**General Data Protection Regulation (GDPR)**

REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

**Controller :**

**Krajský soud v Českých Budějovicích** (Regional court České Budějovice)

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**Data protection officer :**

**Mgr. Jan Panoš - Ministry of Justice**

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**Supervisory authority :**

**Úřad pro ochranu osobních údajů** (Office for personal data protection)

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**Principles relating to processing of personal data :**

1.   Personal data shall be:

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| (a) | processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’); |

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| (b) | collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’); |

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| (c) | adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’); |

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| (d) | accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’); |

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| (e) | kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject (‘storage limitation’); |

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| (f) | processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (‘integrity and confidentiality’). |

2.   The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (‘accountability’).

**Lawfulness of processing :**

1.   Processing shall be lawful only if and to the extent that at least one of the following applies:

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| (a) | the data subject has given consent to the processing of his or her personal data for one or more specific purposes; |

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| (b) | processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; |

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| (c) | processing is necessary for compliance with a legal obligation to which the controller is subject; |

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| (d) | processing is necessary in order to protect the vital interests of the data subject or of another natural person; |

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| (e) | processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; |

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| (f) | processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. |

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.

**Rights of the data subject :**

**a) Right of access by the data subject**

1.   The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

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| (a) | the purposes of the processing; |

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| (b) | the categories of personal data concerned; |

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| (c) | the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations; |

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| (d) | where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; |

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| (e) | the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing; |

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| (f) | the right to lodge a complaint with a supervisory authority; |

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| (g) | where the personal data are not collected from the data subject, any available information as to their source; |

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| (h) | the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. |

2.   Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

3.   The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

4.   The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

**b) Right to rectification**

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

**c) Right to erasure (‘right to be forgotten’)**

1.   The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

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| (a) | the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; |

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| (b) | the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing; |

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| (c) | the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2); |

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| (d) | the personal data have been unlawfully processed; |

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| (e) | the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject; |

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| (f) | the personal data have been collected in relation to the offer of information society services referred to in Article 8(1). |

2.   Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

3.   Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

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| (a) | for exercising the right of freedom of expression and information; |

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| (b) | for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; |

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| (c) | for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3); |

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| (d) | for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or |

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| (e) | for the establishment, exercise or defence of legal claims. |

**d) Right to restriction of processing**

1.   The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

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| (a) | the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data; |

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| (b) | the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead; |

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| (c) | the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; |

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| (d) | the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the controller override those of the data subject. |

2.   Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

3.   A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.

**e) Right to object**

1.   The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

2.   Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

3.   Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

4.   At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.

5.   In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.

6.   Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.