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Based on the initiative and announcement of a breach of personal data security, the Office carried out an inspection of the fulfillment of obligations under Regulation (EU) 2016/679. The subject of the inspection was the fact that a former employee of the inspected person sent a mass e-mail message to a group of natural persons whose contacts came from the database of the inspected person.

The inspection proved that the inspected person collects information related to its activity, primarily in the customer database. This database contains all information on the completed orders, including the history of their handling. The controlled person collects this information either directly from the customer (in the store, where an employee of the controlled person enters it into the computer) or via the Internet.

The Authority came to the conclusion that the controlled person is proceeding in accordance with Article 6 of Regulation (EU) 2016/679, as the legal titles regulated here can be applied to its activities (fulfilment of the contract or consent of the data subject) and at the same time other conditions consisting in the scope of personal data and the method of obtaining the data subject's consent. Fulfilment of the obligation arising from Article 32 of Regulation (EU) 2016/679 (security of personal data) was assessed by the audit in such a way that the audited person evaluated the risks of processing customers' personal data and took measures corresponding to these risks.

Regarding the specific case of misuse of customers' personal data, the inspection revealed that a former employee of the inspected person sent (on behalf of the new employer) a mass commercial message to more than 650 e-mail addresses of customers of the inspected person. This personal data was retained by the former employee after the termination of his employment in violation of the internal regulations of the controlled entity. The Office evaluated the misuse of customers' personal data as a unique incident which, despite the measures taken, the inspected person could not prevent. After discovering that the customer's personal data had been misused, the controlled person took measures aimed at preventing further misuse and simultaneously reported the breach of personal data security to the Office, thereby meeting the requirements of Article 33 of Regulation (EU) 2016/679.

The Office did not detect a violation of Regulation (EU) 2016/679 in connection with the processing of personal data in question.

The inspection was conducted by the inspector JUDr. Jiřina Rippelová.

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