

UOOU-4754/21

In the night hours, there was an unauthorized entry into the controlled person's premises, during which three computers were stolen.

A subsequent inspection, initiated on the basis of an initiative, revealed that the premises used were not secured by camera systems or a motion detection system. In the cells inside the hall, there were computers on which the employees of the controlled entity carried out the registration of clients. The stolen server computer was originally located in a separate room of the server room.

One of the stolen laptops contained hardware with an installed remote database login interface. After the detected security incident, the company took measures in the form of blocking the login protocol to the remote database. The company reported the incident to the Police of the Czech Republic. During the investigation by the Police of the Czech Republic, the stolen laptops were found.

In cooperation with the Police of the Czech Republic, the Office analyzed the computers found. Two laptops showed signs of reinstallation, no personal data files were identified. The third laptop contained a large amount of clients' personal data. These could be obtained from the current database as well as stored backups of the information system database. The agency found that the files that were on the stolen computer did not require user authentication and were not encrypted at the same time. It was stated that anyone who had access to the device after the computers were stolen could have gained access to the personal data.

The company did not inform the Office or the concerned visitors of the center about the security incident that occurred before conducting a local investigation. The announcement of a security breach in the sense of Article 33 of the GDPR was made only during the inspection.

Furthermore, the Office found that the function of personal data protection officer for the controlled person was performed by the director of operations of the controlled person.

The Office found the following violations: (1) appropriate technical and organizational measures were not taken to secure personal data; (2) the violation of personal data security was not reported to the Office within the deadline, while the reason for the late notification was not given; (3) the security breach was not reported to the affected data subjects; (4) no personal data

protection officer was appointed, even though a special category of personal data was processed, and this processing was extensive; (5) The contact details of the personal data protection officer were not disclosed to the Office; (6) it was not ensured that the appointed personal data protection officer was not in a conflict of interest in connection with the tasks he performs for the controlled person.

The inspected person objected to the inspection protocol in its entirety. All objections were found by the Office to be unfounded and administrative proceedings were initiated in the matter.

In this context, the Office adds that although its goal is not to punish victims of attacks who have made adequate efforts to secure personal data, the Office categorically prosecutes violations of the obligation to report security incidents to it.

If the administrator is obliged to appoint a personal data protection officer, he is obliged, among other things, to ensure that the officer is properly and timely involved in all matters related to the protection of personal data, so that he has the resources necessary to perform the duties of the officer so that other duties and the tasks assigned to him did not lead to a conflict of interests of the trustee. If this is not the case, it may be a violation of at least Article 38, paragraphs 1, 2 and 6 of the GDPR.

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