

Path: Home page > Main menu > Supervisory and decision-making activity Control of the processing of personal data by a political party with a focus on targeted targeting of individuals for political purposes (TOP 09)

Based on the inspection plan for 2019, the Office carried out an inspection, the subject of which was the processing of personal data carried out by a political party (or on its behalf) with a focus on targeted targeting of individuals for political purposes, both on the entity's own membership base and on persons standing outside of it, i.e. to those waiting for membership, those interested in membership, supporters and other addressed persons (potential voters). This inspection was included in the inspection plan for 2019 with regard to the current topic of fair elections throughout the European Union. The inspectors found that the inspected person collects information about those interested in sending the newsletter (register their e-mail address), supporters (register via website or portal my.top09.cz) and party members, or applicants for membership (they fill out the application form). The controlled person also uses social networks (Facebook, Instagram, Twitter), where he has a so-called fan page, or account. The controlled person therefore processes the personal data of those interested in sending the newsletter, supporters, applicants for membership and members, and also participates in the processing of personal data of users of social networks who have visited its fan pages. With regard to the above, the controlled person is therefore in the position of administrator, or in relation to persons who are addressed through campaigns entered on social networks, in the capacity of a joint administrator. Pursuant to the judgment of the Grand Chamber of the Court of Justice of the European Union dated June 5, 2018 in case C-210/16 (Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v. Wirtschaftsakademie Schleswig-Holstein GmbH), it is for the administrator of personal data, or the joint controller must be considered both Facebook Ireland Ltd. and Facebook Inc., as well as individual owners of fan pages (profiles) on the Facebook social network. Therefore, although in this case the controlled person does not actually have information about the identity of the persons who were contacted (i.e. personal data), as the owner of the fan page, he must be considered a joint administrator together with the mentioned companies that operate this social network. In connection with the subject matter by processing, the controlled person uses the services of processors and cooperates with another joint administrator, while the control verified that he concluded contracts complying with the requirements of Article 26, paragraph 1 and 28, paragraph 3 of Regulation (EU) 2016/679. According to the control findings, the processing in question is based on consent to the processing of personal data, or the administrator's legitimate interest and the fulfillment of the contract. The auditors also found that the audited person provides the data subjects from whom he collects personal data with information to the extent and in a manner

consistent with the requirements set out in Article 12, paragraph 1 and 13 of Regulation (EU) 2016/679. Violations were not detected even in the area of personal data security, i.e. the obligations arising from Article 32 of Regulation (EU) 2016/679. However, the inspectors found a violation of the obligation according to Article 30 of Regulation (EU) 2016/679, as the submitted records of processing activities did not contain all the required details, or one category of data subjects (those interested in sending the newsletter) were not included at all. Due to the fact that the inspected person promptly corrected the objectionable situation, the Office did not impose measures to eliminate the identified deficiencies and waived the imposition of a fine. The inspection was conducted by inspector JUDr. Jiřina Rippelová. Recommendation: Following the checks it carried out on political parties and movements within the theme of fair elections, which is emphasized throughout the European Union, the Office recommends the following procedure to these subjects: 1. check the completeness and accuracy of the records of processing activities that they are obliged to keep, while paying particular attention to individual categories of data subjects (for example, members, supporters) whose personal data they process, 2. check the position of cooperating entities, evaluate their position in terms of legal regulations governing the protection of personal data (i.e. whether it is a processor, independent controller, joint controller or another entity) and, where appropriate, adapt the contractual documentation to meet the established requirements. In relation to persons who are addressed through campaigns entered into on social networks, it is necessary to mention the judgment of the Grand Chamber of the Court of Justice of the European Union of 5 June 2018 in case C 210/16 (Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v. Wirtschaftsakademie Schleswig-Holstein GmbH). According to this judgment, the controller of personal data, or the joint controller must be considered both Facebook Ireland Ltd. and Facebook Inc., as well as individual owners of fan pages (profiles) on the Facebook social network. Although in this case the political parties or movements do not actually have information about the identity of the persons who were contacted (i.e. personal data), as the owner of the fan page, they should be considered as joint administrators together with the mentioned companies that operate this social network. 3. in the event that some personal data are processed on the basis of a legal title of legitimate interest, develop a so-called balance test, i.e. weigh the interests of the controller and third parties on the one hand and the interests and basic rights of data subjects on the other, and at the same time set procedures for handling objections submitted by subjects data against further processing. Processing based on legitimate interest can generally be considered processing for the purpose of contacting members and other persons who have expressed an interest in the activities of a political party. Any evaluation of personality aspects ("profiling") for the purpose of targeting information

will, however, usually have to be based on the consent of the data subject.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed inspections > Inspections for the year 2019 > Inspection activities in the field of personal data protection - 1st semester >

Others > Inspection of personal data processing by a political party with a focus on targeted targeting of individuals for political purposes (TOP 09)[View current documents](#) | [document archive](#) | [documents including the archive](#)