

UOOU-02793/21

The inspection at this company was started on the basis of a complaint and also after previous notices from the Office.

The commercial message contained an offer of a discounted price for submitting an ad, while these were offers of portals offering or mediating work and job opportunities.

The inspected person did not properly cooperate during the inspection, or it only cooperated by providing piecemeal and misleading information and did not even allow a local investigation to be carried out in order to preview and check the database of customers or users who consented to the sending of commercial communications. She stated that the company's registered office is virtual and subsequently even stated that she does not even have access to the database, and that she only participates economically in the mentioned portals (where the given job opportunities were offered).

As part of the inspection, the inspectors tested how the registration to submit an ad works on the given web portals, and how these advertisers are informed about the further processing of their personal data, especially electronic contacts, to which the offers of these portals are subsequently sent. It was found that the registered user gives the portal operator unlimited consent to send commercial messages, without which it is not possible to register for the portal. As part of the control, the recipient's consent to sending commercial messages was not documented in any way.

Taking into account the fact that the auditors had the entire message with the commercial message, including the source code of the message, based on the analysis of this message, it could be concluded that the person being controlled is the distributor of the commercial message in question and sent this commercial message without the prior consent of the addressee. At the same time, this commercial communication was also found to be in violation of other conditions (related to commercial communications), namely the failure to state the identity of the sender and the possibility to refuse further sending of commercial communications.

As a result of these violations, appropriate administrative proceedings were conducted with the inspected person.