

To notify the office of the responsible person and his contact details according to the new legislation

According to Act no. 122/2013 Coll. on the protection of personal data and on the amendment of certain laws

as amended by Act no. 84/2014 Coll. (hereinafter referred to as "Act No. 122/2013 Coll."), the operator was authorized to authorize

the person responsible for supervising the protection of personal data. The operator was within 30 days at the latest obliged to inform the office about this fact in writing, specifically about the data established in § 25 par. 2 of the Act no. 122/2013 Coll. According to § 25 par. 4 and § 26 of Act no. 122/2013 Coll. the operator was obliged to notify the office change of reported data, if it has occurred, as well as termination of the authorization of the responsible person.

The new legislation applicable from 25/05/2018 establishes situations when the operator

as well as the intermediary are obliged to designate a responsible person. If the operator and intermediary does not have the obligation to designate the responsible person, but the responsible person shall be determined voluntarily, the provisions of Art. 37 – Art. 39

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons in

processing of personal data and on the free movement of such data, which repeals Directive 95/46/EC

(general regulation on data protection) or § 44 - § 46 of Act no. 18/2018 Coll. on the protection of personal data

and on the amendment of certain laws (hereinafter referred to as "GDPR" and "Act No. 18/2018 Coll.") also apply to such the operator and the responsible person voluntarily designated by him. In order to determine whether or not he has an obligation

every operator (including those who already have a responsible person) should have the designation of a responsible person as well as

the intermediary to make an analysis, which can subsequently be part of, for example, safety documentation.¹

In this way, subsequently, the operator and the intermediary demonstrate how they came to the conclusion that they have or they do not have the obligation to designate a responsible person.

Due to the above, the following situations may arise:

1. The operator who had an authorized responsible person according to Act no. 122/2013 Coll. based on the analysis

found that he is not obliged to have a designated responsible person according to the new legislation and

a. wants to continue to have this responsible person from 25/05/2018

☐ such a procedure is only possible if the previous responsible person meets all conditions

placed on the responsible person according to the GDPR or Act No. 18/2018 Coll.

☐ the provisions of Art. 37 – Art. 39 GDPR or § 44 § 46 of Act no. 18/2018 Coll. refer to

both the operator and the responsible person, as if it were mandatory

☐ the operator is obliged to notify the office of the contact details of the person responsible

person through the form that the office published for this purpose on its website

website, here: <https://www.dataprotection.gov.sk/uouu/zo/register-zo>; if you are

the operator does not fulfill his legal obligation and does not notify the office of contact details

responsible person, information about the responsible person authorized by the office so far

as of 05/25/2018, it will be removed from its records

☐ the operator notifies the office for the purpose of fulfilling the tasks of the contact point for the office

in connection with the performance of the tasks of the office, also the identification data of the responsible person within:

1. natural person – title, name, surname

2. legal entity – name, identification number

☐ the operator is obliged to prepare the designation (authorization) of the responsible person in accordance with new legislation

b. does not want to continue to have this responsible person from 25/05/2018

☐ the operator does not have to take any action; in this case, the office as of May 25, 2018

will automatically remove information about the responsible person to whom you are from its records

the operator did not fulfill the obligation to notify the contact details of the responsible person

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2. The operator who had an authorized responsible person according to Act no. 122/2013 Coll. based on the analysis

found that he has the obligation to have a designated responsible person according to the new legislation and

a. he wants to keep the responsible person he had

☐ such a procedure is only possible if the previous responsible person meets all conditions

placed on the responsible person according to the GDPR or Act No. 18/2018 Coll.

☐ the operator is obliged to notify the office of the contact details of the responsible person,

through the form that the office published for this purpose on its website,

here: <https://www.dataprotection.gov.sk/uouu/zo/register-zo>; if the operator fails to comply

his legal obligation and does not notify the office of the contact details of the responsible person,

the office will remove the information about the responsible person appointed until 25.05.2018 from its

records

☐ the operator notifies the office for the purpose of fulfilling the tasks of the contact point for the office

in connection with the performance of the tasks of the office, also the identification data of the responsible person

within:

1. natural person – title, name, surname

2. legal entity – name, identification number

☐ the operator is obliged to prepare the designation (authorization) of the responsible person in accordance with

new legislation

b. he does not want to keep the responsible person he had and appoints a new one

☐ the new responsible person must meet all conditions imposed on the responsible person

according to GDPR or Act No. 18/2018 Coll.

☐ the operator is obliged to notify the office of the contact details of the responsible person,

through the form that the office published for this purpose on its website,

here: <https://www.dataprotection.gov.sk/uouu/zo/register-zo>;

☐ the operator notifies the office for the purpose of fulfilling the tasks of the contact point for the office

in connection with the performance of the tasks of the office, also the identification data of the responsible person

within:

1. natural person – title, name, surname

2. legal entity – name, identification number

☐ the operator is obliged to prepare the designation (authorization) of the responsible person in accordance with new legislation

3. An operator who did not have an authorized responsible person according to Act no. 122/2013 Coll. based on analysis found that he is not obliged to have a designated responsible person according to the new legislation, but voluntarily

a. wants to designate a responsible person

☐ the responsible person must meet all the conditions imposed on the responsible person according to GDPR or Act No. 18/2018 Coll.

☐ the provisions of Art. 37 – Art. 39 GDPR or § 44 § 46 of Act no. 18/2018 Coll. refer to both the operator and the responsible person, as if it were mandatory

☐ the operator is obliged to prepare the designation (authorization) of the responsible person in accordance with new legislation

☐ the operator is obliged to notify the office of the contact details of the responsible person, through the form that the office published for this purpose on its website,

here: <https://www.dataprotection.gov.sk/uouu/zo/register-zo>

☐ the operator notifies the office for the purpose of fulfilling the tasks of the contact point for the office in connection with the performance of the tasks of the office, also the identification data of the responsible person within:

1. natural person – title, name, surname

2. legal entity – name, identification number

b. does not want to identify the responsible person

☐ the operator does not take any action

4. An operator who did not have an authorized responsible person according to Act no. 122/2013 Coll. based on analysis found that he has the obligation to have a designated responsible person according to the new legislation

☐ the responsible person must meet all the conditions imposed on the responsible person according to

GDPR or Act No. 18/2018 Coll.

☐ the operator is obliged to prepare the designation (authorization) of the responsible person in accordance with new legislation

☐ the operator is obliged to notify the office of the contact details of the responsible person,

through the form that the office published for this purpose on its website,

here: <https://www.dataprotection.gov.sk/uouu/zo/register-zo>

☐ the operator notifies the office for the purpose of fulfilling the tasks of the contact point for the office

in connection with the performance of the tasks of the office, also the identification data of the responsible person within:

1. natural person – title, name, surname

2. legal entity – name, identification number

5. Based on the analysis, the intermediary finds that it does not have the obligation to have a designated responsible person according to the new one

legislation and

a. wants to designate a responsible person

☐ the responsible person must meet all the conditions imposed on the responsible person according to

GDPR or Act No. 18/2018 Coll.

☐ the intermediary is obliged to prepare the designation (authorization) of the responsible person in accordance with new legislation

☐ the intermediary has the obligation to notify the office of the contact details of the responsible person,

through the form that the office published for this purpose on its website,

here: <https://www.dataprotection.gov.sk/uouu/zo/register-zo>

☐ the intermediary notifies the office for the purpose of fulfilling the tasks of the contact point for the office

in connection with the performance of the tasks of the office, also the identification data of the responsible person within:

1. natural person – title, name, surname

2. legal entity – name, identification number

b. does not want to identify the responsible person

☐ the intermediary does not take any action

6. Based on the analysis, the intermediary finds that he has the obligation to have a designated responsible person according to the new one

legislation

☐ the responsible person must meet all the conditions imposed on the responsible person according to

GDPR or Act No. 18/2018 Coll.

☐ the intermediary is obliged to prepare the designation (authorization) of the responsible person in accordance with new legislation

☐ the intermediary has the obligation to notify the office of the contact details of the responsible person,

through the form that the office published for this purpose on its website,

here: <https://www.dataprotection.gov.sk/uouu/zo/register-zo>

☐ the operator notifies the office for the purpose of fulfilling the tasks of the contact point for the office

in connection with the performance of the tasks of the office, also the identification data of the responsible person within:

1. natural person – title, name, surname

2. legal entity – name, identification number

Among the obligations of the operator in terms of the new legislation is the notification of contact data

designated responsible person of the office. This requirement in Act No. 122/2013 Coll. she was not, it is therefore an obligation

of each operator and intermediary to proceed in accordance with the above.

Failure to notify the contact details of the person in charge of the office in accordance with the above form will

for the operator or intermediary to mean that he has not fulfilled his obligation under Art. 37 par. 7 GDPR or

§ 44 par. 8 of Act No. 18/2018 Coll.

If there is a change in the data that has been reported to the office since May 25, 2018, the office, despite that the new legislation does not explicitly establish the obligation to notify changes in the reported contact information data of the responsible person, recommends operators and intermediaries to notify the office of any change in such data. Since the responsible person has to fulfill the function of the contact point, it is necessary that was accessible to the office (for example, during supervision) and for this purpose the office should have up-to-date information

data of the responsible person. If there is a change in the reported data, the office must be notified of this change to inform.

In conclusion, we draw your attention to the fact that from May 25, 2018, pursuant to Art. 37 par. 1 GDPR or § 44 par. 1 Act No. 18/2018 Coll. the obligation to designate a responsible person not only the operator but also the intermediary, therefore

the aforementioned provisions of the GDPR will also apply to the intermediary and the responsible person designated by him or

Act No. 18/2018 Coll.