

UOOU-05132/19

The inspection was initiated on the basis of more than 300 complaints about the sending of unsolicited commercial messages. The subject of the inspection was the assessment of compliance with the obligations arising from Act No. 480/2004 Coll., on certain services of the information society, in the dissemination of commercial communications by electronic means, e-mail. The commercial communications in question contained an offer of various types of goods and services of online stores and also encouraged visitors to visit the websites on which the online stores were operated. The office started an inspection based on the analysis of the sending domain addresses of the company that was the owner or holder of the sending e-mail addresses at the time of the mailings in question. As part of the inspection, the companies on whose behalf commercial communications were sent by the inspected person were also interviewed, i.e. companies operating individual e-shops that were advertised in commercial communications. However, neither the audited person nor the e-shop operators responded to any of the Office's notes. For non-cooperation during the inspection, the Office imposed a fine of 200,000 CZK on the inspected person. The other three entities (obliged persons) were fined a total of CZK 58,000 for failure to cooperate during the inspection. found a violation of § 7 paragraph 2 of Act No. 480/2004 Coll. Furthermore, a violation of § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., since the commercial communications in question did not contain direct information about the sender on whose behalf the communication takes place, only links to the relevant websites were provided. The Office identified 3 entities as disseminators of commercial communications in the capacity of the client, i.e. the person on whose behalf the commercial communications are sent, and one of them sent commercial communications to only four recipients, and therefore this entity was only warned about the violation of the given law . The inspected person did not object to the inspection protocol. The other two entities were then, together with the inspected person, participants in administrative proceedings, in which they were fined for the detected violations, which amounted to CZK 600,000 in the case of the inspected person and in the case of companies in which for the benefit of whom commercial communications were disseminated, the sanctions in the amount of CZK 120,000 and CZK 270,000 were involved. The decision by which these fines were imposed has already entered into force.

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