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Association of dog breeders

The inspection was initiated on the basis of an initiative directed against the association of dog breeders.

The complainant stated that she was forced by the association to sign consent to the processing of personal data under the threat of expulsion. She demanded the termination of the processing of her personal data, with the exception of the processing carried out by the association in connection with the records of dog breeding in the breeding station in which the complainant is responsible for dog breeding.

The inspection found that the association, as the administrator of members' personal data, violated Article 6, paragraph 1 of Regulation (EU) 2016/679, as it processed personal data for the purposes necessary to fulfill certain articles of the association's statutes (purpose, objective of activity) on the basis of incorrect legal title in the sense of Article 6 paragraph 1 letter a) Regulation (EU) 2016/679. However, the legal title for this processing is the necessity for the purposes of the legitimate interests of the association, including the interests of the Czech-Moravian Cynological Union, while the authorization of the processing of personal data of applicants for membership, including applicants for provision of services - non-members, is given by consent to the terms of the statutes in the sense of § 223 paragraph 2 of Act No. 89/2012 Coll., Civil Code, i.e. in the sense of Article 6 paragraph 1 letter b) Regulation (EU) 2016/679.

The association also violated the obligation under Article 6, paragraph 1 of Regulation (EU) 2016/679. The given consent did not have the requirements according to Article 4, paragraph 11 of Regulation (EU) 2016/679, because it was forced under the condition of not being accepted as a member, or provision of services to a non-member. It was therefore not granted freely on the basis of specific and accurate information about the processing of personal data.

At the same time, the obligation of the personal data manager was violated according to Article 13, paragraphs 1 and 2, Article 15, paragraph 1 letter a) to c), Articles 17 and 18 of Regulation (EU) 2016/679, because the association did not provide both the complainant and all other members and non-members with accurate information about the purposes of processing their personal data, it provided incorrect information about the legal title for processing personal data data of members and non-members. At the same time, he gave the complainant inaccurate and incorrect information about the processing of her personal data and false information about their disposal.

An offense against Article 30 of Regulation (EU) 2016/679 was also revealed, as the association had not drawn up any internal documents on the processing of personal data and did not document the technical and organizational measures taken to process personal data, thus violating the obligation under Article 24, paragraph 1 of the Regulation (EU) 2016/679. The consequence of the absence of such measures was the unauthorized publication of the complainant's personal data in violation of Article 32 of Regulation (EU) 2016/679.

The association filed objections against all the findings stated in the inspection protocol, which were rejected by the chairperson of the Office.

Given that the intrusion into the complainant's privacy did not reach a larger scale, the association acted in good faith and also took measures to correct the objectionable situation, there was no reason to initiate proceedings pursuant to § 60 of Act No. 110/2019 Coll., on the processing of personal data, i.e. procedure for the imposition of measures to eliminate identified deficiencies.

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