

NOTE

Clause 31 Data Protection from the 2019 Autocontrol Code of Advertising Conduct

Full Code here (ES)

<https://www.autocontrol.es/wp-content/uploads/2019/06/codigo-de-conducta-publicitaria-autocontrol-2019.pdf>

31. DATA PROTECTION

The processing of personal data for advertising purposes must respect the rights and principles of personal data protection established by the regulations. By way of example, and to the extent that it complies with current regulations, the following obligations must be met:

- a) At the time of data collection, it is essential that the person be aware of the purpose for which their data will be used, and if these are going to be shared with third parties so that they, in turn, use them for advertising purposes. If obtaining the data requires prior consent, this must be freely given, specific, informed, unambiguous and express.
 - b) If the data is not obtained from the interested party, the information on the use of the data must be provided at the latest within one month of receiving it. However, in the same instance, if the data is used before to communicate with that person or is communicated to other recipients, the information must be provided at the latest at the time of such communications.
 - c) The data must be adequate, relevant and limited to what is necessary for the intended advertising purpose, and all reasonable measures will be taken to suppress or rectify without delay any data that is inaccurate.
 - d) The data will not be kept longer than necessary for the purposes for which they were collected and to meet, where appropriate, the possible responsibilities arising from their use.
 - e) The data will be protected with technical and organizational security measures appropriate to the risk, to guarantee its confidentiality, availability and integrity.
 - f) When collecting data from children, information on the use that will be given to their data should be provided in a language that is easy for them to understand. In the case of children under fourteen years of age, if the use of their data is based on their consent, the consent of their parents or guardians must also be obtained and reasonable efforts will be made to verify that this consent was so obtained.
 - g) When the recipient of commercial communications has expressed his desire not to receive publicity or that his data is not shared with third parties for this purpose, his request must be met within a maximum period of one month from receipt. This period may be extended by another two months if necessary due to the complexity or number of applications received.
 - h) If data is transferred to any third party established in a country that does not guarantee an adequate level of protection, the necessary precautions and measures will be taken to ensure that the level of data protection is not impaired.
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