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The control of compliance with obligations in the dissemination of commercial communications was initiated on the basis of 10 initiatives received by the Office. The communications were sent via e-mail messages and contained offers of discounts for the creation of new websites and at the same time linked to the websites on which the offered services were provided. Regarding the source of the e-mail addresses, the inspected person stated that they came from an Internet catalog of companies, when part of the registration in this catalog was consent to the use of e-mail contacts for marketing purposes. However, the audited person did not document the consents of individual users of e-mail addresses and did not prove that he had the legal title to send commercial messages. The controlled person thus committed a violation of § 7, paragraph 2 of Act No. 480/2004 Coll., on certain information society services. Furthermore, in the case of two commercial communications, the inspected person committed a violation of § 7 paragraph 4 letter a) of Act No. 480/2004 Coll., as these messages were not clearly and distinctly marked as commercial communications. And in the case of all commercial communications, she committed a violation of § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., as the business communication did not contain a clear indication of the person on whose behalf the communication is being carried out. The audited person filed objections against the audit findings, which, however, were rejected by the Chairperson of the Office due to their delay. Nevertheless, even so, the chairwoman of the Office provided the inspected person with a certain statement in which she dealt with the submitted objections of the inspected person. The Office did not impose the appropriate sanction for the mentioned violation, as a mere discussion within the inspection procedure with this natural person doing business was sufficient.

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