

## Financial liability claims

Procedure for processing claims filed by the public (natural and legal persons) involving personal injuries and material damages.

### Purpose

The purpose of this procedure is to compensate individuals under the terms set out in Article 32 of Law 40/2015 of 1 October, on the Public Sector Legal Regime, for damages involving their goods or rights, provided said damages are a consequence of the normal or abnormal operation of public services, except in cases of force majeure or damages that the individual is legally required to bear in accordance with the law.

### Regulation

Law 40/2015 of 1 October, on the Legal System of the Public Sector.

Law 39/2015 of 1 October, on the Common Administrative Procedure of Government Agencies.

Article 65 of Law 14/2000 of 29 December, on tax measures and administrative and social order measures.

### Initiation method

Ex officio or at the request of the applicant.

### Filing period

The right to claim expires one year after the event or act that may be subject to compensation, or its harmful effects, takes place. In the event of physical or psychological damage to individuals, the one-year period starts from the time the consequences are treated or determined.

### Entity that decides the procedure

Board of Directors and, by delegation of the Board, the ENAIRe General Secretariat.

### Deadline for ruling and notifying

Six months.

### Effects of failing to rule in time

Rejected.

### Law that regulates implied rejections

Law 39/2015 of 1 October, on the Common Administrative Procedure of Government Agencies.

### End of the process

The closing of the procedure ends the administrative process.

### Appeals

The resolution in question may be appealed internally or directly to a civil court.

## Requests to apply for financial liability claims

The prompt processing of the claim relies on the proper submission of the relevant documentation. Because of this, it is important that you properly fill in the request, which, in accordance with Article 66 of Law 39/2015, must contain:

- The name and surname of the applicant and, if applicable, of the applicant's representative, which must be certified in accordance with Article 5 of Law 39/2015 of 1 October.
- Specification of the electronic method of contact or, failing that, of the physical location where notifications are to be sent. In addition, applicants may provide their email address and/or other electronic means of contact so that government agencies can inform them that notifications are available or have been sent.
- Facts, reasons and request clearly describing the request.
- Place and date.
- Signature of the applicant or certification of the authenticity of his/her will expressed by any means.
- The administrative body, centre or unit to which it is directed and its corresponding identification code.

In addition to the above, in accordance with Article 67, it must specify:

- Damages.
- Causal relationship between the injuries and the operation of the public service.
- Economic assessment of the financial liability.
- When the damage actually occurred.
- It shall be accompanied by any comments, documents and information deemed appropriate, and by the evidence.

## Filing the claim

Once the request is complete, it can be delivered, together with the required documentation, to ENAIRe's General Register (Avda. de Aragón 330 - Building B - 28022. Madrid), or to any of the other offices specified in Law 39/2015 of 1 October, on the Common Administrative Procedure of Government Agencies:

- At the records offices of the administrative bodies to which they are directed.
  - The National Government
  - The regional governments.
  - The Entities that comprise the Local Government.
  - The public institutional sector.

- At the records offices of any administrative body that is part of Spain's national government, the regional governments, the entities that comprise the local government or, if the relevant agreement is in effect, the public institutional sector.
- Post offices, as established in regulations.
- Spanish diplomatic or consular offices abroad.
- Any other place specified in the applicable laws

## Data Protection

**Controller:** ENAIRE.

**Purpose:** To manage and process the optional appeal for reconsideration filed

**Legal basis:** The data processing is based on the regulation on administrative procedures.

**Recipients:** The data will not be transferred to third parties, unless required by law.

**Rights:** To access, rectify and delete data, as well as other rights, before the ENAIRE Central Data Protection Unit (UCPD), Avda. de Aragon 330 Edificio B - 28022 MADRID (Madrid) or via the ENAIRE e-Office ([sede.enaire.gob.es](https://sede.enaire.gob.es)).

**Additional information:** For more information, please see Annex I - Additional Information - Data Protection.

## Annex I - Additional Information - Data Protection.

### Controller

**Identity:** ENAIRE – ID number: Q2822001J

**Postal address:** Avda. de Aragón, 330 - Edificio B - 28022 Madrid

**Telephone:** 913 21 02 11

**Email:** [informacion@enaire.es](mailto:informacion@enaire.es)

**Data Protection Officer (DPO):** [ucpd@enaire.es](mailto:ucpd@enaire.es)

### Purpose of the processing

**Purpose:** The personal data collected by this form will be processed in order to handle and manage the financial liability claim submitted. Storage period: As specified in the applicable law regarding liability limitation.

### Legal basis

The data processing is based on Article 6.1.c of the GDPR: law on administrative procedures (Law 39/2015 of 1 October, on the Common Administrative Procedure for Government Agencies).

### Recipients

The data will not be transferred to third parties, unless required by law. The data is not expected to be transferred to third countries or international organisations.

### Rights

Data subjects have a right to:

- Obtain confirmation of whether ENAIRE is processing their personal data.
- Access their personal data, as well as request the rectification of inaccurate data or, where applicable to request the deletion when, among others reasons, the data is no longer needed for the purposes it was collected for.
- Request under certain circumstances:
  - To limit the processing of their data, in which case it will only be stored by ENAIRE for the exercise or defence of claims.
  - To object to the processing of their data (including the processing of their data for automated individual decision-making), in which case ENAIRE will stop processing the data, except for compelling legitimate grounds, or for the exercise or defence of potential claims.

Rights may be exercised through ENAIRE's Central Data Protection Unit (UCPD) - Avda. de Aragón 330 - Edificio B - 28022, Madrid or via its Electronic Office ([sede.enaire.gob.es](http://sede.enaire.gob.es)). If your rights have not been duly observed, you may lodge a complaint with the Spanish Data Protection Agency - Address: C/Jorge Juan, 6 - 28001 MADRID (Madrid) – e-Office: [sedeagpd.gob.es](http://sedeagpd.gob.es).