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On the basis of the inspection plan for 2019, the Office carried out an inspection, the subject of which was the processing of personal data at a company testing genetic data (DNA), i.e. a special category of personal data. The inspectors found that the inspected person provides a service in the form of paternity determination and genetic genealogy to its clients. For this purpose, it collects and further processes identification and contact data and further processes genetic data, specifically samples obtained from oral swabs. As for the DNA analysis itself, the controlled person tests only the non-coding part of the DNA, i.e. does not work with information on health status, for example. The legal title for the subject processing of personal data was found in Article 6 paragraph 1 letter b) Regulation (EU) 2016/679 (performance of the contract), in the part where personal data necessary for the performance of the contract to which the data subject (client) is a party is processed, and further in Article 6, paragraph 1 letter a) and Article 9 paragraph 1 letter a) of this regulation (consent), in relation to the processing of special categories of data (information from a DNA sample). The auditors also assessed the fulfillment of the obligation to provide information, finding that information about the testing procedure is available via the website of the audited person, or e-commerce websites through which the controlled person offers their services. Before ordering a specific type of test, the client can familiarize himself with a detailed description of the procedure from the submission of the application, through the execution of the tests to the sending or transfer of the results and the subsequent deletion and disposal of data and samples. A form is also available to clients to exercise their rights. The controlled person therefore provides all relevant information about the way personal data is processed and about the rights of data subjects. Furthermore, during the inspection, the inspected person submitted a set of internal regulations, which describe all aspects of personal data processing, whereby the inspected person fulfilled, among other things, his obligation according to Article 30 of Regulation (EU) 2016/679 (records of processing activities). As part of the assessment of the fulfillment of the obligation to take measures to ensure the security of processed personal data, the inspectors assessed both the physical security of the premises and organizational measures and came to the conclusion that the inspected person did not violate the obligations set out in Article 32 of Regulation (EU) 2016/679. did not detect a violation of Regulation (EU) 2016/679 with the subject processing of personal data. The inspection was conducted by inspector JUDr. Jiřina Rippelová. Recommendation: Genetic data belong to special categories of personal data, for the processing of which special guarantees are required. With regard to the risk of processing,

the Office has been dealing with the processing of special categories of personal data for a long time. More information on special categories of personal data can be found at

<https://www.uoou.cz/5-zvlastni-kategorie-osobnich-udaj-citlive-udaje/d-27274>. The processing of genetic data for the purpose of genetic genealogy must, as a rule, be based on the express consent of the data subject.

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