
CORPORATE COUNSEL *NOW*

Powered by ACC

Learn Your World: Spain

Technology, Privacy, and eCommerce



To support your global practice, ACC Docket offers country-specific law facts from your peers who've been there — literally.



Economy
Population
Corruption

GDP (PPP): US\$1.778 trillion (2017 estimate)
46,692,858 (2018 estimate)
According to the Transparency International's 2018 Corruption Perception's Index, Spain ranked 41st "cleanest" (i.e., least corrupt) country out of the 180 countries surveyed.

Organic Law 3/2018

In addition to the right to disconnect, Organic Law 3/2018 sets the minimum age for autonomous consent at 14 years old regarding processing the personal data of minors. The law requires a minimum amount of €50 for the inclusion of a person in a credit delinquent file. The law contains several provisions covering whistleblowers and Data Protection Officers.

Additional Resources

[International Association of Privacy Professionals](#)
[Data Law Navigator](#)

In December 2018, Spain passed Organic Law 3/2018, covering the protection of personal data and guarantee of digital rights. The law implements provisions of the EU General Data Protection Regulation and institutes the right of employees to disconnect from work during non-working hours. This digital rights law aims to protect workers' downtime, family time, privacy, and improve work-life balance.

Spain's right to disconnect law is the first of its kind in the country but not in the region. France was the first country to introduce a law requiring companies to set "connection hours" with their employees in 2017. The French legislation sparked social and political debate in Spain, and the Spanish government announced it would study the issue in depth. The conversation was propelled further when the socialist opposition party submitted a proposal to parliament that included the option to disconnect outside of usual work hours, which was lauded by trade union representatives. In response to the growing call for the right to disconnect, insurance carrier AXA arranged a collective agreement with the Trade Union Confederation of Workers' Commissions recognizing the right of

employees to turn off company phones or not answer work-related calls outside of working hours.

This revolutionary agreement made AXA the first Spanish company to acknowledge the right to disconnect and sped up the movement that resulted in the Organic Law 3/2018 legislating the right to disconnect. This right preserves an employee's resting time and personal and family privacy as a means to improve their work-life balance. The law doesn't impose penalties on employers that fail to comply, but it is an important first step on the path to nationwide mandating of the right to disconnect.

Organic Law 3/2018 is a response to the modern working environment of Spain — and many other parts of the world — where the rapid advent of digital technology has enabled employers to contact their workers at all hours and days of the week. The blurred line between professional and personal time is at odds with the competitive needs of companies in today's global economy: Employees must be healthy to maintain productivity levels. With little or no time for personal rest and reflection, work products become flawed over time, employee health is compromised, and employers are made responsible for the aftermath when an employee ultimately resigns or is let go. The pressure to be constantly available has led to increased emotional and physical burnout symptoms such as stress, fatigue, and postural hygiene that comes with the continuous use of digital devices post-working hours.

Addressing these symptoms will especially impact the legal profession as lawyers have some of the highest rates of burnout. In-house counsel can expect to help their companies establish internal policies outlining how the digital disconnection right will be applied in their workplace and liaise with worker representative groups throughout the process. By adopting the right to disconnect in Spain, a new balance can hopefully be achieved between work and personal time that will satisfy all parties involved. Collective bargaining and other agreements are expected to further develop specific policies around these rules, including employee training and guidance on the reasonable use of technological tools.

[Association of Corporate Counsel](#)



Staff

ACC