

The position of the data protection officer in the light of labour law

Abstract

The data protection officer is a specialist in law and practices in the area of data protection. His task is to help to controller and processor to fulfil their obligations associated with data processing. He can perform his function as an employee of a controller or a processor or on the basis of a service contract. His status has certain specifications that the character of some labour law provisions doesn't count with. Although uncertainty about the possibility to give him a dismissal or ask him for damages does not cause problems due to only recent changes of legal regulation yet, disputes that may arise in the future will be expected not only before the Czech courts.

The main problem of the issue is, whether the labour law regulation can be extended without further delay to the employed data protection officer in the light of his specific independent position, which is guaranteed him by data protection law. The aim of the thesis is to try to solve problematic aspects of the establishment of the data protection officer in the light of Czech labour law institutes. The main purpose of the thesis is to assess the way in which the prohibition of penalizing the data protection officer is projected in the form of the employment relationship.

To achieve stated aims it was necessary to determine the institute of the data protection officer as a whole. The first chapter deals with development of ideas leading to the establishment of the institute, in the view of the European and national level. In the second chapter are defined cases of mandatory and voluntary appointment of the data protection officer and among other things consequences related to his professional qualities. The third chapter defines his tasks including other possible tasks beyond the scope of the legal regulation. The following three chapters concern the guarantee of the independent position of the data protection officer, the fourth chapter deals with the need to avoid conflict of interests, the fifth chapter includes an explanation of the possible penalizing of the data protection officer and the sixth chapter analyses different possibilities of his dismissal from employment relationship. The seventh chapter briefly discusses the possibilities of penalizing a controller or a processor in situations that violate the provisions regarding the data protection officer. The last chapter

summarizes the problematic aspects of the legal regulation and proposes changes that should be made de lege ferenda.

Key words:

data protection officer

personal data protection

General Data Protection Regulation