

## The Office for Personal Data Protection Czech Republic

The Czech supervisory authority has published the following list of the kind of processing operations for which no DPIA is required on 8 January 2020 on its website in the document "[Seznam druhů operací zpracování \(ne\)podléhajících požadavku na posouzení vlivu na ochranu osobních údajů \(DPIA\)](#)".

### **List of processing operations for which no DPIA is required (GDPR Article 35(5) list)**

Having regard to the existing supervisory practice and to the effort to keep minimum administrative burden for small and middle-size controllers, the Czech supervisory authority publishes a list of the kind of processing operations for which no DPIA is required.

This list has been developed on the basis of the GDPR and the Guidelines WP248 on Data Protection Impact Assessment and elaborates on them further for the needs of controllers.

The following list of processing operations not subject to DPIA is not immutable and may be amended based on practical experience or technology developments.

This list has been adopted considering the Opinion 11/2019 of the European Data Protection Board of 10 July 2019 as well as the follow-up discussions.

1. Processing operations on personal data of employees with permanent<sup>1</sup> employment on the Czech Republic's territory and carried out only on the territory of the Czech Republic for compliance with legal obligations in accounting, human-resources (HR) management and payroll, and social security and health insurance.
2. Processing of HR data of employees with permanent<sup>1</sup> employment on the Czech Republic's territory and carried out only on the territory of the Czech Republic, unless it involves processing of biometric data, evaluation, scoring or systematic monitoring of data subjects. It does not apply to whistleblowing which is not regarded to be part of the HR data processing.
3. Processing operations on customer personal data related to business activities (offering or providing services, including customer competitions and distribution of newsletters) conducted exclusively in the Czech language<sup>2</sup>, and carried out only on the territory of the Czech Republic, unless they involve processing of special categories of personal data, evaluation, scoring or systematic monitoring of data subjects (except of point 4 of this list).
4. Processing operations connected with a single customer visit of the controller's website, including customer profiling based on his/her selection or view of items from the goods, products, or services menu presented on the website. Such processing operations shall not include processing of special categories of personal data or data of a highly personal nature (see item 4 of the table on page 11 of the WP248 guidelines) or processing aimed on vulnerable data subjects as a target group of its own.

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<sup>1</sup> Permanent employment means the place of employment where employees stay during the work shift for more than four hours.

<sup>2</sup> Consequently, the activity is focused primarily or entirely on a particular member state and developed in that member state's language; see the judgment C-230/14 of the Court of Justice of the European Union.

5. Processing operations carried out by a person authorized to provide health care services, who is not in employment relationship, using necessary personal data only for the purposes of health care services provision to a data subject (see the GDPR recital 91), provided the processing operations do not include systematic transfers to third countries, use of processors for any processing operations on patient data, or patient data share/match by two or more individual persons authorized to provide health care services.

6. Processing operations carried out by an individual solicitor or notary, who is not in employment relationship, using necessary personal data for the purposes of provision of legal services to a data subject (see the GDPR recital 91), provided the processing operations do not include systematic transfers to third countries, use of processors for any processing operations on client data, or client data share/match by two or more individual solicitors or notaries.

7. Processing operations carried out by individual self-employed natural person providing social services, who is not in employment relationship, using necessary personal data only for the purposes of provision of social services to a data subject, provided the processing operations do not include systematic transfers to third countries, use of processors for any processing operations on client data, or client data share/match by two or more individual social services providers.

**Notice:**

A controller also does not have to perform the DPIA prior to the beginning of a processing operation if he is stipulated to carry out the processing operation by a legal regulation (Article 10 of the Act No. 110/2019 Coll., on the processing of personal data).