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Public college inspection

The inspection was initiated on the basis of a complaint directed against the procedure of the public university in obtaining personal data as part of the admission procedure. The Office for the Protection of Personal Data also decided on the initiation of the inspection based on the findings made as part of the actions preceding the inspection.

The subject of the inspection was compliance with the obligations in the processing of personal data established by Regulation (EU) 2016/679 and Act No. 110/2019 Coll., on the processing of personal data, in connection with the processing of personal data in the framework of the admission procedure of study applicants, including the use of study information system and its suppliers.

The controlled entity is a public university within the meaning of § 5 of Act No. 111/1998 Coll., on universities and on the amendment and addition of other laws (the Act on universities). Applicants can register for studies electronically via the website, or through the information system for submitting an electronic application. The complainant stated that redundant data is required as part of the electronic application, without which the electronic application cannot be sent. The complaint was also directed against the method of logging into the information system, where the applicant's birth number is used. The inspection focused on the legality of the processing of the required categories of personal data, as well as on the method of logging into the information system.

The inspection found a violation of Article 6, paragraph 1 of Regulation (EU) 2016/679, as the inspected person processes personal data in the scope of place of birth, citizenship qualifier, marital status and information from where the applicant applies, without a legal basis for processing, or did not clearly determine the legal basis for processing (private e-mail address) or determined it incorrectly (data on health status). Even the purposes of the processing are not clear in some cases. At the same time, the controlled person violated the obligation set out in Article 13 of Regulation (EU) 2016/679, namely in the part of providing information on the legal basis for the processing of personal data, when he provided the data subjects with inaccurate information.

To log into the information system, in which the electronic application for study is filled out and submitted, the birth number was used in combination with the initials of the name and surname. The inspection concluded that the use of social security

numbers for the purpose of registering a study applicant in the relevant information system is contrary to the provisions of Act No. 133/2000 Coll., on the registration of residents and social security numbers and on the amendment of certain laws (Act on the Registration of Residents), the purpose of such processing is therefore not legitimate, which violates the principle of purpose limitation according to Article 5 paragraph 1 letter b) Regulation (EU) 2016/679. From the point of view of the protection of personal data, the entry of a birth number for the purpose of logging into the information system, only in combination with the initials of the student, represents a possible risk for the security of the processing, as amended by Article 32 of Regulation (EU) 2016/679.

In addition to the aforementioned facts, during the inspection, the inspected person also argued, among other things, that the relevant information system is supplied by an external supplier and that some functionalities result from the settings of this system, e.g. switching personal data from the "applicant" module to the "student" module and, in particular, the way logging into the information system using the social security number. However, this argumentation cannot be accepted, as the administrator is responsible for the processing of personal data in accordance with Article 5, paragraph 2 and Article 24 of Regulation (EU) 2016/679.

During the inspection, the inspected person already initiated a partial correction of the objectionable situation, when he removed the unauthorized information about the ID number from the electronic application and further re-evaluated and announced the removal of other unauthorized personal data (place of birth, marital status). At the same time, however, she filed objections against the control findings, among other things, also in relation to the findings in the matter of logging into the information system using the social security number. The objections were dealt with by the Chairperson of the Office, and all of them were rejected. The office will impose remedial measures as part of the subsequent administrative procedure.

Additional information:

The scope of personal data processed must correspond to the established legitimate purposes and the processing must be evidenced by the relevant legal basis, about which the data subject must be informed. When processing personal data, the administrator of personal data cannot argue that it uses the information system of an external supplier, and that the processing of personal data is determined by the settings of this system. In accordance with Article 5, paragraph 2 and Article 24 of Regulation (EU) 2016/679, the controller is responsible for the processing of personal data.

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