

Legal Alert

May 2019

GDPR adaptation legislation becomes effective

On 24 April 2019, the new act on personal data processing became effective together with the accompanying act that amends related acts. The General Data Protection Regulation (GDPR) applies automatically in the Czech Republic, the adaptation legislation merely follows it up and complements some areas of personal data processing or, in selected cases, uses the authority to set different processing rules.

For example, we draw attention to the determination of the age limit of 15 years for granting consent to the processing of personal data in relation to the offer of information society services (according to the GDPR, member states were allowed to set this limit at between 13 and 16 years). In practice, this means that before reaching the age of 15, a minor will need a parent's consent to create an e-mail or social network profile. The Office for Personal Data Protection recommends using the forms requesting the date of birth. However, the accuracy of this statement may not be verified by operators.

The act also provides an exemption from the obligation to carry out a data protection impact assessment when such processing is ordered directly by law or exceptions to the rules for journalistic, scientific, research or statistical purposes. As a result, the media will not have to ask for permission to publish photographs, attitudes or political affiliations.

The act further introduces new offenses, consisting of a breach of the obligations imposed by the act, or a reduction of the administrative fines for public authorities and public bodies.

However, the rules for personal data processing set forth directly in the GDPR still apply to most administrators.

For further information or in case you wish to adapt the documentation and data processing in your company to the GDPR, please contact your contact person in our office or Lenka Naxerová (lenka.naxerova@bapol.cz) or Martina Pastierová (martina.pastierova@bapol.sk).

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