

-----**SWORN TRANSLATION**-----

ACT 8/2001 of 13 July on the Protection of Personal Data in the Community of Madrid

*(LEY 8/2001, de 13 de julio, de Protección de Datos de Carácter Personal en la Comunidad de Madrid)*

CHAPTER I

General provisions

Article 1

Object and Purpose

The purpose of this Act is to regulate personal data files and the Data Protection Agency of the Community of Madrid in accordance with the provisions of Act 15/1999 of 13 December on the Protection of Personal Data (*Ley Orgánica 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal*).

Article 2

Scope

1. The Data Protection Agency of the Community of Madrid discharges the functions of overseeing the personal data files created or managed by the Institutions of the Community of Madrid and by the Bodies, Agencies and Public Corporations and other Public entities forming part of its Public Administration, with the exception of the mercantile companies which are the subject of Article 2.2.c).1 of Act 1/1984 of 19 January regulating the Institutional Administration of the Community of Madrid (*Ley 1/1984, de 19 de enero, reguladora de la Administración Institucional de la Comunidad de Madrid*).

The said functions are also discharged with regard to the personal data files created or managed by the Entities forming part of the Local Administration of the Community of Madrid, in compliance with the provisions of Article 41 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*) and with regard to the files created or managed by the Public Universities and Public Corporations representing economic and professional interests in the Community

of Madrid, it being necessary in the case of the latter that the said files are created or managed for the purpose of exercising public powers.

2. The files regulated by State Law 12/1989 of 9 May on the Official Statistics (*Ley estatal 12/1989, de 9 de mayo, de la Función Estadística Pública*) created or managed by the entities and companies of the Community of Madrid and Local Entities referred to in the paragraph above, for purposes which are not state-related shall be governed by the said regulation in the absence of statistical legislation which the Community of Madrid may establish for itself but they will be subject to oversight by the Data Protection Agency of the Community of Madrid.

### Article 3

#### Definitions

For the purposes of this Act, and in compliance with Article 3 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*), the following definitions shall apply:

- a) Personal data – Any information concerning identified or identifiable natural persons.
- b) File – Any organised set of personal data, regardless of the form or mode of its creation, storage and access.
- c) Data processing – Technical operations and procedures, whether automated or not, which allow for the collection, recording, conservation, elaboration, modification, blocking, erasure and transmission of data resulting from communications, consultations, interconnections and transfers.
- d) Controller of the file or processing – Natural or legal person, of a public or private nature, or administrative body that decides upon the purpose, content and use of the processing.
- e) Data subject – Natural person whose personal data is the object of the processing referred to in paragraph c) of this Article.
- f) Dissociation procedure – All personal data processing carried out in such a way that the information obtained cannot be associated with an identified or identifiable person.

g) Processor – Natural or legal person, public authority, service or any other body which, alone or in conjunction with others, processes personal data on behalf of the controllers of the processing.

h) Consent of the data subject – Any manifestation of free, unequivocal, specific and informed will by which the data subject grants consent to the processing of his or her personal data.

i) Transfer or communication of data – Any disclosure of data made to a party other than the data subject.

j) Sources accessible by the public – Those files which may be generally accessed, with no constraints set by restrictive regulations or any requirement other than, where appropriate, the payment of consideration. Only the following are to be considered sources accessible by the public: census for advertising purposes, telephone directories in accordance with the conditions stipulated by their specific regulations and lists of persons belonging to professional groups which contain only the name, title, profession, activity, academic rank, address and indication that the person belongs to the group. Also considered sources available to the public are official journals and bulletins and the media.

## CHAPTER II

### On the legal regime affecting personal data files

#### Article 4

##### Regulation of files normative

1. The creation, modification or deletion of personal data files included within the scope of this Act shall be carried out by means of a general regulation which shall be published in the OFFICIAL BULLETIN OF THE COMMUNITY OF MADRID (*BOLETÍN OFICIAL DE LA COMUNIDAD DE MADRID*) or in the corresponding Official Journal.

The Assembly of Madrid, through the body specified by it for this purpose, has competence for the creation, modification and deletion of files.

In the area of the Administration of the Community of Madrid, approval of such regulations shall be effected through an Order issued by the respective Regional Minister. However, in the case of Entities which have special autonomy or independence from the Administration of the Community of Madrid, these Entities shall have such competence.

2. Regulations for the creation or modification of personal data files shall in all cases include:

- a) The purposes of the file and the uses foreseen for it.
- b) The persons or groups whose personal data is to be obtained or who are required to provide such data.
- c) The procedure used for the collection of the personal data.
- d) The basic structure of the file and a description of the types of personal data included in the same.
- e) The transfers of personal data.
- f) The units of the Administration which control the files.
- g) The services or units to apply to in the event of exercising the rights of access, rectification, erasure and opposition.
- h) The safeguards used, with indication of whether basic, medium or high levels of safeguard are required.

3. The regulations issued for the deletion of files shall determine the destination of the data contained therein or, where appropriate, the measures adopted for its destruction.

4. The only data which can be excluded from destruction shall be that which, being necessary for official statistics, has previously been subject to dissociation procedures.

5. The files shall be registered in the Register of Personal Data Files of the Data Protection Agency of the Community of Madrid, without prejudice to the provisions of Article 39 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*).

#### Article 5

Procedure for the approval of regulations concerning the personal data files of the Bodies, Agencies, Public Corporations and other Public Entities of the Community of Madrid.

1. The initiative for undertaking the proceedings for the elaboration of general regulations concerning the creation, modification or deletion of personal data files shall correspond to the body charged with the specific function which gives expression to the area of competence for the exercise of which the file will serve an instrumental purpose.
2. If the initiative corresponds to Body of an Autonomous Community, a Public Corporation or a Public Entity, the recommendation shall correspond to its Administrative Board.
3. The regulation proposal shall be accompanied by a report on the need for and suitability of the same, as well as by an economic report containing an estimate of its cost.
4. Throughout the elaboration process, in addition to the mandatory prior reports and opinions, any additional study or consultation shall be carried out if deemed necessary to guarantee the suitability and lawfulness of the proposal's text.
5. Once the proposal for the general regulation has been elaborated, a phase will begin, lasting no less than 15 working days, for the presentation of allegations regarding the appropriateness, pertinence or proportionality of the personal data to be obtained with respect to the purpose of the file.

For this purpose the proposal for the regulation shall be sent to legally-established organisations and associations whose statutory purpose is the defence of the rights or interests related to those protected by this Act, or whose members are especially affected by the data whose collection is to take place.

This step shall not be necessary if the organisations and associations mentioned above have participated by means of reports or consultations during the elaboration process indicated in the preceding paragraph.

6. Prior to its approval, the proposal for the regulation shall be sent to the Data Protection Agency of the Community of Madrid, which will issue a binding recommendation.
7. After the Agency's binding recommendation, the proposal shall be sent to the Technical Office of the Regional Ministry to which approval of the proposal corresponds, which will issue another binding recommendation.

In the case of Public Entities having special autonomy or independence from the Administration of the Community of Madrid, the said recommendation shall be issued by the General Directorate of Legal Services.

## Article 6

### Right to information in the collection of personal data

The data subjects whose personal data is to be processed must be informed in advance, in express, precise and unequivocal terms, of the points set forth in Article 5 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*), in the way and under the conditions stipulated in the same Article.

## CHAPTER III

### On the responsibilities relating to the personal data files and their use

## Article 7

### Controller of the file

1. The controller of the file is the administrative body which, in the regulation for the creation of the file, is designated with deciding on the purpose, content and use of the processing.
2. When it is not possible to determine the controller of the file because competence in deciding on the purpose, content and use of the processing is attributed to different administrative bodies, the controller of the file is understood to be the body charged with the specific function which gives expression to the area of competence for the exercise of which the file will serve an instrumental purpose.
3. In the case of Bodies of Autonomous Communities, Public Corporations and other Public Entities, the controller of the file shall be the Manager or Director of the said body, unless stipulated otherwise in its memorandum of association.

## Article 8

### Functions of the controller of the file

It is up to the controller of the file to:

- a) Make decisions regarding the exercise of the rights of opposition, access, rectification and erasure by citizens.

b) Attribute responsibilities regarding the material execution of the different operations and procedures comprising the data processing which affects the files for which it is responsible.

c) Adopt the safeguards to which the file is subject in accordance with current legislation.

d) Give a reasoned account to the Data Protection Agency of the Community of Madrid on the application of exceptions to the general legal regime in place for access, rectification, erasure and opposition, in accordance with Article 23 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*).

e) Inform the Data Protection Agency of the Community of Madrid of the variations experienced in the files and processing.

## Article 9

### Data processing

1. The processing of personal data shall be subject to the safeguards established in the corresponding State regulations.

2. Anyone who provides services of personal data processing to the Community of Madrid and to the Local Entities within its territory shall be required to comply with the provisions of Article 12 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*).

3. Service contracts involving personal data processing must be communicated to the Data Protection Agency of the Community of Madrid prior to their execution.

4. Infraction of the stipulations indicated in paragraph 2 of this Article shall constitute cause for the termination of the contract, without prejudice to possible corresponding sanctions in accordance with Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*) and the liability which may arise as a result of the damages produced.

## Article 10

### Users of personal data processing systems

Users are the personnel working for the Institutions or the Administration of the Community of Madrid and the Local Entities within its territory which have access to the personal data as a consequence of being charged with tasks involving the use

of material contained within the information systems of which the data files form a part.

Users must comply with the safeguards established and they are bound by professional secrecy in the terms set forth in the following article.

#### Article 11

##### Professional secrecy

The controller of the file and those persons who intervene in any phase of the processing of the personal data shall be bound by professional secrecy with regard to the data and shall have the duty to keep them secret. These obligations shall subsist even after the end of relations with the owner of the file or, when appropriate, with the controller of the same.

#### Article 12

##### Responsibility for Disciplinary Action

1. The controllers of the files and the processors of personal data shall be subject to the infraction system set forth in Title VII of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*), except as regards the procedure and system of applicable sanctions, which is set forth in legislation on the Public Administrations disciplinary system.

2. If any of the infractions envisaged in Article 44 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*) are committed, the Director of the Data Protection Agency of the Community of Madrid shall issue a resolution establishing the measures that are to be put in place in order to stop or correct the effects of the infraction. The said resolution will be communicated to the controller of the file, and to the body to which it belongs hierarchically as well as affected persons, if any.

This attribution of responsibility is understood to be without prejudice to the competence attributed to the State Agency for the Protection of Data in Article 46 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*).

3. The Director of the Data Protection Agency of the Community of Madrid shall also be entitled to propose, if appropriate, the initiation of the corresponding disciplinary actions.

4. The Data Protection Agency of the Community of Madrid must be informed of the resolutions made in relation to the measures and actions referred to in the paragraphs above.

#### Article 13

##### Power to block files

In the case of a very serious violation, the unlawful use or transfer of personal data which seriously impedes or affects the exercise of the rights of the citizenry and the free development of personality guaranteed by the Spanish Constitution and legislation, the Director of the Data Protection Agency of the Community of Madrid shall be entitled to demand that the controllers of the personal data files put a stop to the unlawful use or transfer of the data. If such demand is not honoured, the Agency shall be entitled to, by means of a reasoned resolution, block such files for the sole purpose of restoring the rights of the affected parties.

The provisions of the above paragraph shall be understood to be without prejudice to the authority attributed to the State Agency for the Protection of Data in Article 49 of Act 15/1999.

## CHAPTER IV

### On the Data Protection Agency of the Community of Madrid

#### Article 14

##### Its Nature and Legal System

1. The Data Protection Agency of the Community of Madrid is a Public Entity, among those envisaged in Article 6 of Act 9/1990 of 8 November regulating the Treasury of the Community of Madrid (*Ley 9/1990, de 8 de noviembre, reguladora de la Hacienda de la Comunidad de Madrid*). It has legal personality and full capacity to act.

The Data Protection Agency, in the discharge of its functions, is fully independent of the Administration of the Community of Madrid.

2. The Data Protection Agency shall be governed by the provisions of this Act and by its own By-laws which are to be approved by the Government, as well as by the provisions of the above-mentioned Act regulating the Treasury of the Community of Madrid, which are applicable according to Article 6 of the same.

In the discharge of its public functions, and in the absence of stipulations by this Act and its supplementary provisions, the Data Protection Agency shall act in compliance with Act 30/1992 of 26 November on the Legal System affecting the Public Administration and the Common Administrative Procedure (*Ley 30/1992, de 26 de noviembre, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común*).

With respect to its transactions involving assets and its hiring practices, it shall be subject to Public Law.

3. The administrative acts dictated by the Director of the Data Protection Agency represent the last possible step in administrative proceedings and may be the object of appeal for reversal and judicial review lodged in the Court for Contentious-Administrative Proceedings.

Representation and defence of the Agency shall be carried out by Legal Services of the Community of Madrid, as set forth in its regulating policy.

Also, legal advice shall be given to the Agency by the General Directorate of Legal Services, which will appoint a lawyer to fulfil this function.

4. Posts within the bodies and services forming part of the Data Protection Agency shall be filled either by civil servants or non-civil servants, according to the nature of the functions assigned to each post.

As regards personnel, the Agency shall be governed by the provisions in the area of civil service which are applicable to the personnel working for the Administration of the Community of Madrid.

It is up to the Data Protection Agency to determine the system for accessing its posts, as well as the requirements and the characteristics of the tests permitting access to the same. This shall be done in accordance with the Agency's needs, existing vacancies and budgetary possibilities, and the selection system shall comply with the provisions of Act 30/1984 of 2 August on Measures for the Reform of the Civil Service (*Ley 30/1984, de 2 de agosto, de Medidas para la Reforma de la Función Pública*) and with the corresponding legislation of the Community of Madrid.

The Data Protection Agency shall be responsible for the elaboration, announcement, administration and resolution of the systems for filling posts and professional promotion, and such systems shall comply with the provisions of Act 30/1984 of 2 August on Measures for the Reform of the Civil Service (*Ley 30/1984, de 2 de agosto, de Medidas para la Reforma de la Función Pública*) and with the corresponding legislation of the Community of Madrid.

5. In order to achieve its purposes, the Data Protection Agency shall have at its disposal the following goods and economic resources:

a) The allocations established annually and deriving from the General Budget of the Community of Madrid.

b) The goods and securities comprising its assets, and the proceeds and income deriving from the same.

c) Any others which may lawfully be attributed to it.

6. The Agency shall elaborate and approve on an annual basis the corresponding Budget Draft reflecting the credits necessary for it to achieve its objectives, with the structure indicated by the Regional Ministry with competence in the area of Budgets for the Community of Madrid, and it shall be sent to the former for forwarding to the Government, and subsequent forwarding to the Assembly, forming part of the Bill on General Budgets of the Community of Madrid, along with those of the General Administration and its bodies pertaining to the Autonomous Community.

This Budget shall be of a limiting nature according to its total amount. Variations in the full amount shall be approved by the Assembly of Madrid, the Government, or the Regional Ministry of the Presidency and Treasury, according to the provisions of Act 9/1990 of 8 November regulating the Treasury of the Community of Madrid (*Ley 9/1990, de 8 de noviembre, reguladora de la Hacienda de la Comunidad de Madrid*).

The variations in the credits of the Agency that do not alter the total amount of the Agency's Budget shall be decided by the Director of the same. In any case, the rules applicable to the Administration of the Community of Madrid shall be observed as regards the processing and documentation of budgetary modifications and other operations affecting the budgets.

The Agency is subject to auditing, financial supervision and efficiency supervision, to be performed by the Office of the Comptroller under the terms established in Articles 16 and 17 of Act 9/1990 of 8 November regulating the Treasury of the Community of Madrid (*Ley 9/1990, de 8 de noviembre, reguladora de la Hacienda de la Comunidad de Madrid*) and Article 12 of Act 2/1995 of 8 March on Subsidies of the Community of Madrid (*Ley 2/1995, de 8 de marzo, de Subvenciones de la Comunidad de Madrid*).

The Government, following receipt of the report issued by the Office of the Comptroller of the Community of Madrid, shall determine the supervision that

should take place of the economic-financial activity of the Agency and, when appropriate, the modality and scope of the same.

The Agency shall be subject to the Public Accounting system.

## Article 15

### Its functions

The Data Protection Agency of the Community of Madrid shall discharge the functions detailed below in the sphere of action attributed to it by Article 41 of Act 15/1999 of 13 December on the Protection of Personal Data (*Ley Orgánica 15/1999, de 13 de diciembre sobre la Protección de Datos de Carácter Personal*):

- a) Monitor compliance with legislation on the protection of data and ensure its application, especially as regards the rights of information, access, opposition, rectification and erasure of data, and also as regards the communication of personal data among the Public Administrations referred to in Article 2 of this Act.
- b) Provide people with information regarding the rights recognised in current legislation in the area of the protection of personal data.
- c) Respond to requests and resolve the complaints made by affected persons for the protection of their rights of access, opposition, rectification and erasure with regard to the files falling within the Scope of this Law.
- d) Issue, when appropriate and without prejudice to the competence of other institutions, the instructions necessary to make personal data processing conform to the principles set forth in Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*) and in this Law.
- e) Require that the controllers of the processing and the processors subject to the Scope of this Law, following contacts with them, adopt the measures necessary to make the data processing conform to current legislation, and, when appropriate, to order the end of processing and the erasure of files that do not comply with the provisions applicable to them. All of this is understood to be without prejudice to the exclusive competence of the State Agency for the Protection of Data in the area of international transfers.
- f) Register the standard codes of conduct established under the scope of this Act in the Registry of Files, previously registered in the General Registry of Data Protection of the State Agency for the Protection of Data.

g) Issue reports, which shall be of mandatory compliance, on the proposals for general regulations developed in relation to this Act, as well as the regulations regarding the creation, modification, and deletion of personal data files falling within the scope of this Act.

h) Obtain from the controllers of the files any assistance and information deemed necessary for the discharge of the Agency's functions.

i) Publicise the existence of personal data files. For this purpose, the Agency shall publish on an annual basis a list of such files with the additional information determined by the Director, without prejudice to the competence in this area of the State Agency for the Protection of Data.

j) Monitor compliance with the legal provisions on official statistics that the Community of Madrid may establish regarding statistical data and statistical secrecy. The Agency shall also issue precise instructions and opinions on the conditions of security affecting the files created purely for statistical purposes.

k) Draw up an annual report on its activities, to be forwarded to the Government and the Assembly of Madrid.

l) Collaborate with the State Agency for the Protection of Data and with the corresponding Bodies of the Autonomous Communities in any activity which may be necessary to improve the protection of the rights of the citizenry with regard to personal data files.

m) Propose that disciplinary proceedings be undertaken against those individuals the Agency deems responsible for infractions of the legal system which protects the personal data falling within the scope of this Act, without prejudice to the adoption of the precautionary measures set forth in paragraph e) of this Article and the competence of the State Agency for the Protection of Data in the area of international transfers.

n) Any other functions that may be attributed to the Agency by legislative or regulatory rules.

## Article 16

### The Director of the Data Protection Agency

1. The Director of the Data Protection Agency directs the Agency, is authorised to represent it and presides over the Council. The Director shall be named by Decree of the President of the Community of Madrid, following appointment by the Data Protection Council, for a four-year term.

2. The Director shall discharge his/her functions in a fully independent and objective fashion, and shall not be subject to any mandate or instruction whatsoever in doing so. However, the Director shall listen to the Data Protection Council on the matters submitted for its consideration or on any matter on which the Council decides to issue an opinion in the course of carrying out its functions.

3. The Director shall step down before the end of his/her term only in the case of personal decision to do so or by severance resolved by the President of the Community of Madrid at the request of the Data Protection Council of the Community. The said request must be approved in a vote by three-quarters of the Council's members in an extraordinary meeting called for this purpose and only when justified by one of the following causes: serious failure to fulfil his/her duties, incompatibility, unexpected incapacity for the discharge of his/her functions or being convicted of a crime of *mens rea*.

4. The post of Director shall be considered a senior post and is thus subject to Act 14/1995 of 21 April on Incompatibilities affecting Holders of Senior Posts in the Community of Madrid (*Ley 14/1995, de 21 de abril, de Incompatibilidades de Altos Cargos de la Comunidad de Madrid*).

5. The Director of the Data Protection Agency shall represent the Community of Madrid in the Advisory Council regulated by Article 38 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*).

## Article 17

### The Data Protection Council

1. The Data Protection Council of the Community of Madrid is the Agency's advisory body. It designates the Director, advises it in the discharge of its functions and issues binding opinions on the areas regulated by this Act and the By-laws of the Agency.

2. The Council shall be comprised of the following members:

- a) One representative from each Parliamentary Group in the Assembly of Madrid.
- b) Five representatives of the Administration of the Community of Madrid, appointed by the President.
- c) Two representatives of the Local Entities of the Community of Madrid, appointed by the Federation of Municipalities of the Community of Madrid.

d) One representative from labour organisations, chosen by the Social and Economic Council of the Community of Madrid.

e) One representative from business organisations, chosen by the Social and Economic Council of the Community of Madrid.

f) One expert in the subject, appointed by the Assembly of Madrid.

3. The members of the Council shall be named by Decree of the President of the Community of Madrid, according to proposals by the various groups, units, entities and organisations referred to in the preceding paragraph, for a four-year term.

4. In its founding session the Council shall appoint the Director of the Agency, voted by an absolute majority of its members. The person appointed must have recognised independence, extensive knowledge of the areas of competence and proven managerial abilities. Once the person is appointed, he or she, as member of the Data Protection Council, shall act as president of the same.

## Article 18

### Registry of Personal Data Files

1. The Data Protection Agency of the Community of Madrid shall keep a Registry of Personal Data Files.

2. The following items shall be registered in the Registry of Personal Data Files:

a) The personal data files belonging to the Institutions, Bodies, Agencies and Companies referred to in Article 2 of this Act.

b) Data regarding the files which may be necessary to exercise the rights of information, access, rectification, erasure and opposition.

c) The standard codes of conduct referred to in Article 32 of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*), once they have been registered in the General Registry of Data Protection of the State Agency for the Protection of Data.

3. Procedures for the registration of files in the Registry of Personal Data Files, the content of the entry, their modification, erasure, complaints and resources available against the corresponding resolutions shall be regulated by regulatory proceedings, along with other pertinent points.

4. Any person who wishes to do so can solicit from the Registry of Personal Data Files information regarding the existence of personal data processing, its purposes and the identity of the controller of the processing. The Registry shall be open to consultation by the public at no charge.

#### Article 19

##### Power of Inspection

1. The Data Protection Agency of the Community of Madrid shall have at its disposal the means of investigation and effective authority to intervene in response to the use and creation of files falling under the scope of this Act which do not conform to the provisions of Act 15/1999 of 13 December (*Ley Orgánica 15/1999, de 13 de diciembre*), of this Law, and of any other regulations that may be applicable.

To this end, it shall have access to the files, it can inspect them and gather all the information necessary to fulfil its supervisory mission, it can request the showing or sending of documents and data and can examine them in the place where they are deposited. Also, it shall be entitled to inspect the physical and logical devices used in the data processing, with access to the premises where such devices are installed.

2. The personnel carrying out the inspection referred to in the above paragraph shall be considered as having public authority in the discharge of their functions and the documents they produce shall be presumed to be accurate according to the terms established in Act 30/1992 of 26 November on the Legal System affecting the Public Administration and the Common Administrative Procedure (*Ley 30/1992, de 26 de noviembre, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común*).

## CHAPTER V

### On Co-operation among Administrations

#### Article 20

##### Co-operation among Administrations

1. The Data Protection Agency of the Community of Madrid shall initiate the appropriate actions for collaboration and cooperation with other Public Administrations in order to bring about the creation of conditions suitable for the exercise of rights and compliance with the guarantees established for the protection

of personal data, and also to encourage the participation of interested parties and the adoption of measures for the development of security systems.

2. Periodically the Data Protection Agency shall forward to the State Agency for the Protection of Data the contents of the Registry of Personal Data Files of the Community of Madrid.

#### TRANSITIONAL PROVISION ONE

##### Files of Local Entities

Within a period of three months following the entry into force of this Act, the Data Protection Agency of the Community of Madrid shall request from the State Agency for the Protection of Data all the information regarding the files registered in its General Registry and belonging to the entities forming part of the Local Administration in the territory of the Community of Madrid.

#### TRANSITIONAL PROVISION TWO

##### Penalisation proceedings

The proceedings referred to in Article 46.1 of the Act 15/1999 of 13 December (*Ley 15/1999, de 13 de diciembre*), undertaken, before this Act entered into force, by the State Agency for the Protection of Data against the Local Entities falling within the scope of this Law, shall be resolved by the State Agency. Also, the latter shall resolve the administrative appeals which may be lodged by the above-mentioned entities against the said resolutions.

#### SOLE PROVISION FOR REPEAL

##### Repeal of Regulations

All regulations of equal or lower rank are hereby repealed insofar as they contradict or are opposed to the provisions of this Act, in particular Act 13/1995 of 21 April regulating the use of computer sciences in the processing of personal data by the Community of Madrid (*Ley 13/1995, de 21 de abril, de regulación del uso de informática en el tratamiento de datos personales por la Comunidad de Madrid*).

Also hereby repealed is Chapter VI of Title III of Act 27/1997 of 26 December on Fees and Public Prices in the Community of Madrid (*Ley 27/1997, de 26 de*

*diciembre, de Tasas y Precios Públicos de la Comunidad de Madrid*), which is comprised of Articles 96 through 99, inclusive.

#### FINAL PROVISION ONE

##### Authorisation for Supplementary Regulations

The Government is authorised to issue as many Implementing Regulations and Supplementary Regulations to this Act as may be necessary.

#### FINAL PROVISION TWO

##### Entry into force

This Act shall enter into force the month following its publication in the OFFICIAL BULLETIN OF THE COMMUNITY OF MADRID (*BOLETÍN OFICIAL DE LA COMUNIDAD DE MADRID*).

Therefore, I order all citizens to whom this Act applies to comply with it, and all corresponding Courts and Authorities to obey it and ensure that it is obeyed.

In Madrid on this 13<sup>th</sup> day of July 2001.

The President,  
ALBERTO RUIZ-GALLARDÓN

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*I, Mr. Valentín Barrantes López, Sworn Translator (English-Spanish), do hereby certify that the previous is a true translation into English of a document originally written in Spanish..*

*Madrid 28 July, 2002*