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Company

The inspection was initiated on the basis of a complaint by the complainant, who stated that personal data of SVJ committee members are processed on the XY web portal in the scope of title, first and last name, and the date from which the function of a committee member is performed, including the complainant's data, as a member of the SVJ committee in Prague 8. The same data of SVJ committee members are listed on the website in cases where insolvency proceedings are initiated with SVJ.

The complainant raised an objection to the processing of his personal data through a data report against the controlled person as the operator of the XY website and exercised the right to delete his personal data from the XY website. The company informed the complainant that his personal data is so-called public unrestricted information, and that the prerequisites for processing the complainant's personal data in the public register based on a legitimate interest, without the need to obtain the consent of the subjects according to Regulation (EU) 2016/679, are met.

The subject of the control was the processing of personal data on the XY web portal, operated by the controlled person, with a focus on Article 17, paragraph 1 of Regulation (EU) 2016/679. In response to the Office's question, the audited person said that he processes the personal data of SVJ committee members in the public interest. As the main purpose of the processing of personal members of SVJ committees and members of SVJ not registered for insolvency, the audited person in the document "Test of proportionality for the assessment of the legitimate interest of the operator" determined the achievement of profit.

The inspectors stated that none of the conditions for the lawful processing of personal data without the consent of the data subject in the sense of Article 6 paragraph 1 letter of b) – f) of Regulation (EU) 2016/679, i.e. the controlled person did not have the legal title to process personal data in the sense of the said provision. The inspectors came to the opinion that the party to the proceedings was not, in the given case, a public administration entity authorized to process the personal data of entities listed in the Insolvency Register, the Public Register and the Collection of documents and data obtained through the ARES register.

Since the company did not comply with the objection raised by the complainant pursuant to Article 21, paragraph 1 of Regulation (EU) 2016/679, it violated the obligation pursuant to Article 17, paragraph 1 letter c) Regulation (EU) 2016/679.

Additional information:

The existence of personal data, or their easy accessibility does not a priori establish the possibility of their unlimited processing. The administrator, even in the case of published personal data, both on the basis of legal regulation and by the data subject himself, must always have a legal reason for processing personal data, which are the cases foreseen in Article 6 of Regulation (EU) 2016/679 by this regulation, when personal data can be legitimately process the data.

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