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On the basis of the initiative, the Office carried out an inspection of compliance with the obligations stipulated by Act No. 101/2000 Coll. with a focus on providing information about the processing of personal data to customers of the controlled person. The subject of the inspection was also compliance with the obligations arising from Act No. 480/2004 Coll. when sending commercial messages in the form of SMS messages.

The Office found that the inspected person did not violate the obligations arising from Act No. 101/2000 Coll. It provides information on the processing of personal data through the general terms and conditions, which are available to customers in the store premises and on the website of the controlled person; at the same time, they are presented to the customer when concluding the contract.

The Office stated a violation of the obligation arising from § 7, paragraph 3 of Act No. 480/2004 Coll., as the addressee of the commercial message (in the form of an SMS) did not have the option free of charge (or on the account of the controlled party) to refuse consent to the further sending of commercial messages, and a further violation of § 7 paragraph 4 letter a) of Act No. 480/2004 Coll., as the commercial communications in question were not clearly and distinctly marked as commercial communications.

Considering that the inspected person immediately corrected the defective condition, the Office did not impose corrective measures and waived the imposition of a fine.

The inspection was conducted by the inspector Mgr. et Mgr. Božena Čajková.

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