

UOOU-04617/21

The inspection of this company was initiated on the basis of 12 complaints about the sending of unsolicited commercial messages. The content of the commercial messages were offers of seminars and online webinars, together with a link to the website where these seminars could be ordered.

In addition, it should be noted that this company has already been warned in the past about compliance with obligations in the dissemination of commercial communications and was already subject to an inspection in the same matter once, while a sanction was also imposed on it for breach of obligations in the dissemination of commercial communications.

The complainants stated in their complaints that they were not customers of the sender, did not give their consent by sending commercial messages to the sender, and did not even register on the sender's website. One of the complainants even stated in his complaint that the given commercial message was sent to dozens of other company e-mail addresses, i.e. to other employees of the same company.

The audited person stated that he sent the commercial messages in question while obtaining the e-mail addresses from public sources, and these users of the e-mail addresses are therefore not his customers, nor did he obtain their consent to send commercial messages. It was the same source of electronic contacts that she had already mentioned in the previous proceedings. The subject has now reported that despite checking his database, the email contacts in question remained in his system.

In this case, the inspectors found a violation of § 7, paragraph 2 of Act No. 480/2004 Coll., as the inspected person repeatedly sent commercial messages to e-mail addresses without having the appropriate consent of the addressees.

An appropriate sanction was imposed on the controlled person for this repeated violation. However, this company filed an appeal against the issued decision, contesting the amount of the sanction, which seemed to it to be disproportionate. In his decision, the Chairman of the Office rejected the dissolution and confirmed the contested decision.

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