

UOOU-01552/20

The check with this company was

initiated on the basis of 11 complaints about the sending of unsolicited commercial messages

(by e-mail and SMS message) and also on the basis of a complaint directed against Article 21 of the general

ordinance. The controller first assessed,

whether it is really a commercial communication within the meaning of § 2 letter f) Act no.

480/2004 Coll., on some information society services, while for business

messages, all sent business messages were marked. Well, not only the one that

contained specific offers of electronic goods and furniture and offers of discounts,

together with a link to the controlled person's website, but also the message

containing information from visits to individual stores, as this too

clearly evoked a potential possible purchase of goods and also referred to these

sites. Sender of all business

the message was a controlled person. As part of the review, the reviewer assessed

method of obtaining personal data, i.e. electronic contacts, for purposes

sending commercial messages. For this purpose, he also carried out a trial registration.

He also focused on individual complaints, stating a violation of § 7 para.

2 of Act No. 480/2004 Coll. for eight applicants. It was not the case with the two complainants

found a violation and commercial communications were sent to their e-mail addresses

sent on the basis of a legal title according to § 7 paragraph 3 of the aforementioned law.

Violation of § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., i.e. in the sent

the communication of non-identification of the person for whose benefit the commercial communication is disseminated was

noted for all communications sent via e-mail messages. For SMS

reports the controller recognized that the designation of the website of the controlled person is

in this case, given the short message format, sufficient. In

in relation to compliance with the terms of the general regulation regarding the right to file an objection in relation to direct marketing was found to be in violation of the article 21, in connection with the data subject's request for its deletion of personal data in relation to direct marketing where such personal data (phone number) was processed by the controlled person even after confirmation of deletion from the database for marketing purposes, for the next few months, before the wipeout occurred. For violation of the provisions of Act no. 480/2004 Coll. a penalty of CZK 20,000 was imposed on the inspected person, which has already been paid. In case of violation of Article 21 of the General Regulation the administrative authority of the proceedings on this offense according to § 65 of Act No. 110/2019 Coll., on processing of personal data, postponed, on the grounds that the remedy has already been done done and the degree of threat to the protected interest is not at all significant.

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