

# Data. Protection. Adding Value.

## GDPR Local Insights\*



### Spain

#### Legislation

**Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales (“LOPDGDD”)**

#### Supervisory Authority

The Spanish Data Protection Agency (“**AEPD**”) is the primary authority regarding privacy and data protection matters in Spain. Additionally, some autonomous communities have their own supervisory authorities (“**Autonomous Authorities**”) due to the structure currently in place in the country. In particular, 3 Autonomous Authorities exist: the Catalan Data Protection Authority, the Andalusian Transparency and Data Protection Counsel, and the Basque Data Protection Authority. These authorities have jurisdiction over data processing activities carried out by the public sector of each autonomous community.

#### Special Conditions for Data Processing

- There are special rules on the processing of personal data for credit information systems, certain commercial operations, data relating to criminal offenses and administrative sanctions.
- Data relating to individual entrepreneurs and individual professionals can only be carried out under a company's legitimate interest if the processing refers exclusively to the necessary data for professional location and the purpose is to establish a relation with the legal entity under which the data subject provides services.
- The Data Controller must maintain the personal data duly “blocked” after the retention period has expired in order to manage possible legal responsibilities arising from the specific processing activity that was carried out.

#### Special Categories of Data

The **AEPD** makes use of the right under the GDPR to maintain or introduce further conditions for the processing of special categories of personal data. Specifically, and in order to prevent discriminatory situations, **the data subject's consent will not be sufficient** to lift the prohibition of processing data for the purpose of identifying an ideology, union membership, religion, sexual orientation, personal beliefs or ethnic or racial origin.

Additionally, special categories of personal data can be processed by public entities for **statistical, scientific research or other purposes** without the data subject's consent and under certain circumstances.

#### Restrictions on Individuals' Rights

There are restrictions in place for the data subject's right of access. Particularly, the data subjects must burden the costs in those cases where they choose a different method or channel than the one offered by the Data Controller and such a method or channel has disproportionate costs.

The Spanish legislator has also introduced additional provisions covering the **employment context** and allowing the Data Controller to adopt certain measures and process the employees' personal data without their consent. This includes, for example, the implementation of measures destined to monitor and control the compliance and fulfillment of the employees' work obligations and duties, or for occupational risk prevention purposes, among others.

#### Other Relevant Exemptions

The **LOPDGDD** establishes specific cases where the Data Controller must appoint a Data Protection Officer, such as: insurance or investment entities or funds, or distributors and marketers of electrical energy, among others.

#### Your local contact:



#### Assumpta Zorraquino

Digital Regulation, Privacy & New Law,  
Partner, PwC Tax & Legal

+34 629 266 573

[assumpta.zorraquino@pwc.com](mailto:assumpta.zorraquino@pwc.com)



\*The overview intends to provide general insights on the level of supplementary rules implemented in a country and for such purpose provides examples where the relevant member states have made use of the exemption provided by the GDPR. It is therefore non-exhaustive.

This publication has been prepared for general guidance on matters of interest only and does not constitute professional advice. You should not act upon the information contained in this publication without obtaining specific professional advice. No representation or warranty (express or implied) is given as to the accuracy or completeness of the information contained in this publication, and, to the extent permitted by law, PwC, its members, employees and agents do not accept or assume any liability, responsibility or duty of care for any consequences of you or anyone else acting, or refraining to act, in reliance on the information contained in this publication or for any decision based on it.

© 2025 PwC. All rights reserved. Not for further distribution without the permission of PwC. PwC refers to the PwC network and/or one or more of its member firms, each of which is a separate legal entity. Please see [www.pwc.com/structure](http://www.pwc.com/structure) for further details