OFFICE FOR PERSONAL DATA PROTECTION

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* UOOUX00E1R0V *

Ref. SPR-5638 / 09-118

DECISION

Chairwoman of the Office for Personal Data Protection as the appellate body competent pursuant to § 10 and § 152 paragraph 2 of Act No. 500/2004 Coll., Administrative Procedure Code and pursuant to § 52 paragraph 1 of Act No. 110/2019 Coll., on the processing of personal data, decided taking into account § 2 paragraph 1 of Act No. 250/2016 Coll., according to the provisions of § 152 par. 6 let. b) of Act No. 500/2004 Coll., Administrative Procedure Code, as follows:

Appeal of the accused XXXXXX, against the decision of the Office for Personal Data Protection ref. SPR-5638 / 09-100 of 30 January 2020, is rejected and the contested decision is upheld.

Justification

Recapitulation of the current proceedings

Administrative proceedings for suspicion of committing an administrative offense pursuant to § 45 para. C), e) and f) of Act No. 101/2000 Coll. on the protection of personal data in connection with the operation camera system was launched by notifications from the Office for Personal Data Protection (hereinafter referred to as Úřad Office ') on the date of delivery to the accused XXXXXX (obv the accused') on 12 October 2009 and 2 December 2009. On 7 December 2009, the administrative body decided by resolution No. SPR-5638 / 09-27, that the proceedings are joined in a joint procedure. The basis for the administrative proceedings was the control protocol of stmp. INSP2-6246 / 08-15 of 16 June 2009, which was acquired by the Office's inspector Ing. Janem Zapletal on the basis of an inspection carried out on the accused between 10 February 2009 and 15 June 2009, together with the file material obtained during the inspection. The basis for

The initiation of administrative proceedings was also a decision of the President of the Office on objections to the inspection Protocol No. INSP2-6246 / 08-19 of 11 September 2009.

On 1 February 2010, the administrative body of the first instance issued decision No. SPR-5638 / 09-34, in which a violation of § 5 par. 1 let. d), § 5 para. 2 and § 11 para. 1 of the Act No. 101/2000 Coll., which fulfilled the factual nature of the administrative offense under § 45 para. 1 letter c), e) and f) of Act No. 101/2000 Coll., for which a fine of CZK 20,000 and the obligation to reimburse the costs of the proceedings in the amount of CZK 1,000. Against the above decision, the accused filed an appeal on 18 February 2010, which was decided by the President of the Office as

Appellate Body by decision No. SPR-5638 / 09-49 of 28 April 2010. Contested the decision was specified in the operative part, resp. amended so that after the words: “§ 4 letter j) Act No. 101/2000 Coll. ”, the words“ from 16 August 2008 to 15 June 2009 ”were inserted. The amount of the sanction remained unchanged.

The accused filed an administrative action against the decision of the President of the Office with the Municipal Court in Prague, which by decision No. 5 A 166 / 2010-48 of 24 October 2014 decision of the President Of the Office on the dissolution of the file SPR-5638 / 09-49 of 28 April 2010 and returned the case to the Office for further management. The main substantive complaint was that the CCTV system was considered as a whole, while, in the opinion of the Municipal Court in Prague (hereinafter referred to as the "Municipal Court"), the Office should have dealt with it individually by each camera from the point of view of Act No. 101/2000 Coll.

This was followed by a new decision of the Chairman of the Office ref. SPR-5638 / 09-64 of 11 December 2014 on the above decomposition. That decision was the contested decision SPR-5638 / 09-34 of 1 February 2010 annulled and the case was remanded for a new hearing administrative authority of first instance.

The administrative body of the first instance was the decision of Ref. SPR-5638 / 09-70 of On 29 January 2015, a violation of § 5 para. d), § 5 para. 2 and § 11 para. 1 of the Act

No. 101/2000 Coll., which fulfilled the factual nature of the administrative offense under § 45 para. 1 letter c), e) and f), Act No. 101/2000 Coll. Again, therefore, the accused was fined in in the amount of CZK 20,000. The accused committed the said administrative offenses as a controller of personal data in connection with the operation of a camera system consisting of 7 cameras located at the entrance, in the entrance hall, in the hall in front of the lifts, in the lifts, on the stairs to the cellar and on the outdoor facade of an apartment building in the period from August 16, 2008 to June 15, 2009, by collecting personal data of apartment residents via 5 cameras located at the entrance, in the entrance hall, in the lobby in front of the lifts and in the lifts, as well as the personal data of all persons concerned through 2 cameras located on the exterior facade of the apartment building, which occupied the public space including access to the dentist 's office and public space, including access to second hand, ie personal data that did not correspond to the specified purpose and to the extent superfluous to achieve the declared purpose of protecting the accused's property, namely without the consent of the persons concerned (statement I.), by processing the personal data of the inhabitants of the flats through 5 cameras located at the entrance, in the entrance hall, in the hall in front of the elevators and in lifts and personal data of all persons concerned through 2 cameras located at the exterior facade of the apartment building, which occupied the public space, including the entrance to the premises dentist's office and public space, including entry into the second hand, without their consent (statement II.) and by not providing the data subjects concerned, ie all persons moving in areas monitored by the accused's camera system, information on the operation of the camera system to the extent required by law, when only installing labels with the text "The object is monitored by a camera system" at the entrance to the apartment building and "Object is monitored by a camera system with recording, "XXXXXX" on the perimeter walls of the House (statement III.).

On 12 February 2015, the accused filed an appeal against this decision, in which raised an objection of bias against external members of the Appeals Commission. The appeal was rejected by decision of the Chairman of the Office ref. SPR-5638 / 09-78 of 30 March 2015 ('the contested decision')

decision "), which entered into force on 31 March 2015 and which the accused challenged in an action

in the city court.

The Municipal Court examined the contested decision in the light of the pleas in law which are

according to the provisions of Section 75, Paragraph 2 of Act No. 150/2002 Coll., the Code of Administrative Procedure,

bound, including proceedings,

which preceded its issue and in its decision of 29 August 2019, ref. 10A 78 / 2015-

31 came to the following conclusions.

First of all, the city court stated that it did not find a reasonable objection of confusion

of the contested decision, as it was issued in accordance with the provisions of § 152 para. b)

Act No. 500/2004 Coll., Administrative Procedure Code (note as amended at the time of issuing the decision).

The Municipal Court further stated that the plea of inadmissibility was also unfounded

of the contested decision, since it did not appear that there was any appeal

the President of the Office did not address the contested decision.

Regarding the position of the members of the appeal commission, the city court then referred to its own

Judgment of 30 October 2012, File No. 6 A 146 / 2012-103, stating that if the appeals

the commission acts as an advisory body, its members cannot be considered as officials

competent administrative authority, which act and decide on the matter. The city court also did not find it

reasoned objection of the accused that those members of the appeal commission who were led as the so-called

external staff, were in fact also the defendant's staff and thus was set up

appeal commission in violation of § 152 paragraph 3 of Act No. 500/2004 Coll., Administrative Procedure Code.

The city court also addressed the question of whether for the accused of later effective legal

regulations does not result in more favorable legislation, in the context of a resolution of the enlarged Senate

Of the Supreme Administrative Court of 16 November 2016, No. 5 As 104 / 2013-46 and matured

to the view that Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016

on the protection of individuals with regard to the processing of personal data and on free movement

of this information, effective from 25 May 2018 (the “Regulation”), is not for the accused
more favorable because the upper amount of the fine for violation of the same principles of content was found
in the plaintiff, is in the regulation in a higher amount than the upper amount of the fine under the provisions of the law
No. 101/2000 Coll., according to which the accused was fined.

The defendant 's objection that the protection of the rights of persons related to
processing of personal data should be left to the activity of the persons concerned, urban
the court found that this protection was provided independently by private means
and public law.

On the merits, the city court then referred to the issue of making records
security cameras have already commented in their case law, from this case law
then the municipal court based its decision.

The city court stated in its judgment that it considered it indisputable that the accused was acquiring
and by storing camera recordings, it collected and processed the personal data of the subjects
persons. However, the Municipal Court found the plea in law in which the accused pointed out that
that in his case the interest in the protection of property, safety and health outweighs the need
privacy. In the opinion of the Municipal Court, the Office incorrectly measured the interest of the accused
to acquire a camera system and preferred only the interest in the privacy of persons. Municipal Court
came to the conclusion that the accused processed personal data in full accordance with the purpose for which
provided for this processing (ie for the prevention and detection of crime) and for this purpose was
authorized to process personal data without the consent of data subjects in the sense of the provisions of § 5
paragraph 2 (a) e) of Act No. 101/2000 Coll. Thus, by his actions he did not commit administrative offenses according to

provisions of § 45 par. 1 let. c) and e) of Act No. 101/2000 Coll. He therefore upheld the action on that point
as reasonable.

The city court further justified its decision by stating that the accused declared the purpose
acquisition of a camera system, which was an interest in property protection, health and safety was

based on a real threat, not a purely hypothetical threat. In this case
it was about preventing threats inspired by real events - previous ones
unfortunate experience with damage to the facade, finding syringes, fears of attacks
in the elevator - these concerns were documented in the administrative file by criminal notifications from 2006,
2007 (eg about breaking into common areas - on the ground floor of the house, in a second hand shop),
photographs of damage to the façade and the finding of syringes under the stairs. According to the city
the court cannot a priori predict where the next attack will go, as vandalism can
damage theoretically every part of the house, endanger safety and health (eg by violence against
persons) can also come in any part of the house, therefore accused, in the opinion of the city
court, it was in these areas at the entrance to the building quite logically placed cameras. Together
the premises were separated by individual rooms and their monitoring was not possible according to
opinion of the city court to achieve a smaller number of cameras. The city court did not agree
with the opinion of the Office that constant monitoring of access routes and common areas occurred
to collect personal data not suitable for the intended purpose and to the extent not
necessary to fulfill the intended purpose. There was therefore no violation of the provisions of Section 5 (1)
letter d) of Act No. 101/2000 Coll.

The Municipal Court further pointed out in this connection that the common market had been monitored
a space that does not normally serve to live and satisfy personal needs and is therefore in it
it is necessary to take into account that more people will meet there at once. A critical surveillance camera system
according to the city court, the entrance part of the interior was set up effectively when shooting
the necessary part of the space behind the entrance to the building, which by its nature could no longer be
secured otherwise. Therefore, the camera settings did not exceed an area that would be disproportionate to
relation to the achieved goal (protection of property and physical integrity). Scanning a narrower area would be
its city court stated that in the light of the records viewed, neither
it cannot imagine how less monitoring of common areas could be even more gentle
to the privacy of the people being captured while still being effective. According to the city court, it is also

the question of the extent to which people's sense of privacy would be undermined by systematic attacks on their property as a result of, among other things, an inefficient system of property protection. Necessity criteria and comparison therefore, in the opinion of the municipal court, the case was also satisfied in the case of the accused.

In summary, the municipal court found that the requirement of respect was met Article 4 (4) of the Charter, which deals with the examination of the nature and meaning of a restricted fundamental right. It operated with its technical solution, approach and other above-mentioned circumstances accused his camera system of a purpose set, legitimate, predictable, namely in a manner which does not unduly interfere with the fundamental rights and freedoms of the persons filed. In achieving its objective, it thus safeguarded both the substance and the meaning of the rights (Articles 7 (1) and 10 (2) and (3)). Deeds).

Regarding the other objection of the accused that he complied with the requirement of § 11 par. 1 of the Act No. 101/2000 Coll. and thus did not commit an administrative offense of non-compliance with the information obligation, the Municipal Court stated that in its judgment of 24 October 2014, File No. 5 A 166/2010 - 48 did not find that this obligation was fulfilled. The presence of a monitoring system were newcomers alerted to the corners of the house, to the door at the entrance to the common areas of the house and at entrance to the area in front of the elevators. According to the city court, there were generally alerts

on the presence of a camera system, but they were not alerted directly to where the individual cameras are located. “Ordinary newcomers - especially indoors - if alone he did not look around and look for the location of the cameras, he did not have to know where these cameras were and in which the moment he was in their grip. It could happen that the newcomer devoted himself to private (even intimate) things that others would not otherwise see in public and did not know that he was being shot. "

In the opinion of the Municipal Court, the information obligation in question was fulfilled only in part and has therefore not been complied with properly and completely. Information provided by the applicant in relation to

to the inhabitants and passers-by around the house did not contain all the essentials as it is
prescribes § 11 paragraph 1 of Act No. 101/2000 Coll. Namely, it did not contain information about the law
access to personal data, the right to correct personal data, as well as information about others
the rights of data subjects stipulated in § 21 of Act No. 101/2000 Coll. The other people were
alerted to the operation of the camera system only by tables on the buildings, which also
did not meet the conditions of Section 11, Paragraph 1 of Act No. 101/2000 Coll., when they contained only warnings
to the fact that the space is monitored and there is a complete lack of information on how the information is obtained
from the complainant's camera system. The city court therefore stated that it did not
reason to change anything in the conclusion that previously failed to fulfill the obligation of information
pronounced the accused.

On the basis of all the above facts, the Municipal Court found the action to be well founded,
and therefore the contested decision for illegality pursuant to Section 78 (1) of Act No. 150/2002 Coll.,
annulled the Administrative Procedure Code, in its judgment No. 10 A 78 / 2015-31 of 29 August 2019 and annulled the case
returned to the Office for further proceedings.

In this further proceeding, the Office was in accordance with the provisions of Section 78 (5) of the Act
No. 150/2002 Coll., the Administrative Procedure Code, bound by the legal opinion expressed in this judgment.
The administrative body of the first instance, to which the appellate body remanded the case for a new hearing, ie
was forced in a new decision in the case to take into account the conclusion of the city court that the accused
committed only an offense (formerly referred to as an administrative offense) under the provisions of § 45
paragraph 1 (a) f) of Act No. 101/2000 Coll., failure to provide information to data subjects to the extent
or in a manner prescribed by law. As part of the consideration of the amount of sanction for this offense he had
then the administrative authority of the first instance to measure the legal scope of the mandatory information according to
provisions of § 11 paragraph 1 of Act No. 101/2000 Coll. and the frequency and scope of those actually provided
information on the placards and to take into account their location and actual effectiveness
information thus provided to the accused. The appellate body found that the discretion of the body
The question of whether it is also appropriate to take account of the enormous level of sanctions

the total length of the proceedings, resp. time lag from the act under assessment.

The accused, on September 19, 2019, filed a motion marked as a blanket complaint against
Judgment of the Municipal Court No. 10 A 78 / 2015-31 of 29 August 2019, but not despite the call
did not pay the court fee for filing a cassation complaint, therefore the Supreme Administrative Court in Brno
by Resolution No. 1 As 339/201935 of 14 November 2019, the proceedings on the cassation complaint were stopped.

Administrative body of the first instance in accordance with the judgment of the Municipal Court No. 10 A
78 / 2015-31 of 29 August 2019 by its resolution ref. SPR-5638 / 09-100 of 30 January 2020
stopped the misdemeanor administrative proceedings in the matter of administrative offenses of the accused pursuant to
Section 45 para. 1
letter c) a písm. e) of Act No. 101/2000 Coll.

In its decision, ref. SPR-5638 / 09-100 of 30 January 2020, then the administrative body
first instance, also in accordance with the judgment of the Municipal Court No. 10 A 78 / 2015-31 of
On August 29, 2019, he stated a breach of the information obligation pursuant to Section 11 (1) of the Act
5/9
No. 101/2000 Coll. and thus committing an administrative offense under § 45 para. f) of the Act
No. 101/2000 Coll. accused.

Fulfillment of the information obligation pursuant to Section 11, Paragraph 1 of Act No. 101/2000 Coll. judged
the administrative body of the first instance separately towards the inhabitants of the apartment building and separately
towards the third
concluded that it was necessary for the occupants of the house to fulfill the above obligation
before processing in full. As stated by the administrative body of the first instance
in the statement of reasons for its decision, the information that should have been provided to the assembly
owners on 28 February 2008 and 2 October 2008, but not all residents of the house
and information contained in the minutes of the owners' meeting on the acquisition of a camera
system, which was to be posted by the accused in the house, definitely the requisites required by § 11
paragraph 1 of Act No. 101/2000 Coll. did not contain. This was not remedied even by the adoption of an internal

directive on the operation of the camera system, because again this directive did not contain all information required by law. The administrative authority of the first instance further stated that according to provisions of § 11 paragraph 5 of Act No. 101/2000 Coll. is a controller in the processing of personal data by § 5 paragraph 2 letter e) of the same law is obliged to inform the data subject without undue delay on the processing of his personal data. As mentioned above, it means to the residents of the house it is necessary to fulfill the information obligations exhaustively before starting processing, ie before the commissioning of the camera system, by providing all camera system information.

To third parties whose personal data is through a camera system processed unpredictably, the first instance administrative body stated that it was necessary to comply information obligation, eg through information tables at monitored areas.

The accused placed these tables in his house, but these contained only the text "The object is monitored by a camera system "at the entrance to the apartment building and" The building is monitored camera system with recording, XXXXXX "on the perimeter walls of the building. Administrative the first instance body assessed that such fulfillment of the information obligation does not exist on the accused sufficient, given the fact that the text of the information tables uniformly it does not follow that a record is made of who is the controller of personal data and where more can be obtained camera system information. Information signs placed on the perimeter walls would thus it was possible to consider from the point of view of § 11 paragraph 1 of Act No. 101/2000 Coll. considered sufficient only if the data subjects would also be informed of the CCTV system in more detail by others way. However, the accused did not prove this fact. He then considered administrative authority in relation to persons moving in the field of cameras monitoring public space, that these persons could not be aware from the text placed on the facade of the apartment building that they are also monitored in public spaces at a relatively large distance from residential areas The house itself, it can be concluded that these persons were not about processing their personal data are not informed at all. The administrative body of the first instance also emphasized that the information

tables need to provide all monitored areas, which, for example, was not met in
premises of both lifts. The newcomer did not have to know that he was in this area
monitored and may have dealt with private matters that others would otherwise have
they did not see in public.

For the above violation
information obligations pursuant to Section 11 (1) of the Act
No. 101/2000 Coll. the accused was fined CZK 4,000, ie at the very lower limit
statutory rates. In deciding on its amount, the administrative authority of the first instance took into account as
to aggravating circumstances (in terms of the seriousness of the conduct) to the fact that the processing of personal
data through camera systems, constitutes a significant infringement of the right to
protection of privacy and personal data protection of the inhabitants of the house. He assessed as aggravating

then the period for which the infringement lasted, ie about 10 months. As a mitigating circumstance
the administrative body of the first instance found that only one legal one was violated
obligation, and that the total length of the proceedings has already exceeded 10 years, thus reducing the purpose of the
sentence
from a preventive point of view.

In deciding to impose the obligation to pay the costs of the proceedings, the administrative body relied on Section 95
paragraph 1 of Act No. 250/2016 Coll., which requires the administrative body to impose on the accused who was
found guilty, the costs of the proceedings in a lump sum, and from § 6 paragraph 1 of Decree No. 520/2005 Coll.,
the amount of cash expenditure and loss of earnings that the administrative body pays to other persons and the amount of
lump sum costs of the proceedings, according to which the lump sum costs of the administrative proceedings which
the accused caused a breach of his legal obligation, amounting to CZK 1,000.

The accused filed against the above-mentioned decision of the administrative body of the first instance
on 13 January 2020 through its legal representative.

Decomposition content

The defendant's lawyer in the filed appeal expressed the view that the administrative proceedings due to its length, it begins to go crazy in the wording of the judgment of the Municipal Court in Prague and the decision of the Chairperson of the Office for Personal Data Protection (hereinafter referred to as the “Office”) is missing devolutive effect and is of the opinion that the Office "lacks duality".

Furthermore, the defendant 's lawyer notes somewhat erroneously that the Office against filed a cassation appeal in the judgment of the Municipal Court.

The defendant's lawyer submits information which the accused appears to have supplemented to the information obligation, as imposed by § 11 par. 1 of Act No. 101/2000 Coll., without, however, proving what does the information sign in the house look like?

Another argument put forward by the accused's lawyer is that that the provisions of Section 66, Paragraph 5 of Act No. 110/2019 Coll. on the processing of personal data, did not prevent him from conducting proceedings under the new legislation. In his opinion, this is for the accused friendlier. He referred in more detail to the Guidelines on the application and setting of administrative fines for the purposes of the Regulation, where, for example, page 7 states that each case is to be assessed on its own merits and in this context the most appropriate measure should be chosen.

The defendant's lawyer further refers to the equality of property to which he applies also on the equality of personal data controllers, where the Office cannot favor one controller at the expense others. As an example, he said that, for example, transport companies are introducing camera systems to buses and trolleybuses.

The defendant's lawyer also refers to the twice-ordered costs.

At the end of the appeal, the defendant 's lawyer suggests that the President of the Office, such as the appellate body annulled the contested decision and imposed a sanction - a reprimand.

Assessment by a second instance body

The Appellate Body first states that the law entered into force on 24 April 2019 No. 110/2019 Coll., on the processing of personal data, which follows a directly applicable regulation

European Union, ie Regulation. According to the judgment of the Supreme Administrative Court file no. No. 2 Azs 307/2015

"(…) In cases where the administrative court annuls the contested administrative decision and returns the case to the administrative court

authority for further proceedings, the case is returned to the moment before the annulled administrative

decision, ie to the stage of already initiated (and thus also unfinished) administrative proceedings. ”According to § 66 paragraph 5 of Act No. 110/2019 Coll. proceedings initiated pursuant to Act No. 101/2000 Coll., which were not terminated before the date of entry into force of the new law, shall be completed in accordance with the law No. 101/2000 Coll. The administrative body of the first instance therefore proceeded in the so-called "living proceedings" Act No. 101/2000 Coll. This legal regulation is more favorable for the accused than the legal regulation contained in the Regulation. The appellate body states that each case in the administrative proceedings is assessed individually, including the evaluation of more favorable legislation for the accused.

As the Municipal Court has already stated in paragraph 41 of its decision, Article 83 (5) of the that in breach of the principle of processing, including the conditions for consent pursuant to Articles 5, 6, 7 and 9 and for infringements of the rights of data subjects under Articles 12 to 22, administrative fines of up to up to EUR 20,000,000. Act No. 110/2019 Coll., Designates the above actions in accordance with the Czech law directly for offenses, but leaves the range of the sanction directly to applicable regulation, ie the Regulation, (unlike the sanction that can be imposed) "Public administration" administrators and processors and whose maximum amount is CZK 10,000,000 using Article 83 (7) of the Regulation is laid down in Act No. 110/2019 Coll.). Maximal upper limit for the tortious conduct of the accused, ie for violation of § 11 par. 1 of the Act No. 101/2000 Coll. according to Act No. 101/2000 Coll. amounted to CZK 5,000,000. The city court therefore concluded that the subsequent legislation under the Regulation is not more favorable to the accused. Administrative authority first instance, bound by the legal opinion of the municipal court, ruled that the accused had committed offense according to the provisions of § 45 par. 1 let. f) of Act No. 101/2000 Coll., by failing to provide information to data subjects to the extent or in the manner prescribed by law. In the administrative

assessed the proceedings in relation to the legal scope of mandatory information pursuant to the provisions of Section 11 paragraph 1 of Act No. 101/2000 Coll. the frequency and extent of the information actually provided placement and take into account their location and real effectiveness.

On the accused's objection to the "insanity" of the proceedings, the Appellate Body that the defendant did not elaborate on this argument. Decisions of the court and the second instance of the Office was according to the usual processes. As part of the administrative court proceedings, the municipal court dealt with the decision the President of the Office, which he annulled by his judgment and remanded the case for further proceedings. President of the Office subsequently annulled the decision of the administrative body at first instance and remanded the case for a new one hearing, setting out (similarly to the Municipal Court in its judgment) what is administrative the first instance authority in its new decision. Two-instance administrative proceedings thus, it remained in the so-called "revival of dissolution proceedings" after the decision of the municipal court, on the contrary maintained by the fact that the matter was re-decided by the administrative body of the first instance and the accused thus had opportunity to appeal against his decision, which he did.

As for the enormous length of the proceedings in the case, ie from 2009 to the present, it is given in particular by repeated judicial review, the duration of the administrative proceedings cannot affect the Office in any way, as well as the complexity of the processing of personal data using camera systems in apartment buildings. Judicial development also plays a role case law in the field of personal data protection. In this, the current proceedings can be distinguished from cases where the enormous length of proceedings is caused by delays in management and objective inaction (ie zero procedural activity) of decision-making bodies and courts.

The cassation complaint against the decision of the municipal court was not filed by the Office, but by the accused himself. Despite the call of the Supreme Administrative Court, however, the accused did not pay the court fee, and therefore the proceedings were stayed by resolution of 14 November 2019.

The alleged unequal assessment of the processing of personal data by different controllers

camera system, the appellate body states that it handles each case individually with consistency

decision-making practice and adds that it is first of all important to distinguish whether the camera system

record (this is the processing of personal data, which is subject to the law) and when it is only

o on-line transmission without making a record (this is not the processing of personal data).

At the same time, it is not possible to compare an apartment building where its inhabitants enjoy a greater degree

privacy and related rights and public transport, where the opposite is true,

and only because they occur here for a limited time.

The defendant 's argument that he added wording

notes that he did not substantiate these additions to the Office.

information sign, appeal body

The administrative body of the first instance shall be ordered to reimburse the costs of the administrative proceedings

in a statement sent to the defendant's lawyer on 17 February 2020,

where he stated that the costs of the previous administrative proceedings would be reimbursed to the accused by the Customs Office

for the capital city of Prague.

As regards the amount of the fine imposed, the Appellate Body finds that it was imposed on its own

the lower limit of the statutory rate, its amount shall be duly substantiated by the administrative authority of the first instance

storage also took into account the length of the administrative proceedings. The appellate body therefore assessed the sanction imposed

accused as reasonable.

The appellate body therefore summarizes that it did not find any ground for annulment by the appellant

decision or to change the amount of the sanction imposed.

Likewise, the Appellate Body did not find any reason after the overall examination

illegality of the contested decision and did not find any procedural irregularities

first instance authority.

On the basis of all the above, the Appellate Body therefore ruled as indicated

in the operative part of this decision.

Instruction: Pursuant to the provisions of Section 91, Paragraph 1 of Act No. 500/2004 Coll.,

Administrative Procedure Code cannot be revoked.

Prague, May 14, 2020

official stamp imprint

JUDr. Ivana Janů

chairwoman

(electronically signed)