

## – DATA PROTECTION

**In particular, the Data Protection team deals with the following matters:**

### CORPORATE AND COMMERCIAL - DATA PROTECTION

The protection of data is a fundamental right. This and the right to privacy enshrined in article 18.1 of the Spanish Constitution share a common goal, namely: to afford an effective constitutional protection to personal and family life. Unlike the right to privacy, however, the right to the protection of data bestows upon data subjects the legal power to impose on others the performance or omission of certain actions that the law must pin down, the same law which, pursuant to article 18.4 must restrict the use of IT, either by implementing the fundamental right to the protection of data (article 81.1 of the Spanish Constitution), or by regulating the exercise thereof (article 53.1 of the Spanish Constitution)' (Judgement of the Constitutional Court 292/2000, of 30 November).

The Data Protection Area assists public and private entities to comply with European and Spanish data protection laws. The members of the Data Protection team are also able to represent data subjects before the relevant administrative agency or in court in case of violation of their rights.

Specifically, the Data Protection Area's expertise covers the following:

- Projects of compliance with the Spanish 15/1999 Personal Data Protection Act and implementing regulations
- Delivery of general advice on data protection:
  - \* We review the legal contingencies, actual or potential, associated to our clients' processing of personal data.
  - \* We draw up security documents, reports, privacy agreements, clauses and policies.
  - \* Consultancy on data protection matters.
  - \* Implementation and monitoring of actions taken.
- We conduct legal audits focusing on compliance with personal data protection laws. Audit reports specify any updates made, issues or problems to be addressed, remedial actions to be taken and deadline to do so.
- Website regulatory compliance, to ensure that clients fully adhere to the Spanish Personal Data Protection Act and the 34/2002 Spanish Information Society and Ecommerce (Services) Act of 11 July.
- We handle procedures with the relevant Data Protection Agency, particularly: applications for registration of personal data files with the

Data Protection Registry and applications for amendment /removal of such files.

- We appear on behalf of clients in litigation involving the protection of data subjects' rights. We also assist in disciplinary actions started by the relevant Data Protection Agency (administrative) and in proceedings followed at the Spanish National Court and the Spanish Supreme Court.