

Abstract

Social security administration and personal data protection

The protection of personal data is one of the most discussed legal topics of contemporary legal science. However, the attention of both the professional and general public has so far been focused on the processing of personal data carried out by private law entities. On the contrary, the author focuses on a topic that has been overlooked, namely the processing of personal data performed by social security administration authorities.

This thesis aims to answer the question whether the processing carried out by selected authorities of the social security administration follows the principle of lawfulness according to data protection regulations and the Regulation (GDPR). The key aspect of the author's answer is primarily to assess the compliance of the current legislation in the area of sickness and pension insurance and passive employment policy with the requirements of the Regulation (GDPR).

In this work, the author first deals with the historical roots and birth of the legal regulation of personal data protection. Then, by comparing the legal regulations adopted within the Council of Europe, the European Union, and the Czech Republic, it analyses the applicable regulation of personal data protection. As the author points out in this work, it would be considerably incomplete to apply only the legislation under the Regulation (GDPR) to the protection of personal data, so the regulation under the Council of Europe Convention No. 108 must be taken into account.

The author summarizes the basic concepts and principles of personal data protection with the help of analytical, descriptive and comparative methods. Consequently, the author reflects not only effective legislation but also analyses existing decision-making practice, opinions and their reflection in the area of personal data protection. Last but not least,

the domestic adaptation legislation is examined, while the author points out, in particular, the inappropriate exclusion of public authorities and public entities from the sanction competence of the Office for Personal Data Protection.

The main focus of this thesis is dealing with the analysis of personal data processing by the sickness and pension insurance authorities and in the area of passive employment policy. In this field, the author identifies only partial compliance of the processing of personal data according to the relevant legal regulations with the principle of legality. Especially in the area of passive employment policy, the current legislation under the Employment Act establishes the processing of personal data, which is completely contrary to the requirements imposed by the principle of lawfulness (not only) under the Regulation (GDPR), especially concerning the application of not freely given consent. Therefore, the author comes with a proposal de lege ferenda at the end of this work, which would ensure that the processing established by the Employment Act fully complies with the requirements of the personal data protection regulations and above all with the principle of lawfulness under the Regulation (GDPR).

Keywords: data protection; social security; GDPR