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On the basis of 40 initiatives, the Office carried out an inspection regarding compliance with Act No. 480/2004 Coll. in connection with the sending of commercial messages. The audited person documented the granting of consents of the users of the e-mail addresses in question to the sending of commercial messages through screenshots of their system, in which only the registration time and username were indicated for each e-mail address. However, the website on which the registration was supposed to take place was not mentioned. The complainants unanimously stated that the sender did not give consent to send commercial messages, nor did they register on any of the mentioned websites. During the inspection, the inspectors discovered that a confirmation e-mail with an activation link is sent to the specified e-mail address, which must be confirmed in order to activate the given registration. However, the audited person was not able to document these confirmation e-mails or other evidence of the completed registrations, and therefore did not prove the granting of consent to the sending of commercial messages. At the same time, during the inspection, it was not possible to determine whether the double opt-in mentioned above had already been used at the time of the complainants' registration. The inspectors thus found that the inspected person violated the obligations set out in § 7, paragraph 2 of Act No. 480/2004 Coll., i.e. to use electronic contact details for the purpose of disseminating commercial communications by electronic means only in relation to users who have given prior consent. In relation to part of the commercial communications, the inspectors came to the conclusion that the inspected person did not fulfill the condition set out in § 7 paragraph 4 letter a) of Act No. 480/2004 Coll., as the messages in question were not clearly and distinctly marked as business communications. The labeling of these messages was quite misleading and it was not possible to determine even from their title (subject) that it was a commercial offer. The inspectors further evaluated all commercial communications that were part of individual complaints and came to the conclusion that for all commercial communications sent, the inspected person also violated § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., because it did not identify the sender on whose behalf the communication is being made. The controlled person sent commercial communications for the benefit of various companies, while they did not state the identity of the company for whose benefit the given commercial communication was sent by the controlled person. The controlled person also violated § 7 paragraph 4 letter c) of Act No. 480/2004 Coll., when it sent commercial communications without a valid address to which it is possible to directly and effectively send information that the addressees do not wish to continue sending commercial communications. For this action, the Office imposed a fine on the inspected person in the amount CZK 80,000. The inspection was carried out by

the unsolicited communications department. Recommendation: The Office in connection with compliance with the conditions set out in § 7 paragraph 4 letter a) of Act No. 480/2004 Coll. (marking of commercial messages) recommends that messages containing commercial messages are already marked as commercial messages in the subject of the message, for example by the explicit combination of "commercial message", "OS", "newsletter", etc., or that this designation is visible at least from the senders email addresses.

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