

Česká pošta, s.p.

The inspection was initiated on the basis of a complaint regarding the unauthorized processing of personal data, which testifies to the creditworthiness, payment morality and trustworthiness of the consumer by Česká pošta, s.p. No. 29/2000 Coll., on postal services, Act No. 300/2008 Coll., on electronic actions and authorized conversion of documents, Act No. 227/2000 Coll., on electronic signature and Act No. 634/1992 Coll. , on consumer protection, with a focus on compliance with the obligations set out in Article 5, Article 6, Article 12 and Article 13 of the general regulation. The inspected person cooperates with the REPI register, in which he enters information and at the same time has an overview of the information stored in the register. For the purposes of processing personal data in connection with the REPI register, the controlled entity does not require the consent of its customers, as this processing is not subject to the provisions of § 20z, paragraph 6 of Act No. 634/1992 Coll. consent required. The inspectors noted in the inspection report that the Municipal Court in Prague on March 21, 2017 suspended the proceedings in the matter of the lawsuit filed by the SOLUS association against the decisions of the Office for Personal Data Protection (file no. 10a212L/2-13). At the same time, on January 23, 2018, the Constitutional Court of the Czech Republic ruled on the proposal of a group of senators of the Parliament of the Czech Republic to repeal § 20 of Act No. 634/1992 Coll. by the SOLUS association, which is run by the Municipal Court in Prague (registered stamp PL. ÚS 10/17). The Constitutional Court of the Czech Republic did not decide on both proposals by the end of the inspection, therefore the inspectors did not reach a clear conclusion as to whether the inspected person in connection with the processing of personal data of its customers for the purpose of assessing their creditworthiness, payment morals and trustworthiness violated Article 6 of the general regulation. The inspected person did not object to the inspection findings. The Constitutional Court of the Czech Republic rejected the proposal of the senators and the Municipal Court in Prague to abolish § 20z and in its ruling, no. stamp PL. ÚS 10/17, announced on November 11, 2020, justified it as follows: "Act No. 634/1992 Coll., on consumer protection, as amended by Act No. 378/2015 Coll., contains in § 20z paragraph 1 a comprehensive and detailed regulation of the conditions under which sellers can obtain information about consumers' creditworthiness even without their consent. This regulation, in its entirety, represents sufficient guarantees against the disproportionate dissemination of consumers' personal data. The provisions of Section 20(1) of the third and fourth sentences of the Act on Consumer Protection are in accordance with the

constitutional order and can be interpreted in a manner consistent with Article 8(2) of the Convention on the Protection of Human Rights and Fundamental Freedoms and Article 8(2) of the Charter of Fundamental Rights of the European Union. These provisions represent an interference with consumers' right to privacy and informational self-determination in the sense of the law according to Article 10, paragraph 3 of the Charter of Fundamental Rights and Freedoms, but they do not result in a violation of these constitutionally guaranteed rights, as the interference is balanced by a strong public interest in preventing consumer over-indebtedness. This public interest is linked to the legitimate interests of entrepreneurs offering financial services to consumers."

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