

In its control activities, the Office for Personal Data Protection encountered incorrect practice in delivering documents by a public decree on the official notice board, which did not take into account the legal requirements for personal data protection. Delivery by public decree in the sense of § 25 of Act No. 500/2004 Coll., Administrative Procedure Code, can be done in two ways, by posting the document, or by posting a simple notice of the possibility to take over the document, on the official board of the administrative body delivering the document. When choosing between the two options, it is necessary to take into account the purpose of the publication of the document and the fact whether the document contains personal data. As the Administrative Procedure Code does not set out specific criteria for the choice of a given method, the administrative body must consider the circumstances of the specific case and the content of the document served when fulfilling the obligation to post a document or notification. For example, it is not possible to publish a notice of the possibility to take over a document when it is delivered to unknown addressees whose identities are unknown and are determined by another property (eg owners of certain things), but when it is delivered to a specific known natural person, this person can be clearly identified and the option of publishing a notice of the possibility to take over the document can be used. Only personal data necessary to identify the addressee can be disclosed in this notification, in addition, the addressee's right to privacy is investigated, when the details contained in the document are not disclosed. The assessment of whether the document in question will be posted in full, or just a notice of the possibility to take over the document, is the fulfillment of the personal data controller's obligation (here the authority / authority issuing the document / information) according to the basic principles of personal data processing according to Article 5. The personal data controller is also obliged to take adequate steps to prevent any unjustified dissemination of personal data, taking into account the wording of Article 32 (1) of the GDPR. In justified cases, in particular if the full text of the document is made available upon delivery by a public decree, it is necessary for the personal data controller to take appropriate steps to ensure that the electronic official board is not indexed. Documents published via the electronic official board contain personal data which, without preventing the indexing of the relevant websites or their caching in the Internet search engine, remains accessible when using Internet search engines and web archives even after they have been removed from the electronic board. If personal data are further accessible to a substantially unlimited number of persons after the period for which the documents were to be published in a way that allows remote access, this is an undesirable situation which the personal data controller is obliged to try to prevent. The general indexing ban procedure can thus be considered as a standard measure on the part of the personal data controller in this and similar cases.

Responsible: Mgr. Vojtěch MarcínCreated / changed: 27.10.2020 / 27.10.2020ContextLocation: Document folders> Site map>

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