

CZECHOSLOVAKIA ENACTS A DATA PROTECTION LAW

Czechoslovakia's Federal Government approved the Protection of Personal Data in Information Systems Law (no. 256/1992) on April 29th and it entered into force on June 1st, 1992. The text of the new law is available in Czech from the PL&B office.

The only new law covers areas not so far regulated by generally binding legislation in the Czechoslovak Republic. Therefore, the law includes 13 basic definitions in its Part II and these definitions are crucial for understanding it as a whole.

The new law also regulates information systems already covered by special legislation. This means that it is now necessary to amend several current Czechoslovak laws. In the meantime, the law provides that the Czechoslovak government has power to authorize, in exceptional cases and only for a period not longer than three years, the operation and use of existing information systems which do not comply with law 256/1992.

Registration

Registration of information systems is regulated in Part IV of the law. As the new law is a federal law, secondary legislation is now being prepared in the Czech Republic, dealing with the status, powers and principal activities of a Czech regulatory body, which will be in charge of the registrations. It is expected that a similar body will be established in the Slovak Republic too.

The law provides for obligatory registration for the "sensitive information" defined in S. 16 of the law. Basically, all information systems with such sensitive information must be registered, with the exception of the systems:

1. serving exclusively the internal needs of the user, or

2. those containing exclusively published information, or
3. the registration of which is restricted by special statutes.

Manual data

Law 256/1992 does not distinguish between hand-written and automatically processed data in the definitions section, Part II of the law. The law protects only physical persons. This follows mainly from SS. 3, 10, but also from other provisions of the law.

Data Exports

The grant of licenses for transborder data flow will be the subject of secondary legislation, which is expected to be published after the new law enters into force.

Structure of the new law

Part I: The scope of the law

Part II: Definitions: information, information system, use/operation of information system, information service, processing of information, deletion of information, participants in the exchange of information, data subject, data controller, data user, intermediary, proper collection of information, publication of information.

Part III: Obligations resulting from the operation of an information system

Part IV: Registration of an information system and enforcement provisions

Part V: Transitional and miscellaneous provisions.

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