OFFICE FOR PERSONAL DATA PROTECTION

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* UOOUX00D4EVH *

Ref. UOOU-05185 / 14-53

DECISION

Chairwoman of the Office for Personal Data Protection as an appellate body competent pursuant to § 2, § 29

and Section 32 of Act No. 101/2000 Coll., on the Protection of Personal Data and on the Amendment of Certain Acts,

and pursuant to Section 10 and Section 152, Paragraph 2 of Act No. 500/2004 Coll., the Administrative Procedure Code,

decided on 21 February

2019 according to the provisions of § 152 par. 6 let. b) of Act No. 500/2004 Coll. thus:

Dismissal of the party to the proceedings, the company

against the decision of the Office for Personal Data Protection

Ref. UOOU-05185 / 14-47 of 14 November 2018, is rejected and the contested decision

is confirmed.

based

Justification

Administrative proceedings on suspicion of committing an administrative offense pursuant to Section 45a (1) and (3) of the Act

No. 101/2000 Coll., on the protection of personal data and on the amendment of certain acts, was initiated on

May 28, 2014 by delivery of the notice to the party to the proceedings, the company

, based

('the party'),

at the initiative of the then Chairman of the Office for Personal Data Protection (hereinafter referred to as the "Office")

RNDr. Igor Němec.

Subsequently, on the basis of the evidence provided and the collected file material, he issued

administrative body of the first instance on 30 July 2014 decision no. UOOU-05185 / 14-13,

according to which the party to the proceedings has committed an administrative offense referred to in the provision

§ 45a par. 1, 3 of Act No. 101/2000 Coll., By providing in connection with the publication of information

on wiretapping and recording of telecommunications traffic and information obtained from wiretapping

and a record of the telecommunications traffic carried out

(

and through the news portal

in the decision in question.

By doing so, according to the administrative body of the first instance, the party to the proceedings violated the obligation

stipulated in § 8c of Act No. 141/1961 Coll., on Criminal Procedure (Criminal Procedure Code), according to

data that have been specified

published in the newspaper

and

which no one may disclose information without the consent of the person to whom such information relates

on ordering or interception and recording

telecommunications traffic according to

§ 88 of the Criminal Procedure Code or information obtained from it, data on telecommunications traffic

ascertained on the basis of an order pursuant to Section 88a of the Criminal Procedure Code, or information obtained by

surveillance

persons and things pursuant to Section 158d Paragraphs 2 and 3 of the Criminal Procedure Code, if they allow the

identification of this person

and if they have not been used as evidence in court proceedings. She was a participant for this administrative offense

fined CZK 240,000.

The party filed an appeal against this decision, which was a decision of the chairman

Office ref. UOOU-05185 / 14-20 of 26 September 2014 rejected.

The said decision of the President of the Office was subsequently challenged by a party in an administrative action, which

rejected by the Municipal Court in Prague (hereinafter referred to as the “Municipal Court”) in its judgment no.

of 9 August 2017.

However, the party to the proceedings filed a cassation appeal against this judgment of the Municipal Court

of 3 May 2018

on the basis of the Supreme Administrative Court in its judgment no.

annulled both the judgment of the Municipal Court of 9 August 2017, Ref.

so

Decision of the President of the Office Ref. UOOU-05185 / 14-20 of 26 September 2014 and returned the case to the Office

for further proceedings.

Mr.

and Mrs.

, so madam

The Supreme Administrative Court justified its decision mainly by the fact that both the Office and the City Court

the court did not sufficiently classify the information contained in the published articles with respect

to the extent of publication permissible within the meaning of Section 8d of the Criminal Procedure Code, which would result in

to modify the extent of the tort / delict of the party to the proceedings.

The Supreme Administrative Court gave instructions for this modification in paragraph 42 of the relevant judgment, stating that

it is

in particular, it is necessary to protect the privacy of the persons covered by the surveillance ordered

,

against whom the content of information was, according to the Supreme Administrative Court, even derogatory (it was

for a partial content of the article specified by the Supreme Administrative Court under point 39 letter b)

its judgment).

The Supreme Administrative Court then saw a clear predominance of privacy over the public interest

for the article specified in point 39 (a) f) of his judgment, because in his opinion

it was a communication of private content.

On the whole, the Supreme Administrative Court concluded that “the dominance of the public cannot be denied

interest in publishing information where that information informs the public that

that the Prime Minister was relevantly influenced by a person in his decision-making,

that such conduct did not formally take place and that that person communicated with the staff

intelligence services in matters of their private interest to the Prime Minister. Completely

the publication of wiretaps and telecommunication traffic records was thus problematic and was

the scope of the information should be limited, but if this did not happen, it was up to the defendant and his

the President to classify this information and deal responsibly with the extent to which it was

disclosure of such information is permissible within the meaning of Section 8d of the Criminal Procedure Code. He should have

done the same

and the city court. The complainant can thus be substantially accused of making the wrong statement

legal assessment of the matter in the sense of § 103 par. 1 let. a) s. ř. s. "

2/10

and

18.

2018

issued

degrees

July

in the diary

administrative body of the first

as offenses) was a participant

Following the judgment of the Supreme Administrative Court in question, the appellate body issued

Office decision no. UOOU-05185 / 14-31 of 14 June 2018 laying down the decision

administrative body of the first instance ref. UOOU-05185 / 14-13 of 30 July 2014 repealed

and returned the matter for reconsideration.

On

decision

Ref. UOOU-05185 / 14-38, which found the party guilty of the offense

pursuant to Section 45a, Paragraphs 1 and 3 of Act No. 101/2000 Coll., as he violated the prohibition on the publication of

personal data,

through the press and a publicly accessible computer network. He did this by publishing it

information obtained from the interception and recording of telecommunications traffic carried out

and through

. For this offense (note according to § 5 of Act No. 250/2016 Coll.

news portal

on liability for misdemeanors and proceedings on them, administrative offenses of legal entities are marked

from 1 July 2017

fine imposed

in the amount of CZK 180,000 in connection with the change in the scope of the statement of decision.

This decision was subsequently challenged by a party in due process.

On the basis of this appeal, the appellate body of the decision of the administrative body of the first instance

Ref. UOOU-05185 / 14-38 of 18 July 2018 annulled and remanded the case for a new hearing

provided that the administrative body of first instance should first have re-tested the proportionality test

having regard to the request of the Supreme Administrative Court set out in paragraph 41 of the judgment

Ref.

of 3 May 2018: 'The administrative body must carry out a proportionality test

in particular in relation to all persons concerned and to all information. "and subsequently

decide on the sanction, resp. its relative reduction.

Subsequently, the administrative body of the first instance issued a new decision on 14 November 2018

Ref. UOOU-05185 / 14-47 ('the contested decision'). The administrative body of the first instance carried out

re-change the scope of the operative part of the decision, specifically the statement of I. letter a) to c) in turn

to a re-tested proportionality test in relation to the published information. It happened too

again to change the amount of the sanction imposed, which was reduced compared to the previous decision

for the amount of CZK 40,000.

The party to the proceedings then filed a proper against this decision of the administrative body of the first instance

appeal, delivered to the Office via the data box on 28 November 2018.

The appellant proposed that the contested decision be annulled and that the proceedings be stayed, if necessary

annul the decision and remit the case to the administrative authority of the first instance.

He objected to an incorrect legal assessment of the case and challenged the decision in full - ie in all

his statements, for his alleged contradiction and inaccuracy.

First of all, as in its previous appeal, the party claimed that the information obtained

from wiretaps and telephone traffic records which are the subject of administrative proceedings were

published in accordance with Section 8d of Act No. 141/1961 Coll., on Criminal Procedure (Criminal Procedure Code).

According to the party, the proportionality test was carried out superficially without the administrative authority

first instance for the Articles referred to in point I (a) (a) to (c) of the operative part of the contested decision

he stated the considerations for which he had come to his conclusion, which he considered to be contrary to conduct

with the decision of the President of the Office and the courts. The party to the proceedings is of the opinion that the

administrative body

the Court of First Instance did not take sufficient account of the fact that it did so

the published information was already known to the public and its private character is so considerable

weakened. Following that fact, the party reiterated that the information

O

, as well as information on labeling

and

, have been published before. In that regard, the party referred to the judgment

of 2 October 2017, which annulled the decision

Municipal Court Ref.

Chairman of the Office Ref. UOOU-01670 / 14-17 of 23 June 2014 concerning the publication of the video

. Municipal court in case of rate assessment

The invasion of privacy reflected, among other things, the fact that some of them were published in the video

the information was already known to the public.

The party further stated that o

was not listed

no private information. The fact that during working hours for taxpayers' money

monitored its colleagues is information the disclosure of which, according to the party to the proceedings, is in the public

interest.

When

according to the party to the proceedings, it was not stated which of the information

is of a private nature, as he does not see any there and is convinced that

that in the case of the article referred to in point I. (a) the operative part of the contested decision is given

public interest in relation to possible abuse of intelligence services.

The article referred to in point I (a) (d) the operative part of the contested decision

procedure stated that parts of the SMS messages are taken out of context, as it is clear from the whole communication that

that it concerns the exercise of influence

at the premiere and occupation of high state

function. On the article under point I. letter e) the statement of the contested decision was then stated by the participant

management the same argument.

Furthermore, the party alleged that the administrative authority of the first instance failed to take into account the fact that

that more than four years have elapsed since the publication of the articles and none of the persons is a party to the

proceedings

did not turn with a request aimed at protecting the right to privacy. He did not take this fact into account

administrative authority of first instance even when imposing a sanction.

At the end of its appeal, the party alleged an internal inconsistency between the contested decision,
when he stated that it was not clear why passages were also indicated in the operative part of the decision
from published articles for which, in his opinion, he has received the relevant claims against him
posed,
that is, when he published a "paraphrase" of the content of wiretaps, see, for example, passages
in point I, letter (d) and (e) of the operative part of the contested decision.
The Appellate Body examined the contested decision in its entirety, including the
which preceded its publication and, in particular, dealt with the arguments of the party to the proceedings.
In this context, the Appellate Body considers it necessary to state, in particular, that the party
The procedure in principle only repeats arguments that have already been settled both within the administrative
proceedings, as well as in judicial proceedings, the administrative body of the first instance being at its disposal
decision-making activities in accordance with Section 78, Paragraph 5 of Act No. 150/2002 Coll., the Code of Administrative
Procedure,
bound by the legal opinion of the Supreme Administrative Court expressed in its judgment. Also
then he was bound by the decision of the President of the Office ref. UOOU-05184 / 14-44 of 19 October 2018
which annulled the previous decision of the administrative authority of the first instance and the case was
returned for reconsideration. In the context of these decisions, the appellate body
examined both the content of the various statements in the contested decision and their statement of reasons.

As regards the superficial proportionality test objected to by the party
for the articles referred to in point I (a) (a) to (c) of the operative part of the contested decision
states that the administrative authority of first instance in the statement of reasons for its decision on the above
sufficiently substantiated, the disclosure of what information and to what extent
considers it an interference with the right to the protection of personal data, as the law prevails
to protect the privacy of the persons concerned and therefore no public interest can be inferred over
disclosure of this information.

The administrative authority of first instance in the operative part of the contested decision referred to in point

I. letter (a) concerning an article entitled "

"Of 20 May

2014 left only those parts of the article that affect the privacy of the monitored persons,

specifically Mrs.

. Conversation transcript

) was from the operative part of the decision

released. The administrative body of the first instance thus proceeded in accordance with the requirements of the appellate

authority specified in the decision no. UOOU-05185 / 14-44 of 19 October 2018 and with requirements

Of the Supreme Administrative Court mentioned in paragraph 42 of the judgment no.

of

May 3, 2018. The Supreme Administrative Court stated here that “there is a clear predominance of interest in this article

privacy of those covered by the surveillance (

and

with

,

(

and

and against whom the content was sometimes even derogatory. " Further Supreme

the administrative court stated that it was disputed to affect the interceptors in this article, which they were

and

, Mr.

", Is against the person of the lady

“Taking subject

interception and recording of telecommunications traffic was her assignment to intelligence services

private surveillance ’. Due to the fact that some conversations with reporters

concerning the privacy of the (monitored) persons could not be excluded from the statement

decisions where the actors of wiretapping were also mentioned, with a view to maintaining integrity

such conversations, the administrative authority of first instance chose in the operative part of the contested decision

the wording "in relation to (information)" to make it clear in relation to which entities it was

the offense in question has been committed. In the statement of reasons for the contested decision, which concerns this

the administrative authority of the first instance stated that part of the text of

and Mrs.

places

to the detriment of the public interest over the right to protection cannot be inferred here

privacy of these three persons. The administrative body of the first instance stated that “Nicknames, which are

referred to in the literal transcript of the communications and procedures applied to such persons by

and others, are grossly offensive and significantly infringe on their privacy,

even without their publication. This fact was not taken into account by the party at all

he used them for the purpose of colorfully drawing his headline without a literal transcript

with all the details it was necessary to objectively inform the public about unfair practices

used

and intelligence staff. ”From the above, it is

the considerations which the administrative authority took in carrying out the proportionality test which it carried out in

accordance with

with the conclusions of the Supreme Administrative Court stated in the judgment no.

of May 3, 2018, drove. It is clear that the administrative body of the first instance examined the content

and the seriousness of the information published (suitability step), ie whether it was published seriously

in a way, or vice versa, whether she tried to cause a sensation or to describe a person as purely negative

way, when he stated that the literal transcription of wiretaps (communications) with all the details

used by the party to complete its colorful headline. This factor test

proportionality is also mentioned in the judgment of the European Court of Human Rights in

Bédat v. Switzerland of 29 March 2016. The first-instance administrative body also assessed

the severity of the intrusion on the privacy of the persons concerned (ie the next step examined in the test

proportionality mentioned in the judgment in Bédat v. Switzerland, which is a factor

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proportionality, so that proportionality can then be assessed in the narrower sense

in accordance with the constant case law of the Constitutional Court), when he identified parts of the article against these

to some other people, even as they were grossly insulted and significant

invaded their privacy. The first-instance administrative body also examined the degree of need

interference with the law of the persons concerned, when he stated that there was no literal transcript of communications

necessary to objectively inform the public about the unfair practices used

and intelligence staff.

In that regard, the appellate body states that such a literal transcript of communications

published by the party on the internet, constitutes a serious interference with dignity and others

rights of the persons concerned, not just Ms

but especially her minors at the time

children; the publication was able to significantly disrupt not only their relationship with the father,

but also note their future emotional development. It enjoys children's privacy and vulnerability

special protection at international, constitutional and legal level. In repeatedly judged reduced

The protection of the privacy of public officials is not mentioned (quite logically), that the same principle would apply

reduced privacy protection applied to their children, in this case minors.

However, the appellate body observes that the administrative body had the first in the statement of reasons for that statement

also state the position of the persons concerned in the company and state that

that the predominance of private interest stems from this position as well. At the same time, he was closer

comment on the content of individual conversations in the context (in order to) justify the predominance

private interest with regard to this content.

Regarding point I. letter (b) the operative part of the contested decision, which contains a transcript of part of the article

"Of

called "

May 21, 2014, which relates exclusively to communication

with her

whose publication was

, Mr.

, it must be stated that the administrative body of the first instance

in accordance with the requirements of the appellate body specified in the decision no. UOOU-05185 / 14-44

of 19 October 2018 and with the requirements of the Supreme

court mentioned

of 3 May 2018, from the statement in question

in paragraph 42 of the judgment no.

decision deleted part of the information relating to Mr

). The Supreme Administrative Court regarding the information referred to in this article

an infringement of privacy has been committed

describing the monitoring process

administrative

and Mrs.

and

(

with her

He stated that “the overriding public interest can be found only in relation to communication

as it concerns the tracking of persons by the intelligence service; compared to that

with

in the next section containing communication

cannot be found public

interest at all. ”It is therefore quite evident that the administrative body of the first instance in terms of scope

in accordance with the legal opinion of the Supreme Administrative Court.

In the statement of reasons for the contested decision concerning that part of the operative part, the administrative authority of

the first

He stated that “Even in this case, the party's opinion cannot prevail

public interest in obtaining this information. The person concerned is thus in this case

not only

and monitored persons when interested in

protection of their privacy clearly prevails. Administrative body as instructed by the appellate body

evaluated the part of the article containing the communication between

and deleted the following sentences from the operative part of the decision due to the overriding public interest: "

but also hers

and

"And"

"On the contrary, information about that

carriage

to work that

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clearly indicates the existence of non-working ties between these persons, it is necessary

considered to be invading privacy. The administrative body also assessed the disclosure of the information

about an anonymous SMS message about an alleged relationship

with another man. The predominance of public

interest in communicating the information contained in this part of the Article cannot therefore be considered. "

Given the scope and content of the article, the Appellate Body found this reasoning in question

the statement of decision by the administrative authority of the first instance is fully sufficient, as it is proportionate

reflected both the position of these persons and the content of the published information by which they are administered

the first instance body applied in the application of the proportionality test regarding the assessment of the public

interest in communicating the information contained in the operative part of the decision in question.

Regarding point I. letter (c) the operative part of the contested decision relating to part of Article

"

", Dated

May 21, 2014, the publication of which committed a violation in relation to privacy

and Mrs.

, Mr.

, it is clear that the administrative body

the Court of First Instance again complied with the appellate body's requirements set out above

in the decision no. UOOU-05185 / 14-44 of 19 October 2018 and with the requirements of the Supreme

of the Administrative Court referred to in paragraph 42 of the judgment no.

of 3 May 2018

who stated that the evaluation of this article corresponds to the evaluation of the article referred to in

point I, letter (b) the operative part of the contested decision. The administrative body of the first instance

deleted from the operative part of the decision part of the information relating to Mr

. In the statement of reasons for this statement, he then stated that

that “the publication of this part of the article has been evaluated by an administrative body (with reference to the justification

contained in the previous paragraph) as a breach of the prohibition on publication to which it cannot be applied

exception under Section 8d (1) of the Criminal Procedure Code ”. Having regard to the reference of the administrative authority

of the first

degree to justify point I (a). (b) the operative part of the contested decision referred to above;

the appellate body considers such a statement of reasons for the operative part of the decision to be fully sufficient.

The objection of the party to the proceedings that the parts of the SMS messages referred to in point I. letter (d) the statement

of the contested party

decisions are taken out of context, the appellate body states that the administrative body of first instance

affected the party to the proceedings only for the published parts of the article which were evaluated as

violating the legal obligations of the party to the proceedings. This fact is then mistaken by the party to the proceedings

calls it "out of context".

information

With regard to the earlier disclosure of certain of the parties

referred to in the article concerning the relationship

, appeal body

refers to the statement of the Supreme Administrative Court, cited in paragraph 45 of the judgment

Ref.

of 3 May 2018, in which the court stated the following:

and

It is therefore clear that the party to the proceedings does not take the opinion of the Supreme Administrative Court

into account, as he argues in his dissolutions by publishing information known to the public

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repeatedly. In the light of the foregoing, the Appellate Body considers this argument

party is irrelevant.

Judgment of the Municipal Court Ref.

of 2 October 2017 by the party to the proceedings

mentions in connection with the weakening of the private nature of the disclosure of information that is

already known to the public, concerned a materially different matter, each case being necessary

to judge

individually in the context of the facts relevant to the assessment by the court

the act in question. In the judgment cited above, which concerned the case of disclosure

video of detention

the city court found that for publication

information was given a strong public interest as the police were criticized for inadequacy

detention procedure

As the city court explicitly stated, “… threatened

a serious loss of confidence in the police, which is supposed to ensure impartiality in a democratic state governed by the rule of law

compliance with legislation; and

is the leading executor of the monopoly of state power

on the use of force ’. The city court further stated that confidence in state authorities and in particular

police is key to the functioning of a democratic state governed by the rule of law, because “If the public loses

they could have confidence that the police act impartially and with respect for human rights

far-reaching consequences for the functioning of the rule of law ". Police on charges regarding

inadequacy of the detention procedure

she responded through repeated

verbal and written statements, but criticism of her approach persisted. Out of inadequacy

procedure blamed the police i

. In order not to further reduce confidence in the police, the police decided to publish a video of

The city court therefore found that the publication of the video

detention

pursued the public interest and § 8d para. 1 of the Criminal Procedure Code could be a legal basis for

its publication. After a proportionality test, the municipal court concluded that

was not large compared to the observed legitimate

that invasion of privacy

goals that were of great importance. In the context of assessing the degree of invasion of privacy

-

in terms of its negative impact, then the city court found that some

the information published was already well known (for example, that

was

detained). The Municipal Court also stated that the method of publishing the information was not scandalous,

but it happened in a serious way in context

informing about a big matter

public interest and disclosure did not have a negative impact on the ongoing criminal proceedings. As already

mentioned above, the condition of necessity of the given intervention was also fulfilled in the given case

privacy of the persons concerned, as one of the factors of the proportionality test applied in

a conflict between the right to information and an invasion of privacy, as criticism of the police persisted despite

her repeated verbal and written statements.

As can be seen from the above, there is a public interest in publishing footage of the arrests

outweighed the interest in protecting her privacy and the city court so

The applicant found that, in the present case, the applicant had not committed an offense because it had not been committed

material aspect of the offense. In the case under review, disclosure of wiretapping information

and recording of telecommunications traffic and information obtained from wiretapping and recording

telecommunications traffic carried out

and through the news portal

which the party published in the diary

, however, the Supreme Administrative Court concluded that “full disclosure of wiretaps

and telecommunication traffic records would be problematic and scope appropriate

information ". That finding thus precludes, in itself, the conclusion that

non-fulfillment of the material side of the offense according to § 45a par. 1, 3 of Act No. 101/2000 Coll.

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As regards the party 's argument that the administrative authority of first instance in its decision

did not take into account the fact that more than four years had elapsed since the publication of the articles and none of the

persons

did not appeal to the party seeking protection of the right to privacy

the body states that even in this matter the party to the proceedings does not respect the opinion of the Supreme

Administrative Court

court in the given case expressed in the judgment no.

of 3 May 2018. In point

44 of the present judgment states that: “Administrative offense pursuant to Section 45a (1) of the Act

on the protection of personal data is not bound to the proposal of the data subject or to a higher degree of his / her concern;

the reactions of the persons concerned could also be relevant for considering the amount of the fine (

if the person concerned by the disclosure of information from criminal proceedings as a result of that disclosure

acquires the status of almost a celebrity, or if, on the contrary, suffers or is injured

damaged in personal life or in employment). ”The administrative body of the first instance thus

in view of the above, it could only take into account the degree of personal data subject concerned

without, however, being required to do so. It is also necessary

approach the assessment of the absence of privacy claims by the persons concerned

in civil proceedings which are independent of the administrative proceedings. It can therefore be stated that

that in this case the administrative authority of the first instance did not err.

The party 's argument that the contested decision is contradictory, since

of the contested decision are set out in point I. d) and e) also marked passages from published

articles for which, in his opinion, he met the demands placed on him in the previous ones

decisions of the Office, the appellate body shall state that the statement referred to in point I. d) completely

corresponds to the legal assessment by the Supreme Administrative Court in the judgment no.

of 3 May 2018 referred to in paragraph 42 (note: the specification of each article was

carried out in paragraph 39 of this judgment). The Supreme Administrative Court concluded here

that the article of 22 May 2014 „

", Containing a partial citation of personal interviews and messages between

and

coby

with evaluation

personal subordination, “is

private content and therefore an overriding interest in protecting their privacy can be attributed ".

The reasoning of this statement was also found by the appellate body to be satisfactory, as it was administrative

the first-instance authority stated on page 18 of the contested decision that 'publication as follows

specific and detailed information was not necessary to illustrate the impact

political decisions

and therefore their publication intervened

into the privacy of these two people as well. Although they are public interest, they are not here

their right to privacy should also be denied.

With regard to the statement referred to in point I (a) (e) of the contested decision, that is to say, the article of

“Who

May 22, 2014

contains a description of five calls and messages in between

whose character is largely a personal solution to their conflicts, from which, however, it is clear that theirs

the cause was a different opinion of the person

the appellate body states that the operative part

the decision is formulated in accordance with the legal opinion of the Supreme Administrative Court

expressed in the judgment no.

of 3 May 2018. Supreme Administrative Court

in paragraph 42 of that judgment, it stated that consideration could be given to the content of the article

as well as the content of the article referred to in point I (a). d) statement, but with the proviso that here

the effect is more pronounced

According to

The Supreme Administrative Court "cannot deny the public interest in disclosure

where this information informs the public that the Prime Minister was present

relevantly influenced by the person to whom such conduct is formally taken

and that this person communicated with the intelligence staff in matters

political decisions

and

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its private interest in the Prime Minister ". Based on this opinion of the Supreme

administrative

degrees

Ref. UOOU-05185 / 14-38 of 18 July 2018 from the statement deleted the communication between

decision

administrative

of the first

authority

court

was

already

and

concerning the staffing of the Supreme Audit Office

from which the relevant influence was evident

to which the contested decision did not alter anything. In this context, however, the appellate body

points out that there are still two exerting (albeit aggressive) pressures and impacts in the outcome

different situations. Pressure

in connection with the filling of the position of President

The Supreme Audit Office shows that the Prime Minister has not stopped being aware of his personal

responsibility, which belongs to the key executive function he held, and he did not succumb to pressure.

The wiretap shows that it was not a problem for him to give up the prime minister. See wiretapping

at 23:54 in the said article

and

Yippee

completely

obvious

statement

content

also from the justification

concerning the opinion of

However, the administrative authority of the first instance left an SMS message in the statement in question and

call transcript

,

(

in 2007-2012), as this communication is its own

primarily private, although it concerns a public official. From published

information contained in the statement referred to in point I (a) e) the contested decision,

only a different view of the person is apparent

which was the subject

private partnership dispute. Thus, although the information published is not limited

private affairs, there is no overriding public interest in publishing them. This

conclusion

mentioned

in point I, letter (e) the contested decision by the administrative authority of first instance, where

stated that this is a transcript of a private communication between

and

, and the overriding public interest in publication was not found as such

specific detailed disputes and quarrels between the two persons. Administrative body of the first

therefore, the reasoning of this part of the statement reflected the requirements imposed on it

in the decision of the President of the Office ref. UOOU-05184 / 14-44 of 19 October 2018. Appeal

therefore, the Authority did not find any internal contradiction in the content of the operative part of the contested decision

in point I, letter (e) in relation to the passage of the statement of reasons for the decision cited by the party to the proceedings

in decomposition.

In conclusion, the Appellate Body concludes that it rejected the party 's arguments because

in the appeal, the contested decision found only partial deficiencies in its statement of reasons, which

however, they do not constitute an unreviewable decision. At the same time after a general review

nor did he find any circumstances that made the decision illegal. Due to the above

the appellate body therefore ruled as set out in the operative part of this decision.

Lessons learned:

Pursuant to the provisions of Section 91 (1) of the Act, this decision shall be challenged

No. 500/2004 Coll., Administrative Procedure Code, cannot be revoked.

Prague, February 21, 2019

For correctness of execution:

official stamp imprint

JUDr. Ivana Janů, v. R.

chairwoman