

Responsabilidad por daños derivados del tratamiento indebido de datos personales en los ficheros de insolvencia*

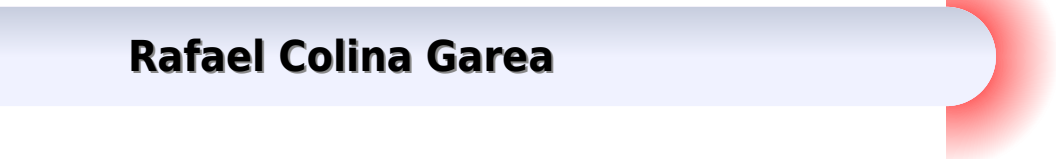
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Sumario: I. La responsabilidad por daños derivados del tratamiento indebido de datos sobre insolvencia patrimonial en el RGPD: 1. Antecedentes; 2. El art. 82 RGPD; 3. La infracción de las normas sobre protección de datos como fundamento de la responsabilidad por daños; 4. Compatibilidad con el derecho a ser indemnizado con base en otras normas. En particular, la protección civil del honor; 5. Otros regímenes de responsabilidad; 6. El posible efecto preclusivo del art. 400 LEC. II. Competencia y procedimiento: 1. Competencia de los tribunales; 2. Jurisdicción civil y jurisdicción contencioso-administrativa; 3. Competencia territorial; 4. Procedimiento. III. Legitimación activa: 1. Personas físicas y personas jurídicas; 2. Personas fallecidas. IV. Legitimación pasiva: Sujetos responsables: 1. Los sujetos responsables en el RGPD: responsables y encargados del tratamiento; 2. Pluralidad de sujetos responsables. Solidaridad y repetición; 3. La determinación de los sujetos responsables en el caso de los sistemas de información crediticia. V. Causas de exención de responsabilidad; VI. Daños indemnizables; VII. Plazos; VIII. Bibliografía.

* El presente trabajo, que constituye mi homenaje personal al Profesor Roca Guillamón, forma parte de un estudio más amplio, que, por razones editoriales, habrá de ser publicado en dos partes diferenciadas: en esta se analiza en particular el régimen de responsabilidad por los daños derivados del tratamiento indebido de datos por parte de los sistemas de información crediticia, mientras que en otro trabajo se examinan especialmente los requisitos establecidos por el art. 20 LOPDGD para el funcionamiento de tales sistemas. Su elaboración se enmarca en el Proyecto de Investigación «El Derecho de contratos en el entorno digital» (PGC2018-098206-B-I00) financiado por el Ministerio de Ciencia, Innovación y Universidades, del que son IPIs las Profesoras Isabel V. GONZÁLEZ PACANOWSKA y M.^a Carmen PLANA ARNALDOS. Publicado originalmente en COBACHO GÓMEZ, J.A., y ATAZ LÓPEZ, J. (coords.), *Cuestiones clásicas y actuales del Derecho de daños (Estudios en Homenaje al Prof. Dr. Roca Guillamón)*, ed. Thomson-Reuters Aranzadi, Cizur Menor (Navarra), 2021, t. II, pp. 175 a 233.

Responsabilidad Por Daños Derivados Del Peaje

Rafael Colina Garea



Responsabilidad Por Daños Derivados Del Peaje:

Responsabilidad por daños derivados del peaje Martín Diego Pirola, 1999 **Jurisprudencia argentina**, 2001

Accidentes de tráfico y animales de caza María Teresa Alonso Pérez, 2021-07-01 El supuesto de daños derivados de accidentes de circulación en que intervienen animales cinegéticos es muy relevante debido al elevado número de siniestros de este tipo que se producen y al alto índice de litigiosidad en el sector. La regulación actual del supuesto se contiene en la DA 7 del Real Decreto Legislativo 6/2015 al que se remiten la casi totalidad de las normas autonómicas dictadas en materia de caza. Esta norma hace responsable al conductor de manera genérica y reduce notablemente los supuestos en que hacen frente a la indemnización los titulares de los aprovechamientos cinegéticos los cuales hasta hace poco tiempo habían sido considerados por la ley como casi los únicos responsables de este tipo de supuestos. Por último los titulares de las vías públicas responden en caso de defectuosa señalización o por no reparación de vallado. El statu quo normativo vigente es el resultado de una evolución normativa que trasplanta la regulación del supuesto desde el ámbito de la caza al del tráfico y que ha sido contestada desde los Tribunales en cada una de sus etapas procurando una interpretación de los sucesivos preceptos que condujera a los titulares de aprovechamientos cinegéticos la imputación de la responsabilidad. Aunque el Tribunal Constitucional ha dictado dos resoluciones SSTC 57/2018 y 112/2018 sobre diferentes aspectos de esta norma no ha tenido ocasión de pronunciarse acerca de si la norma infringe la prohibición de arbitrariedad de los poderes públicos del artículo 9.3 CE. A ello se suma que todavía no hay mucha jurisprudencia dictada sobre casos a los que se aplique la regulación vigente lo cual hace especialmente interesante este libro porque no sólo explica la razón de ser de la norma vigente sino que además proporciona líneas para su interpretación a los diferentes operadores jurídicos. La autora María Teresa Alonso Pérez es Profesora Titular de Derecho civil acreditada como Catedrática en la Universidad de Zaragoza. Sus líneas de investigación giran en torno al Derecho Patrimonial. Concretamente ha trabajado sobre Derecho del Consumo, contratos de servicios, modernización del Derecho de obligaciones y contratos vivienda y derechos reales. Los resultados de sus investigaciones se han publicado en monografías y artículos de revistas especializadas españolas y extranjeras. Ha participado en numerosos proyectos de investigación algunos de los cuales ha dirigido. Sus estancias de investigación en el extranjero se extienden a lo largo de toda su trayectoria: Institut Recherche Juridique de la Sorbonne, Institut de Droit Comparé en Lausane, Centre Droit de la Consommation en Louvain-la-Neuve, Búlgica, European Centre of Tort and Insurance Law en Viena etc. impartiendo docencia regularmente como profesora invitada en el Máster de Droit Privé de la Université de Rouen en Francia. Es miembro del Foro de la Vivienda órgano consultivo del Gobierno de Aragón y participa en tribunales arbitrales en materia de consumo. *La responsabilidad civil de los dueños, poseedores y usuarios de animales* Rafael Colina Garea, 2018-04-09 La tenencia o utilización en provecho propio de un animal genera un peligro abstracto que no es totalmente controlable para su propietario, poseedor o usuario y que puede materializarse en un daño para terceros. En la actualidad cada vez es mayor el número de

personas que optan por introducir animales en el contexto social ya no s lo para utilizarlos como instrumentos productivos o de trabajo sino como compa eros del ser humano al que proporcionan compa a Adem s recientemente se ha impuesto la moda de tener como mascotas a animales ex ticos que por naturaleza son claramente salvajes Debido a estas razones el riesgo de que una persona resulte da da por un animal sometido a la propiedad posesi n o servicio de otra se ha visto incrementado tanto cuantitativa como cualitativamente Con todo este tel n de fondo la presente obra pretende efectuar un amplio y profundo estudio sobre la responsabilidad civil de los due os poseedores y usuarios de animales Se trata de un trabajo construido en su integridad desde la praxis judicial y que ha sido elaborado tomando la jurisprudencia vertida en aplicaci n del art 1905 CC como fuente delimitadora de los temas y problemas a tratar Ahora bien esta intencionada tendencia al pragmatismo no est re ida con el car cter acad mico y cr tico que ha de revestir toda investigaci n universitaria lo cual convierte a este libro en una herramienta til y de inter s para todo profesional y estudioso del Derecho de Da os V Jornadas Nacionales del Derecho del Seguro y III Conferencia Internacional ,1993 *Tratado de responsabilidad civil* Natalia Álvarez Lata,L. Fernando Reglero Campos,2008 Una obra imprescindible para los profesionales que buscan un tratamiento profundo completo exhaustivo y actualizado sobre la responsabilidad civil Esta 4a edici n editada por primera vez en esta colecci n ofrece un completo panorama de la situaci n actual del r gimen de la responsabilidad civil extracontractual en Espa a en todas sus vertientes Exhaustiva en la exposici n y tratamiento de la responsabilidad civil re ne toda la informaci n y todos los materiales tiles y necesarios para la actividad profesional en este amplio mbito Esta nueva edici n rigurosamente actualizada con las novedades legislativas m s recientes ampl a el tratamiento de la Parte General prestando especial atenci n al da o y a su valoraci n e incorporando nuevos cap tulos que tienen por objeto la responsabilidad civil de los profesionales del Derecho la responsabilidad civil por da os al medio ambiente en el transporte y navegaci n a rea y los da os a la propiedad intelectual La responsabilidad civil es probablemente la nica materia del ordenamiento jur dico espa ol que se halla presente en absolutamente todas las jurisdicciones Y dado que este tratado recoge el tratamiento de todos los mbitos de una de las materias m s litigiosas interesa tanto a Abogados Jueces y Magistrados de cualquier orden jurisdiccional como a Instituciones Procuradores Notarios Registradores y profesionales del sector del seguro Compuesta por tres tomos esta nueva obra es una referencia obligatoria e imprescindible para cualquier profesional o especialista que precise de un examen exhaustivo de este sector del ordenamiento civil **Actualidad y futuro del derecho del consumo** Sergio Sebastián Barocelli,2023-11-15 La obra nos interpela con un realismo jur dico planteando la captaci n de las categor as de consumidores reales y vulnerables los hipervulnerables la perspectiva de g nero m s all de lo expresamente normado y aunque existan como se anota en los cap tulos disposiciones tanto internacionales como nacionales pone con justeza el foco en el necesario desarrollo de esta categor a Derecho de consumo: visión normativa y jurisprudencial actual María José Santos Morón,Natalia Mato Pacín,Sara Martín Salamanca,Ángel Juárez Torrejón,Pilar Álvarez Olalla,Yolanda Bergel Sainz de

Baranda, Sergio Cámara Lapuente, P. A. Munar Bernat, María del Carmen Crespo Mora, Ma Teresa Álvarez Moreno, 2022-05-26 La obra colectiva Derecho de consumo visión normativa y jurisprudencial actual pretende ofrecer una visión actualizada clara y concisa pero también completa y rigurosa del Derecho de consumo que incluye las últimas modificaciones del TRLC como son las derivadas de los RDL 7 2021 y 24 2021 La materia se aborda no sólo desde una perspectiva teórica y sistemática sino que se presta especial atención a la práctica buscando ofrecer respuestas a los problemas que se plantean en la vida diaria Proporciona un panorama preciso y actual del estado de la cuestión y del modo en los tribunales vienen aplicando las distintas figuras analizadas Su objetivo es ofrecer un instrumento útil y práctico para que cualquier lector interesado pueda afrontar con un conocimiento sintético actualizado y completo de la materia los múltiples problemas que suscita el Derecho de consumo hoy en día *Bibliografía argentina Latbook* Librería García Cambeiro, 1999 **Principios generales de derecho**

privado Luis Mariano Genovesi, 2021-03-01 La reforma del Código Civil y Comercial produjo un gran impacto en muchos sentidos uno de ellos sin dudas es la enseñanza del Derecho Este volumen trabaja sobre una propuesta que implica la difusión de los principios y aspectos valorativos que caracterizan al nuevo paradigma de regulación de ese Código que se erige bajo una perspectiva de la constitucionalización del Derecho Privado Por medio del método de la enseñanza por casos esta obra recorre diferentes objetos y temas del derecho y los explica y expone mediante síntesis de fallos Al final de cada problema se proponen una serie de preguntas que invitan a la reflexión sobre lo leído **G.K. Hall Bibliographic Guide to Latin American Studies** Benson Latin American Collection, 2000 **Diario de Centro América**, 1949 **Cuestiones actuales**

del derecho aéreo Guerrero Lebrón, María Jesús, 2012-01-01 El notable desarrollo que ha experimentado el transporte aereo de pasajeros ha propiciado el desarrollo de la industria aeronáutica así como de los sectores convergentes En torno a ellos se generan multitud de relaciones jurídicas algunas reguladas desde los comienzos de la aviación y otras que aún carecen de un tratamiento adecuado En cualquier caso al estar en permanente evolución tanto unas como otras han de ser objeto de atención por los estudiosos del Derecho que no deben centrarse en un mero análisis técnico sino que por el contrario han de propiciar una visión pragmática de la realidad contemplada De ahí la utilidad de la celebración de eventos como el IV Congreso Internacional de Derecho Aéreo que consiguieron reunir en Sevilla a multitud de expertos en la materia procedentes de ámbitos académicos y profesionales Algunas de las intervenciones realizadas por los ponentes invitados y los comunicantes que participaron en el Congreso han quedado recogidas en este libro que esperamos sea valorado por los lectores como una notable aportación científica a la creciente rama del Derecho aéreo *Gaceta Judicial: 130 años de historia jurisprudencial colombiana* Marcela Castro de Cifuentes, 2017-10-05 En conmemoración de los ciento treinta años de la Gaceta Judicial esta obra examina problemáticas relevantes que ha abordado la Corte Suprema de Justicia colombiana concernientes a diversas áreas del derecho en sus Salas de Casación y su Sala Plena encargada esta del control constitucional hasta 1991 El lector encontrará una muestra significativa de los aportes que ese alto tribunal ha realizado a la formación comprensiva e interpretativa

y aplicación del derecho en la historia reciente del país El libro se compone de cuatro secciones que agrupan escritos sobre el trabajo de las respectivas Salas Casación Penal Civil Laboral y Sala Plena en los cuales se realizó una intensa investigación y análisis de fuentes primordialmente jurisprudenciales tomadas de la Gaceta Judicial *Anuario de la Comisión de las Naciones Unidas para el Derecho Mercantil Internacional 2001* ,2005-02-25 **Trámite parlamentario** Argentina. Congreso de la Nación Cámara de Diputados de la Nación,1991-07-16 **Trámite parlamentario** Argentina. Congreso de la Nación. Cámara de Diputados de la Nación. Secretaría Parlamentaria. Mesa de Entradas,1999 **Labor revolucionaria** Guatemala,1947 **Gestión en el deporte** Juan Antonio Mestre Sancho,Francisco Orts Delgado,2010-09-16 En nuestro desarrollo profesional cotidiano con frecuencia se nos formulan preguntas como qué se entiende por gestión deportiva con qué elementos debe trabajar la persona que opta en su carrera profesional por la gestión deportiva cuáles son las áreas que abarca esta función laboral y otras más Así mismo en nuestras clases en la Universidad especialmente en los primeros días y en los diversos cursos a los que asistimos los alumnos se interesan por los conocimientos que debe poseer el gestor deportivo

Revista chilena de derecho ,1998

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