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On the basis of 21 initiatives, the Office carried out an inspection regarding compliance with Act No. 480/2004 Coll. in connection with the sending of business communications. The auditors found that the audited person violated the obligations set out in § 7 paragraph 2 of Act No. 480/2004 Coll., i.e. to use electronic contact details for the purpose of disseminating business communications by electronic means only in relation to users who they gave their prior consent to do so. The inspectors also came to the conclusion that there was also a violation of § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., because commercial communications (with the exception of one) did not contain a clear indication of the person on whose behalf the communication takes place. At the same time, it was not proven during the inspection that the inspected person acted in violation of § 7 paragraph 4 letter c) of Act No. 480/2004 Coll., i.e. that it would send commercial communications without a valid address, to which it is possible to directly and effectively send information that the addressees do not wish to continue sending commercial communications, as in all commercial communications it was in the footer messages, the possibility of links to unsubscribe from the newsletter is indicated. For this action, the Office imposed a fine of CZK 40,000 on the inspected person. The inspection was carried out by the unsolicited communications department. Recommendation: The Office in connection with compliance with the conditions set out in § 7 paragraph 4 letter b) Act No. 480/2004 Coll. (indicating the identity of the sender) informs that the commercial communication must contain the identification of the natural or legal person whose products, goods or services are promoted by the commercial communication. For such a designation, it is necessary to provide a clear identification of the entrepreneur, i.e. a clear indication of the business company, name with additions and possibly other identifiers, such as the company's ID number (another identifier could be, for example, the seat, VAT number, address of the establishment). The Office further points out that the addressee of the commercial communication must already have access to this information in the commercial communication itself, and therefore the provision of, for example, a link that would redirect the addressee to the page of the person for whose benefit the commercial communication is being sent is not sufficient identification of such a person.

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