

Personal Data Protection Law (LOPD)

(Ley Orgánica de Protección de Datos de Carácter Personal)

HISTORY

- The European legislation UE 95/46/CE and the **European Council 24 October 1995** were the initial steps from the European Member States to enact a personal privacy law.
- LOPD 15/1999
 - Royal Decree 12/2007 approved as law 15/1999
 - **Effective as of ABRIL 2008**

WHAT THE LAW STATES

The Data Protection Law (LOPD) aims to **guarantee and protect the data and fundamental rights of individuals to their personal and family privacy**. It establishes a range of obligations for **ALL** companies - private, public and state - holding and managing personal information.

SCOPE OF THE LAW

ALL these companies have to register the files where this data is kept at the Spanish Data Protection Agency – AEPD.

Large or small, **no registered company is exempt** from the obligations of the LOPD, whether a one-man business or a subsidiary of a larger enterprise. Personal data are those that allow the identification of a person, whether customer, client, supplier or employee and includes **any personal data collected in any format (manual, computerised, etc.)**.

HOW TO COMPLY WITH THE LAW?

- 1 – **Security Document**: obligations and protocols regarding data protection.
- 2 – **Files registration** at the AEPD.
- 3 – Allow individuals to exercise their **ARCO Rights** (Access, Rectification, Cancellation and Disagreement).

DATA-SECURITY LEVELS

HIGH: religion, beliefs, sexual contents, health, racial, unions...

MEDIUM: civil or criminal offences, credit rating, financial information, health, Social Security data,...

LOW: name, telephone, address, email...

PENALTIES

The LOPD establishes a range of monetary penalties for non-compliance:

Infraction	Penalties
Low	from 600 € to 60.000 €
Average	from 60.000 € to 300.000 €
High	from 300.000 € to 600.000 €

Already, significant fines for non-compliance have been handed out to companies, both large and small (€ 12.5 million in 2009!).

PERSONAL DATA

- Specially protected information
- Identification data
- Personal features
- Social circumstances
- Academic and professional information
- Employment information
- Commercial information
- Insurance and financial information
- Transactional information

Why comply?

- **It's the law**
- **100% fee RECOVERY for companies with employees**
- **15% of fee DEDUCTIBLE from Income tax**
- **An ASSET for your company**

How can  **GESTDATOS** *help?*

OUR GROUP



OUR SERVICES

The LOPD establishes a range of obligations for those companies holding and managing personal information. As a consequence, they must carry out specific actions.

We provide a wide range of services for companies and individuals to meet the law:

- Supply of self-training course CDs
- Preparation of the "Security Document"
- File registration at the Data Protection Agency
- Auditing and consulting on files and security to ensure continued compliance
- Updated course every year, incorporating ongoing revisions to the LOPD
- Assistance in defence against denunciations

Note: Anyone can make a formal complaint of a company that is not compliant with LOPD and it remains as an anonymous document. So if someone is angry with a company (for example, unfair competition) or you have a dissatisfied employee, they can make a complaint and in less than 15 days a government agent will be there.

WHAT DOES IT COST?

For most companies, the payment scheme is **ZERO COST** *

Registered companies are charged an annual fee for this training and assistance at a level set by the Government. The Government have agreed that this fee will be deducted by the company from its Social Security payments. **In addition, the company can deduct 15% of the fee charges from its annual income tax.**

How the State subsidy works:

If you have one employee, your cost is zero because every month when you pay their salary the company deducts your charges from your social security monthly payment.

For example, you have one employee and you pay him/her a monthly salary of 1.000€ (net) + 200€ (social security). In the next two months you won't pay social security and the third month you will pay 180€ (i.e. 200€ + 200€ + 20€ = 420€).

** Self employed and companies without employees do not benefit from the social security state subsidy, although they still must comply. To all others, it is zero cost.*

Costs for Companies:

	ANNUAL FEE (+VAT)	STATE SUBSIDY (via Social Security)	INCOME TAX DEDUCTION (15% of Annual Fee)	NUMBER OF EMPLOYEES that must complete the on-line CD Course	TOTAL EFFECTIVE BENEFIT
Self-employed	375 €	0 €	0 €	0	0 €
Companies with 0 employees	375 €	0 €	0 €	0	0 €
1 to 9 employees	420 €	420 €	63 €	1	63 €
10 to 18 employees	840 €	840 €	126 €	2	126 €
For every additional 1-9 employees	+420 €	+420 €	+63 €	+1	+63 €
Example:					
99 employees	4,200 €	4,200 €	630 €	10	630 €

Renewal of these services is annual, at the same rate.

LOPD applies to EVERY COMPANY in Spain. Currently just a mere 12% are complying with the law.

Avoid the fines. Please get in touch with us. Our contact details are below.

Regards,

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