

FINE SO FAR FOR UNSOLICITED COMMERCIAL COMMUNICATIONS

The Supreme Administrative Court has just made one man the underdog of the year with a fine of CZK 1.4 million for unsolicited commercial communications. We won't tell you who will get the next fine, but we can promise you that this fine may just be the beginning. We are well aware of the problems companies have with sending promotional emails. It's a jungle! Who will survive?

We have a few tips for you:

1. Learn to safely distinguish when and to which recipients you can send commercial communications without consent.
2. Don't rely on other people's contact databases. You are responsible for sending unsolicited marketing messages, not the database provider.
3. If you send commercial communications on the basis of consent, you must provide proof of consent. Justifications such as "We have you in excel, so you must have given us consent at some point" will not save you from a fine.
4. When signing up for a newsletter, do you verify that the user is actually registering for an email address? Otherwise you cannot prove his consent.
5. Does your newsletter contain an unsubscribe link?
6. Does your business communication contain the identity of your company or just "Your Karel from the e-shop"?
7. Does a partner send promotional emails on your behalf? Trust, but verify and contract, because you are also responsible for his excesses. His fault, your fine.

Don't trust the Data Protection Authority to stop fining you after a fine this high. After all, that's a great incentive for more fines!

We thank the Supreme Administrative Court ([judgment 6 As 18/2022 - 43](#)) for the inspiration to write this article.

And if you still don't know what to do? Fortunately, we have a solution for that here, provided by our expert [Tomáš Chmelík](#), who will guide you through the jungle of e-commerce!

bpv Braun Partners s.r.o.
Palác Myslbek
Ovocný trh 8
110 00 Praha 1

Tel.: (+420) 224 490 000
Fax: (+420) 224 490 033
www.bpv-bp.com
info@bpv-bp.com