

Path: Home page > Main menu > Supervisory and decision-making activity Control of the processing of customers' personal data during marketing and business activities (VOLSOR s.r.o.)

On the basis of 49 initiatives, the Office carried out an inspection in accordance with Act No. 101/2000 Coll., the subject of which was the processing of personal data of customers and other persons in connection with the business and marketing activities of the inspected person. The subject of the inspection was also compliance with the obligations arising from Act No. 480/2004 Coll. when sending commercial messages.

The controlled person mediates loans for loan applicants. For this purpose, it transfers the personal data of loan applicants to financial providers.

The Office found that the controlled person violated the obligations set out in § 5 paragraph 1 letter c) (processing only accurate data), e) (retention only for the necessary period), § 6 (processing contract), § 11 paragraph 1 (obligation to provide information), § 13 paragraphs 1 to 3 (security of personal data) and § 20 (disposal of data). The inspectors also found a violation of the obligations arising from § 7, paragraph 3 of Act No. 480/2004 Coll., as the addressee of the commercial communication did not have the option free of charge (or at the expense of the inspected person) to refuse consent to the further sending of commercial communications. The inspected person further 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 President of the Office partially complied with the objections that the inspected person filed against the inspection findings, rejecting eight objections and upholding one objection. The inspected person additionally submitted a processing contract. The inspectors therefore came to the conclusion that there was no violation of § 6 of Act No. 101/2000 Coll.

The Office imposed corrective measures on the audited person consisting in the obligation to take measures that ensure the deletion of personal data immediately after the purpose of their processing has been achieved, i.e. the personal data of loan broker applicants that were passed on to financial providers, and at the same time to delete personal data for which the purpose was their processing has already been completed. The controlled person is also obliged to fulfill the obligation to provide information to data subjects, to take appropriate technical and organizational measures to ensure the security of personal data processing, and to document to the Office the procedures after meeting the conditions for the right to erasure of personal data according to Article 17 of Regulation (EU) 2016/679.

The office will initiate proceedings for an offense in the matter.

The inspection was conducted by inspector Ing. Josef Vacula.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed inspections > Inspections for the year 2018 > Inspection activities according to the Personal Data Protection Act - 2nd semester > Inspection of the processing of customers' personal data during marketing and business activities (VOLSOR s.r.o.)
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