

Resumé – Personal Data Protection

Norman Lewis, the author of an article entitled “Right for Privacy in the Age of Facebook”, points out an important divergence related to personal data protection: “It is common to encounter people who are concerned about data collection and the potential abuse of power by the state, but who are at the same time willing to reveal deeply personal thoughts on social networking sites”. In his article, N.Lewis poses a question “can one seriously argue that privacy is generally regarded as important today?” In my opinion, the issue of personal data protection is becoming increasingly important.

An interest in the topic of personal data protection is connected to the modern era and mainly to the development of modern technologies. Personal data processing, the possible misuse of such data and personal data theft are phrases often to be heard nowadays. In addition, another related issue has recently been gaining considerable attention – personal data transfer to foreign countries.

Outlining the structure of this thesis in greater detail, the first chapter introduces the basic historical sources of corresponding international and European legislation (such as international agreements, OECD Guidelines on protection of privacy and trans-border flows of personal data or Personal Data Protection Directive). It also mentions the most important statutes regulating the personal data protection in the Czech Republic. Having made the reader acquainted with the personal data protection topic, an introduction to terminology and basic personal data principles follows. The last part of chapter one deals with institutions in this field such as the European Commission, Article 29 Working Party of Personal Data Protection Commissioner or in case of the Czech Republic – Office for Personal Data Protection; the most well-known international non-governmental organizations are also mentioned.

Chapter 2 of this thesis introduces the topic of personal data transfer and outlines different means stated by legislation that enable transfer of personal data. The reader the reader finds out about personal data transfers based on “Standard Contractual Clauses”, European Commission’s Decisions, Safe Harbor Principles (applicable in case of personal data transfer to the USA) or Binding Corporate Rules enabling personal data to be transferred among

different companies within a given corporate group. Personal data transfer based on the approval of the Czech Office for Personal Data Protection forms the last part of this chapter.

The last chapter of this thesis points out three groups of actual cases or problems publically discussed, which are exemplified using a few illustrative examples. The first of the three categories of cases contains the ones where personal data processing is free and facultative. Secondly, we look at such types of personal data processing when the data subject provides consent to personal data protection, but not from his/her own free will. Instead, he/she is somehow “forced” to do so. Thirdly, the last group illustrates cases when people’s personal data are processed obligatorily and there is no way to avoid it. The exceptionally contemporaneous nature of the topic addressed means new issues and developments as well as further cases arise on a daily basis. Therefore, given the limited scope of this work, these must be left for discussion to other authors.

The thesis is based on actual information provided mostly from the Internet as the corresponding literature in the Czech language is not so wide. The work is based on information provided until 1st December 2009.