

Summary

Title of the thesis: Banking secrecy

The paper deals with a traditional instrument dedicated to protection of client's personal data provided to the bank – banking secrecy. The instrument is analysed in connection with breaking of banking secrecy. The ways of breaking the banking secrecy are divided into two groups: (i) manners of breaking the banking secrecy regulated by law and (ii) manners of breaking the bank secrecy not specifically regulated by law where the main role is given to secondary legislation and case law. Regarding the ways of breaking regulated by law, the paper describes the Act on Banks as a general law and also regulation included in specific laws. There are two categories of specific laws: which specify the process of breaking the bank secrecy included in the Act on Banks or which regulate specific case of breaking the banking secrecy. As for the civil procedure, there is a premise of diminution of use of the Civil Procedure Act for gathering client information by authorised persons because of the Central Registry of Accounts. The important type of laws regulating the breaking of the banking secrecy is those regulating registers of client information protected by the banking secrecy. The most important development of legislation is the new regulation of non-banking registers in the Consumer Protection Act. The new rules standardize functioning of registers and an access to information included in this registers. Regarding breaking the banking secrecy not specifically regulated by law, the paper analyses specific cases of such breaking, mainly in connection with outsourcing and cession of receivables. The rules for the outsourcing contract between a bank and a provider of outsourcing services are regulated by the Decree of the Czech National Bank. As for validity of agreements on cession of receivables, there is only one decision of the Supreme Court which declares validity of the agreement on cession of receivables despite inclusion of client information protected by the banking secrecy. The conclusion of the paper includes recommendations for future regulation.

Keywords: banking secrecy, bank-client relationship, breaking the banking secrecy