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Company

The inspection was carried out based on several complaints. Its subject was the processing of personal data of clients/potential clients. The complainants stated that they were contacted by a controlled person without providing them with their personal data. According to the complainants, the inspected person had access to at least their name, telephone number, social security number, account number and information about commissions. The inspected person stated that it is only a holding company and the activities that are the subject of inspection are carried out by its subsidiary. The inspected person was therefore not in the position of an administrator. The inspection was completed and the same matter was initiated at the subsidiary company. The inspection of the subsidiary company revealed that, at least in the case of the complainants, the traders/advisors of the inspected person used personal data known to them from their previous business activities (up to 2016) to contact them for the purpose of direct marketing (telephone calls), thereby also violating the cooperation agreement for the subordinate intermediary of the business network concluded with the previous company. It was therefore not a legal processing within the meaning of Article 5 paragraph 1 letter a) of the general regulation. In the same way, the controlled person did not process personal data correctly, because he processed personal data obtained or collected as part of the activity for the company with which the traders/consultants of the controlled persons had an agreed contractual cooperation, have terminated the cooperation and are processing this personal data for another administrator. Furthermore, it violated the obligation to process personal data in a transparent manner. The traders/advisors of the controlled persons, at least in the case of the complainants, did not have any legitimate title for the further processing of their personal data. The processing of such personal data cannot be necessary for the purposes of the legitimate interests of the relevant administrator (controlled person) or a third party. The controlled person therefore processed the personal data of the complainants in the sense of Article 6, Paragraph 1 of the General Regulation without authorization, i.e. against the law, because it did not have a single legitimate title to such processing. The inspection found a violation of the provisions of Article 5 paragraph 1 letter a) and the provisions of Article 6, paragraph 1 of the general regulation. Given that the inspected person corrected the defective condition, the Office did not impose measures to eliminate the identified deficiencies. She paid the imposed fine of 10,000 CZK.

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