



Sumario

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1.- Changes in the deductions of double taxation.

Law 34/2010, dated 5th August, that modifies the procedures of contract in the sectors of water, energy, transport and postal services, in its first final provision amends the second paragraph of Article 30 of the Law that regulates corporate income tax in relation to the deductions of double taxation on dividends.

This change includes a deduction of 100 percent in cases in which the companies have a percentage of participation, directly or indirectly, equal or above five percent and the shares have not been transmitted, and has reduced the participation rate to a minimum of three percent, as a result of a transaction subject to the regime established in Chapter VIII of Title VII of such law, for example to mergers and splits.

This change implies that the deduction will apply to dividends paid within three years from the completion of the transaction, if in the year in which the distributing takes place there is no full transmission of the participating or it is reduced below three percent.

2.- Investigations of the Spanish Data Protection Agency.

Recently the Spanish Data Protection Agency (AEPD) announced that one third of the hospitals are infringing data protection laws, and that the AEPD will open disciplinary proceedings against these hospitals for the breach of the duties of security and secrecy because these hospitals are not protecting patient's data through networks of exchange P2P files, like e-Mule, and the appearance of clinical documentation in the street, and storage of various clinical documentation in unrestricted areas.

On the other hand, the AEPD has opened an investigation to Google to determined if this has infringed the Spanish data protection law, because they have captured and stored citizens data without their consent during the location of data for Wi-Fi networks and traffic data associated with these networks.

Data protection is a fundamental right recognized by the Constitution and regulated by Law 15/1999, 13th december, of Personal Data Protection and the Development Regulations of the same

(approved by Royal Decree 1720 / 2007, on 21th December), and the purpose of these rules is to prevent unauthorized use by third parties of personal data of any citizen in any manner which could affect their privacy and intimacy.

All entities that handle and treat personal data, including service providers, retailers, manufacturers or distributors of products, and in general all type of entities that have files customer and supplier data are obliged to comply with personal Data Protection Law.

The breach of the law, in any of its aspects, can have significant consequences in the event an investigation is carried out by the AEPD.

A minor infraction can result in a penalty of 600 € to 60.000 €, a serious violation may lead to a fine of 60.000 € to 300.000 €, while a very serious offense can lead to a fine of 300.000 to 600.000 €.

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