

the office  
for personal  
data protection

# Information Bulletin

## 2 / 2006

### Dear parents and children,

*this issue of the information bulletin of the Office for Personal Data Protection is intended exclusively for you. Its purpose is to inform you about the aspect of personal data protection, to explain the basic terms used in this area and to draw your attention to unpleasant and possibly even dangerous situations that can occur if the principles of personal data protection are not followed. We are living at a time of enormous progress in information technology that also entail the danger of an increase in the risk of potential violation of our privacy. It is necessary to be aware of this fact.*

*At the beginning of the third millennium, one's privacy and information about one's person are becoming a value that that people are beginning to increasingly esteem, to treasure as much as their freedom and they try to protect this value. This will be an ever more important aspect for the younger generation and thus it is important to provide children with as much information as possible, as well as ideas to think about and independent resolving of problems, to motivate them to discuss the value of privacy with their parents and in the school.*

*I am convinced that it is necessary to assist children in understanding the area of the functioning of society and the state so that they understand awareness of their own rights and respect for the rights of others and are capable of applying this in their lives.*

**Learn to protect your privacy, respect the privacy of others and properly manage your personal data.**

### Personal data protection

**Your personal data can become the gateway to your privacy. It is up to you who you let enter, who you let pass through and who you leave standing in front of the gate. The Personal data Protection Act is your helper in this.**

The aspect of personal data protection is a relatively new area in the extensive topography of the law. The right to personal data protection arose for the purpose of protection of the personal data of people against potential abuse. Consequently, in its nature, this is closer to protection of privacy from which it branched off in the development of society. The concepts of various people as to what privacy actually means probably differ somewhat; however, we are all aware of the need for privacy, that it is important for us and that, without privacy, we would be rather like puppets on the scenario of life.

As evening comes, most of us draw our curtains at home, because we naturally feel that the space that is designated for us, our family or friends is our private space that we wish to protect from the view of others.

We also try to have our personal documents, various family documents or other important papers in order, do not unnecessarily show them to other people and try not to mislay them or lose them in some other way. Our personality is also private, with all our inner feelings and relationships, our health and our intimate lives, our property and our political opinions. In general, we can state that most of us try not to unnecessarily give away our inner selves because we naturally feel that our person loses something in this way.

At the present time, personal data protection is complicated, dynamic and, to a certain degree, dependent on the rapid development of information technology. It never occurred to anyone 20 or 30 years ago that we will be using mobile telephones or GPS and that we will be monitored by camera systems or chips. Clever technology makes our everyday lives easier, but we are simultaneously aware of the negative impacts for our privacy. And it is difficult to predict what the future will bring.

Is there reason to worry? In our contemporary information society, filled with many various databases and registers, many of us are worried by the unpleasant vision of an Orwellian state with its Big Brother, in which the personal data of citizens are collected without restrictions, are transferred and variously utilized.

Personal data protection is a new subject that is penetrating with increasing speed and intensity into our daily lives and becoming increasingly important. Thus, it is necessary that the principles of personal data protection also become part of the knowledge that is available to everyone in an adequate scope. The seriousness and relevance of this subject are also reflected in the attention devoted to personal data protection by the European Union. The Czech Republic has also harmonized its legislation with EU law.

The parliament of the Czech Republic adopted the Personal Data Protection Act on April 4, 2000. On this basis, the Office for Personal Data Protection was established and was entrusted with supervision over compliance with the obligations laid down by the Act in connection with processing of personal data. The work of the Office is concerned with supervision of compliance with the legal regulations intended for protection of privacy, assistance for individuals in case of intrusion into their privacy and advisory and consulting work.

With increasing globalization and use of information in society, the privacy of each of us is exposed to increasing risks. Because the right to protection of our private and family life is one of the basic rights, it is necessary to protect it as one of the basic democratic values in the third millennium.

### **We must bear in mind: once lost, privacy is difficult to regain**

*(More details and information on the Personal Data Protection Act, on the Office and its obligations, tasks and activities, and on foreign affairs in this area are available on the web site of the Office, <http://www.uooz.cz>. In 2005, the Office prepared an information bulletin for the public, containing basic information on personal data protection, which is also available on the web site of the Office under Publications <http://www.uooz.cz/letak.pdf>.)*

## **Protection of Personal Data on Children and for Children**

The world of the third millennium offers so many marvelous things. So many marvelous things that children simply take for granted. Such as mobile telephones. This ever smaller little box that has the magic power of bringing close anyone we want, anywhere and practically at any time. If modern children couldn't call their friends or send them short messages, they would probably consider it to be a considerable impediment to their lives.

Or the internet. That marvelous window out into the world that lets us learn almost anything that we want to know, through which we can instantly correspond with someone who may be at the other end of the Earth.

How easy it is to grow accustomed to all these advantages and, the younger one is, the more we accept them as a matter of fact. Simultaneously, we are frequently not aware that every coin has two sides and, similarly as every cloud has a silver lining, every silver lining may well be the obverse of a cloud.

A mobile phone that can connect us with anyone has the unpleasant property that, on the other hand, it can tell people, who have no right to know, who we called, when we called and how frequently we called.... Where we called from and what we said – that is the subject of a stricter law, but can still be determined.

Also the internet is not only a window out into the world, but also can be a window into the room where we are sitting in front of our computer. Through the internet, it is possible to determine what we were interested in when we visited various web sites and it is even possible to discover what we have stored in our computers and, of course, also what we have revealed about ourselves during simply "chatting". Thus, we should be careful and consider whether it would perhaps not be better to keep our secrets.

It was computers, with their ability to instantaneously search our information, classify and evaluate it that created the need to protect personal data by law. As discoveries are increasing in number at the present time to make our lives easier, simultaneously they are penetrating even further into our privacy and this need is constantly increasing.

In order to help children to understand the Personal Data Protection Act, we will try to explain its basic concepts by answering questions that children ask most frequently from their earliest years:

## **What and how and why and what for?**

### **What?**

What is personal data? Put as simply as possible, when we know who someone is, then every further piece of information related to that person, is his personal information. For example, if you are sitting on a bench with another student called Libor Petřík, then his personal data is not only this name and surname, but also where he lives, where he was born, what his parents do for a living, the fact that he got a one in mathematics and three in history, the fact that he had the flu last week, the fact that he plays football for the local club and even the fact that he sits in the fourth row next to you.

Isn't this rather a lot of personal information? It is and the Personal Data Protection Act protects this only in certain situations. For example, if a neighbor in the building where Libor lives were to say something very nasty about him, his parents could defend him against this, in some cases on the basis of the law. However, this will not be the Personal Data Protection Act. Well what does this Act protect? First we must answer the second question.

### **How?**

How should personal data be managed so that they are protected by this Act? They must be constantly subjected to an operation called processing. It most frequently happens that someone has the data on a number of people in their computer, and also in a record book, palmtop or ordered files. The danger lies in the fact that a considerable amount of the same kind of data on a great many people is accumulated in one spot. Someone can use these data for a completely different purpose, even to harm us or to learn something about our private lives that he doesn't need to know and that we don't want him to know. Thus, the law protects our personal data in these systematically performed operations.

Thus, the Personal Data Protection Act regulates various lists, registers and records. Thus, am I subject to the Personal Data Protection Act if I have a list of the names, addresses and telephone numbers of my friends stored in my mobile telephone, palmtop or computer? No, I am not. If I have this data only for my own personal use, then I need not comply with obligations pursuant to this law.

However, a company that keeps records of its employees or records of its customers, a physician or a nurse in keeping the medical records of patients, a school that keeps records of students, a registrar who keeps records of births and marriages and also the police who keep records of who did what. Each of them is a personal data controller.

### **Why?**

Why, i.e. why each of them does this, is called the purpose of the processing. There can be various reasons. Someone processes personal data because the law requires this. The laws prescribe this for physicians, registrars, schools, the police and employers. Some people need to process personal data simply so that they can deliver ordered goods to the proper address and provide a guarantee for them. On the other hand, some people simply think up such a reason. Perhaps they want to know what kind of goods we would refer to purchase and what they should offer us most. And for this purpose, they want to know our name and address and to record with this what we like best.

Every processing must have a purpose. Sometimes, the purpose follows directly from a law that requires the processing. However, in any case, the controller is obliged to specify this purpose, to obtain about us only such information as corresponds to this purpose and, if we do not agree to this, he cannot use them for some completely different purpose.

For example, if our physician asks us if we have health problems that entail the use of drugs, we should tell him this and he can enter this in our medical records, because this corresponds to the purpose for which they are kept. If the owner of a hotel where we are staying asks us the same ques-

tion, perhaps we would tell him if we have confidence in him. However, if he were to enter this in the guest book of the hotel, he would violate the Personal Data Protection Act, because this does not correspond to the purpose for which it is kept.

In addition, a controller may not keep the personal data longer than is required. However, there may be a number of reasons why the controller continues to need our data; for example, there could be a legal period of limitation. Thus, the period for which he can keep this data may be longer than we would think.

## What for?

With **consent or** without consent.

When can a controller process personal data? The Personal Data Protection Act stipulates, as a basic condition, the consent of the person involved, about whom the data are kept, called a **data subject**. There are a number of exemptions from this basic condition that, however, include a great many cases and situations where the controller need not have consent to processing.

We have already stated that, for example, a physician, school or the police are required by law to keep personal data. Thus, they need not request our consent when they write down what is required about us.

In other cases, the law does not require this, but nonetheless some personal data can be recorded without our consent. Otherwise we could be rejected. For example, in a hotel, they can record our names and addresses in case a guest were to leave without paying. When Libor wants to play in the football club, he must be entered in the records of members. When we conclude an agreement, for example for delivery of goods, we must also communicate our name and address, so that the goods can be delivered.

However, if, when we are making a purchase in a store, they ask us about our name, address, age and a number of other things about our work, what we are interested in and what we like to buy, or wish to enter this in a questionnaire, they we should carefully consider whether it is worth our while to reveal a lot of information about ourselves. We could be sorry later on. As children, we should show such a questionnaire to our parents, irregardless of whether we receive it in a store or find it on the internet, and we should not fill it in if they are not aware of this. Generally, the parent's consent is required.

Can a child give his consent to processing of his personal data? Sometimes he can. Consent is a legal act. However, according to the Civil Code, minors have the capacity to give consent only to legal acts whose nature is appropriate to the maturity corresponding to their age. Thus, it depends on the purpose of processing the personal data whether they are such that a child could give his consent to this. In practice, we would find only a very few such purposes. The controller must always demonstrate that the consent is in accord with the law. Thus, he must also decide whether the purpose of the processing, for which he obtained the consent of a child, corresponds to the maturity and age of the child. In each specific case, the controller is also exposed to the danger that these facts could be thrown into doubt and contested by the parents (or other legal representative) of the child. Thus, it is probably more of a question of obtaining the consent of young adults.

It is also important to know that every controller who obtains personal data from us is obliged to specifically answer the question of what and how and why and what for the processing is to be performed and that we can also ask him this later on. He must also protect our personal data so that no one who does not have the right to access to this data can gain such access.

In school, the personal data of students that are entered in the school register, report cards or class books are subject to protection by law. However, evaluation of tests during school hours is not subject to the law. Thus, we cannot tell the teacher that we don't agree with him telling the class that he considers our knowledge to be inadequate. Consequently, we cannot always look for protection under the Personal Data Protection Act whenever our data is involved and certainly not because we got a bad mark.

However, we can always request a remedy or complain to the Personal Data Protection Office when someone violates the obligations stipulated in this Act for personal data processing that we have attempted to at least partially explain and clarify.

It is the purpose of the Personal Data Protection Act that the world in which children are growing up, in which it will be increasingly easy to obtain more and more information, which also include personal information, remain a place that also encompasses the privacy of modern children.

However, will modern children, who are taught by various television reality shows that giving up one's privacy or a substantial part of it is an admirable act that is worth imitating, want to keep their secrets to themselves like their grandfathers and grandmothers? We hope and believe that they will. At least, if my little niece is any example, whose records are nothing more or less than personal data, she gave a clear and emphatic instruction to anyone who might accidentally find it in his hand that they should "not gawk!".

## It happened ... an example from real life

*To better illustrate the nature of the legal act of consent to the processing of personal data, we would like to show you an example of an investigation carried out by the Office for Personal Data Protection in an unnamed agency.*

*Some children are enterprising and like to take part in various contests and competitions. Many parents are pleased by their activities and are happy to see how successful their children are. They foresee future positions for them or the first steps towards becoming famous; however, few of them are aware that personal data is transferred in this connection, very frequently including sensitive data. Everyone who provides his personal data should be absolutely sure to whom he is providing them and for what purpose and how this data will be managed and he should state his consent.*

*For parents, this case history could be a motivation for discussing this subject with their children. For children, who want to have things in their own hands, this could be an explanation and lesson to carefully consider what events they should enter and what will follow for them from what they sign. They should follow the principle – I am not quite sure, I can't quite decide – I will ask my parents.*

## Every case of minors should be considered separately

On the basis of a complaint related to an agency offering mediation of work in films, the Office for Personal Data Protection commenced a control of personal data processing. The agency collected the personal data of persons interested in work in walk-on-parts: identification data, noncompulsory interests and skills, basic body measurements and again the noncompulsory part of biometric data + a photograph so that, in case of a request from a production company, it could offer a contact with the relevant client. The personal data were not transferred anywhere, the agency only offered perusal of the photographs so that any contact could be mediated by the agency.

On the basis of five randomly selected clients, it was verified whether contracts were properly signed, including consent to processing of sensitive biometric data. All these clients signed a consent to the processing of their personal data by the agency; however, the purpose of their processing was described only very vaguely, as the business activities of the agency. In one case, a girl under 14 years of age was involved, who signed the questionnaire and the contract herself.

It was found that the database contained a number of minors, i.e. persons under 18 years of age.

The question arose as to whether it is sufficient for consent to processing of personal (including sensitive) data to be signed only by the minor person and not by his/her legal representative.

In Section 8, the Civil Code states: The legal capacity of persons to gain rights and take obligations on themselves through legal acts (legal capacity) **arises to the full degree when the person comes of age**. And Section 9 states: Minors have the capacity only for legal acts whose nature is appropriate to the maturity corresponding to their age. Conversely, parents are responsible for the emotional, rational and moral development of a minor child (see Section 31 of the Act on the Family and Sections 217 and 217a of the Criminal Code). Thus minors, and especially persons under 15 years of age, do not have the capacity to sign an agreement and consent to the processing of their personal data and to any filming and require the consent of their parents or legal representatives (not to speak of any later contract for which a permit from the labour office will be required – see Section 121 of the new Act on Employment).

For minors, i.e. young men and women aged 15 – 18 years, the wording of Section 9 of the Civil Code could be employed, stating that they are capable of distinguishing the nature of the legal

act of consent with processing of their personal data. If the purpose of the processing were very clearly defined, e.g. offering photographs to film companies as “types” for walk-on-parts, then the signature of a minor would probably be sufficient. In the given case, the formulation of the purpose was so indefinite that it was not clear whether the minors would be capable of foreseeing the import of their consent.

The control did not consider that the independent consent of the minor subjects of the data constituted consent pursuant to Section 9 (a) of the Personal Data Protection Act and required subsequent obtaining of consent from their legal representatives as a remedial measure.

## **The rights of children – children's rights ... what does this mean?**

Children's rights. This is a term that has been mentioned increasingly frequently in recent years, unfortunately often in connection with unfortunate events, such as participation of children in military conflicts, child labour, malnutrition, illiteracy, etc. The situation in which children live in some parts of the world is truly terrible and this is a challenge to the rest of us, who are lucky enough to live in a more pleasant part of the world, to attempt to change this state of affairs.

General consciousness of the rights of a child is very recent and, even in the developed countries, people can still be found who find it difficult to understand the concept of children's rights. In the past, children were long viewed as simply objects intended for cheap work without any rights at all, fully subservient to their parents or guardians. They could even be killed with impunity, as is familiar, e.g., from biblical tales and antique myths. Can you remember a well-known story? If not, try reading a few of the examples given below.

*You have almost certainly heard of the antique story of how weak children in ancient Sparta were thrown out in the mountains immediately after being born, where death was the only thing they could expect. This was primarily a result of the poverty of their parents. This fate encountered girls more often, because boys could at least serve as a source of work for the family.*

The unfortunate fact that children who were not wanted or whose parents could not maintain them could be killed changed substantially with the arrival of Christianity. This religion, which was formed on the territory of the Roman Empire in the first few centuries of our calendar, strictly forbade the killing of children and also old and sick persons. Christianity became the state religion and simultaneously the only permitted religion at the end of the 4th century and, although this state soon lost its power, Christianity was capable of overcoming all the subsequent crises and became a connecting element for all the newly arriving ethnic groups that began to construct their state units on the territory of the former Roman Empire. Thus, the Christian principles, including the prohibition of killing children, were transferred to the legal consciousness of the newly forming countries of Europe. Nonetheless, the conditions for children, especially very small children, continued to be very difficult.

If you are fond of visiting castles, you have almost certainly noticed that children are frequently depicted in pictures as a small adult. In the real life of medieval Europe, for a long time this unfortunately only meant that children continued to be seen primarily as a working force and no consideration was taken of their natural needs. Can you imagine that you would not be allowed to play or to learn about the world around you? Gradually, however, the opinion began to prevail that children differ from adults in many respects and have their own special needs. This was symbolized by an emphasis on schooling and education, where the parents tried to form the child according to their ideas and concepts. You are undoubtedly familiar with the name of Jan Amos Komensky in Czech history, who collected a number of interesting observations in his work on what a child requires for healthy development. Simultaneously, his work contains a sort of “instruction” on how this healthy development of the child can be promoted by suitable care and education, including school education. Just recall the difference between having to learn something from memory and learning through interesting illustrative experiments that you can, in the best case, perform yourself. In the 17th century, Komensky was already aware that the need to learn about the surrounding world is one of the basic needs of children in their desire to gain as much new information as possible. Try to remember this when you are sitting in your classroom.

Child labour finally came under the spotlight and was prohibited in the more developed countries of Europe at the end of the 19th century. From times immemorial, even the youngest children helped out in gaining a living for the family; however, as knowledge of the natural needs of children developed and the value of a child as an individual changed in the framework of society, the attitude towards child labour began to gradually change. Can you imagine that you would work 10 hours a day every day in the week irregardless of the season of the year, that your remuneration would be sufficient for only the simplest of food and this all because you are only a child? This state of affairs, which still persisted at the beginning of the 19th century, gradually became insupportable as social attitudes changed. First the work load of children was limited to only a certain number of hours a day and week, then child labour was restricted to a certain age group and finally child labour was prohibited completely. However, this aspect has not been resolved in a great many countries of the world to the present day. Remember this if you visit an exotic country on vacation with your parents.

The summary of the development of children's rights in the previous text is based on the environment of Christian civilization, which has its roots in the civilization of the Near East and antiquity and spread throughout the centuries, not only throughout Europe, but also to both the Americas and Australia. In addition to Christian traditions, however, the modern world is greatly affected by other civilizations formed by a single predominant religion, of which one of the most important and most similar to Christianity is Islam. What is the position of children in this culture, which encompasses extensive parts of the world from North Africa through the Near East, central Asia, Pakistan and the area of Indonesia.

The Koran clearly states that one of the basic and inalienable rights of the child is the right to life and an equal chance in life. Nonetheless, we frequently encounter the situation that a son is valued more highly in the Muslim world; tradition recommends that the family also have a daughter as the father of a daughter has a greater chance of getting into heaven after death. This was intended to reduce killing of newborn babies (especially daughters), which was common in Muhammad's time; however, he consistently prohibited this. We can recall that a similar prohibition was implemented in Europe with the arrival of Christianity.

It is equally important that the basic rules mentioned in the Koran include the obligation to concern oneself with the well-being of children, including his need for education. On the other hand, children have the obligation to obey their parents. However, if the parents were to request something unsuitable or even bad, children have not only the obligation, but are even instructed to not obey this wish of their parents.

Although Islam is frequently demonized at the present time, it has a great many aspects in common with Christianity and, in the area of children's rights is, at first glance, much more yielding than Christian civilization. However, is this actually true? If you have ever been on vacation in the countries of Northern Africa, then you most certainly noticed how many young children were working as carriers of luggage, guides or sellers of ice cream or fruit. This is a consequence of the fact that, in Muslim countries, the principle has not yet been implemented that a child has his natural needs that cannot be ignored even for the well-being and economic prosperity of the family. You already know that the attitude according to which these needs must not be limited, even by the obligation of children to work, has already been introduced in Europe. This "delay" in development compared to Europe is not connected so much with different social development as with the poor economic situation of most countries of the Islamic world.

In connection with the rights of children and their position in society, it is necessary to consider the position of the family as a whole. In this connection, we would like to point out that, practically until the end of the 19th century, the concept of the family in Europe encompassed a very broad group of people who were connected together by economic bonds (the master with his family, and also the servants, etc.). This "extended family", in which the essential needs of the child were less apparent and were overlooked in the great number of other problems that had to be resolved, fell apart at the end of the 18th century in connection with the onset of the industrial evolution. At that time, the family changed to the form that we know to the present day, i.e. to the "nuclear family", consisting only of the parents and their children. Family relationships remain important but no longer directly affect the relations between parents and their children. It is not surprising that,

in connection with the onset of the industrial revolution, this change was accompanied by a substantial increase in interest in the child and his needs. Parents began to play an ever increasing role in bringing up their children, so that they were concerned with the aspect of child labour, as was mentioned in the previous paragraphs.

In the Islamic world, the family continues to play an extremely important role in the life of society. However, it has a different form than that known in Europe. Under the concept of a family, the Muslim world includes a broad group of people who are somehow related, frequently very distantly. Even this model is changing over time to the form of a smaller family. However, developments are much slower than they were in Europe, which can be explained primarily by economic reasons, which play a similar role as in child labour, as mentioned above.

The Second World War brought about an enormous change in the area of children's rights. During this conflict, children were one of the groups of the population that were affected most; consequently, the UNICEF organization (United Nations International Children's Emergency Fund) was established in 1946 as an organization assisting children affected by the 2nd World War. In 1953, this organization became part of the UN and is currently the largest international organization concerned with the protection and improvement of the living conditions of children and supporting their general development.

The success of the UNICEF organization culminated in 1989 in adoption of the international Convention on the Rights of the Child. The countries that adopted this Convention pledged to follow the best interests of the child and to be concerned with the potential for active participation of children in social and political life. Of all the countries of the world, only two countries have not adopted this Convention – the U.S.A. and Somalia.

## **The Convention on the Rights of the Child:**

### **The right to life and survival**

This includes the right to life, accommodation, nutrition, medical care, a suitable standard of living, etc. Although it might seem impossible at the beginning of the 21st century, a considerable portion of children in the modern world have no assurance of even these most basic rights.

### **The right to personal development**

This includes the right to education, free thinking and religion and access to information, and also the right to play and entertainment. Does it seem to you impossible in the age of radio, television and the internet that you would be unable or even prohibited from obtaining information? Or that someone would tell you what to think and would punish you strictly for other opinions? Millions of children in various parts of the world still suffer in this way.

### **The right to protection**

This includes the right to protection against all forms of cruelty, exploitation and abuse, arbitrary separation from one's family, and also the right to protection against detriment in the criminal law system. It seems quite normal to most of the children in developed countries, including the Czech Republic, that their lives consist of going to school, enjoying themselves and life with their families. They are not aware that it is in the order of things in a great many countries that children visit school for only a short time (if at all) and frequently go out to work before they are 10 years old, to help their families earn a living.

### **The right to participation**

This includes the right of the child to freely express his opinion and to have a word in matters that affect his life. The implementation of this right really means that the child lives in a society that respects him. However, this right frequently never occurs to us and, in spite of the fact that we live in a developed society, we frequently violate it. For example, did you notice how children are informed of their obligations? Because that's the way it is and that's all. Why? Because I said so ... Wouldn't it be more sensible and friendlier to add a few words of explanation?

## **“The European Union and the Rights of the Child” - a competition held by the European Commission**

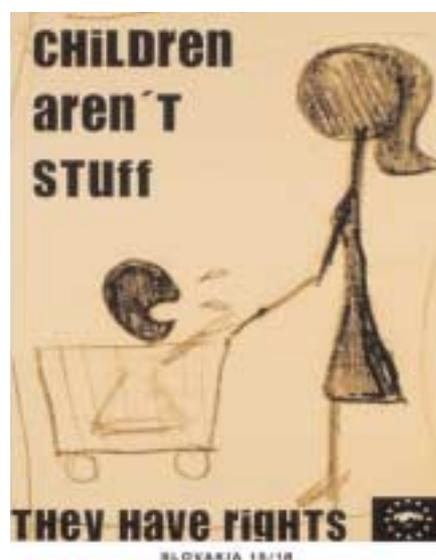
At the initiative of the Vice-President of the European Commission, Frank Frattini, the first annual international competition “The European Union and the Rights of the Child” was held this year in all 25 EU Member States. The Society for Support of European Projects, which provided for organization of this competition in the Czech Republic, invited children, adolescents and teachers throughout the Czech Republic to participate. The subject of the competition consisted in the creation of a poster with a logo that would depict the idea of protection, respect and enforcement of the rights of children, not only in the framework of the European Union, but throughout the world. Thus children gained the opportunity to creatively express their ideas on children’s rights.

The competition was held in two categories. The successful national teams met in Brussels in May of this year. On the occasion of the Pan-European awarding of prizes, 200 national winners and 50 accompanying adults met here. Three winning European teams were announced in each category.

Winning poster in the category 10 – 14 years



Winning poster in the category 15 – 18 years



More information on the competition and also on the work and activities of the Commission is available, e.g., at <http://ec.europa.eu/> or <http://www.euroyoung.com/>.

## **A brief look at some terms in the area of law in this country**

Let’s take a brief look at some of the frequently complicated and intricate definitions that will hopefully lead to explanation of the word law (there is a reason why the Czech symbol for a section of the law, §, has this form). We will, of course, not make any attempt to explain the complexities of the legal process, but will simply try to explain some relevant terms.

We are all part of one big world, our beautiful blue planet, and we all belong somewhere. Where do we belong and where is our place in this enormous colossus? It can be simply stated that we recognize this according to what our name is, where we live, where we go to school or to work and which language we speak.

Although we people, both small and large, differ in many respects - we have variously coloured skins, we belong to various places in the world, we grow up in various cultures – nonetheless, we have the same rights. And thus we have the same obligation to know and recognize the rights of

others. And, wherever possible, we should all jointly try to ensure that these rights are implemented and that people live and act according to them.

Law is not an empty word. It is not only part of external reality, but also personally affects each member of society.

Society establishes standards of behavior and action, cultivates them and punishes their violation. Thus, the law is a set of legal standards, which we call the legal order, which are valid in a certain country of association of countries.

The ancient Romans – this phrase is used very frequently in legal learning, because ancient Roman law forms the basis for modern law – differentiated law from other standards that were very important for society: from religion, from morals, from habits and practices and from lawlessness.

Legal responsibility is an important element of the legal order. As Aristotle stated in his famous declaration – it is primarily important in law that the same treatment apply to equals and that each person receive what he deserves.

Law is derived from various sources. An Act is an important source of law and law is primarily based on Acts.

International agreements are another important source of law. If the Czech Republic signs an international agreement, advocates it and pledges to fulfill its provisions, then it incorporates this agreement into its national legislation and this agreement then becomes part of the constitutional order.

Those documents that are part of the constitutional order have the greatest legal force in the Czech Republic. The legal order of the Czech Republic consists, for example, in the Constitution of the Czech Republic, the Charter of Basic Rights and Freedoms and the Constitutional Act adopted by the Parliament of the CR.

What are these basic rights? In the framework of the Czech constitutional order, basic rights are guaranteed primarily by the Charter of Basic Rights and Freedoms. Individuals are free and equal in their dignity and rights. The basic rights and freedoms are inherent, inalienable, unlimitable and ir-repealable. The basic rights and freedoms are guaranteed for all without difference as to sex, race, skin colour, language, belief and religion, political or other opinions, national or social origin, membership in a national or ethnic minority, property, family or other position. Everyone is capable of having rights. The right to life, personal freedom, human dignity, personal honour and good reputation are guaranteed, as are freedom of movement and residence, freedom of thought, conscience and religious belief, freedom of scientific research and artistic creation. The laws adopted by the Parliament of the CR also provide, as follows from the Charter of Basic Rights and Freedoms, for the inviolability of a person and his privacy, and protection against illegal collection, publication or other abuse of data about his person. This law is the Personal Data Protection Act.

It is this information that there is a law on personal data protection in the Czech Republic that has brought us closer to the aspect of personal data protection that we wish to present to you in this edition of the Bulletin.

The first step on the pathway to understanding some basic terms in the area of law can be abandoned in the sense of the motto *Lex multiplex, sed ius unum*, there are many laws but only one law. And we should also bear in mind the eternal truth that everyone can do what is not prohibited by law and no one can be forced to do what the law does not require.

## **A brief glance through a dictionary of terms in the Personal Data Protection Act**

*The language of lawyers and laws is different and strange and difficult to understand for "normal" people. Sometimes it happens that we read a legal regulation or a certain part of a law twice or three times and we still don't understand it properly. Nonetheless, we have to try again and attempt to understand it, or consult someone, because it still holds true that "Ignorance of the law is no excuse".*

*In order to improve the success of our attempts to understand the Personal Data Protection Act, we are providing a brief and simple dictionary of terms that could assist you to understand this area better.*

The complete wording of Act No. 101/2000 Coll., on personal data protection and amending some laws, is available on the web site of the Office <http://www.uoou.cz/index.php?l=cz&m=left&mid=01:01:00&u1=&u2=&t=>

**Personal data** – these are all the data that are connected with our person. They include, e.g., our name, surname, address or date of birth. However, personal data certainly do not consist of only our name, address or document number and birth certificate number. They consist in all the information that tell something about us and our way of life.

**Sensitive data** – The Personal Data Protection Act clearly defines what sensitive data are and how they must be managed, because their abuse can be especially detrimental to a person. Sensitive data provide information on his national, racial or ethnic origin, membership in organizations, religious belief and philosophical opinion, and on his state of health and sexual orientation. These also include biometric and genetic information, such as fingerprints, DNA and other facts.

**Identity** – the result of the combination of various personal data is a picture of our person, metaphorically speaking, as if our person, our identity were standing before us. Personal documents contain a wide range of personal data. It is necessary to be aware that we should not lose interest over having control over our personal documents.

**Theft of identity** – basically, theft of identity means that someone else pretends to be us in situations where he does not want to appear as himself. In case of theft or loss of personal documents, the risk exists that they could be misused. Swindlers could use a stolen citizen's identity card to take money out of an account in the bank – it is no problem to copy a signature, or they can conclude an agreement for various services, live in a hotel, etc. They can use a stolen credit card to make purchases in a store. Theft of identity is a new criminal phenomenon that always affects a person deeply. It is not easy to imagine such a situation, but anyone who has seen the film "The Net" knows what we are talking about. As a result of the development of modern technology and human carelessness, it can now happen that someone can acquire our data and we suddenly seem "not to exist".

**Data subject** – that's you; this is always the person to whom the personal data are directly related.

**Processing personal data** – the processing of personal data, the manner of their use, is delimited by the Personal Data Protection Act, which assists in protecting our privacy. Our personal data is normally processed in our everyday lives, for example at school, at the doctor's, in our employment, in hobby and social organizations, in banks, etc. The concept of processing of personal data can also encompass their collection, storage, modification, searching, various classification, transferring or liquidation.

**Consent of the data subject** – for someone to be able to process our personal data, he must have our consent, except for exemptions stipulated by law. In case of children, he must have the consent of their parents or other legal representatives. This consent must be informed, free, demonstrable and conscious. Thus, the person who gives his consent knows exactly to whom, why and for what purpose he is providing this consent and must not be forced to provide this consent.

**The purpose of processing personal data** – a person who collects various personal data is obliged by law to openly state the reason for which he requires this information. He must not keep this purpose a secret and must not process this information for other purposes without your consent.

**Personal data controller** – this is the person who is responsible for processing personal data and who processes either them himself or through his processors and determines in advance why and how the data are processed.

**Registration** – a person who processes the personal data of persons is obliged to register at the Office for Personal Data Protection. He need not do this if he is permitted by law to process this data.

**Control of personal data protection** – Inspectors of the Office for Personal Data Protection control how the administrators or processors of personal data comply with the provisions of the Personal Data Protection Act, how they manage the personal data and how they protect these data. Some controls are planned, while other controls take place on the basis of notification that the Personal Data Protection Act is being violated somewhere.

**Office for Personal Data Protection (OPDP)** – is an independent inspection body of the state and its work is delimited by the Personal Data Protection Act.

**Sanctions and remedial measures** – The Office for Personal Data Protection is obliged by law to investigate every suspicion related to violation of the Personal Data Protection Act. If the Office finds some inadequacies, it imposes remedial measures, which eliminate the erroneous processing, impose sanctions (financial fines) or both. The main target does not consist in financial or other “punishment”, but rather in ensuring that the personal data and the privacy of the individual are suitably protected according to the “letter” of the law.

## **Modern technology and personal data protection**

Blog, chat, instant messaging, all these strange new words are probably well known to you. The potentialities provided by virtual communication belong amongst the very popular pastimes of modern young people and, although physicians are not happy about the lack of exercise, the fans of various kinds of communication spend many hours in front of their computers. However, health hazards are not the only danger facing people who decide to create a new identity and, through it, “anonymously” communicate with other people. The very serious risks include revealing of personal information, which is frequently of an intimate nature. These people can also find themselves in very unpleasant situations in real life. Let’s discuss at least briefly what is meant by the above terms and which risks are connected with them.

The term blog, which came from the original term weblog, denotes a space on the internet where an individual or a group of people publish their observations, comments, and also photographs, videos or audio recordings with greater or lesser frequency. The weblog spectrum is very broad in its contents; here, the most interesting for us are personal “diaries”, which are kept by a number of people. Many weblogs enable addition of a commentary to the individual contributions and thus a very broad community of readers is frequently formed.

A different form of communication amongst the users of the internet is the “chat”. The basic difference compared to weblog lies in the fact that communication occurs in real time, either between two users or frequently a larger number of users participate simultaneously. They can form “chat rooms”, organized on the basis of the subject matter discussed, or on a basis determined by the administrator of the chat, who may participate in the discussion. The users of these services once again appear under a virtual identity that may, but need not, correspond to their real identity.

Instant messaging is a type of chat. This is a service that allows its users to see whether their friends are “on-line”, to chat with them, and also to send them data files or to communicate visually through a web camera and sound blaster.

It is apparent from the above that, because of their enormous ability to mediate in contact amongst people who live at the opposite ends of the Earth, modern means of communication are extraordinarily interesting. However, it is necessary to be aware that, because of its anonymity, this means of communication is very attractive for collection of various individuals whose intentions are frequently highly dubious. Thus, it is necessary to constantly be aware of what we are revealing about ourselves. In actual fact, you never really know who is actually sitting in front of the keyboard of the other computer. The basic recommendation is thus very simple – never reveal personal and especially intimate information, you never know who is getting this information from you. Simultaneously, you should be very careful when you get an e-mail from someone who you know through communication on the internet. If you are not quite sure of the content of the mail, it is better not to open it. The risk that your computer will subsequently be infected by a virus that will begin to send out information from your computer to predetermined or randomly selected e-mail addresses, will erase the content of your computer or harm you in some other way, is considerable. If you decide to meet a person that you have met through the internet, never go to the meeting by yourself and choose a place for the meeting where there will be a larger number of people. And remember another important thing – if you meet a person on the internet who bothers you or sends you material that is unpleasant, you can do a very simple thing – turn off the computer and tell your parents.

## Protection of personal data on-line, for children (and also for their parents)

1. Without the consent of my parents, I should not provide personal information, such as my address, telephone number and the address of employment of my parents, or the address of the school I attend.
2. If I encounter information that makes me embarrassed or is unpleasant for me for some reason, I should tell my parents without hesitation.
3. I should never agree to a meeting with someone with whom I have formerly communicated "on-line" (e-mail, internet "chat", etc.) without consulting my parents first. If my parents agree to such a meeting, then I must first make sure that the meeting will occur in a public place (and thus not, for example, in a private apartment, in some distant and unused warehouse, etc.) and preferably I will take one of my parents with me.
4. I will never send my photograph or other things to unknown persons without first consulting my parents.
5. I will not answer any messages or questions of a dubious nature or that cause me unpleasant feelings. It is not my fault that I received them and this in no way binds me. If such messages, requests or questions are sent to me, I will immediately tell my parents so that they can tell the provider of our internet connection of this.
6. I will agree on rules with my parents that will apply to my access to e-mail and the internet. We will agree on a time of day when I can use the internet and receive and send e-mails and on the types of web sites that I can visit.
7. Except for my parents, I will not tell anyone my password for connection to the internet (not even my best friends).
8. In the "on-line" environment, I will always behave properly and will not do anything that would annoy other users or that would harm them in any way.

*This material is available on the web site of the Office  
<http://www.uoou.cz/index.php?l=cz&m=bottom&mid=01:14&u1=&u2=&t=> and is a loose translation of  
[www.safekids.com/kidsrules.htm](http://www.safekids.com/kidsrules.htm).*

### Dictionary of safety on the internet

(more information at the web site of the Office

<http://www.uoou.cz/index.php?l=cz&m=bottom&mid=01:13&u1=7u2=7t=>)

**anonymous surfing** – a number of companies offer software, some even for free, that enables the creation of a false identity, so that you can surf web servers anonymously, exchange e-mails and participate in chat discussions.

**bluetooth** – wireless communication standard, intended for connection of equipment such as mobile telephones, notebooks and pocket computers. It has a greater range than the obsolete infrared transmission, which is also dependent on a direct line of vision between the two pieces of equipment. However, if your equipment that is fitted with Bluetooth is not safeguarded, there is a danger of theft of data.

**bluetoothing** – an untraditional way of meeting people using equipment fitted with Bluetooth. This function is activated and if there is someone in your range with activated Bluetooth, then the name of his equipment or specific nickname appears on the display. Then it is sufficient to send a message through Bluetooth and to wait for this "someone" to reply.

**bullying** – bullying or humiliating individuals or groups through personal attacks through the channels of electronic communication, such as e-mail, instant messaging or text messages (SMS).

**cookies** – small bits of information stored in individual text files placed in your computer from the web network. Cookies can be read by web sites during later visits. The information stored in a cookie can be related to your behavior on surfing through web sites, or contains a unique identification number, so that your web site can "remember" you next time. In general, cookies don't contain

any personal information through which you could be identified provided that you did not provide this information to the web site.

There are two types of information that are used by web sites. Permanent cookies are stored on your hard disk for many months or years. Temporary cookies are stored in your cash memory during your visit to the web site and are automatically erased from your computer when you close the internet.

**cyber stalking** – abuse of online communication to annoy and threaten selected users. The victims of this type of behavior are then followed and annoyed by spams, leaving undignified messages in visiting books, on chats, by sending viruses, etc. Chats, message boards, discussion forums and e-mails are used to gain contacts to the individual users.

**flaming** – placing of intentionally unfriendly and insulting messages on the internet with the purpose of angering and insulting someone.

**grooming** – behavior that is intended to create a false feeling of confidence in a child and prepare him for a meeting where he will become the victim of sexual abuse.

**IP adress** – identification details for your computer (or internet provider), expressed in an internet protocol code (e.g. 192.168.72.34). Each computer connected to the internet has a unique IP address, although this address need not be the same during each connection to the internet.

**theft of identity** – the crime of pretending to be someone else using his private information for the purpose of financial or other profit. The most frequent cases include credit fraud using stolen personal documents.

**pharming** – one of the ways of stealing personal data, obtained after infecting a computer with a spyware program or worm. Then, in place of the required official site of his bank, the user is connected to a false site that collects the access data and personal data for further (ab)use.

**phishing** – theft of information, e.g. information on a credit card or theft of the name and password for a service. The most typical example is a false e-mail that seems to be sent from your bank, which requests verification of identity. After clicking on the connection, the user finds himself on a false site (which, however, seems to be authentic), where he enters his data and subsequently loses his money. Phishing is also a form of “Nigerian letters” (“Nigerian letters” refer to printed letters or e-mails in which a foreigner states that he has substantial financial means but needs the assistance of another person to gain access to them. Thus he is turning to the addressee of the mail and is offering him a commission of several percent of the amount. In actual fact, this is an attempt to obtain information on the bank account of the addressee, who will subsequently be robbed).

**spam** – a general term for mass sending of unrequested e-mails. Unrequested communication is not limited to the internet; most of us regularly receive unwanted mail or are contacted by telephone without any prior request. However, the internet differs in that, at the present time, most users receive more unwanted mail than useful mail. As a consequence, e-mail is ceasing to be seen as a fast and effective means of communication.

**spoofing** – a technique in which a certain computer in the internet submits a false IP address and pretends to be someone else. The purpose of this is to gain access to information that the user could otherwise not obtain (e.g. paid web sites) or to prevent identification. This technique can also be used to illegally enter someone else’s computer.

**spyware** – illegal software that is automatically installed in a computer, usually through a security weak point in the system. There, it monitors the activities of the user and sends information to its author. The data obtained are then used for better targeted advertising for the user and also for finding passwords.

## Torn-off earphone

Each of us has at some time wanted something that he cannot have – a watch with a water fountain, winning the lottery, living in a castle, flying to a different planet ... and we all know just how this wish can be fulfilled. Do you remember the fairy tale about Mach and Šebestová? What was it they had that helped them to fulfill their wishes? Of course – a torn-off earphone! And practically all of us now have a similar torn-off earphone at home. It is called a mobile phone, it is smaller and fits into the hand better, but otherwise looks almost the same as the one that Mach and Šebestová had. It's a pity that only almost the same. Try to remember all the adventures that Mach and Šebestová experienced with their earphone and how they behaved towards it. Perhaps we will discover that our torn-off earphones are also very interesting and know how to do lots of useful things. And that it is worth taking care of them.

Do you know what parents fear the most when you go somewhere by yourself? They hope that nothing happens to you and that you arrive safely. Just remember how they insist that you call them as soon as you arrive. However, some people don't have this luck on their travels, they are in an accident, maybe they are seriously injured and need help. What do you do? You have three possibilities – you can just watch and be ashamed, because you don't know how to help these people, you can try to rescue them yourself but after a while you find that you need more people, experience or strength and you take your torn-off earphone and you call for professional help. Don't you think Mach and Šebestová would be proud to be able to do this?

Do you remember winter last year? It was beautiful in the mountains, lots of snow and ideal skiing conditions. However, you certainly heard from your parents and skiing instructors that a lot of snow in the mountains is always accompanied by the danger of avalanches. You need not necessarily be caught in an avalanche to be aware how dangerous the mountains can be. It happened several times last year that a skier got lost, fell down a cliff and was not able to get out of the deep snow by himself. Fortunately, it always worked out alright, but you can certainly guess why these people were rescued. Yes, you are quite right, it was the torn-off earphone. Even if you are somewhere where your operator does not have a signal and thus you cannot call to normal numbers, you can call 112 through any operator that has a signal at the particular place. Today, there is a signal almost everywhere. Rescuing a human life in the mountains because of such a small box is another act worthy of Mach and Šebestová; don't you think so?

As you can see, a mobile telephone can truly be a magical thing. However, if you have at home (almost) as magical an earphone as Mach and Šebestová you could make an example of them in how to use such a magic earphone. Do you remember how Mach and Šebestová were always very careful to make sure that no one heard them when they used their earphone? You should be just as careful. Just think of all the things that you sometimes say into the telephone. You call your parents to tell them that you don't feel well and that you will come home by yourself, you dictate your address to your friends over the phone, so that they can come and visit you and ensure them that you will be home alone, you call to a club that you want to become a member of, and dictate your name, date of birth and address into the phone. This is all information that should certainly not be heard by other people. It could happen that this information could be used or even abused and both you and your parents could be very sorry. Consequently, try to remember that, when you are out in the street where other people are present, you should not dictate your personal information into the telephone in a loud voice. Your privacy belongs only you and not to all those around you! Remember what happened to Mach and Šebestová when they weren't careful and spoke too loudly into the earphone. The sneaky students Pazour and Horáček took their earphone and it almost ended up a catastrophe. It would be just as easy for some one to learn a lot of personal information because of your carelessness in speaking into your torn-off earphone and then to use this to harm you. Don't forget that Mach and Šebestová lived in a fairy tale, while you are living a real life where there is no dog Jonathan that could help you out at the last minute.

## **Mobile – a helper and a “weapon”**

### **Mobile as a helper**

Through the joint efforts of volunteers, the 112 line operations centre and the Search and Rescue Team of the Army of the CR, a young man was saved in January of this year after losing his way in very bad weather and deep snow in the woods close to the Tesák mountain in the Kroměříž area. Using a mobile, the rescue team managed to call the 112 emergency line. The operating officer immediately evaluated the situation and sent out a rescue team helicopter. The rescue operation, which took place under extremely demanding conditions, lasted several hours. The life of the young man was saved. Thanks go out to all participants.

*(More information on this event is available at [www.katastrofy.com](http://www.katastrofy.com)).*

### **The ethics of behavior for the owners of mobile phones with cameras**

Mobiles with cameras have become very popular. There are an increasing number of people who are attracted by the possibility of combining the two services and are very happy with their mobile phone that they can use both as a telephone and also take pictures and immediately send them to their friends or store them. Frequently, they don't even realize that they can get themselves or other people into an unpleasant situation, because such a mobile is a very powerful medium. It is absolutely necessary that everyone who owns such a phone be aware of this fact and learn to use such a mobile properly. Compliance with the rules of decent behavior when using a mobile phone with an integrated camera should become the rule – and photographing should be prohibited in certain places and at certain times.

*(more information at [www.mobilmania.cz/Operatori/AR.asp?AR/=104816](http://www.mobilmania.cz/Operatori/AR.asp?AR/=104816)).*

### **Prohibition of the use of mobiles with cameras**

In some countries, it is prohibited to use mobiles with cameras at certain places. Throughout the world, we encounter situations where the user of the mobile phone wants to use it as much and as thoroughly as possible, including the possibility of taking pictures, and then there is the manufacturer, who wants to produce as many better and better mobile phones as possible, and finally there are the operators of swimming pools, fitness centers and other places, who want to ensure that their customers maintain their privacy at places where people change their clothes and at places where they naturally expect that their privacy will certainly not be violated. This is true, for example, in Australia, Japan or Northern Ireland. In some countries, for example, Italy, they tell you in the manual where a mobile may and may not be used. In other countries, there is a categorical prohibition of the use of mobiles with an integrated camera without any explanation.

*(source of information [www.mobilmania.cz/Zpravy/AR.asp?ARI=104902](http://www.mobilmania.cz/Zpravy/AR.asp?ARI=104902)).*

### **Activities of the European Commission in connection with protection of children against the dangers associated with mobile phones**

The European Commission has decided on a project to protect the safety of children and young people in connection with the use of mobile telephones. On July 25, 2006, they opened a discussion to which they invited all the participants – mobile manufacturers, state authorities, consumer and parents' associations, and operators. The purpose of the debate, which was ended in October of this year, was to establish rules and guidelines for self-regulation by operators or providers of telephone services. The intervention of the state in these matters can be decreased by correct and suitable self-regulation. The situation in Great Britain is a good example.

Mobile telephones represent a potential threat to children and young people. Many of us are not even aware of this fact and consider mobile phones to be simply an effective and useful means of communication in our everyday lives.

What dangers do mobile phones actually represent – they present an opportunity for access to detrimental or even illegal communication or recording, to bullying and black-mailing in the form of spreading of compromising messages and photographs and there is a risk of abuse of children by pedophiles.

World surveys indicate an increase in the expenditures of users of mobile phones for recording of ringing, for games and also an increase in expenditures for “mobile” pornography and participation in dubious lotteries.

In the Czech Republic, there is not yet such a volume of negative experience. However, the situation should certainly not be taken too lightly. For illustration, we will quote some statistics. In 2005, the operator T-Mobile published the results of its survey. It follows from it that Czech children are in fourth place in the world in the use of mobile phones, that, of a hundred six-year-old children, four percent use mobile phones, which increases to 12 percent for seven-year-old children and, at the age of fifteen, 89 percent of children use mobile phones. Younger children to ten years of age have telephones mainly as a means of contacting their parents, while older children use them as a source of information. For children aged 14 or over, mobile phones are a means and instrument for inclusion in the collective and gaining a place in society. It thus follows that a mobile phone is not only a means of communication, but a modern social phenomenon that has strong feedback for the identity of the individual.

From the standpoint of personal data protection, it is essential to not only develop, but also protect the identity of the individual, even the smallest children, who are dependent on the sense of responsibility and common sense of older persons. And we can state that this is the purpose of the steps that have been initiated by European Commission in this area.

*Note: The European Commission, consisting of 25 commissioners, is the executive body of the European Union (EU). Its official seat is in Brussels. The Commission is named by the governments of the individual EU Member States. Its main tasks include proposal of legal acts, control of international agreements and the internal legal acts of the EU and control of economic management of the EU.*

## **The Directives of the European Commission in relation to localization of data and the position of WP29**

A mobile phone is not simply a means of communication, but also of localization. This means that a mobile can be used to trace where its user is momentarily located. This advantage is used, e.g. by parents, who want to know where their children are. For unwell persons, e.g. with diabetes, for mentally retarded people, or for older people, a mobile phone can be a useful helper in cases when they require fast assistance and are not able to describe or don't know where they are. In addition, in the interests of protecting citizens or the state, the security forces can use this service for their work under certain circumstances.

How does such a search take place? We will not embark on a discussion of complex modern technology – just a few words as an approximation. We can imagine a wireless network as a set of access points – basic transfer stations – with a control centre. The operator of our mobile telephone network knows which station we are connected to, how strong the signal is and how long it takes for the information to reach the mobile and return to the station. From these data, it can approximately locate an arc within which we are located. The more stations there are in the area of search, the faster and more exact is the search.

We won't discuss the secrets of wireless technology in greater detail. However, we will consider the fact that this service of monitoring and seeking help using a mobile telephone can also be abused. It can be used to monitor people who have no idea of this and thus their privacy can be violated.

The use of mobile telephones has increased substantially in recent years. Everyone who owns a mobile telephone and carries it with him is actually carrying an instrument through which he can potentially be located. However, the mobile phone must be turned on.

Together with developments in mobile phones, the potential of this service is also developing in determining localization information and in storage, processing or provision of this information, all of which require special rules. The European Commission has considered this subject and has issued Directives stating how and who may use this information. It is stated in these Directives how and by whom the potential of mobile telephones may be used for location of their users, so that the right of the individual to privacy is simultaneously not violated. The relevant Directives are Directive 95/46/EC of October 24, 1995 and Directive 2002/58/EC of July 12, 2002.

The aspect of localization of information and localization of services is also considered by the Article 29 Working Group. In its standpoint 5/2005, amongst other things, it evaluates the aspect of location of children from the standpoint of both the children and their parents. It emphasizes that the normal relationship between parents and children can be disturbed in connection with the use

of this kind of service, that children could become used to a certain form of monitoring even in the future and that parents could live in the illusion that they have their children under control. The fact that the mobile phone of the child can be located does not mean that the parents know what the child is doing. It also points out the fact that it is not possible to determine whether, at any particular moment, the mobile telephone is actually being used by the person to be located. The aspect of the consent of the minor to being the object of a request for location is also relevant in this respect.

*Note: The working group for protection of individuals in relation to personal data processing, abbreviated as the "Article 29 Working Group" or "WP29" is an independent consulting body established by the European Commission on the basis of Article 29 of Directive 95/46/EC. This is a prestigious body with representatives of independent bodies in supervision of personal data protection from all the EU Member States.*

*(More information on the Article 29 Working Group can be obtained at the web site of the Office [http://www.uoou.cz/index.php?l=cz&m=left&mid=09:02:01:04:01&u1=&u2=&t=.](http://www.uoou.cz/index.php?l=cz&m=left&mid=09:02:01:04:01&u1=&u2=&t=;))*

## **"Smart labels" – Big Brother in a small package**

We frequently encounter the term radiofrequency identification (RFID). From the point of view of personal data, this is a technology that cannot be taken lightly, because incorrect use could lead to a serious violation of our privacy.

### ***What is radiofrequency identification and on what principle does it work?***

We have all accepted as part of our everyday lives that objects and various products are labeled with bar codes. Labels with radiofrequency identification (RFID labels) can be seen as a more advanced form of bar codes. This is basically a microchip that is capable of "hearing" a radiosignal broadcast by a barcode reader and replying to this signal. In the future, it will probably become a driving force for ubiquitous and rapidly developing computer technology.

### ***Where can we encounter RFID labels?***

RFID labels have extensive and varied uses. They can be used to label goods in stores, in warehouses, at cash desks, in combination with video cameras to control employees at work and to monitor the behavior of customers in the store, they can be used to label property and thus reduce the risk of theft, to label various documents for the purpose of rapidly and easily finding them, these "smart labels" can be used to designate identity cards, passports or visas. They can be placed on bank notes to prevent counterfeiting. As things are developing, we will be able to find them on any kind of goods that we buy – on clothing, shoes or even shampoo. In time, it will not be possible to remove RFID chips from most products because the chip will be incorporated into the product. However, retailers request this measure, because they don't want it to be possible for thieves to be able to remove the chip from an expensive product and replace it with one from a cheaper product.

### ***In what does the treachery of RFID labels lie and where is the risk of their abuse?***

Special readers can be used to monitor the movement of persons who own or use objects with RFID labels. RFID technology, which is gradually and inconspicuously entering our everyday lives, permits monitoring of people and combining the newly "read" information from the chip with the already existing databases.

At the present time, we are familiar, for example, with placing chips on dogs or cattle in the field. In some countries, however, a chip is placed under the skin of people to identify them for the purposes of medical records. This is a rather dubious practice. How far could this go? It could be used to designate people who, for example, have stolen something – store owners would recognize them as soon as they came into the store. And which other groups of people could be labeled, and for what purpose? The argument arises that labeling people for medical purposes is justified because, in case of an injury or serious disease, rapid assistance becomes easier – the person is taken to a hospital, the doctor can use a special reader to read his identification number and can then log into a database with all the medical information on the person. He would immediately know that the person suffers from diabetes, is allergic to antibiotics, what his blood group is, etc. So far, everything is in order. However, can it be one hundred percent guaranteed that, when the person leaves

the hospital, someone else, who has no authority, would use a similar reader to read the same information and not add to this also information on the financial situation of the person from the database of his bank?

What is the vision for the future? We will be able to buy a refrigerator and take it home and it will have an exact idea of what it contains. Through the internet, it will be able to "read" what it contains, will be able to point out that the use-before date has expired on some products, and will be able to offer recipes according to what it contains.

We have new shoes – it will be sufficient to go into a shop with a reader and computer capable of processing the data and we will be measured, they will know all about us. It is sufficient to pay with a credit card, the two data sets will be combined and they will know our name. The data will be interconnected and they will know how often we come into the store, which shelves interest us most, what we are interested in and what we pick up and look at. The readers will have "read" us and will be capable of statistically evaluating and processing this information on us.

Does this sound to you like the music of the future or are you appalled by the idea of the perfect Big Brother that you can't escape from?

What to say in conclusion? It is certainly not possible to overlook the great advantages of this technology. However remote reading of smart labels without the owner of the object with the label having any way of affecting this causes fears that it may be difficult in the future to speak about privacy at all. Or will it even bother you? RFID technology is developing rapidly. There is an explosive expansion of the market in RFID equipment. For example, 600 million chips were sold in Europe in 2005. Do you also sense a certain warning signal? RFID technology, this "technical achievement", if it gets out of control, could be the tip of an enormous iceberg falling on our society.

## Credit and debit cards

*On July 24, 2006, the Právo daily newspaper published the information that an increasing number of parents are opening bank accounts for their children. One in ten children in the Czech Republic has his own bank account. The limit for withdrawals is set by the parents and the children manage the account themselves. From the age of eight years, they can withdraw cash from a bankomat and, from the age of ten, can use the card for purchases in stores. The parents, of course, receive information on transactions in the account and can also manage the account themselves.*

Training children to manage money properly is certainly admirable. This means is certainly interesting for children. It has the advantage that parents who do not live together or persons in the family who wish to contribute financially towards the children can deposit money directly in the account. Then it is up to the children how they manage their account and how they use their money. In the present age of on-line purchasing and non-cash payments, the actions of the parents are understandable. Nonetheless, parents should always carefully consider whether this is really the best choice for their children. If so, then their children should be very responsible and should be fully informed of the negative aspects that this means of manipulation of money entails. The safety of credit/debit cards is based on various different points, among which banks also include the setting of limits. Parents should thus set limits for possible daily withdrawals – this is the simplest safety element, in cases of misuse only this limit can be withdrawn and there is a certain time reserve in which the card can be blocked.

Children should bear in mind that:

They should always take money from a bankomat themselves.

They should not tell their PIN to anyone, not even their best friends.

They should not write their PIN down anywhere, but must remember it.

When taking money out of a bankomat, they should make sure that no one is standing so that they can watch.

They should remain calm when withdrawing money.

They should examine the bankomat and tell the bank about every unusual or surprising thing.

They should always count the money withdrawn and calmly put it away.

Before leaving a bankomat, they should always make sure that they have taken back their card.

They should always tell their parents about any suspicious things or about any doubts they may have.

## "How do I see things?"

### Personal data protection and privacy in the eyes of children!

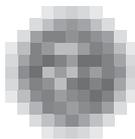
*Dearest young readers of our Bulletin! In this edition, we have tried to explain the subject of personal data protection and protection of privacy to you from various points of view. We are convinced that we have been at least partly successful and that you not only understand this area better, but that you can better imagine what some terms mean. Wouldn't you like to try to write your ideas down on a piece of paper?*

*This is an invitation to all of you who like to draw pictures and enjoy competitions, to draw us a picture of anything or any situation that interested you in our discussion and explanations. Or you can draw us a picture of how you imagine privacy. The pictures that you send by November 30, 2006 will be exhibited in the library of the Office for Personal Data Protection. The pictures will be numbered and under each of them will be placed a piece of paper with space for voting. The employees of the Office will add their votes to the pictures that they like – in the form of marks. They will vote until December 15, 2006. Everyone who sends a picture will be invited to a friendly meeting with the President of the Office in January 2007. We will let you know in time of the place and time when this meeting will be held. At this meeting, a small gift will be presented to three of you whose pictures received the most points. Don't forget to include your return address or some other contact information with your picture. Those who live in Prague can hand in your pictures directly in the reception desk of the Office.*

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*We are looking forward to your pictures!*

The Czech version of this newsletter is concluded with a crossword puzzle with the personal data protection motto of PROTECT YOUR PRIVACY as its solution. Due to the language difference, the crossword puzzle is not translated.



**the office  
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data protection**

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