

Abstract

The submitted rigorous thesis deals with the unauthorized use of personal data in the Czech criminal law. The thesis particularly focuses on the interpretation of the concept of personal data, the processing of personal data, the criminal offense, the principle of subsidiarity criminal repression and further on the research of two conflicting rights too - the right to protection of information (personal data) and the right to information. The complexity and legal uncertainty is primarily caused by judicial practice, which is in the interpretation of individual terms inconsistent, although professional literature and the public point of view on the interpretation of so-called "borderline cases" is unified. Amendment to the Acts, the Criminal Code and related laws, do not always solve problem areas ideally" and therefore opinions issued by "bodies active in criminal proceedings" and administrative authorities contribute to the unification of procedures and interpretations. The rigorous thesis also focuses on the application of the "ultima ratio" which should be taken into account in decision making if a crime or an offense was committed. Unless the facts of the crime and the offense not met the rule of law offers a number of means, which the defective condition, that involves unauthorized processing correct and achieve reasonable satisfaction.