, the information poster placed at the access door of the residence did not indicate the identity of the person responsible for the treatment, nor did it inform about the possibility of exercising the rights provided for in articles 15 to 22 of the RGPD .

Likewise, the information that was provided through the poster did not conform to the design and content established by Instruction 1/2009, of February 10, of the APDCAT, on the processing of personal data through cameras for the purposes of video surveillance. The information poster, which only informed about the existence of the treatment, was orange and the pictogram symbolizing a video surveillance camera was not centered within a white rectangle. Nor did it incorporate the informative text "Data protection", nor did it have available to the affected persons the information on the rest of the points provided for in

article 13 of the RGD. In the last one, as the entity acknowledges, information posters had not been installed on each of the floors of the residence where there were video surveillance cameras, as required by article 12.3 of Instruction 1/2009.

In the framework of the prior information phase, Edad 2000, SL certified that, following the request of 05/20/2022, it had changed the information poster of the existence of the video surveillance cameras placed on the door of access to the residence and had placed informational posters on each of the floors where previously there were unmarked video cameras.

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 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. In accordance with article 85.3 of the LPAC, both the recognition of responsibility and the advanced voluntary payment of the proposed pecuniary penalty involve the application of one of 20% of the amount of the penalty, cumulative with each other. The effectiveness of these reductions is conditioned on the withdrawal or renunciation of any action or appeal through the administrative route against the sanction. For both cases, sections 1 and 2 of article 85 of the LPAC provide for the termination of the procedure.

Although it submitted objections to the initiation agreement, the accused entity has not made objections to the resolution proposal, since it has accepted to both options to reduce the penalty amount. However, it is considered appropriate to reiterate below the most relevant of the reasoned response that the instructing person gave to the allegations before the initiation agreement.

- About the right to information

In the 1st section of its statement of objections, the accused entity defended that it had "always" had the informative posters of the existence of video surveillance cameras installed inside the residence building. These posters were the devices "facilitated by the company installing the cameras" and, although they "did not meet all the requirements" provided for by Instruction 1/2009, "they were suitable for fulfilling their purpose of informing " to the affected people who access a video-surveillance area .

Regarding this, as was pointed out in the proposed resolution, it is necessary to start from the premise that the Authority does not question the existence of information posters installed inside the residence building, but rather that these did not contain all the required information and , therefore, they did not properly inform the affected people of the processing of their images through the cameras installed in the residence. That is why it is considered that the proven facts constitute a minor offense (art. 74. a LOPDGDD) and not a very serious offense (art. 72.1. h LOPDGDD), reserved for the case of an omission total duty to inform about the processing of personal data.

Once the above was settled, the proposal analyzed the content of the old information poster. In this case, it is considered that the information poster placed by the entity did not inform about all the points provided for in article 22.4 of Organic Law 3/2018, of December 5, on the protection of personal data and the guarantee of digital rights (LOPDGDD), since it did not indicate the identity of the data controller or inform about the possibility of exercising the rights provided for in articles 15 to 22 of the RGPD. Neither was the complementary information made available to the affected persons on the rest of the points provided for in article 13 of the RGPD, as required by the provisions of article 22.4 *in fine* of the LOPDGDD, in connection with the article 13 of the RGPD. Regarding this, it should be noted that in the "Privacy Policy " section of the residence's website (...), apart from the general information on the protection of personal data, no specific information is provided on the treatment of data for video surveillance purposes. And, aside from that, these information posters did not conform to the design and content established by Instruction 1/2009 and, as the entity recognized, they had not been installed on each of the floors of the residence where there were video surveillance cameras, as provided for in article 12.3 of Instruction 1/2009.

- On the adequacy of information posters to current regulations

In the 2nd section of its statement of objections, the accused entity made it clear that, "before the agreement to initiate this sanctioning procedure was issued" they had "proceeded immediately to adapt their information posters in Instruction 1/2009". In the framework of the actions of prior information, the entity accredited it with "the photographs of the new informational posters."

Regarding this, as stated in the initiation agreement and the resolution proposal, within the framework of the previous information actions, the accused entity recognized and certified that, following the request of 05/20/2022, he had replaced the informational posters they had installed in the residence and had placed them on each of the floors where there were video surveillance cameras.

In the resolution proposal it was pointed out that, despite the fact that this Authority positively values this action, the adoption of measures to correct the effects of the infringements do not distort the imputed facts, nor do they change their legal classification. Therefore, this allegation also failed.

- On the principle of typicality and legality in the sanctioning procedure

punishable conduct , without prejudice to the precision of the regulation of non-essential aspects." And he added that "you cannot be sanctioned for not complying with the requirements of Instruction 1/2009", such as not installing informational posters on each of the floors with unmarked video cameras, or not using the informational poster model provided by the Authority.

First of all, it should be noted that in the legal qualification section of the initiation agreement it is expressly stated that the fact that motivated the initiation of the sanctioning procedure was that the entity did not provide all the information about

the processing of images for the purpose of video surveillance of the persons concerned, in accordance with what is required by article 22.4 of the LOPDGDD, in connection with article 13 of the RGPD. The qualification of this fact as an infringement and its typification is expressly provided for in a European regulation and in a standard of law, specifically in article 83.5 b of the RGPD and article 74. a of the 'LOPDGDD. The literal transcription of these articles is included in the legal qualification section of this resolution, as was previously done in the initiation agreement and the proposed resolution. Likewise, the possibility of imposing a penalty is established in articles 83 of the RGPD and 76 of the LOPDGDD. These articles are included in the section relating to the applicable penalty of this resolution, as was also done in the initiation agreement and the proposed resolution.

The references to Instruction 1/2009 to which the accused entity refers are included in the description of the facts, as well as in the legal classification section, given that the Instruction is part of the set of regulations applicable to the treatment of personal data through cameras for video surveillance purposes. This instruction specifies the specifics that the information posters must comply with, to ensure that the people affected are aware of the processing of the data. Regarding this, article 12 of Instruction 1/2009 contains the specific provisions on the installation of information posters on each of the floors where there are video cameras and is referred to the annex of the same instruction in relation to the content and design of the poster.

It should be noted that, despite the fact that this instruction does not have legal status or specify any infraction or penalty, this does not prevent this Authority from making reference to the complementary provisions it collects on the duty of information, both in the description of the facts and in the 'legal qualification section.

It should be noted that the Authority can make use of its corrective powers, including requiring the person in charge to adopt the necessary measures to adapt the processing of personal data subject to investigation to current legislation (art. 8.2. c Law 32/2010). Failure to comply with this requirement is classified as an offence.

- On the mitigating circumstances of a penalty

Finally, the statement of objections to the initiation agreement of the accused entity requested that, alternatively, if this Authority did not consider it relevant to file the reported facts, it would take into account the circumstances that, in its judgment, would have to justify a reduction of the penalty that the Authority decides to impose, if applicable. These circumstances are related below:

- The nature, gravity and duration of the infringement, taking into account the nature, scope or purpose of the processing operation, as well as the number of interested parties affected and the level of damages they have suffered, given that "the infringement has not caused any damage to the party claiming or reporting."

- The intentionality or negligence in the infringement, given that "At no time was there any intentionality or negligence in the actions of this party, who thought that the informative posters installed by a company, precisely, dedicated to this task should be correct according to current regulations."
- The degree of cooperation with the control authority, given that "It has been proven that, as soon as it became aware of the incident, it took the necessary measures to solve it, adapting its procedures in order to provide users with complete information and correct about the existence of a video surveillance system."
- The profits obtained as a result of the commission of the infringement, given that "no profit or income of any kind has been obtained as a result of this incident."

Consequently, the accused entity considered that the appropriate corrective measure would be a warning, given that "the offense is considered minor and the appropriate corrective measures have been taken immediately."

The concurrence of the mitigating circumstances invoked by the denounced entity were analyzed in the legal basis 4 of the proposed resolution, an analysis that is reproduced in the same legal basis of this resolution.

3. In relation to the facts described in the proven facts section, it is necessary to refer to article 12 of the RGPD, which provides that:

"1. The person responsible for the treatment will take the appropriate measures to provide the interested party with all the information indicated in articles 13 and 14, as well as any communication in accordance with articles 15 to 22 and 34 relating to the treatment, in a concise, transparent, intelligible and easily access, with a clear and simple language, in particular any information aimed specifically at a child (...)."

And sections 1 and 2 of article 13 of the RGPD establish the following:

"1. When personal data relating to an interested party is obtained, the data controller, at the time it is 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 officer, if applicable;
- c) the purposes of the treatment for which the personal data is intended and the legal basis of the treatment;
- d) when the treatment is based on article 6, section 1, letter f), the legitimate interests of the person in charge or of a third party;
- e) the recipients or the categories of recipients of the personal data, as the case may be;
- f) in its case, the intention of the person in charge to transfer personal data to a third country or international organization and the existence or absence of an adequacy decision by the Commission, or, in the case of the transfers indicated in articles 46 or 47 or article 49, section 1, second paragraph, refers to the

adequate or appropriate guarantees and the means to obtain a copy of these or the fact that they have been provided.

2. In addition to the information mentioned in section 1, the data controller will provide the interested party, at the time the personal data is obtained, the following information necessary to guarantee fair and transparent data processing:

- a) the period during which personal data will be kept or, when not possible, the criteria used to determine this period;
- b) the existence of the right to request from the person in charge of the treatment 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 the portability of the data ;
- c) when the treatment is based on article 6, section 1, letter a), or article 9, section 2, letter a), the existence of the right to withdraw consent at any time, without it affecting the legality treatment based on consent prior to its withdrawal;
- d) the right to present a claim before a control 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 providing such data;
- f) the existence of automated decisions, including the creation of profiles, referred to in article 22, sections 1 and 4, and, at least in such cases, significant information on the logic applied, as well as the importance and expected consequences of said treatment for the person concerned."

For its part, article 22.4 of the LOPDGDD, relating to treatments for video surveillance purposes, provides that:

"4. The duty of information provided for in article 12 of Regulation (EU) 2016/679 is understood to be fulfilled by placing an information device in a sufficiently visible place with the identification, at least, of the existence of the treatment, the identity of the person responsible and the possibility of exercising the rights provided for in articles 15 to 22 of Regulation (EU) 2016/679. A connection code or an Internet address with this information may also be included in the information device.

In any case, the data controller must keep the information referred to in the aforementioned Regulation at the disposal of those affected."

Regarding the processing of personal data through cameras for video surveillance purposes, paragraphs 1 to 6 of article 12 of Instruction 1/2009, referring to the right to information, determine the following:

"12.1 The persons responsible for the processing of images through fixed cameras must inform clearly and permanently about the existence of the cameras by placing the informational posters that are necessary to guarantee knowledge by the affected people. This obligation is also enforceable when the captured images are not recorded.

(...)

12.3 Information posters must be placed in clearly visible locations before entering the recording field of the cameras. The specific location of the posters will depend, in each case, on the nature and structure of the video-surveillance areas and spaces. However, the following conditions must be taken into account:

For video surveillance cameras in buildings or facilities, an information poster must be placed at each of the accesses to the video surveillance area. If they are divided by floors, in addition, another information poster must be placed on each of the floors that have video cameras, located in a main access space to the video-surveillance area or zone on the floor. (...)

12.4 The content and design of the information poster must conform to what is established in the annex to this Instruction, without in any case requiring the location of the cameras to be specified. (...)

12.6 The person responsible for the treatment, or whoever designates in their place, must also provide the affected persons with information about the rest of the points provided for in article 5.1 of the LOPD through printed materials or through their website or headquarters electronic, where the specific purpose of the surveillance must be stated, as well as the rest of the information established in sections a), d) and e) of article 5 of the LOPD."

Regarding the content and design of the information poster, the annex to the same instruction, to which article 12.4 refers, states that:

"1. In the information poster referred to in article 12 of this Instruction, the following information must be clearly visible, from top to bottom, at least:

Indication of the purpose for which the data is processed (" Video-surveillance area ").

Pictogram symbolizing a video surveillance camera inside a white rectangle.

When the voice is captured, the pictogram must reflect this circumstance.

The informative text "Data Protection".

Express indication of the identification of the responsible person before whom the rights of access, rectification, cancellation and opposition can be exercised.

Indication of the site or website where the information referred to in article 12.6 of this Instruction can be obtained.

2. The design of the information poster must conform to the following requirements:

a) It must be rectangular in shape and with the edges at right angles. Standard poster dimensions are approximately 21cm base and 29.7cm height.

These dimensions can increase or decrease depending on the area or zone subject to video surveillance and the distance that is necessary for the information badge to be visible to the people affected.

b) Its background color is yellow, in the upper left corner of which there may be the logo of the Catalan Data Protection Agency.

c) Centered within a white rectangle, with dimensions of approximately 1/3 of the height of the poster and 4/5 of the width which, in the standard poster, is approximately 6 cm from the upper side, there must be the pictogram referred to in section 1 of this annex.

In any case, these indications must remain proportional in attention to the possible variations in the dimensions of the information poster. (...)"

In this case, it is considered that Edad 2000, SL would not have properly informed about the processing of images for video surveillance purposes, given that the information poster they had placed at the access door did not inform about all the points provided for in article 22.4 of the LOPDGDD. In addition, it did not comply with the content and design forecasts contained in Instruction 1/2009. The entity has also acknowledged that there were no informational posters on each of the floors where there were video cameras, located in a main access area to the area or in the video surveillance area on the floor.

During the processing of this procedure, the fact that is considered constitutive of the infringement provided for in article 83.5.b of the RGPD has been proven, which typifies as such the violation of "the rights of the interested parties pursuant to the articles 12 to 22", including the right to information provided for in articles 12 and 13 of the RGPD.

The conduct addressed here has been included as a minor infraction in article 74.a of the LOPDGDD, as follows:

"a) Breach of the principle of transparency of information or the right to information of the affected person for not providing all the information required by articles 13 and 14 of Regulation (EU) 2016/679"

4. Given that the residence Edad 2000, SL does not fall under any of the subjects provided for in article 77.1 of the LOPDGDD, the general sanctioning regime provided for in article 83 of the GDPR applies.

Article 83.5 of the RGPD provides that the offenses it typifies are sanctioned with an administrative fine of 20,000,000 euros at most or, if it is a company, an amount equivalent to 4% at most of overall total annual business volume of the previous financial year, and you must opt for the one with the highest amount.

Having said that, it is necessary to determine the amount of the administrative fine to be imposed. According to what is established in article 83.2 of the RGPD, and also in accordance with the principle of proportionality enshrined in article 29 of Law 40/2015, of October 1, on the legal regime of the public sector, as indicated by the instructing person in the resolution proposal, a penalty of **1,000** euros (one thousand euros) should be imposed. This quantification of the fine is based on the weighting between the aggravating and mitigating criteria indicated below.

As mitigating criteria, the concurrence of the following causes is observed:

- The lack of intentionality or negligence in the infringement (art. 83.2. b RGPD).
- The category of personal data affected by the breach - there is no evidence that it affected special categories of data (art. 83.2. g RGPD).
- The lack of benefits as a result of the commission of the offense (art. 83.2. k RGPD and art. 76.2. c LOPDGDD).

- The entity's immediate action to reduce the effects of the infringement (Article 83.2. c RGPD), given that, following the request of 05/30/2022, the accused entity replaced the information posters that did not comply with the current data protection regulations and installed informational posters on each of the floors of the residence where there were unmarked video surveillance cameras.

With regard to the analysis of the mitigating circumstances that have been related and that are taken into consideration when setting the amount of fines, it should be noted that they have mostly been invoked by the accused entity. On the contrary, the concurrence of the following mitigating criterion must be ruled out:

- The nature, gravity and duration of the infringement (art. 83.2. to RGPD). Regarding this, it must be said that although the infringement is of a minor nature and there is no evidence that specific damages have been caused, it cannot be ignored that the number of people affected is important, given that the video camera system is installed in a residence for the elderly (residents, visitors and workers). In addition, the entity did not provide by any other means the complementary information on the processing of the images for video surveillance purposes as required by article 13 of the RGPD.

These elements would have enough entity to consider it inappropriate to consider them as mitigating, although this last mitigating circumstance will not be taken into account as an aggravating criterion either.

In contrast to the mitigating circumstances analyzed, to rule out the replacement of the proposed financial penalty with the warning penalty provided for in article 58.2. b of the RGPD the following aggravating criterion has been taken into account:

- The association of the entity's activity with the practice of processing personal data (art. 83.2. k RGPD and 76.2. b LOPDGDD).

5. On the other hand, in accordance with article 85.3 of the LPAC and as stated in the initiation agreement, if before the resolution of the sanctioning procedure the accused entity acknowledges its responsibility or makes the payment voluntary pecuniary penalty, a 20% reduction should be applied on the amount of the provisionally quantified penalty. If the two aforementioned cases occur, the reduction is applied cumulatively (40%). The effectiveness of the aforementioned reductions is conditional on the withdrawal or renunciation of any action or appeal through the administrative route against the sanction (art. 85.3 LPAC, *in fine*).

As indicated in the antecedents, by means of a letter dated 06/20/2023 the accused entity has acknowledged its responsibility. Likewise, on the same date he paid **600** euros (six hundred euros) in advance , corresponding to the amount of the penalty resulting once the cumulative reduction of 40% has been applied.

6. Faced with the finding of the violations provided for in article 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 Authority of Data Protection, empowers the director of the Authority so that the resolution declaring the infringement establishes the appropriate measures to stop or correct its effects.

It is necessary to start from the premise that the person instructing this sanctioning procedure proposed that corrective measures be adopted so that the effects of the infringement cease or are corrected. Specifically, that the entity provide a high-resolution image of the new posters it had installed at the entrances to the residence and on each of the floors where there are video cameras, to verify that they comply with the provisions of article 22.4 of the LOPDGDD. Also, that it accredits that it provides the affected persons with the complementary information of article 13 of the RGPD on the processing of data for video surveillance purposes, either through the privacy policy available on the website of the residence or through any other media (such as paper media).

The entity has provided the requested image, which makes it possible to observe that, apart from the existence of the treatment, the poster informs of the identity of the person in charge and of the possibility of exercising the rights provided for in articles 15 to 22 of RGPD. However, when indicating the place where interested persons can request the rest of the information on the processing of their data, the poster refers to an electronic address ((...)), that is to say that the via offer to obtain this information is to send the request via email.

Regarding this, it should be noted that in Directives 3/2019 on the processing of personal data using video devices, approved on 01/29/2020, the European Data Protection Committee (EDPB) insists that the information of the second layer (the first layer of information is contained in the information poster) must be easily accessible before entering the guarded area. In this sense, sending an email to the indicated email address, and waiting for a response that in some cases may not be automatic, would hardly fit in what must be interpreted as an "easily accessible" to make the complementary information available. Therefore, this way cannot be considered valid, given that it does not comply with what is provided for in article 22.4 *in fine* of the LOPDGDD, when it prescribes the obligation of the data controller to keep the rest of the information available to those affected what article 13 of the RGPD refers to.

On the other hand, the accused entity has certified what is the information in paper support that is available at the reception of the residence, which includes all the complementary information on the processing of data for the purposes of video surveillance that is required by article 13 of the RGPD.

In accordance with what has been stated, since it is considered that the content of the information poster does not fully comply with the provisions of article 22.4 of the LOPDGDD and article 13 of the RGPD, Edad 2000, SL residence should be required to certify as soon as possible, and in any case within a maximum period of 10 days from the day after the notification of this resolution, that it has deleted the electronic address of information poster and it is included that additional information on the processing of data for video surveillance purposes is available at the reception of the residence.

Once the corrective measure described has been adopted within the indicated period, in the following 10 days Edad 2000, SL must inform the Authority, without prejudice to the Authority's inspection powers to carry out the checks corresponding

resolution

For all this, I resolve:

1. To impose on Edad 2000, SL the sanction consisting of a fine of 1,000 euros (one thousand euros), as responsible for an infringement provided for in article 83.5. *b* in relation to article 13, both of the RGPD.
2. Declare that Edad 2000, SL has made the advance payment of 600 euros (six hundred euros), which corresponds to the total amount of the penalty after applying the percentage of deduction of 40% corresponding to the reductions provided for in article 85 of the LPAC.
3. Requiring Edad 2000, SL to adopt the corrective measures indicated in the 6th legal basis and certify to this Authority the actions it has taken to comply with them.
4. Notify this resolution to Edad 2000, SL.
5. Order that the resolution be published on the Authority's website (apdcat.gencat.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 and 14.3 of Decree 48/2003, of February 20, which approves the Statute of the Catalan Agency of Data Protection, the accused entity can file an appeal before the director of the Catalan Data Protection Authority, within one month from the day after its notification , in accordance with the provisions of article 123 et seq. of Law 39/2015. An administrative contentious appeal can also be filed directly before the administrative contentious courts of Barcelona, within two months from the day after its notification, in accordance with Law 29/1998, of July 13 , regulator of 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 under 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