

Path: Home page > Main menu > Supervisory and decision-making activity Control of the processing of personal data by a political movement focusing on targeted targeting of individuals for political purposes (Freedom and direct democracy - Tomio Okamura (SPD))

Based on the inspection plan for 2019, the Office carried out an inspection, the subject of which was the processing of personal data carried out by the political movement Freedom and Direct Democracy - Tomio Okamura (SPD) and on his behalf, with a focus on both the entity's own membership base and to persons standing outside it, i.e. to those waiting for membership, those interested in membership, supporters and other addressed persons (potential voters) of controlled persons. This inspection was included in the inspection plan for 2019 with regard to the current topic of fair elections within the entire European Union. The inspectors focused on the fulfillment of the personal data controller's obligations set out in particular in Article 5 (basic principles), Article 6 (lawfulness of processing), Article 9 (processing of special categories) and Article 32 (security) of Regulation (EU) 2016/679. During the inspection, it was found that the inspected person acted in violation of Article 5 paragraph 1 letter c) Regulation (EU) 2016/679, as it processed the personal data of the group of donors beyond the scope necessary for the unambiguous identification of the contracting party. Furthermore, it was established that the controlled person did not process accurate personal data in accordance with the requirement of Article 5 paragraph 1 letter d) Regulation (EU) 2016/679, which was verified on the personal data of a specific member. The inspectors also found that the inspected person set an unreasonable deadline for erasing the personal data of unaccepted applicants for waiting and unaccepted waiting persons, in violation of Article 5 paragraph 1 letter e) Regulation (EU) 2016/679. An unreasonable retention period was also set in relation to donors for whom the deadline set by the legal regulations was unjustifiably extended by two years by the controlled person. The inspectors also found that the inspected person violated Article 6 of the regulation, as he incorrectly determined the legal title on the basis of which he processes personal data. The processing of members' personal data is not based on the legal title of Article 6 paragraph 1 letter c) Regulation (EU) 2016/679 (fulfilment of legal obligations). The control findings thus revealed a violation of Article 5, paragraph 1 letter c), d), e) and Article 6, paragraph 1 of Regulation (EU) 2016/679. The Office will initiate proceedings on the matter to impose measures to eliminate identified deficiencies and proceedings on a misdemeanor. The inspection was conducted by inspector Mgr. Daniel Rován.

Recommendation: Following the checks it carried out on political parties and movements within the theme of fair elections, which is emphasized throughout the European Union, the Office recommends the following procedure to these subjects: 1.

check the completeness and accuracy of the records of processing activities that they are obliged to keep, while paying particular attention to individual categories of data subjects (for example, members, supporters) whose personal data they process, 2. check the position of cooperating entities, evaluate their position in terms of legal regulations governing the protection of personal data (i.e. whether it is a processor, independent controller, joint controller or another entity) and, where appropriate, adapt the contractual documentation to meet the established requirements. In relation to persons who are addressed through campaigns entered into on social networks, it is necessary to mention the judgment of the Grand Chamber of the Court of Justice of the European Union of 5 June 2018 in case C 210/16 (Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v. Wirtschaftsakademie Schleswig-Holstein GmbH). According to this judgment, the controller of personal data, or the joint controller must be considered both Facebook Ireland Ltd. and Facebook Inc., as well as individual owners of fan pages (profiles) on the Facebook social network. Although in this case the political parties or movements do not actually have information about the identity of the persons who were contacted (i.e. personal data), as the owner of the fan page, they should be considered as joint administrators together with the mentioned companies that operate this social network. 3. in the event that some personal data are processed on the basis of a legal title of legitimate interest, develop a so-called balance test, i.e. weigh the interests of the controller and third parties on the one hand and the interests and basic rights of data subjects on the other, and at the same time set procedures for handling objections submitted by subjects data against further processing. Processing based on legitimate interest can generally be considered processing for the purpose of contacting members and other persons who have expressed an interest in the activities of a political party. Any evaluation of personality aspects ("profiling") for the purpose of targeting information will, however, usually have to be based on the consent of the data subject.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed inspections > Inspections for the year 2019 > Inspection activities in the field of personal data protection - 1st semester > Others > Inspection of personal data processing by a political movement with a focus on targeted targeting of individuals for political purposes (Freedom and direct democracy - Tomio Okamura (SPD))View current documents | document archive | documents including the archive