

Path: Home page > Main menu > Supervisory and decision-making activity Control of the processing of the request for the exercise of the right to erasure (public institution Czech Television)

On the basis of the complaint, the Office carried out an inspection, the subject of which was the processing of a request to exercise the right to erasure from the archive of Czech Television broadcasts. In 2009, Czech Television broadcast a report about the then-wanted complainant. The inspectors found that Czech Television cooperated with the Police of the Czech Republic when broadcasting the report, based on the obligation stated in § 23 of Act No. 273/2008 Coll., on the Police of the Czech Republic. After the complainant's conviction for the crime of fraud was expunged, the complainant requested the removal of the report in question and the erasure of his personal data, referring to the fact that the purpose of the broadcast had already passed, i.e. that the complainant was caught, served the sentence and the conviction was expunged. Based on this request, Czech Television removed the report in question from its internet archive (iVysílání), but kept the published title of the report, which contained the name of the complainant and the city in which he committed the crime. Czech Television did not comply with the complainant's second request to delete the title of the report, as it concluded that there are serious and legitimate reasons for the further processing of this personal data. In this context, Czech Television primarily invoked the right to freedom of expression and the public's right to information. The inspectors found that when publishing data on wanted persons, the administrator of personal data is first the Police of the Czech Republic, which, on the basis of a contract with Czech Television and a legal authorization, assigns production to Czech Television program. Czech Television is the processor of personal data during the creation of the program. At the moment when Czech Television fulfills the legal obligation arising from § 3 paragraph 1 letter e) of Act No. 483/1991 Coll., on Czech Television, and stores the created program in the archive (iVysílání), becomes the administrator of the personal data listed in such a program, and has a legal title for this processing. By deleting the video in question on the basis of the results of the conflict of rights assessment, Czech Television acted in accordance with the principles set out in Article 5 of Regulation (EU) 2016/679. Although the rights of the complainant continue to be interfered with, the Office evaluated this interference as proportionate. After raising an objection, or rather after applying a request for deletion in a specific case, Czech Television weighed the competing rights and came to the conclusion that it was necessary to delete the video in question, but not its annotation. Such an approach in operating an internet archive, which is available to the general public, meets the requirements of legal regulations and sufficiently takes into account both the right to information and freedom of expression, as well as the right to the protection of personal data. The

Office did not detect a violation of the regulation (EU ) 2016/679. The inspection was conducted by inspector Ing. Josef Vacula.

Recommendation: The right to erasure, which is also otherwise known as the right to be forgotten, is not an absolute right, but applies only if the situation foreseen by Article 17 of Regulation (EU) 2016/679 occurs. More on the right to erasure and other rights of data subjects can be found, for example, on the website

<https://www.uoou.cz/6-prava-subjektu-udaju/d-27276/p1=3938>. The Office further points to the fact that even the right to the protection of personal data is not an absolute right. In particular, when processing personal data for journalistic purposes, it is necessary to compare the right to the protection of personal data with the right to information and freedom of expression. In accordance with the constant jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union, freedom of expression also applies to journalistic archives, including those on the Internet. In this context, the Office further points out that Act No. 110/2019 Coll. effective from April 24, 2019, contains a special provision in § 17 for processing carried out for journalistic purposes. The legal title for this processing continues to be § 17 of Act No. 110/2019 Coll. in conjunction with Article 85 of Regulation (EU) 2016/679. Act No. 110/2019 Coll. furthermore, in order to preserve freedom of expression, it restricts some rights of data subjects in connection with the processing carried out for this purpose.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed inspections > Inspections for the year 2019 > Inspection activities in the field of personal data protection - 1st semester > Others > Inspection of the processing of the request for the exercise of the right to erasure (public institution Czech television)

[View current documents](#) | [document archive](#) | [documents including the archive](#)