

UOOU-00686/20

The inspection was started on the basis of the inspection plan for 2020. The reason was that the domains of the inspected person appeared in the leading hits in the spam traps of the website www.dobryemail.cz in recent years. No. 480/2004 Coll., both in relation to the processing of personal data in connection with direct marketing according to the general regulation. The controlled person runs an online store on his web portal and also allows membership in the bonus club. The authority found that the controlled person processes the e-mail address of its clients who are registered in the e-shop, possibly also in the bonus club, for the purpose of direct marketing for the dissemination of business communications in accordance with Act No. 480/2004 Coll. The e-mail address is obtained in connection with the sale of a product or service according to the general regulation. In addition, as far as it concerns only registered members of the bonus club and not customers at the same time, electronic contact is processed in accordance with Act No. 480/2004 Coll. and therefore on the basis of consent according to the general regulation. In relation to the obligation to provide information, the inspectors noted that the information on the processing of personal data that the inspected person provides to its clients/consumers is inaccurate, incomplete or contradictory, and thus not provided in the sense of the general regulation. In this context, a violation of the basic principle of transparency was also noted. Furthermore, the Office stated that the controlled person does not allow the users of its website to freely express consent or disagreement with the processing of statistical and marketing cookies. Mere viewing of the website by the user cannot be interpreted as consent. If the user is only given the option to accept tracking or to leave the site, the consent granted in this way cannot be considered as free and consistent with the general regulation. the auditee's procedures in this area were examined, the selected marketing campaign was also examined, and no misconduct was detected in this area. The inspected person filed objections against the inspection findings stated in the inspection report within the statutory period. This was specifically a control finding regarding the legal title in the case of the use of cookies, including the finding that the controlled person does not allow users of their website easy access to cookie settings directly through a simple tool. In another inspection finding, the inspectors noted a violation in connection with the information obligation. The objections were forwarded to the Chairman of the Office for processing, who rejected them in their entirety. The inspectors subsequently imposed remedial measures by order, which the inspected person fulfilled within the deadline.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed

