

Evaluation of personal data processing according to the General Authorisation¹ laying down the conditions for the use of the 60 GHz band and in connection with the operation of the Registration Portal

¹ General Authorisation No. VO-R/12/12.2019-10 for the use of radio frequencies and for the operation of wideband data transmission equipment in the 2,4 GHz to 71 GHz bands.

Introduction

The Czech Telecommunication Office (the "Office") introduces new conditions of use of radio frequencies of the band 57–66 GHz (60 GHz) by issuing a new measure of general nature (the "General Authorisation")¹ in accordance with the provisions of Section 9 of Act No. 127/2005 Coll., on Electronic Communications and on Amendments to Certain Related Laws (the "AEC") and in accordance with the procedure pursuant to Section 171 et seq. of Act no. 500/2004 Coll., Administrative Procedure Code, as amended (the "Administrative Code") setting out the conditions for the use of these parts of the radio spectrum by stations for high-speed data transmission² ("Stations"). The General Authorisation is binding for natural and legal persons undertaking communication activities pursuant to Section 7 of the AEC. Failure to comply with the conditions laid down by the General Authorisation may lead to an offense (cf. Section 118(1)(b) and Section 119(1)(b) of the AEC).

Together with the publication of the General Authorisation, the Office created a database of operators of Stations in the form of a portal for the registration of Station operators that use radio frequencies in the 60 GHz band (the "Portal"). The registration is provided via the <https://60ghz.ctu.cz> Portal. **The Office established the Portal in order to comply with legal obligations and to fulfil the public interest consisting of the inspection and ensuring of the efficient use of radio frequencies and spectrum management, *inter alia*, by allowing the use of the frequencies in the 60 GHz band under a general authorisation in accordance with Section 9 of the AEC in a way that enables users of the 60 GHz band (Stations operators) to co-ordinate and communicate more easily and effectively so as to perform self-regulation and prevent harmful interference³.**

It is necessary that Station operators in the relevant spectrum bands comply with such conditions and settings of their technologies that prevent harmful interference. In addition to the inspection and enforcement of legal obligations of users, the Office may secure this need in three ways: firstly, by the laying down legal requirements pertaining to the use of the concerned spectrum band, secondly by carefully informing users⁴ about the legal requirements pertaining to technologies and their mutual compatibility, and thirdly by introducing a technical solution that makes it easier to monitor compliance with the prescribed legal requirements and allows solving problems – harmful interference – with the cooperation of radio frequencies users. Such a specific technical solution is represented by the Portal. In addition to this basic technical solution, the Office also implements other tools facilitating the use of frequencies that include map visualisations of the sites of Stations, basic tools for managing records of Stations locations and a coordinating calculator⁵.

The Office cannot do without the limited processing of personal data in order to achieve this objective while utilising the Portal. The Office considers that the processing of personal data is in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council

² That includes wideband data transmission stations, including RLANs, in the 60 GHz band, and also high-speed fixed point-to-point links in the 60 GHz band.

³ Harmful interference is mutual influence by electromagnetic waves to a degree that causes repeated intermission or obstruction of a (radio) communication transmitted, or radio service provided, by stations operated in accordance with the specified conditions.

⁴ The fact that Portal users will be well informed about the legal requirements in the concerned band will help deliver the information also to other subjects and increase the overall transparency of personal data processing.

⁵ Coordination calculator is an algorithm that, based on the input Station parameters, performs an indicative evaluation of the radio balance; in case of a possible risk of harmful interference, the algorithm recommends steps for to the Station operator to take in order to mitigate the risk.

of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the "GDPR").

In order to assess the processing of personal data in connection with the Portal, the Office carried out this evaluation. The evaluation of the adequacy of the conditions laid down by the General Authorisation and the establishment of the Portal in relation to the processing of personal data is an expression of the rule that state power can be exercised only by rational (purposeful) means in order to achieve the objectives permitted by the Constitution or by law and which do not disproportionately violate fundamental human rights and freedoms, including the right to information self-determination (specifically the right to the protection of personal data and the right to privacy). In particular, the Office shall evaluate the adequacy of the processing to achieve the stated objective while preserving the rights of the data subjects. Rational means of state power include instruments that are suitable to achieve the stated objective and are therefore sufficiently effective. **Rational means** are also resources that **were not chosen randomly, but** deliberately, **based on well-founded assumptions**. Subsequently, the Office chose the means that prejudices fundamental human rights and freedoms in the least possible way⁶. At the same time, a sufficient balance must be struck between the negative consequences that the chosen means can cause and its anticipated benefits as far as the privacy of data subjects is concerned.

This **evaluation** is published after the settlement of the public consultation on the draft General Authorisation. The Office published Draft General Authorisation No. VO-R/12/XX.2019-Y for the use of radio frequencies and the operation of equipment for wideband data transmission in the 2.4 GHz to 71 GHz bands based on Section 130 of the AEC and in accordance with the Office's Rules for Consultations on 23 October 2019 at the discussion site of the Office together with the call for observations. The public consultation was concluded on 23 November 2019 and was settled on 17 December 2019.

1. Legal empowerment to establish the Portal

1.1. General

Measures of general nature cannot replace statutory instruments or impose new obligations beyond the scope of the law (statutes); they may be therefore used only to specify the already existing obligations under the law and not to impose new obligations, which the law does not lay down. A measure of general nature therefore represents an act of the administrative authority in certain matters, which directly affects the rights, obligations or interests of unspecified group of persons. In the framework of a general authorisation, the Office is not empowered to introduce new obligations – it may only specify the obligations already arising from the AEC.

Although the AEC does not explicitly contain the obligation to set up a public database in order to carry out inspection of the use of radio frequencies in the 60 GHz band or for the purpose of monitoring of compliance with the terms of the General Authorisation, the Office considers that the establishment of the Portal that helps to ensure that the frequencies are used according to, inter alia, the General Authorisation (Section 15(4) AEC), is in compliance with the AEC and other laws of the Czech Republic.

⁶ I.e., the chosen means restricts the users to the least extent necessary, so as to preserve proportionality.

1.2. Gathering data on operators of Stations for the Office's purposes

In connection with establishing the Portal and publishing selected data, the Office processes the following data:

- **Unique identifiers** – this is the data that allows the Office to identify a specific natural person. This data fulfils the definition of personal data, i.e. it identifies a natural person. In the case of the Portal, the data consists of the name and surname, contact e-mail and address. This data is not published on the Portal, i.e. it is not directly accessible to other users of the Portal.
- **Technical device specifications** – technical information that each person communicates to the Office as regards all operated Stations using the 60 GHz band. Such data relate to a natural person (incl. self-employed persons) only partially, without clearly identifying the natural person on the basis of this separate information. However, the Office will not associate this data with Unique Identifiers of self-employed persons and, in general, with natural persons. In the case of Portal, the data consists of the geographic coordinates (GPS) of Station locations, the radiated power and the frequency used. This data will be made publicly available. Users will also communicate to the Office the MAC addresses of their Stations or their serial number. This data will not be published.
- **Metadata** – the last category of data that the Office will process via the Portal is the operational/technical information (collectively metadata) that the Office assigns to each registered person for his or her Stations. Also, this data will not be associated with a specific natural person. However, this data may have inherently the character of personal data (identifiers) of the registered persons. In the case of the Portal, this data consists of the date of the first registration, the protection period for record expiration and the automatically assigned Station number. This data will be published.

The Office came to the conclusion that the processing of such data is necessary for the exercise of its powers in the context of efficient management of radio spectrum and in order to prevent harmful interference⁷ in the 60 GHz band. The Office explicitly specifies the provision and processing of such data in the General Authorisation. The processing of personal data takes place in order to meet the legal obligations of the Office under Article 6(1)(c) GDPR and, in order to fulfil a task carried out in the public interest pursuant to Article 6(1)(a)(e) GDPR to the extent the processed data in the Portal are considered personal data.

2. The structure of the evaluation

The Office carries out an evaluation of the processing of personal data with a view to safeguarding the rights of natural persons in the following three parts : (i) a test of the need for and appropriateness of the proposed processing, (ii) a test of necessity and (iii) assessment of the impact of the data processing on data subjects.

Each of the three parts of the evaluation refers to both the intended processing operations: (A) the processing of personal data, which are not published in the framework of the Portal, but will be processed by the Office especially in connection with the management of the Portal and the fulfilment of legal obligations or public interest, and (B) publishing of selected data on

⁷ Harmful interference into the information transmitted by electromagnetic waves resulting in service interruption or obstruction.

the Portal to a very limited extent. If the evaluation for each of these two types of processing is different, the evaluation is divided into part A relating to the processing by the Office, and Part B relating to the publication of the data in the Portal (see, e.g., parts 4.1 or 4.2). If the evaluation is not divided into parts A and B, the evaluation applies to both processing operations (see e.g. part 4.7 or 4.8).

3. Part one: a test of need and appropriateness

In this part, the Office assesses the purpose of processing of personal data in the Portal, in particular whether the purpose of processing is to comply with a legal obligation and to carry out tasks of the Office in the public interest.

3.1. Why does the Office need to process the data?

A	Personal data processing
<p>The purpose for the data processing is to make available the 60 GHz band by introducing a registration obligation for a specified group of users – Station operators in the 60 GHz band.</p> <p>The Office makes available the band by issuing a general authorisation, based on the principles enshrined in the AEC, the frequency plans and harmonisation objectives of the European Union, especially Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC and Commission Implementing Decision (EU) 2019/1345 of 2 August 2019 amending Decision 2006/771/EC updating harmonised technical conditions in the area of radio spectrum use for short-range devices. The Office thus establishes less restrictive conditions in the respective band as compared to the previous conditions.</p> <p>Station operators in the 60 GHz band may use radio frequencies and operate Stations without individual authorisations to use radio frequencies. Stations are operated on shared frequencies. The reason for registration is to create conditions for the shared use of frequencies by different technologies, whose design is not adapted for frequency sharing without basic elements of mutual coordination. In case of harmful interference between Stations, the operators shall resolve the interference by mutual agreement. If they do not come to an agreement, the interference is resolved in accordance with the provisions of Section 100 of the AEC, i.e. protective measures shall be implemented by the operator who put a Station in use at a later date. With regard to this regulatory solution, data processing serves certain basic purposes that stem from similar legal obligations of the Office (particularly with regard to Section 5(1)(c) of the AEC regarding decisions of the Office pertaining to its competences to ensure effective administration and efficient use of radio frequencies), or to assert the public interest in the field of the electronic communications market regulation derived from the Office's responsibility for the efficient use of radio spectrum in accordance with Section 15(2) of the AEC. In particular, the data processing shall:</p> <ul style="list-style-type: none"> • allow the Office to record, monitor and create conditions for self-regulation performed by users in the unlicensed band, thus providing a more effective protection of business and other interests of users in this band in accordance with the purpose per the provision of Section 4 of the AEC, • allow to minimize the public expenditure in accordance with the principle of procedural economy of the regulator acting in the public interest – in this case the 	

	<p>management of radio spectrum – in accordance with Section 6 of the Administrative Code,</p> <ul style="list-style-type: none"> allow the national regulator to verify compliance with specified conditions for the use of frequencies in the concerned band. This includes, within the Office’s purview, the inspection of electronic communications, the identification and elimination of interference sources under the provisions of Section 108(1)(m) and Section 113 of the AEC, and the ensuring that frequencies are used in accordance with, among other things, the general authorisation per Section 15(4) of the AEC.
B	Publication of selected data
	<p>The publication of the selected data relating to Stations that are already in operation⁸, in a suitable way (including map visualisation), is the key condition for shared use of frequencies in the 60 GHz band. It provides users of frequencies (Station operators) with information on the spectrum use, with the help of which they can optimally plan the technical configurations of their newly installed Stations.</p> <p>Without the publication of the data, the needs arising from the identified public interest cannot be met and legal obligations cannot be complied with. Unless the data is published, effective conditions for self-regulation by users in the concerned band cannot be created (in particular, because operators cannot know the time priority of devices put in use), instances of harmful interference cannot be resolved by mutual agreement, and therefore public expenditure related to the radio spectrum management cannot be reduced. In such a scenario, the possibility of spectrum users to coordinate and plan the feasibility of the placement of new stations in a particular location would be limited – users would be able to place Stations only “blindly”.</p> <p>The making available of frequencies, the introduction of appropriate tools enabling shared use with minimisation of the probability of interference, and the setting of the principles of self-regulation (including the publication of selected data) represent the material fulfilment of the public interest as regards the efficient use of radio frequencies.</p>

3.2. What benefit does the Office expect from the data processing?

A	Personal data processing
	<p>The public interest in the efficient radio spectrum use arises because radio spectrum is a limited natural resource that has wide societal applications, and because it is necessary to ensure that radio spectrum is used in accordance with the objectives of international harmonisation. Such efficient use of radio spectrum, therefore, presupposes preventing harmful interference, which makes services available in the best possible quality. In other words, harmful interference prevents the efficient use of radio frequencies that are used for electronic communication. The efficient use of radio frequencies, guaranteed by the efficient radio spectrum management, thus represents a benefit for the society as a whole. Around 80 percent of Czech households are connected to the Internet. This provides spectrum users with a wide range of online services through a variety of smart devices.</p> <p>In the area of electronic communications, the demands on attainable bit rates keep increasing. This leads to the search for new frequencies for applications of different</p>

⁸ Technical device specifications and Metadata (see part 1.2 above).

technologies (RLANs, fixed point-to-point links) in bands that have not been used by these technologies until recently. However, in the 60 GHz band, the introduction of disparate technologies is newly facilitated. The aim is to use the band effectively and to allow users to coexist by efficient frequency sharing. Therefore, the wider societal benefit of data processing consists in maximizing bandwidth utilisation while effectively protecting concurrently deployed technologies.

The main specific benefit for frequency users is the actual availability of frequencies for high-speed Stations in the 60 GHz band⁹, enabling both the provision of high-speed Internet connectivity to end-users and consumers, and the provision of related infrastructure. Such use of radio spectrum supports the electronic communications sector and related market competition.

The processing of personal data within the extent specified above is necessary to establish a functional Portal, to the context of which the Office needs to know information about Stations and Station operators.

Recording of Stations will further allow spectrum users to provide evidence of the necessary supporting data (including certain categories of personal data) for example, in dispute settlements per Section 100 of the AEC (especially paragraph 4 – proving time priority when putting devices in use). The additional benefits for users include certain functional features of the Portal allowing frequency users to manage/administer their Stations.

B Publication of selected data

The published data on the already operated stations (part of the Technical Device Specifications, Metadata) will enable operators who install new Stations to appropriately configure those Stations – in particular, to select geographic location and set antenna emission.

The published data will allow operators to resolve harmful interference directly, by mutual communication, negotiation and agreement. In the event that the operators do not reach an agreement, the published data will allow to determine who has time priority on the operated device and thereby identify the person who has the obligation to deal with the situation in accordance with Section 100(4) of the AEC.

3.3. What third parties benefit from the processing?

A Personal data processing

Personal data that are not published (see below and part 1.2) are not transferred to third parties, incl. other users of the Portal. This data is processed exclusively by the Office.

⁹ This includes technologies based on the IEEE 802.11ad (so-called WiGig) standard, and as well as fixed point-to-point links.

B	Publication of selected data
<p>Legal and natural persons, public institutions and other bodies and agencies will have information about the availability of Stations in their area that can be used, for example, in exploring opportunities for acquiring high-speed connection to the Internet, or as additional information in mapping where the Internet is available and where to direct investments as regards the construction of electronic communications networks.</p>	

3.4. How important (in economic or social terms) are the benefits the Office seeks to deliver?

A	Personal data processing
<p>The benefits consist mainly in the minimisation of the risk of interference and in the protection of the uses of the concerned spectrum band. These are significant benefits of economic, social and international character, and include both opening of new opportunities, and the adequate protection of important economic and other activities.</p> <p>As far as the new opportunities are concerned, and from the economic and social point of view, the concept of an easy and full electronic registration of users of radio frequencies, together with the free use of the radio spectrum and the basic tools for managing the Station locations, represents opportunities for business and provisioning of high-speed Internet, with indirect positive impact on citizens, institutions and businesses.</p> <p>In the 60 GHz band, it is important to create conditions for the operation of Stations, which will be used both for direct provision of high-speed connectivity to customers and for connection of the elements of electronic communications networks, including 4G / 5G base stations, with radio links with required parameters¹⁰.</p>	
B	Publication of selected data
<p>The published data regarding Stations in the 60 GHz band facilitates the shared use of frequencies, contributes to the transparency in the telecommunications sector and represents supporting information for businesses dealing with electronic communications services or the development, production and distribution of devices and other technologies directly or otherwise related to this band¹¹.</p>	

3.5. During processing, does the Office respect the laws concerning the protection of personal data?

Yes. The processing is governed by the requirements and principles laid down in the GDPR and further applicable regulations addressing the protection of privacy of individuals.

¹⁰ Bit rate, guaranteed latency, networks synchronisation with the IEEE 1588v2 protocol and other parameters.

¹¹ For instance, businesses developing advanced algorithms that can be used for self-regulation (incl. elements of artificial intelligence) or microwave devices for the 60 GHz band.

3.6. Are there any other ethical problems related to the processing?

No. No other ethical problems related to the data processing have been identified.

3.7. Evaluation of need / appropriateness

The processing of personal data to the extent and for the purpose of the Portal fulfils the purpose of processing in terms of the identified need / appropriateness. The processing of personal data is also carried out in accordance with the law and the public interest (in particular the efficient management of spectrum and radio frequencies use, the measures against harmful interference, and others) as described above in Section 3.

4. Part two: the necessity test

In this part of the evaluation, the Office examines whether less invasive instruments and measures are not available to achieve the objective set by the Office. In other words, the Office examines whether the proposed means of the processing of personal data are strictly necessary in order to achieve the stated purpose.

4.1. Will the processing really contribute to the achievement of the stated legal obligations and public interest?

Yes. By the proposed data processing, the Office will be able to monitor compliance with legal obligations and the public interest that were imposed by the AEC and that originate from the need to eliminate interference caused to radiocommunication services and devices using the 60 GHz band, and in addition from the need to ensure mutual compatibility between services and networks.

Radio spectrum is a scarce natural resource used in all economic sectors; therefore, its efficient use is in the public interest. The effective use of radio spectrum assumes the prevention of harmful interference. Therefore, pursuant to Section 10 of the AEC, the Office issued the General Authorisation that lays down specific conditions concerning, among other things, the prevention of harmful interference between electronic communications networks or services and the use of radio frequencies with regard to the efficient use of radio spectrum.

The data processing in the proposed scope and the proposed manner, including the publication of certain data, will lead to the prevention of harmful interference and the possibility of mutual coordination between users who deploy applications in the concerned spectrum bands, and thus will lead to the achievement of the stated public interest.

4.2. Is the processing proportionate to the public interest?

A	Personal data processing
Yes. Only the necessary contact data that identify 60 GHz band users are processed to meet the objective of the registration and the Portal, which is to implement a supporting and complementary measure to ensure compatibility of the use of the 60 GHz band, incl. recording of the data needed for the effective control of the spectrum use.	
B	Publication of personal data

Yes. Only necessary information about Stations will be published in order to implement the statutory requirements and ensure the public interest in the effective management of radio spectrum by transferring, to a significant degree, the responsibility of radio spectrum management in the 60 GHz band to spectrum users (i.e. Station operators) and creating the conditions for self-regulation.

4.3. Can the Office achieve the same objective without the proposed processing?

A	Personal data processing
<p>No.</p> <p>If the Portal were built in the so-called anonymized version¹² – processing only Technical Device Specifications and Metadata without the unique identifiers –, such processing would not allow to apply the principles of shared spectrum use in the 60 GHz band, where users could communicate and coordinate with each other indirectly via the portal (using e-mail, but without its disclosure to other users). Also, it would not allow the data needed for the inspection of the spectrum use to be recorded. Such a solution would not meet the Office's objectives.</p>	
B	Publication of selected data
<p>No.</p> <p>Non-disclosure / non-publication of the selected Technical Device Specifications and Metadata related to already installed Stations would give rise to an informational barrier for new Stations operators in that it would not be known in advance how frequencies are used by existing Stations in a given geographic and frequency area. Furthermore, the necessary pre-conditions for the functioning of self-regulation would not be sufficiently established. Without the data publication, the purpose of the efficient spectrum management and the elimination of harmful interference would not have been achieved equally effectively and with the benefits presented in this evaluation.</p>	

4.4. Can the Office achieve the same purpose by processing data to a lesser extent or by other less intrusive means?

No. The proposed extent of the data processing is the minimum possible with regard to the pursued objective. Also, the data processing method is the least intrusive. Unique identifiers are not and will not be transferred to third parties or used for any purpose other than the processing in accordance with statutory requirements as set out above.

4.5. Evaluation of the necessity test

¹² Anonymisation of personal data typically involves destruction of certain information so that it no longer be possible to identify concrete data subjects, whether directly or indirectly; as such, the anonymized data is no longer subject to personal data protection rules and can be handled freely.

The proposed extent of the data processing is the minimum possible in order to ensure the compliance with the legal obligation and the public interest in the effective spectrum management and the inspection of efficient use of radio frequencies. The data processing shall be proportionate to its purpose, which cannot be achieved if the data is processed to a lesser extent or in a less intrusive manner.

5. Part three: evaluation of the impact of processing on data subjects

The purpose of this section is to assess the overall impact of data processing on data subjects.

The data that is proposed to be processed does not belong to a special category of personal data pursuant to Article 9 GDPR or personal data relating to criminal convictions and offences pursuant to Article 10 GDPR. The data also does not relate to children or to other vulnerable persons. In case of natural persons pursuing an economic activity, the data relates exclusively to their business activities.

5.1. Does the Office have any relationship (legal, regulatory, other) to the data subjects?

Yes. Data subjects are radio spectrum users within the meaning of the AEC based on the issued General Authorisation. The Office is also a national regulator of radio spectrum and electronic communications and its scope of obligations, powers and competences is determined on the basis of the AEC. The Office works with certain categories of personal data in the context of the administration of important information systems¹³ that contain personal data of network providers and providers of electronic communications services, for example because the Office conducts administrative proceedings.

5.2. What is the nature of this relationship and how did the Office use data received from the data subjects in the past?

Similar data received in the past were used for the inspection and effective management of spectrum and to secure efficient use of radio frequencies in accordance with the competences of the Office per the AEC and with the objectives and basic principles of regulation.

An example of this is the ESD II web portal¹⁴), whose main purpose is to ensure compliance with the reporting obligation imposed in certain general authorisations, namely General Authorisation No. VO-R/23/08.2017-6 for the use of radio frequencies and for the operation of fixed service devices in the 71–76 GHz and 81–86 GHz frequency bands. The web portal allows registration of both legal and natural persons – entrepreneurs and non-entrepreneurs. It processes certain personal data, such as the name, surname, date of birth, e-mail and phone number.

Notifications of radio interference, which include a systematic collection¹⁵ of personal data¹⁶ are also processed.

¹³ Decree No. 317/2014 Coll. on important information systems and their determination criteria.

¹⁴ <https://vor-kmitocty.ctu.cz>

¹⁵ That is, an evidence or database.

¹⁶ https://www.ctu.cz/sites/default/files/obsah/navod_zpracovani_ruseni_v4_.pdf

The information about the personal data processing carried out by the Czech Telecommunications Office is located on the web site of the Office¹⁷ and was updated in connection with the GDPR coming into effect in May 2018. It ensures preserving a sufficiently high standard of the principle of transparency in accordance with Article 5(1) GDPR that requires that the administrator provide reliable information on the processing of personal data.

5.3. How did the Office obtain this data and how was the data subject informed about the processing?

The data subject was required to register via registration forms published on the Office's website in accordance with the obligations imposed by the relevant legal instrument, measure of a general nature or decision.

The principal legal basis for the processing of personal data by the Office is the carrying out the tasks in the exercise of official authority or in the public interest in the area of electronic communications and in other areas falling within the Office's purview or in order to ensure compliance with legal obligations of the Office. The Office also used the legitimate interest basis for some specific types of the personal data processing, for example in the area of cyber and information security of the Office, which is closely related to the operation of the Portal, as far as the efficient management of operational and technical (IT) security of these operations is concerned.

5.4. For how long does the Office process data? Have there been any changes (including those of a regulatory nature) that would affect the data subjects' expectations since then?

The Office cannot process personal data for any duration of time. The processing time is always limited to what the Office needs actually in order to carry out its activities as defined above. The Office seeks to limit the duration of the processing operations so that it properly takes into account both the interests of data subjects, and exercise of the powers of the Office and the compliance with its legal obligations. In case of uncertainties in determining the appropriate duration of processing of personal data, the Office defined specific criteria determining the exact duration of data processing.

Data subjects may also request the erasure of all their personal data, which is additionally ensured directly in the functionalities of the Portal for logged-in users. This functionality is one of the key principles to ensure adequate protection of data subjects' rights. At the same time, this functionality is a tool for maintaining effective minimisation of stored personal data in the Office's information systems. It should thus only be possible to store personal data to the extent that is necessary to comply with a legal obligation.

5.5. Is the intended purpose and method of processing known to the public (professional public)?

The intended purpose and method of the data processing are known to the public, including the professional public, and are applied in other frequency bands and for other activities by which the Office strives to meet the objectives of regulation and basic regulatory principles.

¹⁷ https://www.ctu.cz/sites/default/files/obsah/zpracovani_ou-2018.pdf

These relate, *inter alia*, to Section 5(4) of the AEC, which stipulates that the Office must comply with the principles of non-discrimination, objectivity, technological neutrality, transparency and proportionality in the fulfilment of regulatory objectives. The Office promotes predictable regulation by ensuring a consistent regulatory approach, including a transparent and proportionate approach to privacy protection, which is closely linked to its regulatory and supervisory activities.

In case of the future use of innovative technologies (e.g. artificial intelligence or machine learning), it will be necessary, precisely because of the higher imminent risk¹⁸ for data subjects, to conduct an additional evaluation of the personal data processing for any functionality or module using this technology, so that the overall legitimacy of the data processing is re-confirmed.

5.6. Does the Office have any evidence of the data subjects' expectations – for example from a public consultation?

The data is processed in a way that corresponds to the usual procedure of processing of personal data by the Office in accordance with the information about the processing of personal data by the Czech Telecommunications Office that is placed [on the website of the Office](#).

The Office has received positive feedback on the proposed manner of the data processing from preliminary oral and written consultations with representatives of the spectrum users and discussions on industry and public forums and conferences. This includes the endorsement of the limited extent of the data processing, user-friendliness of the Portal or the possibility to use Portal records as evidence for the supporting data in case of possible dispute resolution in accordance with Section 100 of the AEC. The Office also worked with external testers – future users, consulted users through their representatives in a working group on the spectrum management matters chaired by the Office, and it presented the proposed solution at several professional conferences.

5.7. What are the possible impacts of the processing on data subjects?

A	Personal data processing
	<p>From the perspective of the protection of the data subjects' rights, the impact of the proposed processing is neutral. Imminent risk to the data subjects whose personal data is processed by the administrator (e.g. password cracking or data abuse, both in the case of individual data subjects) is minimized by the adoption of technical and organisational and other procedural measures that specify procedures to prevent unauthorized or accidental access to personal data, their alteration, destruction or loss, unauthorized transfer, unauthorized processing, as well as other misuse. The usual measures are adequately implemented to ensure cybersecurity¹⁹ based on the legal obligation imposed on administrators of (important) information systems in the area of public administration. On the side of the Portal operator, sufficient and regular audit will be carried out regarding the proper handling of personal data.</p>

¹⁸ When evaluating the risks, it is necessary to consider in particular the origin, nature, specificity and sensitivity of the processed personal data, and also the context in which the data is processed (e.g., the use of new technologies).

¹⁹ Obligations of the administrators of public information and communication systems are provided for by the Decree No. 82/2018 Coll. on security measures, cybersecurity incidents, reactive measures, cybersecurity reporting requirements, and data disposal (the Cybersecurity decree).

B	Publication of selected data
The publication of Technical device specifications and Metadata does not have any impact on data subjects.	

5.8. Can data subjects lose control over their data?

Not as a result of actions of third parties or as a failure of technical support of the database, since the database with personal data of data subjects is not disclosed, and the master database with non-public personal data is strictly separated (technically) from the other parts of the Portal, or maintains no links with other information systems of the Office.

5.9. What is the probability and severity of possible risks?

The identified risks include, in particular, the possibility of cracking individual account password. An adequate one-phase authentication and an obligation to set a sufficiently robust password is introduced in order to protect against breaking into a personal account, with possible future expansion of security measures to multi-factor authentication, such as the Universal validation service (UVS) or other multifactor mechanism which would be integrated across similar registration portals and application services for electronic communications providers operated by the Office.

5.10. What are the personal data processing principles of the Portal?

The Office applies the following guiding principles²⁰:

- Legality and transparency – the Office handles data transparently in accordance with its legal obligations and the identified public interest,
- Limitation of purpose – data are processed and published, in the specified extent, by the Office for a well-defined and legitimate purpose²¹ and in a manner that is compatible with that purpose,
- Minimisation – data processed must be proportionate and relevant to the purpose for which it is processed,
- Limited duration of data processing – data is processed only for the necessary period of time for the stated purposes,
- Integrity, confidentiality and availability – technical and organisational measures are adopted for the security of personal data.

5.11. May the Office take any measures to minimize the risks?

Yes. Necessary measures in terms of internal processes of the data controller are reflected in the internal operational guidelines of the Office, or in technical-personal and procedural support for the operation of the Portal and its other supporting components. All necessary changes proposed by conducted audit measurements and testing are subsequently implemented into the inner workings and security of the Portal, including incorporating

²⁰ The office will keep continuously evaluating whether these principles are being respected, based on the results of audits and penetration tests.

²¹ That is, based on the relevant legal obligations of the Office.

amendments and safety principles into all related internal regulations and directives. This includes, for example, a thorough logging of individual users access to the Portal; minimizing the extent of the processed personal data; prospective integration of the Portal with multi-factor authentication; any automated processes for enforcement of rights²² of data subjects; ensuring constant availability; penetration tests; control of recorded data, etc..

5.12. Evaluation of impacts on data subjects

The impact on data subjects' rights is minimal, which is further supported by security measures adopted on the part of the Office. The Office considers that the rights of data subjects are sufficiently safeguarded in the processing of personal data in order to ensure the public interest in the effective spectrum management and inspection of the efficient use of radio frequencies and the related legal obligations.

6. Conclusion

The Office came to the opinion that the intended processing and publication of data meets the requirements of identification of need, appropriateness (suitability), necessity, data minimisation and proportionality. The processing thus conceived protects the legitimate expectations of data subjects and minimizes the risk of negative impact on the personal data protection. The operation of the Portal, including all its necessary components, is therefore fully in accordance with national and European laws in the area of privacy, which the Office as the data controller subsequently sufficiently complies with as far as the Portal's practical use is concerned. The Office anticipates the application of the same standards in the development of new functionalities and modules of the Portal that will be closely intertwined with the personal data protection.

²² Processes ensuring that data subjects can freely dispose with their personal data pursuant to Article 16 and Article 17 GDPR.