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## Company

The inspection was initiated on the basis of a complaint received by the Office. The subject of the complaint was the suspicion of unauthorized transfer of personal data as part of a purchase on the e-shop. Specifically, it was a case where, after a purchase in the e-shop, an invoice for the ordered goods was issued by a legal entity that is not the operator of the given e-shop.

The subject of the inspection was compliance with the obligations set out in Regulation (EU) 2016/679 and Act 110/2019 Coll., on the processing of personal data, in connection with the processing of personal data transmitted within the scope of the business activity of the inspected, legal titles for processing in the sense of Articles 6 and 7 and Articles 12 to 14 of Regulation (EU) 2016/679, both in the scope of the filed complaint and in the area of the general procedure for transferring personal data. The inspectors tried to obtain information about the connection between the companies, i.e. the company with which the order was made and the company that fulfilled the order. As part of the pre-inspection actions, a request was sent for information regarding the connection of companies and the specification of the company's activities. In view of the company's lack of response, an inspection was initiated. The auditee did not respond to the notification of the initiation of the audit or to the Office's repeated calls and did not cooperate in any way during the audit, so the auditors had to rely only on publicly available facts and the complaint. She was fined 100,000 CZK for failure to cooperate.

Despite the non-cooperation of the auditee, when the auditors drew only from publicly available sources and from the complaint, the auditors came to the conclusion that the auditee processes personal data in the sense of Article 4 point 1, 2 of Regulation (EU) 2016/679, and furthermore that the auditee is located in the position of administrator according to Article 4 point 7 of Regulation (EU) 2016/679, as it is clear from the available materials that it has determined the method and means of processing the personal data in question, by which the invoice created in the Shoptet system is sent. At the same time, they concluded that the auditee violated the obligation set out in Article 15(1) of Regulation (EU) 2016/679 by not providing the required information and also violated Article 12(2) of Regulation (EU) 2016/679 by not facilitating the exercise of the rights of the data subject, as it is not known at the address of its headquarters and it is not possible to exercise the rights according to Articles 12 to 22 of Regulation (EU) 2016/679 in this way.

The audit protocol was sent to the auditee on June 5, 2020, it was filed on the same day, and it was delivered by fiction on June 15, 2020. The last day to file objections was June 30, 2020. No objections were filed on this date. Subsequently, the administrative procedure for the imposition of a fine will be initiated.

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