



CONSOLIDATED LEGISLATION

Royal Decree 933/2021, of October 26, establishing the documentary registration and information obligations of individuals or legal entities engaged in lodging and motor vehicle rental activities.

Ministry of the Interior
"BOE" No. 257, of October 27, 2021 Reference: BOE-A-2021-17461

INDEX

Preamble	3
CHAPTER I. General Provisions	4
Article 1. Object	4
Article 2. Definitions	4
Article 3. Scope of application.	5
CHAPTER II. Documentary registration and communication obligations	5
Article 4. Entry reports in lodging establishments and service sheets in vehicle rental activities	5
Article 5. Documentary registration obligations.	6
Article 6. Communication obligations.	6
Article 7. Processing of personal data.	6
Article 8. Infringements and penalties.	7
Additional Provisions	7

First additional provision. No increase in public expenditure.	7
Second additional provision. Procedures for the transmission and conservation of personal data.	7
Transitional Provisions	7
.	
Sole transitory provision. Current regulations.	7

OFFICIAL STATE BULLETIN
CONSOLIDATED LEGISLATION

.....	7
Sole derogatory provision. Repeal of regulations	7
Final Provisions	7
.....	
First final provision. Title of competence.	7
Second final provision. Enabling regulations and modification of the annexes.	7
Third Final Provision. Entry into force.	8
ANNEX I. Information to be provided in the exercise of the lodging activity	8
.....	
ANNEX II. Information to be provided in the exercise of the car rental activity	10

CONSOLIDATED TEXT
Last modification: no modifications

The Spanish Constitution of 1978 recognizes and guarantees as fundamental rights of all persons the right to life and physical integrity (Article 15), and to liberty and personal security (Article 17). These rights and freedoms are a condition for the effective exercise of the other rights recognized in the constitutional text and in the international conventions and treaties ratified by Spain.

As an element to guarantee them together with the rest of the rights and freedoms, the Spanish Constitution establishes the concept of citizen security (article 104.1), as well as that of public security (article 149.1.29.^a), whose development regulations have undergone a relevant modification through the approval of Organic Law 4/2015, of March 30, on the protection of citizen security. This legal provision has as its main purpose the protection of persons and property and the maintenance of public tranquility, including a plural and diversified set of actions, of different nature and content, all inspired by a protective purpose of the protected legal assets.

Article 25.1 of this regulation establishes that any individual or legal entity that carries out activities relevant to public safety, such as lodging and vehicle rental, is subject to documentary registration and information obligations under the terms established by the applicable provisions.

At present, the greatest attacks on public safety are being carried out by both terrorist activity and organized crime, both of which are markedly transnational in nature. In both cases, the *modus operandi* of the criminals is particularly relevant in the logistics of accommodation and the acquisition or use of motor vehicles, whose contracting is nowadays carried out by an infinite number of means, including telematics, which provides greater privacy in these transactions. Therefore, the effective compliance with the obligations established in this regard in the referred Organic Law 4/2015, of March 30, is of utmost importance to guarantee the life and freedom of the members of our society in the current context. For this reason, it is

The development of the necessary control tools for these activities is necessary.

The current regulations on the documentary record to be kept by hotel and catering establishments are basically contained in Decree 1513/1959, of August 18, regarding the documents to be kept by hotel and catering establishments in relation to the entry of travelers, and its implementing regulations, among which Order INT/1922/2003, of July 3, 2003, on log books and reports of entries of travelers in hotel and catering establishments and other similar establishments, is noteworthy.

However, the time that has elapsed since the publication of these regulations means, on the one hand, that new types of lodging activities, such as short-term tourist homes operated by companies or individuals through registration on portals or reservation centers via digital media or the Internet, are outside their scope of application. On the other hand, the current regulations do not allow the Security Forces and Corps to be provided with all the available information necessary for them to carry out their prevention and protection tasks.

On another note, the registry books or systems and the communication of the data processed need to be adapted to the prescriptions of Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations, regarding the right of individuals to relate with the Administration through electronic means.

On the other hand, and as regards the regulation of the control of the vehicle rental activity, both Decree 393/1974, of February 7, and the Order of September 16, 1974, on the governmental control of rental cars, with or without driver, issued in development thereof, are also affected by the ineffectiveness in the achievement of the control needs, and the lack of adaptation to the social reality and to the regulations of administrative procedure in the registration and communication of the data.

The operative part consists of eight articles distributed in two chapters, which are complemented by two annexes that include in detail all the data that must be provided by the regulated entities.

Regarding its content and processing, it observes the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency, required as principles of good regulation by Article 129 of Law 39/2015, of October 1.

Thus, the regulation complies with the principles of necessity and effectiveness, being justified by the reason of the general interest, by pursuing the security of citizens in the face of terrorist threats and other very serious crimes committed by criminal organizations. In this sense, it contains the regulation that is essential to meet the need and the purposes pursued, and there are no other options that would allow the desired result to be obtained.

In addition, it is in line with the principle of legal certainty, since it is consistent with the rest of the legal system, favoring certainty and clarity of the same, by developing in a clear manner the obligations of the parties obliged to register lodging and the use of motor vehicles.

On the other hand, the principle of transparency and efficiency has been respected, having counted on the participation of the addressees in the drafting process, with the objectives of the regulation being clearly defined both in the preamble of the regulation and in the report, without including unnecessary or accessory administrative burdens.

This Royal Decree has been informed by the Spanish Data Protection Agency. Likewise, it has been submitted to the procedure provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of September 9, 2015, establishing a procedure for the provision of information in the field of technical regulations and rules on information society services, as well as to the provisions of Royal Decree 1337/1999, of July 31, regulating the submission of information in the field of technical standards and regulations and rules on information society services.

It is approved under Article 149.1.29.^a of the Spanish Constitution, which attributes to the State the exclusive competence in matters of public safety and in development of the provisions of Article 25.1 of Organic Law 4/2015, of March 30.

By virtue thereof, at the proposal of the Minister of the Interior, with the prior approval of the Minister of Territorial Policy and Public Function, in agreement with the Council of State, and after deliberation of the Council of Ministers at its meeting of October 26, 2021,

PROVIDED:

CHAPTER I

General Provisions

Article 1. Object.

The purpose of this Royal Decree is to regulate the documentary registration and information obligations provided for in the regulations for the protection of public safety for natural or legal persons who carry out, professionally or otherwise, activities of accommodation or rental of motor vehicles without drivers.

Article 2. Definitions.

For the purposes of the provisions of this Royal Decree, the following are considered:

1. Lodging activities: those carried out, whether professionally or not, for the purpose of providing, in exchange for a price, consideration or compensation, a room or space for overnight stay to persons, with or without other complementary services. In any case, the following activities are included in this definition:

a) Those carried out by commercial establishments open to the public integrated in this sector in accordance with the regulations issued by the competent administration. See

This concept includes hotels, hostels, guesthouses, guest houses, rural tourism establishments or similar.

b) Those carried out by campgrounds and motorhome parking areas, whatever their ownership or regime of use, apartments, bungalows and other similar tourist accommodations.

c) Those of tour operators that provide intermediary services between the companies dedicated to lodging and consumers.

d) The activity of digital platforms dedicated, for consideration or free of charge, to the intermediation of these activities through the Internet, whether or not they provide the underlying service that is the object of mediation, provided that they offer services in Spain.

2. Motor vehicle rental activities without a driver: those carried out for the purpose of facilitating their use by a third party, for a specific period of time, and in exchange for compensation, consideration or a certain price. In any case, the following activities are included in this definition:

a) Those carried out by companies expressly dedicated to the rental of vehicles.

b) Those of tour operators that provide intermediation services between companies dedicated to the rental of vehicles and consumers.

c) The activity of digital platforms dedicated, for consideration or free of charge, to the intermediation of these activities through the Internet, whether or not they provide the underlying service that is the object of mediation, provided that they offer services in Spain.

The rental of auto-taxi vehicles and, in general, the rental of vehicles with driver is excluded from the provisions of this paragraph.

3. Parties subject to the tax: individuals or legal entities that carry out or intermediate in the performance of the activities described above.

Article 3. Scope of application.

The provisions of this Royal Decree shall be applicable throughout the national territory to the activities of lodging and rental of motor vehicles without drivers, whatever the modality, the personality of the owner or the organizational model.

CHAPTER II

Documentary registration and communication obligations

Article 4. Entry reports in lodging establishments and service sheets in vehicle rental activities.

1. The owners of the lodging and vehicle rental activities included in the scope of application of this regulation shall collect the data of the users of the same in order to proceed with the registration and communication necessary for the fulfillment of the legal obligations that are developed by this Royal Decree.

2. The entry forms for the use of the lodging services must be signed by any person over fourteen years of age who makes use of them, according to the system and model to be established. In the case of persons under fourteen years of age, their data shall be provided by the person of legal age with whom they are accompanied.

Likewise, lessors must sign the service sheets for vehicle rental activities in accordance with the system and model to be established.

3. The reports and sheets shall be provided by the lodging or car rental establishment, which shall be responsible for the accuracy of the data included in them, so that they coincide with the documents or systems that prove the identity of the persons, which shall be exhibited or provided by the users of these services.

Article 5. Documentary registration obligations.

1. The regulated entities must keep a computerized registry containing the data listed in Annexes I and II, depending on the activity they carry out, including, if applicable, the data of persons under fourteen years of age.

2. The regulated entities must record and keep the data of their users, included in Annexes I and II, which they collect in the course of their activity, under the terms to be determined.

3. The data in the computerized registry must be kept for a period of three years from the end of the service or service contracted.

4. The regulated entities that carry out lodging activities in a non-professional manner are exempted from the documentary record keeping and data retention obligations provided for in this article, and shall only be subject to the communication obligations provided for in the following article.

Article 6. Communication obligations.

1. Prior to the commencement of the activity and in accordance with the procedure to be established, the regulated entities must communicate to the competent authorities the data referred to in subparagraphs 1 and 2 of paragraph A) or B) of Annex I, or in subparagraph 1 of Annex II, depending on the activity in question. The modification of any of the above-mentioned data will give rise to the obligation of a new communication.

2. Compliance with the obligation set forth in the preceding paragraph must be made within ten days from the completion of the administrative formalities required in each case for the development of the activity and, in any case, prior to the effective exercise thereof.

3. In addition, the regulated entities must transmit to the competent authorities the data relating to the exercise of their activity included in subparagraphs 3 and 4 of paragraph A) or B) of Annex I, or in subparagraphs 2, 3, 4 and 5 of Annex II, depending on the activity in question.

This communication shall be made immediately, and in any case within a period not exceeding 24 hours, respectively, as of the following times:

- a) When making the reservation or formalizing the contract or, if applicable, its cancellation.
- b) At the beginning of the contracted services.

4. The communications provided for in this article shall be made by telematic procedures. Exceptions to this rule are those obligated parties that carry out lodging activities in a non-professional manner, which may be carried out by non-telematic means, by the procedure to be determined.

Article 7. Processing of personal data.

1. The personal data generated in execution of the provisions of this Royal Decree will be kept, depending on the activity, in two files located in the Secretariat of State for Security. Their processing may only be carried out by the Security Forces and Corps in the performance of their respective competences in the field of prevention, detection and investigation of crime assigned to them. Likewise, in the exercise of their respective competences, the judicial authority and the Public Prosecutor's Office will have access to them.

2. In the configuration of these files, special relevance will be given to the possibility of interconnection with other police databases for the purpose of improving efficiency in the prevention and investigation of terrorist crimes or those related to serious organized crime.

3. The processing of personal data derived from the execution of this Royal Decree will be carried out in accordance with Organic Law 7/2021, of 26 May, on the protection of personal data processed for the purposes of prevention, detection, investigation and prosecution of criminal offenses and the execution of criminal penalties.

Article 8. *Infringements and penalties.*

1. The penalty regime for infringements of the provisions of this Royal Decree by the obligated parties shall be governed by the provisions of Chapter V of the Organic Law 4/2015, of March 30, on the protection of public safety.

2. The following shall be considered serious infringements, in relation to Article 36.20 of Organic Law 4/2015, of March 30:

- a) Lack of the documentary records provided for in this Royal Decree.
- b) The omission of mandatory communications.

3. The following shall be considered minor infractions, in relation to Article 37.9 of Organic Law 4/2015, of March 30:

- a) Irregularities or deficiencies in the completion of the records provided for in this Royal Decree.
- b) The completion of the obligatory communications outside the established term.

4. Liability for infringements committed shall be borne directly by the obligated parties who are the authors of the act in which the infringement consists.

First additional provision. *No increase in public expenditure.*

The measures contemplated in this Royal Decree will not generate an increase in allocations, nor in remuneration, nor in other personnel expenses in the service of the public sector.

Second additional provision: *Procedures for the transmission and conservation of personal data.*

The transmission and conservation of the data required by this Royal Decree to the obligated parties will be carried out in accordance with the systems and procedures established by the Ministry of the Interior.

Sole transitory provision. *Current regulations.*

Without prejudice to the provisions of the derogatory provision, the provisions contained therein shall continue to apply until the rules for the development of this Royal Decree are issued, insofar as they do not oppose the provisions of this Royal Decree.

Sole derogatory provision. *Repeal of regulations.*

1. Any provisions of equal or lower rank that oppose the provisions of this Royal Decree are hereby repealed.

2. Until the development of this Royal Decree, the Order of the Ministry of the Interior of September 16, 1974, on governmental control of rental cars, with or without driver, and Order INT/1922/2003, of July 3, 2003, on registration books and entry forms for travelers in hotel and catering establishments and other similar establishments, shall remain in force insofar as they do not contravene their contents.

First final provision. *Competent title.*

This Royal Decree is issued under the provisions of Article 149.1.29 of the Spanish Constitution, which grants the State exclusive competence in matters of public safety.

Second final provision. *Regulatory authorization and modification of the annexes.*

1. The Minister of the Interior is empowered to adopt the necessary provisions for the development and execution of this Royal Decree.

2. Likewise, the Minister of the Interior is empowered to modify by ministerial order the annexes to this Royal Decree.

Third Final Provision. Entry into force.

This Royal Decree shall enter into force six months after its publication in the Official Gazette. "Boletín Oficial del Estado".

However, the provisions relating to the reporting obligations will take effect as of January 2, 2023.

Given in Madrid, on October 26, 2021.

FELIPE R.

The Minister of the Interior,
FERNANDO GRANDE-MARLASKA GÓMEZ

ANNEX I

Data to be provided in the exercise of the lodging activity

A) Information to be provided in the event of professional exercise of the activity

1. Lessor company data

- a) Name or company name of the holder.
- b) CIF or NIF.
- c) Municipality.
- d) Province.
- e) Landline and/or cell phone.
- f) E-mail address.
- g) Company website.
- h) Url to identify the ad.

2. Establishment data

- a) Type of establishment.
- b) Name.
- c) Complete address.
- d) Zip Code.
- e) City and province.

3. Traveler data

- a) Name.
- b) First surname.
- c) Second last name.
- d) Sex.
- e) Identity card number.
- f) Document support number.
- g) Type of document (ID card, passport, TIE).
- h) Nationality.
- i) Date of birth.
- j) Usual place of residence.
 - Complete address.
 - Location.
 - Country.
- k) Landline telephone.
- l) Cell phone.
- m) E-mail.
- n) Number of travelers.

- o) Relationship between the travelers (in case any of them is a minor).

4. Transaction data

- a) Contract data.
- Reference number.
 - Date.
 - Signatures.
- b) Contract performance data.
- Date and time of entry.
 - Date and time of departure.
- c) Property data.
- Complete address.
 - Number of rooms.
 - Internet connection (yes/no).
- d) Payment details.
- Type (cash, credit card, payment platform, transfer...).
 - Identification of the means of payment: card type and number, IBAN bank account, mobile payment solution, others.
 - Holder of the means of payment
 - Card expiration date.
 - Date of payment.

B) Data to be provided in case of non-professional practice

1. Data of the owner of the property

- a) Name.
- b) First surname.
- c) Second last name.
- d) Sex.
- e) Identity card number.
- f) Type of document (ID card, passport, TIE).
- g) Nationality.
- h) Date of birth.
- i) Landline and/or cell phone.
- j) E-mail.

2. Property data

- a) Complete address and zip code.
- b) Location.
- c) Country.
- d) Number of rooms.
- e) Internet connection (yes/no).

3. Traveler data

- a) Name.
- b) First surname.
- c) Second last name.
- d) Sex.
- e) Identity card number.
- f) Type of document (ID card, passport, TIE).

- g) Nationality.
- h) Date of birth.
- i) Usual place of residence.
 - Complete address.
 - Location.
 - Country.
- j) Landline telephone.
- k) Cell phone.
- l) E-mail.
- m) Number of travelers.
- n) Relationship between the travelers (in case any of them is a minor).

4. Transaction data

- a) Contract data.
 - Reference number.
 - Date.
 - Signatures.
- b) Contract performance data.
 - Date and time of entry.
 - Date and time of departure.
- c) Payment details.
 - Type (cash, credit card, payment platform, transfer...).
 - Identification of the means of payment: card type and number, IBAN bank account, mobile payment solution, others.
 - Holder of the means of payment.
 - Card expiration date.
 - Date of payment.

ANNEX II

Information to be provided in the exercise of the vehicle rental activity

1. Lessor's data

- a) NIF/CIF.
- b) Company name.
- c) Municipality.
- d) Province.
- e) Country.
- f) Full address of the lessor.
- g) Landline and/or cell phone.
- h) Company website.
- i) E-mail.

2. Lessee's data

- a) Name or company name.
- b) First surname.
- c) Second last name.
- d) Sex.
- e) Identity card number.
- f) Type of document (DNI, passport, TIE, NIF).
- g) Nationality.

- h) Date of birth.
- i) Usual place of residence.
 - Complete address.
 - Location.
 - Country.
- j) Landline telephone.
- k) Cell phone.
- l) E-mail.

3. Principal driver data

- a) Name.
- b) First surname.
- c) Second last name.
- d) Sex.
- e) Identity card number.
- f) Type of document (ID card, passport, TIE).
- g) Nationality.
- h) Date of birth.
- i) Place of permanent residence.
 - Complete address.
 - Location.
 - Country.
- j) Landline telephone.
- k) Cell phone.
- l) E-mail.
- m) Driver's license.
 - Type.
 - Validity.
 - Number.
 - Support number.

4. Second driver's data (if applicable)

The same as the previous one.

5. Transaction data

- a) Contract data.
 - Reference number.
 - Date.
 - Location.
 - Signatures.
- b) Contract performance data.
 - Pick-up location.
 - Date and time of collection.
 - Place of return.
 - Country of return.
 - Date and time of return.
- c) Vehicle data.
 - Brand.
 - Model.
 - Enrollment.
 - Chassis number.

- Color.
 - Type (truck, van, passenger car).
 - Number of kilometers to collection.
 - Number of kilometers to return.
 - GPS data (if available).
- d) Payment details.
- Type (cash, credit card, payment platform, transfer...)
 - Identification of the means of payment: card type and number, IBAN bank account, mobile payment solution, others.
 - Holder of the means of payment
 - Card expiration date.
 - Date of payment.

This consolidated text has no legal value.