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On the basis of three initiatives, the office carried out and terminated an inspection of a company using telemarketing to offer goods. The complainants uniformly claimed that they did not provide the audited companies with their personal data or consent to be contacted by telephone.

The audit findings showed that the auditee uses websites or an order form that is part of printed advertising materials for its own campaigns. In both cases, the customer himself enters his data on the website of the controlled person. In the case of contact via e-mail address, SMS or customer service telephone line, the data communicated by the customer to the customer line worker is recorded directly in the information system developed by the inspected.

The performed inspection revealed that the inspected person is in the position of a personal data processor, and that the personal data administrator is Helvetia Apotheke d.o.o. Banja Luka, Republika Srpska, Bosnia and Herzegovina, i.e. a company based outside the EU, which has concluded mandate contracts with external partners and a contract for the provision of services with the controlled person. During the inspection, it was not possible to prove that the inspected person processed their personal data in the case of two complainants, and in the case of the third complainant, it was found that the personal data was obtained as a result of a conscious expression of will (conclusion of a purchase contract).

As part of the inspection, the Office checked the fulfillment of the obligations arising from § 5 paragraph 1 letter a) (determination of the purpose of processing) and d), § 5 paragraph 2 (legal title for processing), § 6 (agreement on processing) and § 13 (security of personal data). In connection with the processing in question, the Office did not detect a violation of Act No. 101/2000 Coll. controlled person.

The inspection was conducted by Inspector Mgr. Daniel Rowan.

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