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On the basis of 28 initiatives, the Office carried out an inspection in accordance with Regulation (EU) 2016/679, the subject of which was compliance with the obligations set for the inspected person in connection with the processing of personal data, in particular the method of obtaining consent to the processing of personal data for business purposes, with a focus on the environment of the electronic application " My O2". As part of the inspection, the Office also checked the processing of customers' personal data in connection with the TelcoScore service. The control focused in particular on the fulfillment of obligations set out in Article 5 (principles of personal data processing), Article 6 (lawfulness of processing), Article 7 (requirements for consent) and Article 28 (obligations when involving processors) of Regulation (EU) 2016/ 679.

The Authority found that the audited person prepared and presented to its clients a new consent for the period from the effective date of Regulation (EU) 2016/679. The controlled person has been obtaining consents according to this regulation since February 2018. A situation arose where some clients granted two consents, which was confusing for them. When the clients decided to revoke the consent, the controlled person informed them that the consent according to Regulation (EU) 2016/679 can only be revoked when it becomes effective, i.e. after May 25, 2018. The Office evaluated this interpretation as erroneous, stating that the data subject has the consent right to withdraw at any time.

When checking the processing of personal data within the TelcoScore service, it was found that the scoring is carried out by the controlled person in a dual legal regime, based on the consent of the data subject for the purposes of the TelcoScore service, which is provided through another company according to the contractual arrangements of the parties involved, and further, on the basis of the controlled person's legitimate interest in evaluating the customer's behavior when using services (telcoscoring), including the customer's payment morale, for the needs of the controlled person when deciding on offers to its customers. At the same time, the audited person does not pass on the results of the second mentioned evaluation to third parties.

The inspection was conducted by Inspector Mgr. Daniel Rowan.

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