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file service - loss of building authority file

UOOU-01713/21

The inspection was initiated on the basis of  
complaints. The subject of the inspection was compliance with the obligations set forth by the GDPR and  
by Act No. 110/2019 Coll., on the processing of personal data, in connection  
with the processing of personal data within the scope of the construction file service  
office. The complainant stated that the building authority had lost the file of the proceedings  
on the additional building permit and on the confirmation of the existence of the building. Office this  
he verified the fact during the inspection and also carried out an on-site investigation with the aim  
rule out systemic misconduct by the city (controlled persons) in file management  
services. Submitted internal documentation, demonstration of the use of specific software  
and construction management processes to systemic misconduct in the field of security  
did not indicate personal data.

However, the office at the loss of a specific  
file evaluated that this breach of personal data security should have been the city  
documented (obligation given by Article 33, paragraph 5 GDPR) and reported to the Office  
(obligation according to Article 33, paragraph 1 GDPR). The controlled person these obligations  
did not comply, as it did not consider the loss of the file a breach of security. But to that

The office could not testify, because even at the time of the inspection it was not clear whether it was  
file shredded, lost within the building (eg by assignment to another  
of the file) or there was manipulation of the file by an unauthorized person who would  
she could still be in possession. Loss of a file that also contains personal data,  
may in such a case undoubtedly lead to a risk to rights and freedoms  
natural persons.

Against inspection findings

the controlled person did not object.

Additional information:

Reporting security breaches

personal data is subject to reporting obligations pursuant to Article 33 of the GDPR (reporting to the Office),

or also according to Article 34 of the GDPR (notification of the data subject). For the reporting obligation

is a decisive risk to the rights and freedoms of natural persons:

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If it is unlikely that it would

the security breach resulted in a risk to the rights and freedoms of individuals

of persons - the administrator shall document the case of a security breach in accordance with Article 33, paragraph 5

GDPR, it does not notify the Office or the data subject.

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If a violation is likely

security will result in a risk to the rights and freedoms of natural persons

– the administrator will document the case of a security breach in accordance with Article 33, paragraph 5 of the GDPR

and will notify the Office in accordance with Article 33, paragraphs 1, 3 and 4 of the GDPR.

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If a violation is likely

security will result in a high risk to the rights and freedoms of individuals

persons - the administrator shall document the case of a security breach in accordance with Article 33 para.

5 of the GDPR, shall notify the Office pursuant to Article 33, paragraphs 1, 3 and 4 of the GDPR and, in addition, shall

notification of the data subject according to Article 34 GDPR.

The GDPR envisages that

all information to be reported to the supervisory authority (Article 33 paragraph 3

GDPR), the controller may not be immediately available (the notification must be

carried out without undue delay and if possible within 72 hours from the moment when

the administrator learned about it). In such a case, the initial notification can be made in the stipulated time deadline and to gradually supplement the information without further delay (Article 33 paragraph 4 GDPR), once the administrator has them available based on his next investigation.

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