

Amendment to the Act on Electronic Acts Regulating Publication of Data on Data Box Holders

At its meeting on 15 September 2023, the Chamber of Deputies adopted an amendment to the Act on Electronic Acts and Authorised Conversion of Documents regulating the regime of publication of data on data box holders in the public list.

The data boxes can be used to send verified online letters. The state communicates with entrepreneurs through the data box, and they can communicate with it in the same way. Communication with courts and authorities is free of charge. Public authorities are obliged to verify whether the recipient has a data box and if so, they are obliged to communicate with the addressee using the data box. In general, a citizen or entrepreneur does not have to communicate only through a data box. It is possible to use electronic mailrooms or traditional written correspondence. Only public authorities must communicate via a data box. However, some public authorities may have certain obligations associated with the existence of a data box. There is e.g., an obligation of electronic communication (not exclusively by a data box) with tax administrators. In the case of data boxes created by law (entrepreneurs and legal entities), it is not possible to make the data box inaccessible on request. Deactivation takes place only for legal reasons, i.e., due to the deletion of the subject from the statutory records (cessation of business), death, restrictions on personal freedom, etc. The actual cancellation of the data box only occurs after three years have passed since the data box was made inaccessible due to death or deletion from the statutory records.

The legal regulation previously introduced a public list of data box holders (including for natural persons and natural persons engaged in business), in which each holder is listed obligatorily, although the legal regulation allows for deletion from this list upon an



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active request. According to the submitter of the amendment, this leads to excessive interference with privacy as one of the fundamental rights.

In particular, it is possible to find out the address of all the subjects concerned in the list of data mailbox holders, which, in the opinion of the submitter, is redundant and disproportionate.

The amendment does not change the scope of data published in the list of data box holders, but replaces the opt-out principle with an opt-in principle. Thus, instead of an automatic inclusion in the list and the necessary active request for deletion, a natural person or a natural person engaged in business may request inclusion in the list.



Practice Area News

Effect of a change in the statutes on the length of the term of office. The Supreme Court (file No. 27 Cdo 1915/2022) concluded where the term of office is extended by an amendment to the articles of incorporation, the consent given by the member at the time of his election is thereby exceeded. The extension of the term of office requires the consent of the member of the elected body to take effect, which may, however, be implied.

Appeal brought by an unauthorised person and action for annulment. The Supreme Court (file No. 29 ICdo 63/2023) concluded that if an appeal against a decision of a court of first instance is filed by someone who is not entitled to appeal, the Court of Appeal shall dismiss it without regard to whether the case was decided at first instance by a disqualified judge.

Amendment to the AML Act to eliminate shortcomings identified by the Moneyval Committee. Bill amending Act No. 253/2008 Coll (AML Act) was submitted to the Chamber of Deputies by the Government. The amendment regulates in particular: **i.** the scope of persons who are subject to obligations under the AML Act, **ii.** dealers in precious stones and metals are defined as obliged persons, **iii.** The possibility of failing to inspect a client where an investigation of a suspicious transaction could be frustrated, **iv.** the increased upper limit of the fine for persons responsible for violation of the AML Law.

Lost commissions of a business representative. The Grand Panel of the Civil and Commercial Division of the Supreme Court (file No. 31 Cdo 1774/2023) expressed its opinion on lost commissions of a business representative. The lost commissions are the commissions which the sales representative would have received in the hypothetical case of a further duration of the contract, namely for the transactions which he would have conducted in such a case with the customers he would have acquired for the represented party.

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