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Based on its inspection plan, the Office carried out an inspection in accordance with Regulation (EU) 2016/679, the subject of which was the publication of personal data contained in the trade register. He focused mainly on the legal title for such further processing of personal data in connection with the new legislation on the protection of personal data.

Controlled person on the website www.finance.cz, or web portal rejstriky.finance.cz, offers portal visitors a service in the form of information about legal entities and natural persons doing business collected from public registers kept by the relevant authorities of the Czech Republic, including historical information. You can search for information on the rejstriky.finance.cz portal using the appropriate form, after entering the name of the entrepreneur or company ID number. The result of the search is then basic data on individual entrepreneurs (in particular, name, surname, ID number, VAT number, place of business, data box ID, bank account number, type of registration and validity of registration) and business history. The audited person also adds information on the assessment of the given entrepreneur to this information and obtains the relevant information primarily from the ARES information system of the Ministry of Finance of the Czech Republic. In addition, it uses a database of business entities that it acquired in the past from a third party.

The Office came to the conclusion that the given processing can be based in this form on the legal title regulated in Article 6 paragraph 1 letter f) Regulation (EU) 2016/679, as the controlled person has a legitimate interest in the further publication of personal data of entrepreneurs obtained from public registers (in the form of securing the economic side of their business activity). In the given case, there is also the interest of third parties, or the public, in available and structured information about economically active entities and in general the interest in increasing the transparency of the business environment. The further processing of this personal data, which relates exclusively to the economic activity of the subjects and not to the family or personal sphere at the same time, does not represent such an interference with the fundamental rights of the data subjects that would justify the conclusion that the interests of the data subjects outweigh these legitimate interests. The interests of the data subject fundamentally prevail only when the data subject objects to this processing.

The inspection also showed that personal data of entrepreneurs, which had already been removed from the public part of the trade register, are also published on the websites in question. This results in an unjustified interference with the rights of these persons to protect their personal data, as in this situation the interests of the data subjects to protect their privacy prevail over

the interests mentioned above. For the processing of personal data of entrepreneurs for whom 4 years have already passed since the end of their last business, the controlled person has no legal title and thus violated the obligation set out in Article 6, paragraph 1 of Regulation (EU) 2016/679.

At the same time, the Office found that the controlled person processes the personal data of entrepreneurs without ensuring that this personal data is updated, thereby violating the obligation arising from Article 5, paragraph 1 letter d) Regulation (EU) 2016/679. On the contrary, the fulfillment of the information obligation regarding the processing in question, as well as the procedures adopted for handling the requests of data subjects to exercise their rights, were evaluated as meeting the requirements of Regulation (EU) 2016/679.

With the above-mentioned conduct, the controlled person violated the obligations set forth in Article 5, paragraph 1 letter d) (processing only accurate data) and Article 6 paragraph 1 (legal title for processing) of Regulation (EU) 2016/679.

Due to the fact that the inspected person initiated the correction of the detected condition during the inspection, the Office did not initiate the procedure for imposing corrective measures, but did initiate the procedure for the violation.

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

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