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Police of the Czech Republic, Police Presidium

The inspection was initiated on the basis of an initiative concerning the processing of the complainant's personal data in some databases of the Police of the Czech Republic, which the complainant discovered during a traffic inspection. With regard to the subject of the complaint, the inspectors focused on assessing the fulfillment of the obligation referred to in § 25 paragraph 1 letter c) of Act No. 110/2019 Coll., on the processing of personal data, i.e. the obligation to store personal data in a form that enables identification only for the time necessary to achieve the purpose of their processing, in relation to the databases of the Police of the Czech Republic.

The inspectors stated that the processing of personal data, which was the subject of this inspection, is based on the statutory authorization of the inspected party regulated in Act No. 273/2008 Coll., on the Police of the Czech Republic. Therefore, the inspection did not reveal a violation of the obligations arising from Act No. 110/2019 Coll., i.e. that the inspected party exceeded this legal framework in the given case.

When processing personal data, the police of the Czech Republic is obliged to take into account the time point of view, i.e. the time interval since the last criminal activity. Only a certain percentage probability of recidivism must not (in itself) lead, with regard to the principles set out in Regulation (EU) 2016/679 and in Act No. 110/2019 Coll., to an automatic decision on the further processing of personal data of perpetrators of criminal offences. With a longer time interval since the last committed act, the intensity of the interference with the rights of the data subject, associated with the continued recording of personal data in the IS of the Police of the Czech Republic, clearly increases. This rate can be reduced to a level that allows the further storage of personal data, only by gradually applying other measures leading to the protection of the rights of the given person (e.g. narrowing the number of persons authorized to access this personal data), and at the same time the non-public nature of these is consistently respected information in such a way that there is no unjustified defamation of the person in question at a time when he has already rejoined normal life and no longer even anticipates different behavior of police officers towards him. The auditors concluded that the auditee did not violate the obligations arising from Act No. 110/2019 Coll. in the given case when processing the complainant's personal data.

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