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On the basis of a complaint, the Office carried out an inspection, the subject of which was the processing of personal data in connection with the publication of contracts in the register of contracts, with a focus on the procedure of the inspected person before the publication of the contract, including the internal regulations governing this procedure. /2015 Coll., on the special conditions for the effectiveness of certain contracts, the publication of these contracts and the register of contracts (Act on the Register of Contracts), applies to the capital city of Prague, while the said obligation is performed on behalf of the capital city of Prague in particular by the City Hall of the capital city of Prague. The individual departments of the municipality are responsible for entering contracts into the register of contracts, which are authorized to conclude a given contract according to their substantive competence. For this purpose, the Central Register of Contracts ("CES") is used as an information system designed to store and manage all concluded contracts, the contracting party of which is the capital city of Prague. In CES, the responsible employee is obliged to insert both the full version of the contract and the "anonymized" contract, i.e. a contract without information that cannot be provided according to the regulations governing free access to information. At the same time, he is obliged to fill in the header of the contract, i.e. the metadata specified by law. Entering contracts into CES and their "anonymization" before sending them to the register of contracts, as well as publishing information about the contract (in the contract header), represent partial steps in the processing of personal data leading to the fulfillment of the legal obligation arising from Act No. 340/2015 Coll. The processing of personal data during the modification of contracts and their subsequent publication in the register of contracts is therefore given a legal title according to Article 6 paragraph 1 letter c) Regulation (EU) 2016/679, as it is a legal obligation. Act No. 340/2015 Coll. does not explicitly state which information must be published, or generally requires the publication of the contract as a whole, with exceptions regulated in Section 3 of this Act. It is up to each administrator to whom Act No. 340/2015 Coll. applies to evaluate what extent of information - personal data it is necessary to publish in order to fulfill its legal obligations. At the same time, it is necessary to start from the basic meaning of this obligation, which is to ensure wider control over the management of the property of the state, regions, municipalities and other entities. For this purpose, according to the auditors, only such personal data can be published that are necessary for providing sufficiently specific information about the content (subject) of the contract and the contractual parties. Personal data of other affected persons who are not contracting parties, on the contrary with reference to the principle of minimization according to

Article 5 paragraph 1 letter c) Regulation (EU) 2016/679 cannot be published. The inspectors found that the contracts concluded on behalf of the capital city of Prague and published in the register of contracts had a different range of information listed in the header and a different range of published data. In some cases, the description of the contract and the contract itself included the personal data of third parties (data subjects) to whom the concluded contract relates. According to the inspectors, the publication of these personal data already represents an unauthorized interference with the rights of these persons, because to fulfill the purpose pursued by Act No. 340/2015 Coll. disclosure of the identity of third parties is not necessary. At the same time, the observed situation is apparently a consequence of the fact that a uniform procedure for the "anonymization" of contracts before entering them into the register of contracts was not implemented, i.e. it did not define at least the general scope of personal data to be published. Employees responsible for amending contracts follow only the general methodological instructions of the Ministry of the Interior. As a result of the absence of a unifying methodical activity, some published contracts contain personal data of third parties and others do not. The inspectors therefore evaluated the detected situation as a violation of the obligation set out in Article 32, paragraph 1 of Regulation (EU) 2016/679. Regarding the complaint, on the basis of which the inspection was initiated, it was found that the City Hall of the City of Prague removed the complainant's personal data from the contract in question and informed him of this procedure, within the deadline set in Article 12, paragraph 3 of Regulation (EU) 2016/ 679. Due to the fact that the rectification of the defective condition was started immediately, or in relation to the complainant, it has already been corrected, the Office has not yet imposed measures to eliminate the identified deficiencies and has waived the imposition of a fine. The inspection was conducted by inspector JUDr. Jiřina Rippelová. Recommendation: If you believe that your personal data has been published without authorization, contact the personal data administrator with a request for information, or with a request to delete personal data. The administrator is fundamentally obliged to process your request without unnecessary delay, within one month at the latest. If the administrator does not handle the request on time or if you are not satisfied with the handling, you can contact the Office. The Office must document the request and the administrator's possible response to it.

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