

UOOU-02174/21

The inspection at this company was initiated on the basis of eight complaints about the sending of commercial messages.

Commercial messages were sent both via e-mails and also as SMS messages. Most of the messages sent contained an offer of banking services, and the inspection concluded that they were business messages. However, in several cases it was not a commercial message, as the content of the messages sent were technical or informative messages. It was a communication whose content was a message that a document for signature was prepared in internet banking or a message containing account authorizations that were sent to the client of the controlled company. In the case of sent commercial messages, the Office then checked whether the controlled person possessed the relevant legal title, i.e. whether commercial communications are sent either to the customers of the controlled company without these customers having previously refused their sending, or on the basis of a legal title of consent. The inspection revealed that, in the case of three recipients, a commercial message was sent after its previous rejection, and at the same time a violation was also found in the case of SMS messages, as these did not contain the option (information) of how to terminate (reject) the sending of commercial messages. The inspected person was fined 50,000 CZK in administrative proceedings for the above violations, which was already paid by the inspected company. Regarding the amount of the sanction, it should be noted that although the scope of the consequence of the offense was not significant, as it was a violation only in relation to three recipients, the administrative body took into account the fact that this company had already been obliged to comply with all provisions in connection with the sending of commercial messages several times pointed out, and further to the fact that she had already been sanctioned once in the same matter. This company thus committed a repeated breach of obligations when sending commercial messages.

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