

The right of a member of a limited liability company to information

Abstract

This diploma thesis deals with the right of a member of a limited liability company to information. Its aim is to analyse and evaluate the regulation of the right of a member to information. The thesis also compares Czech legislation with German and Slovak legislation.

The thesis consists of four chapters. The first chapter defines the basic terms relevant to this thesis. The second chapter focuses on the development of the legal regulation of the right of a member to information and compares the current regulation with the previous one.

The third chapter describes the information rights of the member and the importance of the right to information for the member. Attention is paid to the possibilities of modification of the right to information and its limits. This is followed by an analysis of the extent of the right to information and an answer to the question of whether the member is entitled to have access to trade secrets. The thesis defines the corresponding obligation of the company to provide information and the role of the managing director in providing information. The next part focuses on the exercise of the right to information by the member. Attention is also paid to the question of the member's duty of loyalty and the duty of confidentiality arising therefrom. The end of the chapter is devoted to the authorization of the member's representative to exercise the right to information.

The fourth chapter deals with the issue of refusal to provide information to a member. It focuses on the legal grounds for refusal to provide information and it also mentions other possible grounds for refusal which are not regulated by law. The thesis also discusses the right of a member to file a petition with the court in case of refusal to provide information or failure to provide information without undue delay and describes the court proceedings on the imposition of the obligation to provide information. A short section is devoted to the possibility of the member to claim the invalidity of a resolution of a general meeting as a result of an unauthorized refusal to provide information, as well as the possibility of the member to claim the termination of the member's participation in the company by the court due to the company's repeated and unauthorized refusal to provide information.

Key words

Limited Liability Company, Member of a Limited Liability Company, Right to Information