



Country or jurisdiction report

CZECH REPUBLIC

Website: www.uoou.cz

1. Communication activities

The Office for Personal Data Protection (“Czech DPA”), in addition to its standard supervisory activities, was involved in several specific issues in the second half of 2006 and first months of 2007. Special attention was paid to communication activities: A specific *education program* consisting in 4-hour course destined for teachers of secondary schools and focused on privacy and personal data protection in the context of fundamental human rights was developed by the Czech DPA and the Ministry of Education, Youth and Sport. Also an *amusing film* composed of 13 episodes on data protection issues was produced in cooperation with the Czech TV and broadcasted on prime time during 4 months. Last but not least, a *competition towards young people* (see bellow) was started on the Data Protection Day.

Competition for children and youth: “My Privacy! Don’t look, Don’t Poke About!”:

Two age categories were targeted: 12 – 15 years and 16 – 18 years. Young people were encouraged to express in literal or graphic form what they understand under the notions of privacy protection and personal data protection.

The project was supported by the Ministry of Education, Youth and Sport of the Czech Republic, the Czech Radio (with nationwide coverage) and the International Film Festival for Children and Youth organized annually in the town of Zlín (the world’s oldest and biggest event of this kind). On 28 January 2007 the competition was presented on the radio, and the broadcasting continued over the next four months.

In support of these activities the Czech DPA prepared (before the competition was launched) a special issue of its regular information bulletin devoted solely to children, youngsters and their parents. The bulletin was distributed to schools in the whole country and over the DPA’s Website.

The evaluation of the submitted works was made in April 2007. The awards were given to the winners at the International Film Festival for Children and Youth in the town of Zlín on 1 June 2007, on the 7th anniversary of the institution of the Czech DPA. The awards consisted in invitations to attend the Festival, to visits and stays in Prague, etc. The

competition met with a good response and that is why the Czech DPA intends to call a similar action next year again.

2. *New competence of the Office*

The new legal regulations adopted in 2006 confirmed also in specific cases of “sector” nature that the Office, as a supervisory institution dealing in general with personal data processing based particularly on its control findings, can effectively discuss and solve various infringements on public interests that have been previously detected by it and, therefore, the Office has been provided with competence to discuss misdemeanours and other administrative offences for special areas of personal data processing.

According to the amendment to Act No. 329/1999 Coll., on travel documents and amending Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Act on Travel Documents), with effect from September 1, 2006, the Office has been the competent authority in the first instance in procedures on misdemeanours and administrative offences consisting in illegal processing of data on data carriers with biometric data.

With effect from January 1, 2007, new legislation has governed the conditions related to limitation of certain activities of public officers and the incompatibility of the position of public officer with other positions. These provisions are contained in Act No. 159/2006 Coll., on conflict of interests, which constitutes a new area of personal data processing and, amongst other things, also stipulates the punishment for misdemeanours discussed and solved by the Office, consisting in improper treatment with and use of information from the register of notifications submitted by public officers on their activities, notification of property and notification of income, gifts and liabilities.

3. *Amendment to the Act on certain services of the information society*

A fundamental change was made in Act No. 480/2004 Coll., on certain services of the information society and on amendment to some acts (the Act on Certain Services of the Information Society), under which the Office performs supervision in relation to unsolicited commercial communications. With effect from August 1, 2006, new rules apply to the use of electronic contact data obtained in connection with the sale of products or services for dissemination of commercial communications on one’s own similar products or services, based on the opt-out principle. Thus, the original rules were replaced by less restrictive legislation that is more favourable for business. This change had been repeatedly proposed by the Office, as it is in compliance with the provisions of the EC law and reflects the general rules concerning protection of privacy in “classical” marketing by non-electronic means. Nevertheless the opt-in principle continues to be applied when the electronic contact data is received without relation to the commercial transaction with one’s own client.