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On the basis of 53 initiatives, the Office carried out an inspection of compliance with the obligations stipulated by Act No. 101/2000 Coll. in connection with the provision of services offered on the websites www.cerd.cz and www.centralniregistridluzniku.cz, collectively referred to as the CERD system. The subject of the inspection was also compliance with the obligations arising from Act No. 480/2004 Coll. when sending commercial messages.

As part of the inspection, the Authority concluded that neither CSR & Protikorupcnilinka.cz s.r.o. nor the American company CERD SYSTEM LLC., Banking information technology, with its registered office at 3129 Quinby Street, San Diego, CA 92106, United States, is in the position of personal data manager of America, Reg No. 460094-94 (Oregon), nor any other company.

The inspection found that the purpose and means of the processing carried out in connection with the operation of the above-mentioned websites are determined by the natural person who controls the above-mentioned companies involved in the processing of personal data. Following these findings, the Office came to the conclusion that this natural person is the controller of personal data.

This natural person has created a network of legal entities whose main activity is the collection of personal data. In all these legal entities, this natural person acts, or has acted in the past, as a statutory body. The relationships between the individual companies and their functions are unclear and complicated, but the inspection proved that all these persons, including the inspected person, contribute to the functioning of the entire CERD system and that they act as processors of personal data.

The Office found that several purposes of personal data processing were defined for the processing of personal data within the CERD system, namely the creation of a global information system informing about debtors, the creation of a set of information on creditworthiness, trustworthiness and payment morale, informing users of the CERD register about creditworthiness, trustworthiness and payment ethics, assessment of creditworthiness, trustworthiness and payment ethics, marketing purposes and creation of new products and services, or modification of existing ones. Personal data was obtained from several sources, namely by registering in the CERD system, concluding a contract for the use of the system's services, entering it by a third party or taking it from the insolvency register.

The inspection concluded that the administrator for the processing of personal data (with the exception of personal data obtained by concluding a contract and necessary for its performance) does not have any legal title. The processing of personal

data in this form is therefore illegal, as it violates § 5, paragraph 2 of Act No. 101/2000 Coll. The office also found a systematic violation of Act No. 101/2000 Coll., in particular § 5 paragraph 1 letter c) (processing only accurate data), § 5 paragraph 1 letter d) (collection to an appropriate and necessary extent), § 6 (processing contract), § 10 (protection of private and personal life), § 11 paragraphs 1 and 2 (obligation to provide information), § 12 paragraphs 1 and 2 (access data subject to information), § 21 (access to data, right to explanation and correction) of Act No. 101/2000 Coll.

In relation to the control of obligations under Act No. 480/2004 Coll. The Authority found that the controlled person violated the obligations set out in Section 7, Paragraph 2 of this Act, i.e. to use electronic contact details for the purpose of disseminating commercial messages by electronic means only in relation to users who have given prior consent. The controlled person also violated § 7 paragraph 4 letter a) and b) of Act No. 480/2004 Coll., because the disseminated commercial messages were not clearly and clearly marked as commercial messages and did not contain the identification of the sender. The Office further found that the controlled person also violated § 7 paragraph 4 letter c) of Act No. 480/2004 Coll., as commercial communications were sent without a valid address to which the addressee could directly and effectively send information that he does not wish the sender to continue sending commercial information.

The Chairperson of the Office rejected the objections submitted by the inspected person against the inspection findings.

Following the inspection findings, the Office initiated administrative proceedings against a natural person who is in the position of personal data administrator. The subject of this procedure is the imposition of corrective measures on this natural person, consisting in the obligation to delete the personal data of the complainants and personal data for which the administrators do not have a legal title for processing, to conclude a written processing contract and to fulfill the information obligation towards the data subjects.

The inspection was conducted by inspector Ing Josef Vacula.

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