

# Surveillance of Persons

## Abstract

The thesis focuses on the legal regulation of the surveillance of persons and items as outlined in Section 158d of the Code of Criminal Procedure. The analysis is further expanded to include the growing interest in facial recognition technology, which, among other things, enables surveillance of individuals on an unprecedented scale. Although the surveillance of persons allows law enforcement authorities to obtain valuable insights for criminal proceedings, it is necessary to also consider the impact of this operational searching mean on the fundamental rights and freedoms of individuals. The result of such consideration should be a balanced legal framework that, on one hand, enables law enforcement authorities to utilize effective methods and tools for uncovering criminal offenses and ensuring the fair punishment of offenders, and, on the other hand, respects the individual's right to privacy and provides adequate protection against arbitrary and disproportionate interference by public authorities.

The aim of the thesis is to evaluate the current legal framework concerning both surveillance for criminal proceedings and facial recognition technology. To achieve this objective, the thesis analyzes not only the legal provisions on the surveillance of persons and items contained in the Code of Criminal Procedure but also the legal norms concerning the protection of biometric data, upon which facial recognition technology is based. To comprehensively address the issue, special attention is paid throughout the analysis to case law, both domestic and international.

The thesis is structured into an introduction, a conclusion, and a total of five chapters. The first chapter focuses on operational searching activities, specifically operational searching means. This is followed by an analysis of the provisions contained in Section 158d of the Code of Criminal Procedure. The third chapter addresses additional problematic aspects arising from the current legal framework for the surveillance of persons and items. This section of the thesis also presents the core of relevant case law. The fourth chapter introduces facial recognition technology, its legal framework, and its scope of application, both in the Czech Republic and abroad. Finally, the fifth chapter is devoted to *de lege ferenda* proposals, particularly in connection with the drafted but not submitted proposal for a new Code of Criminal Procedure.

**Klíčová slova: surveillance of persons, operational searching means, facial recognition technology**