

Summary

The thesis deals with wiretapping and recording of telecommunication traffic which is an indispensable instrument for law enforcement on one side, but on the other side nevertheless it intervenes in lives of wiretapped persons in a significant way.

The first chapter of thesis focuses on the area of the right to privacy because to be able to assess whether the wiretaps are realized in accordance with the legislation or not, it is essential to know from a legal point of view what falls within the privacy of individuals, which single rights involve the term right to privacy, and so which rights are protected.

In the following part, the term wiretapping and recording of telecommunication traffic is explained and the amendments of legislation of this institute are summarized. On the development of the amendments of legislation it can be observed the fostering of protection of right to privacy by/over time on the development of the amendments of legislation.

The next part focuses on the issue of the wiretap warrant, specifically on the procedure leading up the wiretap warrant, its compulsory content according to the criminal procedural code, the test of three-degree efficiency control of lawfulness wiretap warrant, and also the jurisdiction which is really important in this issue. The last point which deals with wiretap warrant is an issue of assessing its lawfulness in application practice, when a well-known criminal case has been chosen for demonstration how different views on lawfulness of wiretaps The High court and The Supreme Court can have.

The important topic of the thesis is wiretap between an accused and his attorney, on which the next part of the thesis focuses. The criminal procedure code is confronted with the Act on the Legal Profession according to which the attorney is bound by obligation of professional secrecy, however the criminal procedure may invade the confidentiality of privileged communication between a client and his attorney. Furthermore, a criticism of the *de lege lata* legislation and related suggestions *de lege ferenda* is introduced in the thesis. The presented arguments show that one of the most problematic point of the adjustment of *de lege lata* could be the fact that the law enforcement authorities can themselves affect for how long they will be allowed to monitor the privileged communication before the wiretap of this communication is forbidden.

Rule of automatic recording may look insufficient and that is the topic of the last part of the thesis. The most concerns are expressed about the fact whether it is possible to wiretap the privileged conversations of whose wiretapping is forbidden.