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City

The Office carried out the inspection on the basis of two received initiatives. Both were directed against the procedure of the controlled person (city) in the implementation of a public survey of residents' satisfaction with life there. As part of the survey, the city required filling in personal data to the extent of the respondent's date of birth and ID number. Against this data, it was supposed to verify whether the respondent has a permanent residence in the given city or owns real estate here.

Questionnaires that were not filled in by a citizen of the city should be excluded from the public survey. The questionnaire could be completed in electronic or paper form. The inspection noted a number of irregularities. First of all, the inspectors found that the results of the public survey included completed questionnaires of persons who are not citizens of the city. The reason for which the personal data should have been collected was thus completely denied. The city did not prove a legal title for the processing of personal data and violated the provisions of Article 6, Paragraph 1 of the General Regulation. In this context, the Office also noted a violation of the principle of legality and correctness in the sense of Article 5 paragraph 1 letter a) of the general regulation. The control also verified that a processor is involved in the processing of personal data. However, the city, as administrator, did not conclude a processing contract with this and thus violated the provisions of Article 28, paragraph 3 of the general regulation. There were no instructions given between the administrator and the processor for the processing of personal data, not even regarding the involvement of another processor in the processing within the meaning of Article 28, paragraphs 2 and 4 of the General Regulation. However, the questionnaire was filled in electronically using the Google Forms service. As a result of the lack of a processing contract and instructions for the processing of personal data, rules regarding the security of personal data were not set in any way. In addition, the controlled person declared that the verification of the authorization to participate in the survey is carried out anonymously. However, there was no anonymization. In relation to security, the inspectors found a violation of the obligations jointly stipulated in Article 5, paragraph 1 letter f), Article 5 paragraph 2, Article 24 paragraph 1, Article 25 paragraphs 1 and 2 and Article 32 of the general regulation. In addition, the city did not properly fulfill its obligation to provide information in relation to the processing of personal data from the completed questionnaire. The inspection thus found that the city violated the obligations set out in Article 13, respectively also the principle of transparency according to Article 5 paragraph 1 letter a) of the general regulation. The city did not object to

the inspection findings. Recommendation: The mentioned control is one of the cases where the administrator underestimated the protection of personal data and the fulfillment of individual provisions of the general regulation. In this context, however, the Office also appeals to the processor who is obviously involved in the processing of personal data (either as a whole or only in a specific part), but does not have a processing contract. It is reminded that the processor has the obligation, in accordance with Article 28, paragraph 3 of the General Regulation, to inform the administrator immediately if, in his opinion, a certain instruction violates the General Regulation or other legal regulations regarding the protection of personal data.

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