

Operator of the news portal

The control was started on the basis of the control plan for 2020. The subject of the control was compliance with the obligations of the personal data manager when processing the personal data of data subjects in connection with the use of cookies in the context of operating one of the news portals, in particular the control of the fulfillment of obligations according to Article 6 and Article 7, Articles 11-19 of the General Regulation and, to the extent corresponding thereto, obligations according to Article 5 of the General Regulation. In the opinion of the inspectors, the Czech Republic insufficiently transposed the amended Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 on the processing of personal data and the protection of privacy in the electronic communications sector, because after the change of the regime from OPT-OUT to OPT-IN Czech the legislator continues to work with the OPT-OUT regime, i.e. with a regime where the personal data administrator has the option to process personal data of data subjects automatically (subject to the condition of proper notification) and only to implement subsequently expressed wishes of data subjects not to process their personal data. After analyzing the relevant legal regulations, the facts and the legal certainty of the inspected person, the inspectors evaluated the processing of cookies by the inspected person in the light of national legislation, i.e. the provisions of § 89, paragraph 3 of Act No. 127/2005 Coll., on electronic communications. The inspection revealed that, in connection with the use of cookies within the Internet news portal, the inspected person comes into contact with personal data within the meaning of Article 4, Paragraph 1 of the General Regulation, and further processes this personal data within the meaning of Article 4, Paragraph 2 of the General Regulation regulation and is in the position of a personal data administrator in the sense of Article 4 point 7 of the general regulation, as it determined the purpose and means of personal data processing (cookies). The legal title for the processing of personal data from individual cookies is the legitimate interest of the company in the sense of Article 6, paragraph 1 letter f) of the general regulation. Due to the fact that the controlled person processes cookies in accordance with the Office's recommendation from 2018, which established that flat-rate consent granted through browser settings can be considered as consent meeting the definitional features according to Article 4, Paragraph 11 of the General Regulation, they did not evaluate controlling the fulfillment of Article 7 of the general regulation, i.e. the conditions for expressing consent. The controllers also focused on checking the fulfillment of the obligations of the controlled person in relation to providing information to data subjects about the processing of their personal data. It was found that the collection of personal data

(cookies) by the controlled person within the news portal is in accordance with the requirements of § 89, paragraph 3 of Act No. 127/2005 Coll., as the controlled person informs users of the scope and purpose of their processing and also offers them the possibility to influence such processing at any time by changing the cookie settings in the user's browser, while these conditions are fulfilled by the controlled person by proceeding in accordance with Articles 12-13 of the general regulation. The control did not reveal any violation of the obligations of the controlled person imposed on him as a personal data administrator according to Article 24 paragraph 1 of the general regulation, as it has precisely defined procedures for the processing of personal data. The inspection did not reveal a violation of the obligations arising from the inspected person from Article 28 of the general regulation, nor a violation of Article 30, paragraph 1 of the general regulation.

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