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On the basis of the initiative, the Office carried out an inspection, the subject of which was compliance with the obligations stipulated by Act No. 101/2000 Coll. The office focused on checking the fulfillment of these obligations when handling personal data, which are part of the materials submitted for discussion to the council and council of the city of Moravský Beroun, especially in connection with the role of the controlled person as the founder of school facilities.

The Office found that the controlled person has a proper legal title for the processing of personal data and that the controlled person has taken sufficient technical and organizational measures to ensure the security of processed personal data. In this context, the Office came to the conclusion that the procedure of the inspected person is in accordance with Act No. 101/2000 Coll.

At the same time, however, the Office found a violation of Act No. 101/2000 Coll. in connection with the fulfillment of the obligation stipulated in § 12 of this Act (data subject access to information). The response of the controlled person to the request according to § 12 of Act No. 101/2000 Coll. did not meet the requirements of this provision. Paragraph 2 of this provision specifies the (minimum) range of information the communication must contain, i.e. it defines a certain quality of information to be provided to the data subject. The controlled person incorrectly evaluated his legal position, as he did not consider himself the administrator of the subject personal data, as a result of which he did not provide the required information on the processing of personal data.

In this context, it should be noted that legal uncertainty regarding the position of the personal data controller cannot automatically lead to a refusal to provide information. In a situation where the controlled person was demonstrably in possession of the subject personal data, it was his duty to clarify his legal position. At the same time, it is necessary to take into account that the inspected person is a public administration body that can be rightfully assumed to be familiar with legal regulations.

The Chairperson of the Office rejected the objections submitted by the inspected person against the inspection findings. Given that the inspected person immediately corrected the objectionable condition, the Office did not impose corrective measures and waived the imposition of a fine.

The inspection was conducted by the inspector JUDr. Jiřina Rippelová.

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